

THE
TWENTY-THIRD LEGISLATURE
STATE OF HAWAII
REGULAR SESSION OF 2006
JOURNAL OF THE HOUSE

FIRST DAY

Wednesday, January 18, 2006

In accordance with the provisions of Section 10, Article III of the Constitution of the State of Hawaii, the House of Representatives of the Legislature of the State of Hawaii, convened in Regular Session of 2006.

The Honorable Calvin K.Y. Say, Speaker of the House of Representatives, called the House to order at 10:00 o'clock a.m.

The members of the House, guests, and audience rose for the singing of *The National Anthem* and *Hawaii Pono'i* led by the Kauai Filipino Centennial Chorale. TEAM Paresa: Trey Paresa, age 13; Evan Paresa, age 12; AJ Paresa, age 11; and Makoa Paresa, age 6, then led in the recitation of the *Pledge of Allegiance*.

The invocation was then delivered by Representative Ezra R. Kanoho, after which the Roll was called showing all members present.

INTRODUCTION OF BILLS

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the following bills (H.B. Nos. 1787 through 1845) passed First Reading by title and were referred to Printing:

H. B. Nos.

1787 "A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT."

Introduced by: Representatives Lee, Caldwell, Green, Kawakami, Nishimoto, M. Oshiro, Say, Schatz, Takai, Thielen, Wakai, Marumoto and Souki.

1788 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTIETH REPRESENTATIVE DISTRICT."

Introduced by: Representative Thielen.

1789 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Kawakami, Green, Kanoho, B. Oshiro and Souki.

1790 "A BILL FOR AN ACT RELATING TO AMENDING ACT 178, SESSION LAWS OF HAWAII 2005."

Introduced by: Representative Marumoto.

1791 "A BILL FOR AN ACT RELATING TO APPROPRIATION OF FUNDS TO IMPLEMENT THE WEIGHTED STUDENT FORMULA UNDER ACT 51, SESSION LAWS OF HAWAII 2004."

Introduced by: Representative Marumoto.

1792 "A BILL FOR AN ACT RELATING TO ADULT FOSTER CARE HOMES."

Introduced by: Representatives Sonson, Cabanilla, Green, Kahikina, Kawakami and Tanaka.

1793 "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES."

Introduced by: Representatives Sonson, Cabanilla, Green, Kahikina, Kawakami and Tanaka.

1794 "A BILL FOR AN ACT RELATING TO INCOME TAX BRACKETS."

Introduced by: Representatives Nakasone and Say.

1795 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."

Introduced by: Representatives Nakasone and Say.

1796 "A BILL FOR AN ACT RELATING TO NOTICE."

Introduced by: Representatives Nakasone and Say.

1797 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representatives Nakasone, Caldwell, Say and Yamashita.

1798 "A BILL FOR AN ACT RELATING TO TAX EXEMPTION."

Introduced by: Representatives Nakasone, Caldwell, Say and Yamashita.

1799 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Nakasone, Caldwell, Say and Yamashita.

1800 "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY."

Introduced by: Representatives Nakasone, Say and Yamashita.

1801 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Representatives Nakasone, Say and Yamashita.

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| 1802 | "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE." | 1814 | "A BILL FOR AN ACT RELATING TO PROPERTY DAMAGE." |
| | Introduced by: Representatives Nakasone, Caldwell, Say and Yamashita. | | Introduced by: Representatives Sonson, Tanaka, Caldwell, Green, Herkes, Lee, Morita and Souki. |
| 1803 | "A BILL FOR AN ACT RELATING TO IDENTITY THEFT." | 1815 | "A BILL FOR AN ACT RELATING TO CHILD PROTECTION." |
| | Introduced by: Representative Marumoto. | | Introduced by: Representatives Sonson, by request, Cabanilla, Tanaka, Berg and Green. |
| 1804 | "A BILL FOR AN ACT RELATING TO A NET INCOME TAX CREDIT FOR FOOD, MEDICAL SERVICES, AND NON-PRESCRIPTION DRUGS." | 1816 | "A BILL FOR AN ACT RELATING TO GASOLINE." |
| | Introduced by: Representative Souki. | | Introduced by: Representatives Chang, Kanoho, Herkes, Lee, Nishimoto, Souki and Takamine. |
| 1805 | "A BILL FOR AN ACT RELATING TO THE USE OF MOBILE PHONES WHILE DRIVING." | 1817 | "A BILL FOR AN ACT RELATING TO FIREWORKS." |
| | Introduced by: Representatives Souki, Caldwell and Lee. | | Introduced by: Representatives Chang, Evans, Green, Harbin, Herkes, Kanoho, Karamatsu, Magaoay, Souki, Takumi and Tanaka. |
| 1806 | "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION AGAINST IDENTITY THEFT." | 1818 | "A BILL FOR AN ACT RELATING TO MINORS." |
| | Introduced by: Representative Marumoto. | | Introduced by: Representatives Chang, Kanoho, Magaoay, Tsuji, Cabanilla, Green, Harbin, Herkes, Takumi and Tanaka. |
| 1807 | "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY." | 1819 | "A BILL FOR AN ACT RELATING TO CHAPTER 281, HAWAII REVISED STATUTES." |
| | Introduced by: Representatives Chang, Green, Kanoho, Lee, Nishimoto, Takai, Tsuji, Caldwell, Chong, Herkes, M. Oshiro, Schatz, Souki, Takamine and Wakai. | | Introduced by: Representative Nakasone, by request. |
| 1808 | "A BILL FOR AN ACT RELATING TO COUNTIES." | 1820 | "A BILL FOR AN ACT RELATING TO EXPANDED ADULT RESIDENTIAL CARE HOMES." |
| | Introduced by: Representative Thielen, by request. | | Introduced by: Representatives Sonson, Cabanilla, Green, Tanaka and Berg. |
| 1809 | "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE." | 1821 | "A BILL FOR AN ACT RELATING TO CARE HOMES." |
| | Introduced by: Representatives Morita, Chong, Ito and Takai. | | Introduced by: Representatives Sonson, Cabanilla, Berg, Green and Tanaka. |
| 1810 | "A BILL FOR AN ACT RELATING TO FIREARMS." | 1822 | "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES." |
| | Introduced by: Representative Thielen, by request. | | Introduced by: Representatives Sonson, Cabanilla and Green. |
| 1811 | "A BILL FOR AN ACT RELATING TO CONSUMERS." | 1823 | "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX." |
| | Introduced by: Representatives Souki, Caldwell, Evans, Karamatsu, Kawakami, Tanaka, Tsuji, Chang, Kanoho, Magaoay, Nakasone and Wakai. | | Introduced by: Representative Nakasone. |
| 1812 | "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY." | 1824 | "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY." |
| | Introduced by: Representatives Souki, Caldwell, Lee, Shimabukuro, Tanaka, Yamane, Chong and Nakasone. | | Introduced by: Representatives B. Oshiro, Luke and Souki. |
| 1813 | "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE SAFETY." | 1825 | "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS." |
| | Introduced by: Representatives Souki, Lee, Shimabukuro, Tanaka, Caldwell, Chong, Ito, Nakasone and Yamane. | | Introduced by: Representatives B. Oshiro, Luke and Souki. |

- 1826 "A BILL FOR AN ACT RELATING TO THEFT."
Introduced by: Representatives B. Oshiro, Luke, Nishimoto and Wakai.
- 1827 "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS."
Introduced by: Representative B. Oshiro, by request.
- 1828 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
Introduced by: Representative B. Oshiro.
- 1829 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Kawakami, Arakaki, Chang, Kahikina, Kanoho, Nakasone, Souki and Tanaka.
- 1830 "A BILL FOR AN ACT RELATING TO FIREWORKS."
Introduced by: Representatives Chang, Lee, Sonson, Tsuji, Green, Hale, Herkes, Kahikina, Magaoay, Morita, Tanaka and Wakai.
- 1831 "A BILL FOR AN ACT RELATING TO FIREWORKS."
Introduced by: Representatives Chang, Evans, Green, Hale, Herkes, Lee, Morita, Sonson, Tanaka, Tsuji, Kahikina, Magaoay, Takumi, Wakai and Yamashita.
- 1832 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."
Introduced by: Representatives Chang, Green, Hale, Tsuji, Yamashita, Kahikina, Lee, Magaoay, Morita, Shimabukuro, Tanaka and Wakai.
- 1833 "A BILL FOR AN ACT RELATING TO FIREWORKS."
Introduced by: Representatives Chang, Evans, Hale, Herkes, Sonson, Tsuji, Green, Kahikina, Magaoay, Morita, Takumi, Tanaka and Yamashita.
- 1834 "A BILL FOR AN ACT RELATING TO FIRE PROTECTION."
Introduced by: Representatives Chang, Hale, Green, Kahikina, Lee, Magaoay, Morita, Shimabukuro, Takumi, Tanaka, Tsuji and Yamashita.
- 1835 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION."
Introduced by: Representatives Chang, Evans, Green, Hale, Herkes, Kahikina, Lee, Morita, Shimabukuro, Sonson, Thielen, Tsuji, Yamashita, Magaoay, Souki, Takumi, Tanaka and Wakai.
- 1836 "A BILL FOR AN ACT RELATING TO VETERINARIANS."
Introduced by: Representatives Chang, Green, Hale, Kahikina, Tsuji, Magaoay, Morita, Tanaka and Yamashita.
- 1837 "A BILL FOR AN ACT RELATING TO EMPLOYER INTIMIDATION."
Introduced by: Representatives Takumi, Caldwell, Chong, Morita, Nishimoto, Wakai and Yamashita.
- 1838 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
Introduced by: Representatives Takumi, Caldwell, Chong, Morita, Wakai and Yamashita.
- 1839 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Takumi.
- 1840 "A BILL FOR AN ACT RELATING TO CONSERVATION."
Introduced by: Representatives Evans and Schatz.
- 1841 "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE."
Introduced by: Representatives Evans, Morita and Schatz.
- 1842 "A BILL FOR AN ACT RELATING TO CHAPTER 846E."
Introduced by: Representatives Evans and Tanaka.
- 1843 "A BILL FOR AN ACT RELATING TO VOCATIONAL AGRICULTURE EDUCATION."
Introduced by: Representatives Evans, Tsuji and Tanaka.
- 1844 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES."
Introduced by: Representative Evans.
- 1845 "A BILL FOR AN ACT RELATING TO MEDICAL TORTS."
Introduced by: Representative Evans.

At 10:17 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At this time, the members of the House, their guests and audience were entertained by the following:

Larawan Youth Ensemble
Ms. Kristian Lei
Mr. Jordan Segundo

The House of Representatives reconvened at 10:47 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following concurrent resolutions (H.C.R. Nos. 1 and 2) were announced by the Clerk and were disposed of as follows:

H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2006," relating to the mandatory recess for the Regular Session of 2006, determined to be the 23rd, 24th, 27th, and 28th days of February and the 1st day of March, 2006; and the dates of the recesses, other than the dates of the mandatory recess, for the Regular Session of 2006, determined to be the 24th and 26th days of January, the 6th, 8th, and 29th days of March, the 10th and 12th days of April, and the 1st and 3rd days of May of 2006, pursuant to Article III, Section 10 of the Constitution of the State of Hawaii, was jointly offered by Representatives M. Oshiro and Finnegan.

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.C.R. No. 1 was adopted.

H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," on the 23rd of January at 10:00 a.m., was jointly offered by Representatives Say, Takai, M. Oshiro, and Finnegan.

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.C.R. No. 2 was adopted.

At 10:49 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

At this time, the members of the House, their guests and audience were entertained by the Society of Seven Las Vegas

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

At this time the Speaker delivered his address, stating:

"Mahalo, S.O.S. Las Vegas for today's electrifying entertainment. Please join me in thanking our performers today. And please join me in expressing our appreciation to the Filipino community as it celebrates this 100th Anniversary in Hawaii.

"We are also deeply honored today, that the father of former Representative Ben Cabreros is with us. Mr. Juan Santanela Cabreros is a *sakada*. The first group of Filipinos to come to Hawaii a century ago. His humble beginning was a start of a great migration that now find Filipinos on the verge of becoming the largest ethnic group here in the State of Hawaii.

"Ben, ask Papa to wave his hands. Papa, raise your hand for the audience and the Members of the House.

"Also with us are Elias Beniga and Angel Ramos. They are also decedents of *sakada*. Please join me in giving them a warm welcome. Elias and Angel.

"Governor Lingle, honored guests, members, ladies and gentlemen Aloha. Welcome to the opening of the 2006 Session of the Hawaii State Legislature."

"You know, most parents work hard trying to make life better for their kids; better than it was for us when we were growing up. The value of doing this is taught by almost every religion and culture on this planet. And for all of us, I believe this is called stewardship. We must be good stewards today, to build a better Hawaii for tomorrow.

"We are facing a big challenge as a nation, and as a state. But our people are looking for real leadership. Our ability to be good stewards will be tested in a different way this year – for all of us as Members of the House. In many ways, this year will be a very defining moment in Hawaii's history.

"Why? For the first time in 14 years, we begin our deliberations today with a budget surplus. So instead of trying to figure out what to cut and what to say "no" to, we are in a very different set of challenges. Let's call it today, the \$600 million question. No one seems to have much trouble coming up with an answer to that question. All of us this afternoon will find, there's a long line of people with answers.

"We need to take a collective breath, a deep breath and think hard before we decide what to do. As good stewards, we know we carry a significant responsibility on our shoulders. And we must make the right choices. Why? Because we may not have another chance like this for a long, long time; when you reflect and think about it. Each one of us must choose, and we must choose wisely.

"Cutting taxes is an easy thing to do and maybe that's what we'll decide to do at the end of the day. \$300 million is a lot of money, but when you add up your share of the refund, what do you get? Enough extra money to buy another loco-moco or a plate lunch every week? If you add it up, it may.

"Or else, think about what else we could accomplish with that money. I always say, think about our kids sitting in a classroom where the roof is leaking, without a decent cafeteria, without enough books in the library. Think about our harbors that are falling apart. Think about the water we need to grow our own food. Maybe you think we should continue to import 90 percent of the food and energy we use every year. Think about how much money you need to buy a house. Most of all, think about the future our kids will inherit if we don't make the right choices.

"The world is changing fast. But right now we have, we have, the opportunity to invent our future. We have the means to do it. We have the brains, the heart, and the strength to do it. And now we also have the money. But, do, do we have the will? That is the question I pose to the Members of this House.

"Let's start in the classroom where our future begins. We do have a big backlog, a huge backlog of school repairs. I respect the Governor in wanting to spend \$63 million to fix our schools. But personally, it's not enough. It's not enough. We need twice that amount, and we need it now to get our schools back up to par.

"We know, that we want to be good stewards. But to build a better Hawaii, we must make the quality of our public schools the number one priority. We need to listen to the rising tide of voices in Hawaii that they demand that we get our priorities straight.

"We started on the right track two years ago when we did pass comprehensive education reform. We gave principals and teachers, the power to make decisions at the school, and inside the classroom. We raised teacher salaries. Now let's finish the job by fixing our public school buildings this year. This is our highest priority. And we propose, all of us as Members of the House propose, spending a \$150 million to fix our schools.

"At the University of Hawaii, we will provide the additional \$85 million to undertake repair and maintenance of our campus buildings. Our kids deserve better and now we have the means to do it. As good stewards, we can do no less.

"But our schools are more than just places to learn. They are critical shelters for emergencies. It's not a question of if, but when, another hurricane strikes Hawaii again. Personally, we can't rely on the federal government to help us out. And Katrina taught us that

lesson. When it comes to trouble, we need to stand on our own. The sooner we act on that knowledge, the better it is for all of us.

"So when we fix our public schools, we need to strengthen these school buildings for public shelter in an emergency. We need to make sure that adequate shelter is provided for our animals as well. We saw what happened again in New Orleans as thousands of people refused to leave their homes, because there was no place to take their family pet.

"Government must set the standard for good stewardship. Our schools, and other public buildings should be models, for renewable energy also. The people of Hawaii have waited too long for a real energy policy. A policy with long-term incentives, for renewable energy – may it be wind, solar, geothermal and bio-fuels.

"Living green is now the new 'red white and blue.' There is no reason that Hawaii shouldn't lead the way in demonstrating what can be done by living green.

"The traditions of our culture are wide and deep. They teach us that we are more than just the sum of our parts. Our culture is rooted in the land. And here is our stewardship for the future. Our open lands and green spaces are a big part of what makes Hawaii a very special place. Last year, we took a bold step in establishing the Legacy Lands program. This program protects our most precious resources for future generations. As good stewards, we must increase the funding for our Legacy Lands that we have presently.

"You've seen it on television; you've seen it on the media. Waimea Valley showed all of us what can be done when public and private groups work together. Today, I call on all private landowners to join us as good stewards of the land. We must help the farmers who grow food on our land and restore the precious water system that supports our very way of life.

"Private landowners must learn the wisdom of leaving the land better off than they found it. Private landowners must stop treating our farmers as short-term tenants and private landowners must join us in the public-private partnership to fix our irrigation systems. We will help you to make those repairs. We recognize that it's in our common interest to do this. But in exchange for our help, we would like to insist that the adjacent areas to those irrigation systems be designated as Important Agricultural Lands.

"I listen to farmers; I listen to business forecasters. They both agree: Diversified agriculture is a wave Hawaii can ride into the future. Nobody should feel safe knowing that we now import almost all our foods. We need to grow local. And local it shall be as we move into the future. All around our Islands, groups of farmers are breaking new ground in diversifying agriculture; but they need private landowners to give them more than just a one-year lease. It's hard to grow a business when you don't know what your future on the land will be.

"Good stewards look out for the land and they also look out for the people living on the land. And so, housing is a big problem. We all know that. We intend to help solve it also. Right now, working men and women are getting squeezed out. They can't buy. They can't afford to rent and our homeless population is growing and they need our help.

"Let me be honest with you. I couldn't afford to buy my home today at the price the County says it's worth.

"To help our Island's working men and women, we will increase funding for public-private partnerships to build more affordable housing and rentals over the next five years. Our five-year-goal is to put ten-thousand new affordable homes on the market.

"Good stewards know that the promise of a brighter future is the greatest legacy we can leave to our children. For the first time in our

history, we have the opportunity to create new businesses and better paying jobs that don't hurt our environment. We have worked for a long time to build new industries that complement and respect Hawaii's natural resources and beauty. Now we are at a tipping-point and the opportunities for our children's future hang in the balance. We are in a position to realize the payoff in new jobs being created in life sciences, community healthcare, digital media, advanced technology, telecommunications, ocean sciences, and alternative energy.

"We, as this House, will envision a \$100 million innovation fund to stimulate economic development in these areas. But it's not enough just to give out the money. To make sure that we achieve the results, we will put project funding in the hands of the experts. And we will create a public-private partnership to provide business and marketing assistance to the projects that are approved. The bottom line for this fund is better paying jobs for our future *keiki o ka aina*. The bottom line for this investment is when a local parent can turn to a son or daughter and say, 'You don't have to leave the Islands to have a decent future.'

"Can we achieve this? I believe we can. In fact, it's already happening, here in this State. Today we have some unsung heroes of this new success, sitting with us today. You know, we don't always remember how important it is to celebrate our success. So I want you to meet them this morning. Maybe you noticed them earlier. And I think they were answering their e-mails on their 'Blackberries' while I was speaking, but that's okay.

"I wanted to introduce you to Dustin Shindo of Hoku Scientific - who was here earlier. His company is doing pioneering work in cell membrane research. Dustin was in the Chamber, but he told me he had to close the deal. And I said, 'That's great.' I know we all wish him good luck in closing that deal.

"Hoku Scientific is a great example of Hawaii's potential for homegrown ingenuity. Dustin, and his former Waiakea High School classmate, Kaleo Taft, developed an effective technology for fuel membrane research. Dustin and Kaleo successfully launched their company's Initial Public Offering just last year.

"Randy Cates. Randy raises Moi. Hard to believe he raises Moi. But Randy's company is the first aquaculture firm in the nation to be granted an open-ocean leasing agreement to raise fish in submerged cages offshore. Hawaiian culture recognizes the Moi as the fish of the Ali'i. Thanks to Randy, it's now being raised and exported across the United States for everyone's enjoyment.

"My good friend Hank Wuh, is the founder and CEO of Cellular Bioengineering. This Iolani graduate recently received the "2005 R&D 100 Award" for the development of the Neural Matrix Chip. The chip that Hank and his brilliant team at CBI developed was rated one of the hundred most significant innovations in the United States last year.

"Vaughn Vasconcellos is president and CEO of Akimeka, LLC. This Kamehameha Schools graduate served in the United States Army for fifteen years before starting his own high tech company. Akimeka has operations on Maui and here in Honolulu. One of the most important things is their electronic-based health services that help keep our military safe.

"Dr. Richard Diverse. Richard, Director of Instrument Research for Plain Sight Systems, chose to remain in Hawaii and build his company on the Big Island. This UH Hilo graduate is responsible for the development of an entirely new class of instruments based on optical domain computation for chemical measurement. I have to be honest with you, Richard, I have no idea what it is. But Richard's device will soon become the gold standard for this technology.

"Next, Dr. Anton Krucky, CEO of Tissue Genesis. Dr. Krucky is developing tissue replacement products to improve survival rates for

trauma injuries, cardiovascular diseases, cancer and metabolic diseases. Dr. Krucky moved his business to Kaka'ako to work more closely with the new medical school. Tissue Genesis invented a Bio-optimization System, as a way of creating an engineered environment for cell and tissue growth.

"Finally, Myron Thompson and Robin Danner are the driving forces behind Hawaiian Homestead Technology. Their company does top level work in digital imaging. The people who work for Hawaiian Homestead Technology come from Anahola, Waimanalo and Papakolea Homesteads. In less than a year, these workers have learned new skills and landed new jobs with a future. And most important, these good technology jobs are helping economically challenged Native Hawaiian communities. The profits from Homestead Technology are invested back into the community.

"Please join me, all of you, in expressing our appreciation and support for these pioneers of Hawaii's new innovation economy.

"Our guest, and all of us here today, share a common belief; that in the rush toward technology, we can never lose sight of the human person. We will not undertake these challenges just so we can boast of having a bigger economy. We're doing this to raise the standard of living for everyone. We are doing this to make good on our commitment as good stewards today who will build a better Hawaii for tomorrow. We must build this society and our educational system to maximize our people's ability to innovate, export and compete.

"My heart tells me the best is yet to come for Hawaii. My heart tells me our people will soon be doing even greater things. My heart tells me we will rise to the challenge. And along with all of you, I am grateful to be here and see it happen. Aloha and Mahalo."

The Chair then recognized Representative Finnegan, the Minority Leader, to present the Minority's response.

Representative Finnegan rose and stated:

"Thank you Mr. Speaker.

"Aloha and Mabuhay, Mr. Speaker, colleagues, and guests. Mr. Speaker, thank you for recognizing the Centennial of the Filipino *sakada*, or farmer, and the contributions Filipinos have made in Hawaii. I was fortunate to accompany the Governor on her Hawaii-Philippines mission trip. It was an enriching experience that helped me re-live, reflect, and understand my own family's Philippine origin.

"Please allow me this opportunity to introduce two people who have shaped my life. Behind me is my mother Francisca Suan Ledesma. My mother was born on Moloka'i, a daughter of a pineapple field worker that came here from the island of Cebu in the Philippines. No stranger to hard manual labor, for years, my mother worked at a charcoal farm doing whatever it took to keep the business going. It often meant carrying 5-, 25-, and sometimes 50-pound bags of charcoal while covered in black soot.

"And this is my father, Douglas McArthur Quejas Berbano. He was born and raised in a family of very humble means in Aparri, Cagayan. My father applied to the United States Navy every week for a year. Two years after his initial application, the Navy informed him that he would be a United States Navy Sailor. After serving his country, my dad worked 12-hour days in construction, 6 to 7 days a week, also taking side jobs whenever time permitted.

"Over the years I've watched my mom and dad struggle to provide a better life for our family. Because of their hard work and perseverance, we progressed from a small apartment in Kuhio Park Terrace, to a rental in Pearl City, to realizing home ownership in a 4-bedroom townhouse in Uluwehi, Waianae.

"I know that my parents' way of life and their hard work ethic are familiar and common to many people in Hawaii. I often wondered why people of Hawaii's threshold for taxes are so high.

"In reflecting since my return from the Philippines, I believe I've uncovered a reason. Hawaii's people are generous and sacrificial people. As I have pointed out, my parents are examples of the willingness to sacrifice of themselves to make better lives for others. This is an aspect of Hawaii that makes it a wonderful place to live.

"If you ask my father today what he would do with Hawaii's tax surplus, he would probably say, 'Help the homeless or improve education.' Notice that there would be no request for personal benefits or rewards. This is a man whose body is tired and worn. He should be retired, but instead he works a full time janitorial job in order to make ends meet. I couldn't be prouder.

"This is exactly why your Republican Caucus is focusing on pursuing the tax relief issue this session. Sure - you have heard this mantra before from Republicans, however, it could not have more relevance than it does today. The hardworking citizens of Hawaii have shouldered the crippling load in our high tax; high cost of living State and they definitely deserve a break.

"We have prepared legislation to increase the standard deduction, eliminate the general excise tax on food purchases and medical services, and create a long-term care tax credit among other tax relief measures to help Hawaii's families. We stand ready to review budgetary requests to ensure that they are reasonable, effective and deliver results.

"We must be mindful of the "baby boom" generation that will retire in the next few years, leaving a substantial hole in the workforce. This group will depend on young workers and the government to assist them through their golden years. Baby boomers supported the economy through strong and weak times for many years and we must not repay them by robbing their already fixed incomes.

"We are seeking tax breaks not just for those who are retired or approaching retirement. We must also consider the young workers responsible for carrying us into the future. With the high price of real estate, today's young adults feel there is no hope for homeownership. The message we're sending, regardless of intent, is 'That's the price of paradise; take it or leave it.' As leaders of this State, we must give them a fighting chance to raise their families here at home. Considering the challenges our youth face, can we honestly say we're doing a good job?

"Hawaii is not conducive to starter families. Many who wish to marry and raise their children here are faced with the ultimate dilemma: struggle to stay afloat in the islands or leave in search of a more affordable place to live? Let's ease the stress on these families by returning their hard-earned money in the form of tax relief.

"College graduates quickly discover the harsh realities of living in Hawaii upon receiving their first paycheck. No matter what the chosen profession, be it teachers, hotel workers, doctors, bus drivers, lawyers, or small business owners - no one is exempt from the financial obligations of a growing government.

"Few make enough money to purchase homes. They work day to day and sometimes cannot see the light at the end of the tunnel. Growing up we had an expression for that hopeless feeling and it was 'kill fight'.

"With the walls closing in on Hawaii residents due to the skyrocketing property taxes and substantially increased rents, people can barely keep their checking accounts out of the red. But if we weren't bad enough, next year we will realize one of the largest tax

increases in our history with a more than 12% increase in the General Excise Tax.

"When is enough - enough? When we drive out Hawaii's best and brightest to other lands for better opportunities? When we do not have enough of a workforce to support our growing elderly population? When we have to work 2 or 3 jobs just to make ends meet, leaving our children to fall into wrong hands and dangerous situations? When people have so little they become consumed by their desperation and we lose the war on crime, the war on drugs, the war on domestic violence? Odds are you know people in these situations.

"To the Legislature's credit, initiatives were made to address all of these problems. However, we often ignore the foundational fiscal problem of over taxation.

"Some say, 'What about education?' Your House Republicans support quality schools and a learning environment for our children. But, we must also be prudent and realistic. There is over half a billion dollars currently appropriated to attack the repair and maintenance of our educational buildings and grounds. Appropriating more money, in and of itself, will not repair buildings any faster until we streamline the process of completing the work and paying for it. Let's not allow money to sit and do nothing.

"Some say, 'What about the poor; those who need our help the most?' Hawaii is known for even taxing them. This group really needs immediate tax relief. They also need other measures like innovative programs in addition to raising the standard of need for government assistance. Yesterday, the Department of Human Services held a press conference explaining how they've been handcuffed from spending \$35 million for programs aimed at assisting children and families with needs or who are at risk.

"There is no better time to take action than now. Hawaii's generous people will continue to give. Our government will continue to take. Republicans are ready to invest in people by letting them keep more of their hard-earned money. Mr. Speaker and colleagues, your Republicans, though just 10 of 51 in this House, are passionate, dedicated, and we are ready to work in concert with you for tax relief. Or we are willing to roll up our sleeves for the uphill battle this Session on behalf of Hawaii's people so they can reach the unreachable star.

"Mahalo, Maraming Salamat Po, and God bless."

The Chair then recognized Representative M. Oshiro, the Majority Leader, who rose and responded:

"Thank you Mr. Speaker. Before I embark upon my remarks, Mr. Speaker, I would like to take this opportunity for all of us to recognize the sacrifices of the past and the present of our Armed Services. I look around the room, Mr. Speaker, and I notice there are many, many here who are either retired, have family members, or loved one, serving right now overseas. So, let us recognize them. Any of you seated here in the gallery or on the floor, who are members of our Armed Forces, active or retired, National Guards or Reserves. Please rise to be recognized by very grateful and humble people. Mr. Speaker.

"Thank you Mr. Speaker. Aloha Governor Lingle, Lieutenant Governor and Mrs. Aiona, Congressman Abercrombie, Congressman and Mrs. Case, Chief Justice Moon, OHA Board Chair Apoliona, Mayor and Mrs. Hannemann, Mayors Kim and Arakawa, Council Chair Dela Cruz, former Governor and Mrs. Ariyoshi, former Governor and Mrs. Waihee, former Lieutenant Governor Hirono, Associate Justices of the Hawaii Supreme Court, distinguished guests, colleagues, friends and families.

"It is indeed an honor to stand in this Chamber today, to share the highlights of the Democratic Caucus with you and the people of Hawaii."

"First, let me say that I too thoroughly enjoyed today's entertainment. Celebrating the anniversaries of immigrants to Hawaii is a very special part of who we are as a people. In some way or another, we are all immigrants to Hawaii and share a common appreciation of our forefathers and early arrivals to these shores.

"You see Mr. Speaker, whether you trace your roots to the first Polynesian voyagers, European explorers or Missionaries, Chinese or Japanese field hands, or Portuguese or Korean laborers, we are all bound together by a common heritage of people in search of a home and a better life for their children and themselves.

"As I look across the gallery of the sea of multi-ethnic faces, men and women who have descended from immigrant families and who are now our community, government, and business leaders, I wonder how many states, in our great nation, have opened their legislature, their sessions honoring their ethnic diversity? How lucky we are to live in a place where diversity is celebrated. Indeed, Dr. Martin Luther King would have been proud of what Hawaii is and proud of what Hawaii is becoming. Indeed, Hawaii is *No Ka Oi*.

"Mr. Speaker, today, on behalf of the Democratic Caucus, let me congratulate all of those of Filipino ancestry, including my colleagues and members of our Filipino Caucus -- Representatives Abinsay, Berg, Cabanilla, Finnegan, Magaoay, Pine, and Sonson. To all Filipinos and Filipinos at heart, I say 'Aloha' and 'Mabuhay'. 'Mabuhay' to Filipinos in Hawaii, '100 Years and Beyond'.

"Those last two words, 'and Beyond', Mr. Speaker, are important. If we truly honor the 100 years of the past -- all the blood, sweat, and tears, hardship, loss, and sacrifice, of the generations that came before us -- we must be as responsible as they were to save and invest for a better future, to think about the next generation, and to work together for that most promising tomorrow.

"Mr. Speaker, Hawaii has passed through some rough waters over the past 15 years. We have shown our grit and resolve by withstanding the challenges of the Persian-Gulf War, the SARS Epidemic, and the terrorist attacks of 9/11. It was during these challenging and uncertain times that your Democratic Legislature made prudent budgetary and policy decisions to create the large surplus we enjoy today.

"Indeed, under the exemplary leadership of Speaker Emeritus Joseph Souki, yourself as former Chair of the House Finance Committee, and the current Finance Chair Dwight Takamine, we remained committed to the common good and forged sound public policy that provides us today with a \$600 million surplus. Mr. Speaker, I only wish that Governor Cayetano was here, so that I could publicly thank him and give credit where credit is due.

"For my freshmen colleagues, Mr. Speaker, let me remind each of you that this surplus did not come easy. And it did not come fast. There were no free lunches. But we kept the faith in each other, and together as a community of one people, one *Ohana*, one State, we weathered these storms.

"Now that the state economy is booming -- thanks to the strong foundation built in the past and the sacrifices of all of us, we have a budget surplus that presents us with a great opportunity. It is a great opportunity with an even greater responsibility.

"Mr. Speaker, we are an island state subject to the global winds of fortune that no man can assure. And, if we are not wise in preserving our resources and developing new initiatives, we will be dangerously dependent on others for our well-being. We will lose our most precious privilege -- the freedom and independence to direct our own

future, the ability to chart our own course, to be the master of our own destiny, to be steersman of our own canoe.

"Last year, your Majority Caucus focused on achieving and maintaining 'quality of life' for all who are blessed to call Hawaii home. Working with a broad base of stakeholders, who were successful in passing landmark legislation to preserve Hawaii's most precious resources and protect our important agricultural lands for farming. We addressed the critical issues facing our State from education to health care to public transportation.

"This year, we set our sights on investing in the future. We will do so with these guiding principals:

"We will invest our surplus to ensure that our children will have the skills to compete in the global economy and to excel in new industries.

"We will invest our surplus to maintain the balance between economic growth and open space, diversified farming, and ecological diversity.

"We will invest our surplus to increase energy efficiency and renewability today so that we will have the energy resources needed for tomorrow.

"And we will invest our surplus in ways that support the expansion and sustainability of a diversified economy.

"Mr. Speaker, honored guests, it is with great pride that I share with you the highlights of the Majority's agenda.

"At the top of our agenda is public education. We have toured some of the neediest school facilities throughout the State. We have listened to parents, teachers, and children themselves. If we are to expect greater performance from students and teachers, we must provide them with safe and clean schools to teach in, to learn in. We will spend \$150 million on the repair and maintenance of our public schools, and an additional \$80 million in our classrooms. We will also retrofit our schools to serve as emergency shelters in time of need.

"As we look to the future, Mr. Speaker, we also see new communities coming up throughout the State that require construction of new school classrooms.

"To meet this need, we will use certificate of participation funding - known as COPS - to finance private developers. We will leverage \$50 million of public funds and its interests to lease back payments and use by developers to build new schools. This innovative public-private partnership will support new housing projects and schools being built together.

"We must also consider the serious repair and maintenance of our University of Hawaii system and its 13 campuses. For too long, we have repair and maintenance projects for other needs, and much of their infrastructure is in serious disrepair. As such, we will spend an additional \$84 million on repair and maintenance, with \$50 to \$60 million for operations.

"Mr. Speaker, the backlog of repair and maintenance projects throughout our school system and the University of Hawaii is staggering. But now that we have the means, let's add another "R" to the 3 "R's" of Reading, Writing, and Arithmetic. Let the 4th "R" be 'repair' and for doing it 'right'.

"The Economy. Mr. Speaker, last week, the House and Senate unveiled a joint package that centered around the revitalization and promotion of agriculture. It also builds upon our legacy of commitment to our local farmers and small businesses - the 'Moms and Pops' - because farmers of today will play a greater role in our economic future of tomorrow.

"Many of the fresh foods and local produce that we buy at the grocery store - or at the market place - or enjoy at our restaurants are supplied by local farmers. Diversified agriculture is alive and well, in Hawaii, and holds great promise. But not only that, Mr. Speaker, if Hawaii should ever be faced with a shipping strike or natural disaster, the food we get from local farmers will sustain us during these times of crisis. This is more about public safety than only about keeping the country, country.

"Today, our farmers need help. Our State and private irrigation systems are in need of serious repair. Repairing old flumes and ditches will not come cheap, but rebuilding them from scratch would cost a king's ransom and more.

"We propose to establish a \$50 million fund of which to repair our irrigation systems statewide. We invite our private landowners and farmers to break bread at the table of common interest and shared rewards.

"We will also elevate agriculture in our economy by enhancing the role of the Agribusiness Development Corporation, by transferring responsibilities for marketing, land management, and irrigation system development to the ADC, with the Department of Agriculture retaining its important regulatory function. Farmers, landowners, and consumers will all benefit from these initiatives.

"And we will not stop at the fields and the forest, but also invest in the laboratories of science and technologies and cultivate home grown inventions, inventors, and plug the hole in the dam of human capital and talent leaving our State and country.

"Mr. Speaker, you and I have talked about this for years. We have wanted to do this for years. We have longed for an opportunity, but lacked the resources to devote funding for sometimes risky, but important research and development. Your Democratic majority believes that now is the time to make that commitment.

"We will devote \$100 million, and establish an annual dedicated source of funding to support research in life sciences, biotechnology, renewable energy, agricultural, medical sciences, and the Cancer Research Center of Hawaii.

"The results will be high paying jobs for Hawaii's best and brightest, with business profits and new technologies remaining in the State. These funds will be used for projects that develop businesses related to the life sciences.

"The results will be high paying jobs for Hawaii's best and brightest, improvements to our quality of life as we find new cures for illness and disease.

"Mr. Speaker, one day we will look back to this moment, and know that we started this program so that Hawaii will one day be the Life Sciences Center of the Pacific.

"To complement this infusion, we will focus on workforce development for high need areas, such as construction, health care, and nursing. Using monies from the public funds, we will partner with federal government funds, and create new programs within our University community college system for purposes of building a local work force. Home-grown talent, like home-grown food, is just as good, Mr. Speaker, and quite often even better.

"Housing. Mr. Speaker, it is no exaggeration to say that we are in a housing crisis. Hawaii's lack of affordable housing and the need for shelters must be considered a priority for everyone in this State. No community is immune from this human tragedy. Are we not our brother's keeper?

"The Joint Legislative Housing and Homeless Task Force has worked diligently throughout the year, traveling across the State to assess our needs listening to our communities.

"The Majority Package will follow their recommendations to increase funding for the Rental Housing Trust Fund for programs for homeless and transitional housing; create developer incentives to build moderate income homes; set aside public lands for self-help community housing; and repair our vacant public housing units.

"How we resolve the crisis today, Mr. Speaker, will have a deep impact on all of us, rich and poor, Republican and Democrat, *Malahini* and *Kamaaina*. It does not matter if you live in Waianae or Waialae, we are all in the canoe together and we must use our surplus to address this problem now.

"Energy. This year alone, the cost of crude oil shot up dramatically, directly resulting in higher costs for gasoline and electricity, and indirectly causing prices to rise like everything else.

"We can no longer afford to take energy for granted. Conservation is not just for environmentalists. It must be practiced by everyone, and government should lead by example.

"Your Democratic Majority will set aside \$100 million toward energy conservation in public buildings by installing energy efficient lighting, cooling and heating technologies that will cut our electricity bills and use our natural energy sources.

"We will also propose a 'Pay-As-You-Save' pilot program for residents to finance the cost of a solar water heaters through their monthly electricity bill. We believe it will be a 'win-win-win' for power companies, landlords, and tenants alike.

"Our energy package also includes pilot projects in our schools to install sun-powered batteries and photovoltaic system where roof repairs are already scheduled.

"Mr. Speaker, we will make permanent the renewable energy tax credit and increase the credit for both residential and commercial properties that install solar panels.

"We will also consult and partner with such groups as the Apollo Alliance and meld technology with labor, and labor with industry. Our energy package will be a hallmark of this Session.

"In closing, Mr. Speaker, your Democratic Majority agenda for 2006 was built by a vision for the future - a vision of what Hawaii can and will be, if we plan thoughtfully and demonstrate the political will to make the right decisions today for the future we want tomorrow.

"It is all about investing in our future. It is all about believing in ourselves and each other. It is all about believing that there are endless possibilities in the hearts and minds of our youngest citizens. It is about faith in the future and the promise of today.

"When we opened this Twenty-third Legislature last year, I shared with you my pride and reverence for the Democrats who served this Chamber fifty-one years ago. Not only did they make history, but they laid the foundation for our Hawaii built on the unchanging principles of equality, opportunity, and justice for all. Yet, what really led them to do all this was really their never-ending desire to make life better for their children and their children's children. I have come to believe this more and more each year as I reflect upon my own legacy.

"In words of one of my heroes, Bono, of the group U2 sums it up in a song.

One love, one blood, one life, you got to do what you should.

One life with each other, sisters, brothers, one life, but we're not the same. We get to carry each other. Carry each other. One.

"So as we celebrate the 100th Anniversary of the first Filipino immigrants to Hawaii, it is fitting that we honor a great contributions and sacrifices of the *sakadas* – who made Hawaii better for us today. And all immigrants, for they shared a common bond of hardship, longing, and sacrifice - a vision of what Hawaii could be and should be, and we are blessed by their love for Hawaii and their unceasing drive to make their dreams come true.

"Your Majority Members are continuing this legacy of our immigrant forefathers and predecessors and we have created a vision of what Hawaii can and should be. Mr. Speaker, we each were born for a time such as this. The legacy of the past has already been laid for the legacy of the future. All we must do, is do as they did.

"Aloha, Mabuhay. Thank you Mr. Speaker."

The Chair then called upon the Most Reverent Clarence "Larry" Silva to deliver the benediction.

ADJOURNMENT

At 12:14 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, January 19, 2006.

SECOND DAY

Thursday, January 19, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Jon Riki Karamatsu, after which the Roll was called showing all members present with the exception of Representative Souki, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 1 through 190) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 1, dated September 30, 2005, transmitting the Hawaii Community Development Authority's Draft Kalaeloa Master Plan.

Gov. Msg. No. 2, dated October 1, 2005, transmitting the Department of Public Safety's report on its budget cost categories.

Gov. Msg. No. 3, dated October 3, 2005, transmitting the report on unauthorized positions required by Section 167 of Act 178, SLH 2005, the General Appropriations Act.

Gov. Msg. No. 4, dated October 5, 2005, transmitting the Department of Human Services' Spouse and Child Abuse Special Account Report.

Gov. Msg. No. 5, dated October 5, 2005, transmitting the Department of Human Services' Report to the Legislature as required by Act 178, Part III, Section 37, 2005 Hawaii State Legislature.

Gov. Msg. No. 6, dated October 19, 2005, transmitting the Act 306/SHL 2001 Progress Report: Implementation of A.R.T.S. FIRST: Hawaii's Arts Education Strategic Plan – July 1, 2004 to June 30, 2005

Gov. Msg. No. 7, dated October 26, 2005, transmitting the Department of the Attorney General's Report of the Drug Nuisance Abatement Unit.

Gov. Msg. No. 8, dated October 26, 2005, transmitting the Department of the Attorney General's Report Concerning Special, Trust, and Revolving Funds.

Gov. Msg. No. 9, dated October 26, 2005, transmitting the Department of the Attorney General's Annual Report of the Tobacco Enforcement Unit for Fiscal Year 2004-2005.

Gov. Msg. No. 10, dated October 26, 2005, transmitting the Department of the Attorney General's Report of the Investigations Division Cold Case Squad for Fiscal Year 2004-2005.

Gov. Msg. No. 11, dated November 2, 2005, transmitting the Department of Human Services' Report as required by Act 178, Section 40, SLH 2005.

Gov. Msg. No. 12, dated November 2, 2005, transmitting the Department of Human Services' Report as required by Section 346-29.5, Hawaii Revised Statutes, On Home Property Liens.

Gov. Msg. No. 13, dated November 9, 2005, transmitting Department of Human Services' Report as required by Act 178, Section 159, SLH 2005.

Gov. Msg. No. 14, dated November 21, 2005, transmitting the Department of Budget and Finance's report on fringe benefit related expenditures for Charter School employees

Gov. Msg. No. 15, dated November 22, 2005, transmitting the Department of Land and Natural Resources' report Relating to the Hawaii Invasive Species Program.

Gov. Msg. No. 16, dated November 22, 2005, transmitting the Department of the Attorney General's Report on Litigation Deposits Trust Fund Transactions and Collections Made on Behalf of Other Departments and Agencies for Fiscal Year 2004-2005.

Gov. Msg. No. 17, dated November 22, 2005, transmitting the Department of the Attorney General's Annual Report of Proceedings Under the Hawaii Omnibus Criminal Forfeiture Act Fiscal Year 2004-2005.

Gov. Msg. No. 18, dated November 23, 2005, transmitting the Department of Human Services' Report to the Legislature as required by Act 178, Section 38, SLH 2005.

Gov. Msg. No. 19, dated November 25, 2005, transmitting the Department of Land and Natural Resources' annual report on the Status of the Kaho'olawe Rehabilitation Trust Fund.

Gov. Msg. No. 20, dated November 25, 2005, transmitting the Department of Land and Natural Resources' annual report on Geothermal Royalties and Geothermal and Cable System Development Activities.

Gov. Msg. No. 21, dated November 25, 2005, transmitting the Department of Land and Natural Resources' report Requesting Participation in a Federal Program To Assist States in Obtaining Scrapped Federal Ships To Use As Artificial Reefs in the Waters of the State of Hawaii.

Gov. Msg. No. 22, dated November 25, 2005, transmitting the Department of Land and Natural Resources' report Relating to Public Land Liability.

Gov. Msg. No. 23, dated November 25, 2005, transmitting the Department of Land and Natural Resources' report on the Hawaii Historic Preservation Special Fund For Fiscal Year 2004-2005.

Gov. Msg. No. 24, dated November 25, 2005, transmitting the Department of Hawaiian Home Lands reporting requirements of Act 178, Section 166, SLH 2005.

Gov. Msg. No. 25, dated November 25, 2005, transmitting the Department of Land and Natural Resources' report on the Administratively Established Accounts and Funds.

Gov. Msg. No. 26, dated November 25, 2005, transmitting the Department of Land and Natural Resources' annual report on Identification of Rivers and Streams Worthy of Protection.

Gov. Msg. No. 27, dated November 25, 2005, transmitting the Department of Land and Natural Resources' report Urging the Commission on Water Resource Management to Fulfill its Constitutional and Statutory Mandate to Protect Public Instream Uses.

Gov. Msg. No. 28, dated November 25, 2005, transmitting the Department of Land and Natural Resources' annual report Relating to the Forest Stewardship Program.

Gov. Msg. No. 29, dated November 25, 2005, transmitting the Department of Land and Natural Resources' Status of the Issuance of Incidental Take Licenses for Endangered, Threatened, Proposed, and Candidate Species; and the Condition of the Endangered Species Trust Fund for the Period July 1, 2004-June 30, 2005.

Gov. Msg. No. 30, dated November 25, 2005, transmitting the Department of Land and Natural Resources' annual report Relating To The Wildlife Revolving Fund.

Gov. Msg. No. 31, dated November 25, 2005, transmitting the Department of Land and Natural Resources annual report Relating to Invasive Species.

Gov. Msg. No. 32, dated November 25, 2005, transmitting the Department of Land and Natural Resources' annual report on Hawaii Statewide Trail and Access System.

Gov. Msg. No. 33, dated November 28, 2005, transmitting the Report Pursuant to House Concurrent Resolution No. 10, Requesting the Emergency Contraception Interagency Work Group to Develop a Mechanism to Effectively Disseminate Information on the Availability of Over-the-Counter Emergency Contraception in the State.

Gov. Msg. No. 34, dated November 28, 2005, transmitting the Report Pursuant to Section 321-291, Hawaii Revised Statutes, Requiring the Department of Health to Give an Annual Financial Report for Newborn Metabolic Screening Special Fund.

Gov. Msg. No. 35, dated November 28, 2005, transmitting the Department of Health Report on Unused Prescription Drugs.

Gov. Msg. No. 36, dated November 28, 2005, transmitting the Department of Health Report, Upcountry Maui Water Systems.

Gov. Msg. No. 37, dated November 28, 2005, transmitting the Report Pursuant to Section 340-33, Hawaii Revised Statutes, Relating to the Drinking Water Treatment Revolving Loan Fund of the Department of Health.

Gov. Msg. No. 38, dated November 28, 2005, transmitting the Hawaii Injury Prevention Plan, 2005-2010 by the Hawaii State Department of Health, Injury Prevention and Control Program.

Gov. Msg. No. 39, dated November 28, 2005, transmitting the Department of Agriculture's Report on Administratively Established Appropriations.

Gov. Msg. No. 40, dated November 28, 2005, transmitting the Department of Accounting and General Services' Annual Report on the State Risk Management Revolving Fund on the Transfer of Funds for Risk Management.

Gov. Msg. No. 41, dated November 29, 2005, transmitting the Department of Land and Natural Resources' annual report on Kaneohe Bay Regional Council.

Gov. Msg. No. 42, dated November 29, 2005, transmitting the Report for the Department of Land and Natural Resources' Division of State Parks to Establish a South Kona-Ka'u Coastal Conservation Task Force.

Gov. Msg. No. 43, dated November 30, 2005, transmitting the certified statements and supporting schedules on the debt limit and total outstanding indebtedness of the State of Hawaii and a report on special purpose revenue bonds as of July 1, 2005.

Gov. Msg. No. 44, dated December 2, 2005, transmitting the Department of Land and Natural Resources' annual report Relating to the Natural Area Reserves System and Natural Area Partnership Program and The Financial Condition of the Natural Area Reserve Fund.

Gov. Msg. No. 45, dated December 2, 2005, transmitting the Department of Land and Natural Resources' report to Consider Imposing Restrictions on Public Access to the Ahihi-Kinau Natural Area Reserve.

Gov. Msg. No. 46, dated December 5, 2005, transmitting the Agribusiness Development Corporation in response to Act 194, Session Laws Hawaii (SLH) 2002, A Bill Relating to Agricultural Marketing.

Gov. Msg. No. 47, dated December 5, 2005, transmitting the Department of Accounting and General Services' Annual Report of the State Educational Facilities Improvement Special Fund for fiscal year ending June 30, 2005.

Gov. Msg. No. 48, dated December 5, 2005, transmitting the Department of Accounting and General Services' Annual Report on the Wireless Enhanced 911 Board for the period July 1, 2004 to June 30, 2005.

Gov. Msg. No. 49, dated December 5, 2005, transmitting the Department of Accounting and General Services' Annual Report of Claims and Lawsuits Arbitrated, Compromised, or Settled for fiscal year ending June 30, 2005.

Gov. Msg. No. 50, dated December 5, 2005, transmitting the Department of Accounting and General Services' Annual Report on Privatization for fiscal year ending June 30, 2005.

Gov. Msg. No. 51, dated December 6, 2005, transmitting the Department of Public Safety's FY 2005 Annual Report on Correctional Industries.

Gov. Msg. No. 52, dated December 6, 2005, transmitting the Report Pursuant to Chapter 333F, Section 6, Hawaii Revised Statutes, Regarding Services for Persons with Developmental Disabilities or Mental Retardation, Directing the Department of Health to Keep Waiting Lists of All Individuals Who are Eligible for Services and Supports, but for Whom Services and Supports have not been Provided, and the Reasons for the Lack of Services and Supports.

Gov. Msg. No. 53, dated December 6, 2005, transmitting the Report Pursuant to Section 321-1.5, Hawaii Revised Statutes, Requiring the Department of Health to Provide an Annual Report on Incentives and Strategies for Primary Health Care Incentive Program and the Primary Care Roundtable.

Gov. Msg. No. 54, dated December 6, 2005, transmitting the Department of Public Safety Reports: Annual Report on the Status of the Federal Reimbursement Maximization Special Fund; Expenditures for the Housing of Inmates at the Hawaii-Based Federal Detention Center and Mainland Correctional Facilities.

Gov. Msg. No. 55, dated December 6, 2005, transmitting the 2004 Annual Report – Special Purpose Revenue Bonds Authorized Under Act 262, Session Laws of Hawaii 1998.

Gov. Msg. No. 56, dated December 7, 2005, transmitting the Department of Health's Report, Pursuant to Act 178, Section 23, Session Laws of Hawaii, 2005, Requiring the Department of Health to Provide a Detailed Report on Maternal and Child Health Services and Contract Services for Early Identification and Home Visiting Services to Support the Healthy Start Program.

Gov. Msg. No. 57, dated December 7, 2005, transmitting the Department of Health's Report, State Water Pollution Control Revolving Fund.

Gov. Msg. No. 58, dated December 7, 2005, transmitting the Report on How the Department of Commerce and Consumer Affairs'

Expenditures will be aligned with its Special Fund Revenue Collections.

Gov. Msg. No. 59, dated December 8, 2005, transmitting the Department of Budget and Finance's revised report on fringe benefit related expenditures for Charter School employees.

Gov. Msg. No. 60, dated December 8, 2005, transmitting the Department of Transportation's report covering an update of contraflow and other traffic mitigation measures for Pali Highway.

Gov. Msg. No. 61, dated December 8, 2005, transmitting the Department of Agriculture Annual Report.

Gov. Msg. No. 62, dated December 8, 2005, transmitting the Department of Transportation's report on special repairs and maintenance.

Gov. Msg. No. 63, dated December 8, 2005, transmitting the Department of the Attorney General's 2006 Goals and Objectives.

Gov. Msg. No. 64, dated December 9, 2005, transmitting the Department of Transportation's Report on Security Expenditures for the Harbors Division.

Gov. Msg. No. 65, dated December 9, 2005, transmitting the Department of Land and Natural Resources' report from the Task Force on Beach and Water Safety.

Gov. Msg. No. 66, dated December 9, 2005, transmitting the Department of Land and Natural Resources' annual report Relating to Land Conservation Fund.

Gov. Msg. No. 67, dated December 9, 2005, transmitting the Department of Public Safety reports: Annual Report on Drug Abatement Efforts; Annual Report on Schedules for Controlled Substances, and Regulated Chemicals for the Manufacture of Controlled Substances.

Gov. Msg. No. 68, dated December 12, 2005, transmitting the Department of Human Resource Development Report on the Establishment of Separate Series for Social Workers and Human Services Professionals and the Development of a Transition Plan in Collaboration with Stakeholder Groups.

Gov. Msg. No. 69, dated December 14, 2005, transmitting the Department of Land and Natural Resources' report Requiring all Departments and Agencies to Identify Their Goals, Objectives, and Policies, to Provide a Basis for Determining Priorities and Allocating Limited Public Funds and Human Resources.

Gov. Msg. No. 70, dated December 14, 2005, transmitting the Pesticide Use Revolving Fund Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 71, dated December 15, 2005, transmitting the Public Utilities Commission's Special Fund Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 72, dated December 15, 2005, transmitting the Public Utilities Commission's Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 73, dated December 15, 2005, transmitting the Department of Budget and Finance's report on goals and action plans.

Gov. Msg. No. 74, dated December 16, 2005, transmitting the Insurance Commissioner's Report on the Advisability of Entering Interstate Compacts with Other States Concerning Certain Perils Affecting the Cost of Property and Casualty Insurance.

Gov. Msg. No. 75, dated December 16, 2005, transmitting the Insurance Commissioner's Report on the Effectiveness of the Hawaii Insurance Bureau's Fire Rating Program.

Gov. Msg. No. 76, dated December 16, 2005, transmitting the Department of Commerce and Consumer Affairs' External Review Report.

Gov. Msg. No. 77, dated December 16, 2005, transmitting the Department of Commerce and Consumer Affairs' Annual Compliance Resolution Fund Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 78, dated December 16, 2005, transmitting the Department of Health Report on the Environmental Response Revolving Fund.

Gov. Msg. No. 79, dated December 16, 2005, transmitting the Hawaii Real Estate Commission's Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 80, dated December 16, 2005, transmitting the Department of Commerce and Consumer Affairs' Condominium Dispute Resolution Pilot Program Report.

Gov. Msg. No. 81, dated December 16, 2005, transmitting the Department of Commerce and Consumer Affairs' Medical Claims Conciliation Panel Annual Report.

Gov. Msg. No. 82, dated December 16, 2005, transmitting the Task Force Report on Enforcement of the Electrician and Plumber Licensing Laws.

Gov. Msg. No. 83, dated December 16, 2005, transmitting the Department of Human Services' Report as required by Act 150, SLH 2005, and HCR 175, HD 1.

Gov. Msg. No. 84, dated December 16, 2005, transmitting the Department of Human Services' Report as required by Act 239 2005 Hawaii State Legislature, Relating to Psychotropic Medication.

Gov. Msg. No. 85, dated December 16, 2005, transmitting the Department of Human Services' Report as required by Act 209, SLH 2005.

Gov. Msg. No. 86, dated December 16, 2005, transmitting the Department of Human Services' Report as required by Act 208, SLH 2004.

Gov. Msg. No. 87, dated December 16, 2005, transmitting the Department of Land and Natural Resources' report Requesting a Review and Analysis of the Issues Surrounding the Shoreline Certification Process for the Purpose of Establishing Shoreline Setbacks.

Gov. Msg. No. 88, dated December 19, 2005, transmitting the Department of Education's Civil Service Exempt Positions Report.

Gov. Msg. No. 89, dated December 19, 2005, transmitting the Department of Education's Mandatory Expulsion Policy For Possession Of A Firearm School Year 2005-05 report.

Gov. Msg. No. 90, dated December 19, 2005, transmitting the Department of Accounting and General Services' Annual Report on Goals and Objectives for fiscal year ending June 30, 2005.

Gov. Msg. No. 91, dated December 19, 2005, transmitting the Department of Education's Annual Repair and Maintenance Report.

Gov. Msg. No. 92, dated December 19, 2005, transmitting the Department of Education's Capital Improvement Program And Repair & Maintenance Program Transfer Report.

Gov. Msg. No. 93, dated December 19, 2005, transmitting the Department of Education's Food Services Program Report.

Gov. Msg. No. 94, dated December 19, 2005, transmitting the Department of Education's Implementation of Two-Tier Kindergartens report.

Gov. Msg. No. 95, dated December 19, 2005, transmitting the Department of Education's Transfers of Appropriated Funds and Positions report.

Gov. Msg. No. 96, dated December 19, 2005, transmitting the Department of Education's School-Level Minor R & M Accounts report.

Gov. Msg. No. 97, dated December 19, 2005, transmitting the Department of Education's School-By-School Expenditure report.

Gov. Msg. No. 98, dated December 19, 2005, transmitting the Department of Education's Incentive And Innovation Grant Trust Fund report.

Gov. Msg. No. 99, dated December 19, 2005, transmitting the Department of Education's Hawaii 3 R's School Repair and Maintenance Fund report.

Gov. Msg. No. 100, dated December 19, 2005, transmitting the Department of Education's Federal Grant Search, Development, and Application Revolving Fund report.

Gov. Msg. No. 101, dated December 19, 2005, transmitting the Department of Education's Federal and Trust Funds report.

Gov. Msg. No. 102, dated December 19, 2005, transmitting the Department of Education's Comprehensive Accountability System report.

Gov. Msg. No. 103, dated December 19, 2005, transmitting the Department of Education's Carry Over Of Funds report.

Gov. Msg. No. 104, dated December 19, 2005, transmitting the Department of Education's Educational Assessment And Accountability; Annual Reports.

Gov. Msg. No. 105, dated December 19, 2005, transmitting the Department of Education's Medicaid Eligible Health Services For Students report.

Gov. Msg. No. 106, dated December 19, 2005, transmitting the Department of Education's Substitute Teachers, Classification And Compensation report.

Gov. Msg. No. 107, dated December 19, 2005, transmitting the Department of Education's School Transportation; Extra Curricular Activities; Summer School report.

Gov. Msg. No. 108, dated December 19, 2005, transmitting the Department of Education's Civic Education Activities Inventory report.

Gov. Msg. No. 109, dated December 19, 2005, transmitting the Department of Land and Natural Resources' Status of the Program for Environmentally-Themed Products to Support the Environment.

Gov. Msg. No. 110, dated December 19, 2005, transmitting the Department of Land and Natural Resources' Operations of the Filing Office for Financing Statements Under the Uniform Commercial Code, Secured Transactions (Revised Article 9).

Gov. Msg. No. 111, dated December 19, 2005, transmitting the Department of Budget and Finance's report on the accounts or funds that were administratively established effective November 21, 2005.

Gov. Msg. No. 112, dated December 19, 2005, transmitting the Department of Education's Edible School Gardens report.

Gov. Msg. No. 113, dated December 19, 2005, transmitting the Department of Education's Restructured Schools, Accountability Of Education Service Provider report.

Gov. Msg. No. 114, dated December 21, 2005, transmitting the Department of Human Services' Report as required by Section 346-319 of the Hawaii Revised Statutes on the Enrollment and Financial Status of the Hawaii RX Plus Program.

Gov. Msg. No. 115, dated December 22, 2005, transmitting the Department of Health's Report, A Process and Plan to Accomplish Environmental Justice Guidelines.

Gov. Msg. No. 116, dated December 28, 2005, transmitting the Department of Health Executive Office on Aging's Annual Evaluation Report on Elder Programs.

Gov. Msg. No. 117, dated December 28, 2005, transmitting the Department of Human Services' Report as required by Act 178, Section 42, SLH 2005, TANF Progress Report.

Gov. Msg. No. 118, dated December 29, 2005, transmitting the Report by the Working Group to Review the National Conference of Insurance Legislators (NCOIL) Property-Casualty Insurance Modernization Act.

Gov. Msg. No. 119, dated December 22, 2005, transmitting the Department of Public Safety report, Expenditures on Substance Abuse, Sex Offender, and Mental Health Treatment; and Job Development for Pretrial, Incarcerated, and Parolee Populations.

Gov. Msg. No. 120, dated December 22, 2005, transmitting the Report Requesting the Department of Health to Develop a Statewide Strategic Plan to Promote Obesity Prevention and Healthy Lifestyles.

Gov. Msg. No. 121, dated December 22, 2005, transmitting the Report Pursuant to Section 329-3, Hawaii Revised Statutes, Requiring a Report by the Hawaii Advisory Commission on Drug Abuse and Controlled Substances.

Gov. Msg. No. 122, dated December 22, 2005, transmitting the 2005 Annual Report: Pursuant to HRS 341-6, Requesting that the State Environmental Council Make an Annual Report with Recommendations for Improvement.

Gov. Msg. No. 123, dated December 23, 2005, transmitting the Report Pursuant to Senate Concurrent Resolution 109, SD 1, Requesting the Department of Health to Submit to the Legislature a Report on the Implementation of SCR 109, SD 1 Which Requests the Department of Health to Make Educational Materials Available, in Written and Electronic Form, on the Prevention, Diagnosis, and Treatment of Hepatitis C to Physicians, Other Health Care Providers, and Other Persons at High Risk for Hepatitis C.

Gov. Msg. No. 124, dated December 28, 2005, transmitting the Report Pursuant to Section 326-25.5, Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Report to the Legislature on Initiatives and Improvements in Kalaupapa Settlement and to Track Patient and Non-patient Costs Separately, Whenever Appropriate and Possible.

Gov. Msg. No. 125, dated December 20, 2005, transmitting the report regarding Act 178, SLH 2005, the General Appropriations Act of 2005.

Gov. Msg. No. 126, dated December 29, 2005, transmitting the Department of Human Services Report pursuant to Section 39 of Act 178, SLH 2005, requesting the Department of Human Services to submit a report relating to the Homeless program.

Gov. Msg. No. 127, dated December 28, 2005, transmitting the Department of Health Healthy Hawaii Initiative report.

Gov. Msg. No. 128, dated December 22, 2005, transmitting the Report Pursuant to Section 321-1.3, Hawaii Revised Statutes, Requiring the Department of Health to Submit an Annual Financial Report for the Domestic Violence Prevention Special Fund and S.B. 1419, S.D. 1, Related to Domestic and Sexual Violence Services.

Gov. Msg. No. 129, dated December 15, 2005, transmitting the Report Pursuant to SCR 135, S.D.1, 2005, Requiring the Department of Health to Share Its Findings and a Report on the Plan with the Big Community on the VOG Emission Monitoring System.

Gov. Msg. No. 130, dated December 21, 2005, transmitting the Department of Transportation's progress report for the evaluation of Hawaii's graduated licensing program.

Gov. Msg. No. 131, dated December 22, 2005, transmitting the Report Pursuant to Chapters 128D and 128E, Hawai'i Revised Statutes, Requiring the Department of Health to Report Environmental Response Law and Hawai'i Community Right to Know Act Financial and Environmental Site.

Gov. Msg. No. 132, dated December 29, 2005, transmitting the Housing and Community Development Corporation's Report Pursuant to Act 227, Session Laws of Hawaii (SLH) 2002.

Gov. Msg. No. 133, dated December 29, 2005, transmitting the Housing and Community Development Corporation's Report Pursuant to Act 196, Session Laws of Hawaii (SLH) 2005.

Gov. Msg. No. 134, dated December 22, 2005, transmitting the Department of Human Resources Development's reports on all expenditures, including the number of claims for workers' compensation claim payments; statistics on the duration of payments made to claimants; statistics on the average compensation paid per claimant; and a breakdown of claims paid by department for fiscal year ending June 30, 2005.

Gov. Msg. No. 135, dated December 28, 2005, transmitting the report "Efforts to Increase the Number of High-Skilled Jobs in Targeted Industry Clusters" (Act 148, SLH 2003).

Gov. Msg. No. 136, dated December 22, 2005, transmitting the reporting requirements of Act 178, SLH 2005, the General Appropriations Act of 2005, report on the general obligation bond debt service.

Gov. Msg. No. 137, dated December 22, 2005, transmitting the reporting requirements of Act 178, SLH 2005, the General Appropriations Act of 2005, report on the expenditures from the bond protocol account.

Gov. Msg. No. 138, dated December 27, 2005, transmitting the Report on Goals, Objectives and Policies, Actions Plans and Performance Measures.

Gov. Msg. No. 139, dated December 27, 2005, transmitting the Report on the Parental Preferences in Government Contracts, Programs, and Services.

Gov. Msg. No. 140, dated December 28, 2005, transmitting the Office of Information Practices' Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 141, dated December 29, 2005, informing that the Department of Human Resources Development reports that there was no election of Separation Incentives by any employee affected by Reduction-in-Force (RIF) in the Executive Branch for the 2005 calendar year.

Gov. Msg. No. 142, dated December 29, 2005, transmitting the Report to the 2006 Legislature in Response to House Resolution No. 198, H.D. 1 Requesting a Report on the Number of Less than Full-Time Public Employees that are Ineligible for Health Benefits.

Gov. Msg. No. 143, dated December 29, 2005, transmitting the Department of Human Resources Development report on the Study of Parity between Occupational Therapists, Physical Therapists and Speech Therapists Working in the Department of Education.

Gov. Msg. No. 144, dated December 29, 2005, transmitting the 2006 Exempt Study Report.

Gov. Msg. No. 145, dated December 29, 2005, transmitting the Department of Accounting and General Services' Report on Assessment of Central Data Center – Business Continuity and Disaster Recovery Strategies.

Gov. Msg. No. 146, dated December 27, 2005, transmitting the Department of the Attorney General's Report on any Shortage or Condition Affecting the Supply of Petroleum Products.

Gov. Msg. No. 147, dated December 27, 2005, transmitting the Department of the Attorney General's Report on Receipts and Expenditures of the Antitrust Trust Fund.

Gov. Msg. No. 148, dated December 28, 2005, transmitting the Report Relating to Diversified Agriculture Industry.

Gov. Msg. No. 149, dated December 28, 2005, transmitting the Department of Taxation's annual report addressing the department's goals, objectives, policies, and action plan.

Gov. Msg. No. 150, dated December 29, 2005, transmitting the document regarding the streamlined sales tax project required by Act 3, SLH 2005.

Gov. Msg. No. 151, dated December 30, 2005, transmitting the Department of Human Services' Report required by Act 4, Special Session 2005 Hawaii State Legislature, Relating to Medicaid Managed Care Plans.

Gov. Msg. No. 152, dated December 30, 2005, transmitting the Department of Human Services' Annual Report.

Gov. Msg. No. 153, dated December 21, 2005, transmitting the Department of Labor and Industrial Relations annual report for fiscal year ending June 30, 2005.

Gov. Msg. No. 154, dated December 29, 2005, transmitting the Department of Labor and Industrial Relations report on Workforce Development Division – The Employment and Training Fund Program (ETF) for program year 2004-2005.

Gov. Msg. No. 155, dated December 29, 2005, transmitting the Department of Labor and Industrial Relations report on Contested Cases – Occupational Safety and Health Division for the period of July 1, 2004 – June 30, 2005.

Gov. Msg. No. 156, dated December 29, 2005, transmitting the Department of Labor and Industrial Relations report on Non-General Fund Information 2004-2005.

Gov. Msg. No. 157, dated December 29, 2005, transmitting the Department of Labor and Industrial Relations report on the Hoisting Machine Operator's Advisory Board.

Gov. Msg. No. 158, dated December 29, 2005, transmitting the Hawaii Labor Relations Board's Annual Report for its activities for fiscal year 2004 – 2005.

Gov. Msg. No. 159, dated December 29, 2005, transmitting the Department of Labor and Industrial Relations Annual Evaluation of the Hawaii Unemployment Compensation Fund.

Gov. Msg. No. 160, dated December 16, 2005, transmitting the FY 2005 Crime Victim Compensation Commission Annual Report.

Gov. Msg. No. 161, dated December 28, 2005, transmitting the report on deployed positions required by Section 164 of Act 178, SLH 2005, the General Appropriations Act.

Gov. Msg. No. 162, dated January 4, 2006, transmitting the Department of Taxation's annual report on payments to the State by Electronic Funds Transfer.

Gov. Msg. No. 163, dated January 4, 2006, transmitting the Department of Taxation's annual report on the integrated tax information management system.

Gov. Msg. No. 164, dated January 4, 2006, transmitting the Hawaii Employer-Union Health Benefits Trust Fund's Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 165, dated December 27, 2005, transmitting the Department of Business, Economic Development and Tourism's (DBEDT) feasibility study in response to Senate Concurrent Resolution (SCR) No. 155.

Gov. Msg. No. 166, dated December 29, 2005, transmitting the Department of Transportation's progress report on the noise level study for residential areas adjacent to the H-1 freeway.

Gov. Msg. No. 167, dated December 29, 2005, transmitting the Department of Transportation's report relating to government operations.

Gov. Msg. No. 168, dated December 29, 2005, transmitting the State Energy Resources Coordinator's 2005 Annual Report.

Gov. Msg. No. 169, dated December 27, 2005, transmitting the Hawaii State Public Library System's Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 170, dated January 5, 2006, transmitting the Report of the Insurance Commissioner 2005.

Gov. Msg. No. 171, dated December 29, 2005, transmitting the Report of the Hawaii Health Care Task Force.

Gov. Msg. No. 172, dated December 29, 2005, transmitting the Department of Accounting and General Services' Annual Report of the Stadium Authority – Stadium Special Fund.

Gov. Msg. No. 173, dated January 9, 2005 [*sic*], transmitting the Department of Land and Natural Resources' report on Land Dispositions Made of Public Lands for Calendar Year 2005.

Gov. Msg. No. 174, dated January 9, 2006, transmitting the Department of Accounting and General Services' Report on the Uniform Statewide Building Code Task Force.

Gov. Msg. No. 175, dated December 22, 2005, transmitting the Department of Transportation's progress report on the update of the Hawaii commercial harbors 2020 master plan including improving harbor efficiency and effectiveness.

Gov. Msg. No. 176, dated January 9, 2006, transmitting the Department of Human Services' Report required by Act 153, 2004 Hawaii State Legislature, Relating to Home and Community-based Services.

Gov. Msg. No. 177, dated January 9, 2006, transmitting the Department of the Attorney General's Report on Electronic

Commerce-Based Crimes Prepared by the Hawaii Anti-Phishing Task Force.

Gov. Msg. No. 178, dated January 9, 2006, transmitting the Report Pursuant to Section 10 of Act 161, Session Laws of Hawaii 2002 (Regular Session), Requiring a Report by the Department of Health, Alcohol and Drug Abuse Division on the Implementation of Section 321-193.5, Hawaii Revised Statutes.

Gov. Msg. No. 179, dated January 9, 2006, transmitting the Report Pursuant to Senate Concurrent Resolution 79, Senate Draft 1, House Draft 1, Requesting the Convening of a Task Force to Facilitate the Establishment of Naturally Occurring Retirement Communities in Hawaii.

Gov. Msg. No. 180, dated January 9, 2006, transmitting the Report Pursuant to Chapter 321-27.5, Hawaii Revised Statutes, Requesting the Department of Health to Submit an Annual Report of the Sanitation Branch.

Gov. Msg. No. 181, dated January 9, 2006, transmitting the Report Pursuant to S.C.R. 197, Requesting the Director of Health to Convene a Medical Marijuana Working Group to Make Recommendations to Improve Hawaii's Medical Marijuana Program.

Gov. Msg. No. 182, dated January 9, 2006, transmitting the Report Pursuant to Chapter 321-27, Hawaii Revised Statutes, Requesting the Department of Health to Submit a Report on the Status of the Environmental Health Education Fund.

Gov. Msg. No. 183, dated December 22, 2005, transmitting the Report Pursuant to Chapter 321H-4, Hawaii Revised Statutes, Requiring the Department of Health to Provide an Annual Report on the Activities Under the Neurotrauma Special Fund.

Gov. Msg. No. 184, dated December 15, 2005, transmitting the Report Pursuant to Section 340-12, Hawaii Revised Statutes, Requiring the Department of Health to Provide an Annual Report of the Activities of the Board of Certification of Operating Personnel in Wastewater Treatment Facilities.

Gov. Msg. No. 185, dated January 9, 2006, transmitting the Report Pursuant to Section 342G-15, Hawaii Revised Statutes, Requiring the Office of Solid Waste Management to Give an Annual Report on Solid Waste Management.

Gov. Msg. No. 186, dated January 9, 2006, transmitting the Report Pursuant to SCR 227, SD 1, HD 1, 2005 Session Laws of Hawaii, Creating a Planning Task Force for the Healthy Start Program.

Gov. Msg. No. 187, dated January 9, 2006, transmitting the Report Pursuant to Senate Concurrent Resolution No. 151, S.D. 1, 1999 Legislative Session, Requesting the Department of Health to Submit to the Legislature a Report on the Statewide Comprehensive Strategic Plan for Services and Supports for Individuals with Developmental Disabilities or Mental Retardation.

Gov. Msg. No. 188, dated January 9, 2006, transmitting the Department of Agriculture Annual Report, Fiscal Year 2004.

Gov. Msg. No. 189, dated January 10, 2006, transmitting the Department of Health and Department of Human Services' Report as required by HCR 277.

Gov. Msg. No. 190, dated December 2005, transmitting the Department of Accounting and General Services' Report on Transfers Between the Department of Education and the Department of Accounting and General Services for the period between December 1, 2004, to November 30, 2005.

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 1 through 47) were received by the Clerk and were placed on file:

Dept. Com. No. 1, dated September 30, 2005, from Patricia Hamamoto, Superintendent, Department of Education, transmitting the meeting schedule regarding SY 2005-2006 Facilities Assessments.

Dept. Com. No. 2, dated November 8, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Review of Revolving Funds, Trust Funds, and Trust Accounts of the Judiciary and the Departments of Commerce and Consumer Affairs, Hawaiian Home Lands, Health, and Human Services.

Dept. Com. No. 3, dated November 25, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Audit of the Deposit Beverage Container Program.

Dept. Com. No. 4, dated November 28, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Discoveries & Inventions Revolving Fund.

Dept. Com. No. 5, dated November 28, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Research and Training Revolving Fund.

Dept. Com. No. 6, dated November 29, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Uncollectible Accounts.

Dept. Com. No. 7, dated November 29, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Tuition Waiver Program for 2004-2005.

Dept. Com. No. 8, from the Research and Statistics Office, Department of Labor and Relations, transmitting the Workers' Compensation Data Book 2004.

Dept. Com. No. 9, dated December 12, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on The Medical Education Council on a Summary of the Expenditures of Program Monies Authorized by the Council.

Dept. Com. No. 10, dated December 12, 2005, from Rex D. Johnson, President and Chief Executive Officer, Hawaii Tourism Authority, transmitting the Hawaii Tourism Authority's Annual Report for Calendar Year 2005 which provides a status of the Authority's Calendar Year 2005 activities through October 31, 2005.

Dept. Com. No. 11, dated December 12, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the audited financial statements of the Department of Health's Water Pollution Control Revolving Fund as of June 30, 2005.

Dept. Com. No. 12, dated December 13, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Government Operations.

Dept. Com. No. 13, dated December 13, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on The Hawaii Institute for Educational Partnerships formerly The Center for Teacher Education.

Dept. Com. No. 14, dated December 13, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Nursing Scholars Program.

Dept. Com. No. 15, dated December 13, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on The Teacher Education Coordinating Committee for 2004-2005.

Dept. Com. No. 16, dated December 14, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Salaries Paid to Executive/Managerial and Faculty Employees.

Dept. Com. No. 17, dated December 14, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on University of Hawaii's Risk Management Special Fund.

Dept. Com. No. 18, dated December 14, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on University of Hawaii Tuition & Fees Special Fund Expenditures for the Purpose of Generating Private Donations FY2005.

Dept. Com. No. 19, dated December 19, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Report on the Feasibility of Stem Cell Research for Hawaii'i.

Dept. Com. No. 20, dated December 19, 2005, from David McClain, Interim President, University of Hawaii, transmitting the University of Hawaii Annual Report on Revenues, Distributions, Expenditures and Cash Balance From the Research & Training Revolving Fund.

Dept. Com. No. 21, dated December 20, 2005, from Charlene Miyashiro, Chairperson, Hawaii Teacher Standards Board, transmitting the 2005 Annual Report of the Hawaii Teacher Standards Board.

Dept. Com. No. 22, dated December 20, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Report on the University of Hawaii Civil Service Exempt Positions.

Dept. Com. No. 23, dated December 22, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Sunrise Analysis: Condominium Association Managers.

Dept. Com. No. 24, from the Crime Prevention & Justice Assistance Division, Department of the Attorney General, transmitting the Project Safe Neighborhoods Hawaii Crime Mapping Report.

Dept. Com. No. 25, from the Injury Prevention and Control Program, Department of Health, transmitting the Hawaii Injury Prevention Plan 2005-2010.

Dept. Com. No. 26, dated December 23, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Center for Smart Building and Community Design.

Dept. Com. No. 27, dated December 23, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report for 2004 and 2005 on General Fund Appropriation Transfers Between Program IDs.

Dept. Com. No. 28, dated December 23, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report for 2004 and 2005 on the Review of the UH's Non-General Funds and Accounts.

Dept. Com. No. 29, dated December 23, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Transfer of Appropriated Funds and Positions.

Dept. Com. No. 30, dated December 23, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on University of Hawaii's Special, Revolving, and Trust Funds For the Fiscal Year Ended June 30, 2005.

Dept. Com. No. 31, dated December 23, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Annual Report on Special and Revolving Fund Expenditures in Excess of Each Fund's Appropriation Approved by the President.

Dept. Com. No. 32, dated December 23, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Sunrise Analysis: Check Cashing and Deferred Deposit Agreements (Payday Loans).

Dept. Com. No. 33, dated December 23, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Audit of Selected Hiring Policies and Practices of the Executive Branch of Government.

Dept. Com. No. 34, dated December 27, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve.

Dept. Com. No. 35, dated November 2005, from the Legislative Reference Bureau, transmitting the Cell Phone Use and Motor Vehicle Collisions: A Review of the Studies.

Dept. Com. No. 36, dated December 27, 2005, from Robin Matsunaga, Ombudsman, Office of the Ombudsman, transmitting their annual report.

Dept. Com. No. 37, dated December 28, 2005, from Jim Shon, Executive Director, Charter School Administrative Office, transmitting the Findings and Recommendations of the Task Force on Charter School Governance.

Dept. Com. No. 38, dated December 29, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the compact disc copy of their study, A Comparative Study of the Department of Commerce and Consumer Affairs' Requirements for License for Professions and Vocations, Part I.

Dept. Com. No. 39, dated December 29, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Systemwide Financial Audit of the University of Hawai'i System: Phase I.

Dept. Com. No. 40, dated January 11, 2006, from Dr. Pearl Imada Iboshi, Economics Research Administrator, Department of Business, Economic Development & Tourism, transmitting the DBEDT's CD-ROM, the 2005 Hawaii Data Disc.

Dept. Com. No. 41, dated December 29, 2005, from Ronald T.Y. Moon, Chief Justice, Supreme Court, transmitting the final review of the Hawai'i Judicial Council's Committee to Conduct a Comprehensive Review of the Hawai'i Penal Code.

Dept. Com. No. 42, dated December 30, 2005, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the Hawai'i 2050 Sustainability Task Force Report.

Dept. Com. No. 43, dated December 29, 2005, from David McClain, Interim President, University of Hawaii, transmitting the Report on the Student Scholarship and Assistance Special Fund.

Dept. Com. No. 44, dated January 3, 2006, from David McClain, Interim President, University of Hawaii, transmitting the Report Requesting the Establishment of a Task Force on Economic Development, Workforce Development, and the Role of the University of Hawai'i in the Economic Future of the State.

Dept. Com. No. 45, dated January 4, 2006, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Management Audit of the Division of Conservation and Resource Enforcement.

Dept. Com. No. 46, dated December 2005, from Office of the Ombudsman, transmitting the Report of the Ombudsman, Report No. 36.

Dept. Com. No. 47, dated December 2005, from Department of the Attorney General, transmitting the Crime in Hawaii 2004, A Review of Uniform Crime Reports.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 1 through 8) were received by the Clerk and were placed on file:

Misc. Com. No. 1, dated September 12, 2005, from Ernesto G. Pasion, Deputy County Clerk, County of Kauai, transmitting the Resolution No. 2005-52, RESOLUTION RELATING TO ANTIFREEZE, adopted on September 8, 2005.

Misc. Com. No. 2, dated December 7, 2005, from Stacy Sugimura, Government Relations/Insurance Analyst, Hawaii Insurance Bureau, Inc., transmitting their response to House Concurrent Resolution 113, sent on April 25, 2005.

Misc. Com. No. 3, dated November 28, 2005, from Edward Tschupp, Manager and Chief Engineer, Department of Water, County of Kauai, transmitting the County of Kauai, Department of Water's proposed CIP projects request for State aid.

Misc. Com. No. 4, dated December 13, 2005, from Janice Wakatsuki, Vice President and Director of Human Resources, Hawaii Health Systems Corporation, transmitting the report on exempt positions with the Hawaii Health Systems Corporation.

Misc. Com. No. 5, dated December 2005, from the Hawaii Insurers Council, transmitting the report, The Effectiveness of the Hawaii Insurance Bureau's Fire Rating Program.

Misc. Com. No. 6, dated December 27, 2005, from William Takaba, Director of Finance, Finance Department, County of Hawaii, transmitting the Annual report regarding services that were outsourced and are subject to the provisions of the law.

Misc. Com. No. 7, dated January 4, 2006, from Stacy Sugimura, Government Relations/Insurance Analyst, Hawaii Insurance Bureau, Inc., transmitting amended response to December 7, 2005 response to HCR 113.

Misc. Com. No. 8, dated January 6, 2006, from Thomas M. Driskill, Jr., President/CEO, Hawaii Health Systems Corporation.

INTRODUCTIONS

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

Representative Caldwell introduced second grade students from Punahou School and their teacher, Ms. Estrel Lohmeier; and parent chaparones, Ms. Joanne Vieira, Ms. Ann Nishimura, Ms. Renee Derrickson, Ms. Tamara Chow, Ms. Kelly Shreve, and Mr. Kelly Eliban.

Representative Hale introduced her friend, Ms. Luana Jones, from the Puna District.

Representative Carroll introduced her husband, Mr. Warren Carroll of Haiku, Maui; and her pastor, Mr. John DeMello of the Eastside House of Restoration Church on Maui.

ORDER OF THE DAY

INTRODUCTION OF BILLS

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the following bills (H.B. Nos. 1846 through 1879) passed First Reading by title and were referred to Printing: (Representative Souki was excused.)

H. B. Nos.

1846 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING TAX CREDIT."

Introduced by: Representatives Kahikina, Kawakami, Nishimoto and Sonson.

1847 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF HAWAIIAN HOME LANDS."

Introduced by: Representative Kahikina.

1848 "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS."

Introduced by: Representative Kahikina.

1849 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Kahikina.

1850 "A BILL FOR AN ACT RELATING TO THE HOMELESS."

Introduced by: Representative Kahikina.

1851 "A BILL FOR AN ACT RELATING TO TRAFFIC CODE."

Introduced by: Representatives Kahikina and Shimabukuro.

1852 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONDEMNATION OF LAND IN NANAKULI, OAHU, FOR A PUBLIC HOUSING PROJECT."

Introduced by: Representatives Kahikina and Shimabukuro.

1853 "A BILL FOR AN ACT RELATING TO RENTAL HOUSING."

Introduced by: Representatives Kahikina, Arakaki, Kawakami and Nishimoto.

1854 "A BILL FOR AN ACT RELATING TO THE INVOLUNTARY TERMINATION OF PARENTAL RIGHTS OF KANAKA MAOLI."

Introduced by: Representative Kahikina, by request.

1855 "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES."

Introduced by: Representatives Sonson and Say.

1856 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."

Introduced by: Representatives Sonson, Arakaki, Cabanilla, Kawakami, Kahikina and Green.

1857 "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES."

Introduced by: Representatives Sonson, Arakaki, Kahikina and Morita.

1858 "A BILL FOR AN ACT RELATING TO THE HAWAII YOUTH CORRECTIONAL FACILITY."

Introduced by: Representatives Sonson, Arakaki, Kahikina and Morita.

1859 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Arakaki, Caldwell, Chang, Shimabukuro, Wakai and Kahikina.

1860 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Arakaki, Caldwell, Chang, Kahikina, Shimabukuro, Wakai and Waters.

1861 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Arakaki, Berg, Caldwell, Chang, Shimabukuro, Wakai and Kahikina.

1862 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Arakaki, Berg, Caldwell, Chang, Kahikina, Shimabukuro, Wakai and Waters.

1863 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Chang, Berg, Kahikina, Shimabukuro and Wakai.

1864 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Arakaki, Caldwell, Chang, Kahikina, Berg, Shimabukuro and Wakai.

1865 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION."

Introduced by: Representatives Takumi, Arakaki, Berg, Caldwell, Chang, Kahikina, Shimabukuro, Wakai and Waters.

1866 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Takumi, Arakaki, Caldwell, Wakai, Berg, Chang, Kahikina and Shimabukuro.

- 1867 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives Takumi, Berg, Caldwell, Green, Lee, Nishimoto, M. Oshiro, Shimabukuro, Arakaki, Magaoay, Tanaka and Waters.

- 1868 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representatives Takumi, Berg, Caldwell, Lee, Nishimoto, Arakaki, Magaoay, M. Oshiro, Shimabukuro, Tanaka and Waters.

- 1869 "A BILL FOR AN ACT RELATING TO ADVERTISING BY DRUG MANUFACTURERS AND DISCLOSURE OF CLINICAL TRIALS."

Introduced by: Representatives Takumi, Berg, Morita, Nishimoto, Thielen, Wakai, Caldwell, Chong and Yamashita.

- 1870 "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."

Introduced by: Representatives Takumi, Berg, Ito and Takai.

- 1871 "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES."

Introduced by: Representatives Takumi, B. Oshiro and Takai.

- 1872 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."

Introduced by: Representatives Takumi, Berg, Morita, Nishimoto, Thielen, Caldwell, Chong, Wakai and Yamashita.

- 1873 "A BILL FOR AN ACT RELATING TO PRESCRIPTIONS."

Introduced by: Representatives Takumi, Berg, Caldwell, Chong, Morita, Nishimoto, Thielen, Wakai and Yamashita.

- 1874 "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS TO CRIMINAL HISTORY."

Introduced by: Representatives Lee, Chong, Green, Ito, Morita, Nishimoto, Schatz, Shimabukuro, Tanaka, Tsuji, Wakai and Yamane.

- 1875 "A BILL FOR AN ACT RELATING TO ETHICAL MARKETING OF PRESCRIPTION DRUGS."

Introduced by: Representatives Schatz, Green, Herkes and Takumi.

- 1876 "A BILL FOR AN ACT RELATING TO GASOLINE."

Introduced by: Representatives Schatz, Morita, Green and Herkes.

- 1877 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."

Introduced by: Representatives Schatz, Kahikina, Nishimoto and Shimabukuro.

- 1878 "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT."

Introduced by: Representatives Schatz and Herkes.

- 1879 "A BILL FOR AN ACT RELATING TO VETERANS."

Introduced by: Representatives Kawakami, Cabanilla, Chang, Ito, Kahikina, Kanoho, Tanaka, Nakasone and Souki.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 1) was announced by the Clerk and was disposed of as follows:

H.R. No. 1, entitled: "HOUSE RESOLUTION RELATING TO THE CAUCUS LEADERS AND THE COMMITTEE ASSIGNMENTS OF THE HOUSE OF REPRESENTATIVES OF THE TWENTY-THIRD LEGISLATURE," was jointly offered by Representatives M. Oshiro and Finnegan.

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 1 was adopted with Representative Souki being excused.

ANNOUNCEMENTS

Representative Arakaki: "Thank you, Mr. Speaker. We have some Keiki Caucus Bills for signing in Room 414. These bills have to be introduced by tomorrow, which is the deadline. So all the Keiki Caucus Members, please go to Room 414. You have until 5:00 this afternoon to sign them. Thank you, Mr. Speaker."

Representative Halford: "Thank you, Mr. Speaker. Yesterday was a big event, and I thought it went very well. No apparent mistakes that were obvious. But basically I was really impressed on how well it went off. And I would like to take this opportunity to thank the Sergeant-at-Arms and the Clerk's Office for making that happen. Thank you."

Representative Takamine: "Mr. Speaker, thank you. Your Committee on Finance went overtime this morning and we weren't able to finish our budget briefing on the Department of Transportation. Therefore, we'll begin this afternoon, by finishing up with that before we move to our afternoon agenda."

Representative Lee: "Mr. Speaker, thank you. I would like to invite everyone including the men in the audience to sign the Women's Caucus package bills. They're on my desk in Room 421. Thank you."

Representative Ching: "Thank you, Mr. Speaker. I would also like to invite everyone who would like to attend the first ever Heritage Caucus press conference tomorrow at 10 a.m., here in the Capitol Rotunda, for those who are interested. Thank you."

Speaker Say: "Any further announcements? The Chair has one announcement for Representative Arakaki, Representative Waters, and Representative Cabanilla. Can you meet me after the session is adjourned?"

ADJOURNMENT

At 12:16 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, January 20, 2006. (Representative Souki was excused.)

THIRD DAY

Friday, January 20, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:03 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Bertha C. Kawakami, after which the Roll was called showing all members present with the exception of Representative Kanoho, who was excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 1 through 2) were received and announced by the Clerk and were placed on file:

Sen. Com. No. 1, returning H.C.R. No. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO RECESS DAYS FOR THE REGULAR SESSION OF 2006," which was adopted by the Senate on January 19, 2006.

Sen. Com. No. 2, returning H.C.R. No. 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO ADDRESS THE LEGISLATURE ASSEMBLED IN JOINT SESSION," which was adopted by the Senate on January 19, 2006.

INTRODUCTIONS

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

Students of the Future Leaders Exchange Program were introduced by the following Representatives.

Representative Tsuji, on behalf of Representative Chang, introduced Ms. Arzu Hamzayeva from Azerbaijan attending Hilo High School, accompanied by his legislative staff.

Representative Finnegan introduced Mr. Kamil Khabiyev from Russia attending Farrington High School.

Representative Ching introduced Mr. Rahat Sharshembaev from Kyrgyzstan attending Waimea High School.

Representative Marumoto introduced Ms. Krystyna Semanyuk from Ukraine attending high school on Maui.

Representative Arakaki introduced Ms. Madina Badalova from Uzbekistan attending Castle High School.

Representative Kahikina introduced Ms. Angelina Sakharovskaya from Russia attending Moanalua High School; accompanied by office assistant, Ms. Aulani Ahmad.

Representative Kahikina also introduced Pastors Boo Soares and Harry Simon of Hawaii Coalition of Christian Churches.

Representative Pine introduced students from Ewa Beach Elementary, their teacher, Ms. Darlene Cadiente; teacher, Ms. Tracy Matsui; chaperone, Ms. Joy Cole; chaperone, Ms. Rochelle Kai; accompanied by her legislative staff, Ms. Rebecca Erickson.

Representative Green introduced representatives of the Kona Catholic Charities.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following bills were referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Referred to:</u>
1787	Committee on Judiciary
1788	Committee on Finance
1789	Committee on Health, then to the Committee on Finance
1790	Committee on Finance
1791	Committee on Education, then to the Committee on Finance
1792	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
1793	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
1794	Committee on Finance
1795	Committee on Finance
1796	Committee on Consumer Protection & Commerce
1797	Committee on Labor & Public Employment, then to the Committee on Finance
1798	Committee on Finance
1799	Committee on Finance
1800	Committee on Finance
1801	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1802	Jointly to the Committee on Labor & Public Employment and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1803	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1804	Committee on Finance
1805	Committee on Transportation, then to the Committee on Judiciary
1806	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1807	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
1808	Committee on Energy & Environmental Protection, then to the Committee on Finance

1809	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Finance	1831	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
1810	Committee on Health, then to the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	1832	Committee on Energy & Environmental Protection
1811	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1833	Committee on Judiciary, then to the Committee on Finance
1812	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	1834	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment, then to the Committee on Finance
1813	Committee on Transportation, then to the Committee on Judiciary	1835	Committee on Transportation, then to the Committee on Finance
1814	Committee on Judiciary	1836	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1815	Committee on Human Services, then to the Committee on Judiciary	1837	Committee on Labor & Public Employment, then to the Committee on Judiciary
1816	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1838	Committee on Health, then to the Committee on Consumer Protection & Commerce
1817	Committee on Judiciary, then to the Committee on Finance	1839	Committee on Education, then to the Committee on Finance
1818	Committee on Tourism & Culture, then to the Committee on Judiciary	1840	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
1819	Committee on Judiciary, then to the Committee on Finance	1841	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
1820	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	1842	Committee on Judiciary
1821	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	1843	Jointly to the Committee on Education and the Committee on Agriculture, then to the Committee on Finance
1822	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	1844	Jointly to the Committee on Judiciary and the Committee on Legislative Management
1823	Committee on Finance	1845	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1824	Committee on Transportation, then to the Committee on Judiciary	1846	Committee on Housing, then to the Committee on Finance
1825	Committee on Judiciary	1847	Jointly to the Committee on Housing and the Committee on Hawaiian Affairs
1826	Committee on Judiciary	1848	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing
1827	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1849	Committee on Housing
1828	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	1850	Committee on Housing
1829	Committee on Higher Education, then to the Committee on Finance	1851	Committee on Transportation, then to the Committee on Judiciary
1830	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	1852	Committee on Housing, then to the Committee on Finance
		1853	Committee on Housing, then to the Committee on Finance
		1854	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance

1855 Committee on Human Services, then to the Committee on Finance

1856 Committee on Human Services, then to the Committee on Judiciary

1857 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

1858 Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

1859 Jointly to the Committee on Education and the Committee on Labor & Public Employment

1860 Committee on Education, then to the Committee on Finance

1861 Committee on Education

1862 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

1863 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

1864 Committee on Education, then to the Committee on Finance

1865 Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

1866 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance

1867 Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

1868 Committee on Labor & Public Employment, then to the Committee on Finance

1869 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Finance

1870 Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance

1871 Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce

1872 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Judiciary

1873 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Judiciary

1874 Committee on Judiciary

1875 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Judiciary

1876 Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce

1877 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

1878 Committee on Consumer Protection & Commerce

1879 Committee on Public Safety & Military Affairs, then to the Committee on Finance

INTRODUCTION OF BILLS

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the following bills (H.B. Nos. 1880 through 1949) passed First Reading by title and were referred to Printing: (Representative Kanoho was excused.)

H. B. Nos.

1880 "A BILL FOR AN ACT RELATING TO HARBORS."
Introduced by: Representatives Souki, Caldwell, Chong, Ito, Lee, Moses, Yamane, Nakasone, Shimabukuro and Yamashita.

1881 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION."
Introduced by: Representative Souki.

1882 "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES."
Introduced by: Representatives Souki and Lee.

1883 "A BILL FOR AN ACT RELATING TO THE JUNIOR RESERVE OFFICERS' TRAINING CORPS."
Introduced by: Representative Souki.

1884 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Shimabukuro.

1885 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A CITIZENS POLICE TRAINING PROGRAM."
Introduced by: Representatives Lee, Ito, Luke, Morita, Nishimoto, Shimabukuro, Tanaka, Thielen, Tsuji, Wakai, Yamane and Green.

1886 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representative Kahikina.

1887 "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES."
Introduced by: Representative Sonson.

1888 "A BILL FOR AN ACT RELATING TO INTERNATIONAL COOPERATION."
Introduced by: Representatives Hale, Arakaki, Cabanilla, Green, Sonson and Thielen.

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| 1889 | "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS." | 1900 | "A BILL FOR AN ACT RELATING TO THE STATE BUDGET." |
| | Introduced by: Representative Hale. | | Introduced by: Representative Say, by request. |
| 1890 | "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS." | 1901 | "A BILL FOR AN ACT RELATING TO PEDESTRIAN SAFETY." |
| | Introduced by: Representative Hale. | | Introduced by: Representatives Lee, Arakaki, Evans, Morita, Nishimoto, Shimabukuro, Souki, Tanaka and Wakai. |
| 1891 | "A BILL FOR AN ACT RELATING TO EDUCATION." | 1902 | "A BILL FOR AN ACT RELATING TO TRANSPORTATION." |
| | Introduced by: Representatives Takumi, Berg, Caldwell, Chong, Luke, Morita, M. Oshiro, Say, Takamine, Yamane, Evans, Nakasone and Wakai. | | Introduced by: Representatives Lee, Morita, Nishimoto, Shimabukuro, Tanaka, Yamane and Caldwell. |
| 1892 | "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION." | 1903 | "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS." |
| | Introduced by: Representatives Takumi and Caldwell. | | Introduced by: Representatives Lee, Morita, Caldwell, Nishimoto, Souki and Tanaka. |
| 1893 | "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION." | 1904 | "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY AT PUBLIC SCHOOLS." |
| | Introduced by: Representatives Takumi and Caldwell. | | Introduced by: Representatives Lee, Caldwell, Ito, Morita, Nishimoto, Shimabukuro, Takai, Tanaka, Thielen, Wakai, Yamane and Green. |
| 1894 | "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-EIGHTH REPRESENTATIVE DISTRICT." | 1905 | "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." |
| | Introduced by: Representative Ito. | | Introduced by: Representative Saiki, by request. |
| 1895 | "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES." | 1906 | "A BILL FOR AN ACT RELATING TO HOMESTEADS." |
| | Introduced by: Representatives Ito, Chong and Takai. | | Introduced by: Representatives Kanoho, Kawakami, Morita, Schatz, Carroll and Kahikina. |
| 1896 | "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EROSION CONTROL MEASURES ALONG KAWA STREAM IN KANEOHE, OAHU." | 1907 | "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES." |
| | Introduced by: Representatives Ito and Chong. | | Introduced by: Representative Kanoho. |
| 1897 | "A BILL FOR AN ACT RELATING TO MISSING PERSONS." | 1908 | "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES." |
| | Introduced by: Representatives Lee, Caldwell, Ito, Morita, Nishimoto, Schatz, Shimabukuro, Chong, Evans, Green, Sonson, Tanaka and Yamane. | | Introduced by: Representative Kanoho. |
| 1898 | "A BILL FOR AN ACT RELATING TO VITAL STATISTICS." | 1909 | "A BILL FOR AN ACT RELATING TO LAND USE." |
| | Introduced by: Representatives Lee, Caldwell, Ito, Luke, Marumoto, Morita, Shimabukuro, Takai, Tanaka, Thielen, Wakai, Kahikina and Yamane. | | Introduced by: Representative Kanoho. |
| 1899 | "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS." | 1910 | "A BILL FOR AN ACT RELATING TO LAND USE." |
| | Introduced by: Representatives Lee, Arakaki, Green, Ito, Marumoto, Morita, Nishimoto, Tanaka, Wakai, Yamane and Shimabukuro. | | Introduced by: Representative Kanoho. |
| | | 1911 | "A BILL FOR AN ACT RELATING TO WATER RESOURCES." |
| | | | Introduced by: Representative Kanoho. |
| | | 1912 | "A BILL FOR AN ACT RELATING TO VACANCIES." |
| | | | Introduced by: Representatives Schatz, Luke, and B. Oshiro. |

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| <p>1913 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Representatives Schatz, Berg, Kanoho, Morita, Pine, Thielen, Waters, Carroll and Evans.</p> <p>1914 "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT."

Introduced by: Representatives Takumi, Berg, Caldwell, Carroll, Chong, Evans, Green, Kahikina, Kanoho, Karamatsu, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Schatz, Shimabukuro, Takai, Waters, Yamane, Yamashita, Abinsay, Arakaki, Herkes, Ito and Wakai.</p> <p>1915 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Say, Arakaki, Kahikina, Luke, M. Oshiro and Takai.</p> <p>1916 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO EDUCATION."

Introduced by: Representatives Takai, Arakaki, Ito, Kahikina, Luke, Morita, and M. Oshiro.</p> <p>1917 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION."

Introduced by: Representatives Takai, Arakaki, Kahikina, Luke, M. Oshiro, Say and Takumi.</p> <p>1918 "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES."

Introduced by: Representatives Takai, Arakaki, Kahikina, Luke, M. Oshiro, Say and Takumi.</p> <p>1919 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Takai, Arakaki, Berg, Kahikina, Luke, Say, Shimabukuro, Takumi and Waters.</p> <p>1920 "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY MONTH."

Introduced by: Representatives Takai, Arakaki, Berg, Caldwell, Ito, Kahikina, Luke, M. Oshiro, Say, Takumi and Herkes.</p> <p>1921 "A BILL FOR AN ACT RELATING TO FERRETS."

Introduced by: Representative Takai.</p> <p>1922 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Representatives Chang, Evans, Hale, Karamatsu, Schatz, Tsuji, Yamashita, Arakaki, Kahikina, and B. Oshiro.</p> | <p>1923 "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY."

Introduced by: Representatives Chang, Caldwell, Hale, Kahikina, Karamatsu, B. Oshiro, Schatz, Tsuji, Arakaki, Cabanilla and Yamashita.</p> <p>1924 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT."

Introduced by: Representatives Chang, Cabanilla, Evans, Hale, Karamatsu, Luke, Schatz, Shimabukuro, Tsuji, Arakaki, Caldwell, Carroll, Kahikina, B. Oshiro, Takumi and Yamashita.</p> <p>1925 "A BILL FOR AN ACT RELATING TO THE ESTATE AND TRANSFER TAX."

Introduced by: Representatives B. Oshiro and Kawakami.</p> <p>1926 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Representatives B. Oshiro, Luke and Takumi.</p> <p>1927 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Representative B. Oshiro.</p> <p>1928 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representative Kanoho.</p> <p>1929 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Representative Kanoho.</p> <p>1930 "A BILL FOR AN ACT RELATING TO FISHING."

Introduced by: Representatives Kanoho, Morita and Schatz.</p> <p>1931 "A BILL FOR AN ACT RELATING TO BOATING."

Introduced by: Representative Kanoho.</p> <p>1932 "A BILL FOR AN ACT RELATING TO COUNTY ZONING."

Introduced by: Representative Kanoho.</p> <p>1933 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representative Evans.</p> <p>1934 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."

Introduced by: Representative Evans.</p> <p>1935 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representative Evans.</p> |
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1936 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representative Evans.

1937 "A BILL FOR AN ACT RELATING TO BURIALS."

Introduced by: Representatives Evans, Morita, Tanaka and Waters.

1938 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representatives Evans and Herkes.

1939 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representatives Evans, Herkes, Morita and Waters.

1940 "A BILL FOR AN ACT RELATING TO ILLEGAL DRUGS."

Introduced by: Representatives Evans, Berg, Hale and Morita.

1941 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."

Introduced by: Representatives Evans, Hale, Herkes and Morita.

1942 "A BILL FOR AN ACT RELATING TO VEHICLES."

Introduced by: Representatives Takai, Arakaki, Berg, Ito, Luke, M. Oshiro, Say, Takumi, Herkes and Souki.

1943 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TRANSFERS."

Introduced by: Representatives Takai, Arakaki, Berg, Ito, Luke, M. Oshiro, Say, Takumi, Herkes and Souki.

1944 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Takai, Arakaki, B. Oshiro, M. Oshiro, Say and Souki.

1945 "A BILL FOR AN ACT RELATING TO SOLID WASTE."

Introduced by: Representative Morita.

1946 "A BILL FOR AN ACT RELATING TO FERTILIZER."

Introduced by: Representatives Morita and Evans.

1947 "A BILL FOR AN ACT RELATING TO LIABILITY."

Introduced by: Representatives Morita, Luke, and B. Oshiro.

1948 "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT."

Introduced by: Representatives Morita and Thielen.

1949 "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN."

Introduced by: Representative Say.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 2 through 5) and concurrent resolutions (H.C.R. Nos. 3 through 6) were referred to Printing and further action was deferred:

H.R. No. 2, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH AND FUND A COMMUNITY DEVELOPMENT FUND WITH PROCEEDS GENERATED FROM THE NATIONAL REGIONAL LIBRARY FACILITY TO ASSIST HOMESTEAD COMMUNITY ASSOCIATIONS AT MANAGING AND PROVIDING SERVICES TO THEIR COMMUNITIES," was jointly offered by Representatives Kahikina, Arakaki, Berg, Kanoho, Kawakami, Morita and Waters.

H.R. No. 3, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO FUND AND CONDUCT AN ASSESSMENT OF THE INFRASTRUCTURE OF ALL RESIDENTIAL LANDS IN ORDER TO DETERMINE MAINTENANCE, REPAIR, AND REPLACEMENT NEEDS," was jointly offered by Representatives Kahikina, Arakaki, Berg, Kanoho, Kawakami, Morita and Waters.

H.R. No. 4, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ASSIST THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS TO IMPLEMENT STATEWIDE MEETINGS RELATING TO THE SALE AND TRANSFER OF HAWAIIAN HOMELAND LEASES FOR PROFIT," was jointly offered by Representatives Kahikina, Arakaki, Berg, Kawakami, Morita and Kanoho.

H.R. No. 5, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO REVIEW AND CONSIDER THE AMENDMENT OF ITS RULES RELATING TO THE ASSIGNMENT AND SUBLLETING OF HAWAIIAN HOME LANDS LEASES," was jointly offered by Representatives Kahikina, Arakaki, Berg, Kawakami, Morita, Waters and Kanoho.

H.C.R. No. 3, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH AND FUND A COMMUNITY DEVELOPMENT FUND WITH PROCEEDS GENERATED FROM THE NATIONAL REGIONAL LIBRARY FACILITY TO ASSIST HOMESTEAD COMMUNITY ASSOCIATIONS AT MANAGING AND PROVIDING SERVICES TO THEIR COMMUNITIES," was jointly offered by Representatives Kahikina, Arakaki, Berg, Kanoho, Kawakami, Morita and Waters.

H.C.R. No. 4, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO FUND AND CONDUCT AN ASSESSMENT OF THE INFRASTRUCTURE OF ALL RESIDENTIAL LANDS IN ORDER TO DETERMINE MAINTENANCE, REPAIR, AND REPLACEMENT NEEDS," was jointly offered by Representatives Kahikina, Arakaki, Berg, Kanoho, Kawakami, Morita and Waters.

H.C.R. No. 5, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ASSIST THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS TO IMPLEMENT STATEWIDE MEETINGS RELATING TO THE SALE AND TRANSFER OF HAWAIIAN HOMELAND LEASES FOR PROFIT," was jointly offered by Representatives Kahikina, Arakaki, Berg, Morita, Waters and Kanoho.

H.C.R. No. 6, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF THUA THIEN-HUE OF THE SOCIALIST REPUBLIC OF VIETNAM," was offered by Representative Hale.

ADJOURNMENT

At 12:20 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 9:00 o'clock a.m., Monday, January 23, 2006. (Representative Kanoho was excused.)

FOURTH DAY

Monday, January 23, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 9:31 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Marilyn B. Lee, after which the Roll was called showing all members present with the exception of Representatives Evans and Takamine, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 191) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 191, dated January 9, 2006, transmitting the Department of Transportation's 2004 Annual Report.

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 48) was received by the Clerk and was placed on file:

Dept. Com. No. 48, from David McClain, Interim President, University of Hawaii, transmitting the Report on the Establishment of a Task Force To Determine Whether Classification of the Offenses of Assault and Terroristic Threatening Based On The Occupation of the Victim Is Still Necessary.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following bills (H.B. Nos. 1880 through 2183) were referred to committee by the Speaker:

**HB
Nos.****Referred to:**

1880	Committee on Transportation, then to the Committee on Finance	1888	Jointly to the Committee on International Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1881	Jointly to the Committee on Transportation and the Committee on Judiciary, then to the Committee on Finance	1889	Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
1882	Jointly to the Committee on Transportation and the Committee on Judiciary, then to the Committee on Finance	1890	Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
1883	Committee on Education, then to the Committee on Finance	1891	Committee on Education, then to the Committee on Finance
1884	Committee on Education, then to the Committee on Finance	1892	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1885	Committee on Finance	1893	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1886	Committee on Housing, then to the Committee on Finance	1894	Committee on Finance
1887	Committee on Human Services	1895	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
		1896	Committee on Finance
		1897	Committee on Judiciary, then to the Committee on Finance
		1898	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
		1899	Committee on Transportation, then to the Committee on Judiciary
		1900	Committee on Finance
		1901	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
		1902	Committee on Transportation, then to the Committee on Finance
		1903	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
		1904	Jointly to the Committee on Education and the Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
		1905	Committee on Consumer Protection & Commerce
		1906	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance
		1907	Committee on Water, Land, & Ocean Resources
		1908	Committee on Water, Land, & Ocean Resources
		1909	Committee on Water, Land, & Ocean Resources
		1910	Committee on Water, Land, & Ocean Resources

1911	Committee on Water, Land, & Ocean Resources	1934	Committee on Energy & Environmental Protection, then to the Committee on Finance
1912	Jointly to the Committee on Judiciary and the Committee on Legislative Management	1935	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1913	Committee on Energy & Environmental Protection, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance	1936	Committee on Consumer Protection & Commerce
1914	Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	1937	Committee on Hawaiian Affairs, then to the Committee on Finance
1915	Committee on Health, then to the Committee on Finance	1938	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance
1916	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	1939	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
1917	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	1940	Committee on Transportation, then to the Committee on Judiciary
1918	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	1941	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1919	Committee on Higher Education, then to the Committee on Labor & Public Employment, then to the Committee on Finance	1942	Committee on Transportation, then to the Committee on Judiciary
1920	Committee on Finance	1943	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
1921	Committee on Agriculture	1944	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Finance
1922	Committee on Tourism & Culture, then to the Committee on Finance	1945	Committee on Energy & Environmental Protection, then to the Committee on Finance
1923	Committee on Tourism & Culture, then to the Committee on Judiciary, then to the Committee on Finance	1946	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
1924	Committee on Economic Development & Business Concerns, then to the Committee on Higher Education, then to the Committee on Finance	1947	Committee on Transportation, then to the Committee on Judiciary
1925	Committee on Finance	1948	Committee on Energy & Environmental Protection, then to the Committee on Finance
1926	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	1949	Committee on Finance
1927	Committee on Economic Development & Business Concerns, then to the Committee on Finance	1950	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
1928	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance	1951	Committee on Transportation, then to the Committee on Finance
1929	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1952	Committee on Energy & Environmental Protection, then to the Committee on Finance
1930	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs	1953	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
1931	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1954	Committee on Judiciary, then to the Committee on Finance
1932	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	1955	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
1933	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance		

1956	Committee on Transportation, then to the Committee on Judiciary	1978	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance
1957	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	1979	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce
1958	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1980	Committee on Consumer Protection & Commerce
1959	Committee on Judiciary	1981	Committee on Housing, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1960	Committee on Energy & Environmental Protection, then to the Committee on Finance	1982	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
1961	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance	1983	Committee on Judiciary
1962	Committee on Judiciary	1984	Committee on Judiciary
1963	Committee on Tourism & Culture, then to the Committee on Judiciary	1985	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce
1964	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1986	Committee on Transportation, then to the Committee on Judiciary
1965	Committee on Health, then to the Committee on Finance	1987	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
1966	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	1988	Committee on Transportation, then to the Committee on Judiciary
1967	Committee on Consumer Protection & Commerce	1989	Committee on Health, then to the Committee on Finance
1968	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary	1990	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Higher Education, then to the Committee on Finance
1969	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	1991	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Finance
1970	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	1992	Committee on Health, then to the Committee on Finance
1971	Committee on Energy & Environmental Protection, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance	1993	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
1972	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	1994	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment, then to the Committee on Finance
1973	Committee on Higher Education, then to the Committee on Finance	1995	Committee on Judiciary
1974	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce	1996	Committee on Health, then to the Committee on Finance
1975	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health	1997	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary
1976	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health	1998	Committee on Public Safety & Military Affairs, then to the Committee on Education, then to the Committee on Finance
1977	Committee on Judiciary	1999	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance

2000	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Tourism & Culture, then to the Committee on Judiciary	2022	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2001	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2023	Jointly to the Committee on Education and the Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2002	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then jointly to the Committee on Finance and the Committee on Legislative Management	2024	Committee on Housing, then to the Committee on Finance
2003	Committee on Energy & Environmental Protection, then to the Committee on Finance	2025	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
2004	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2026	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
2005	Committee on Education, then to the Committee on Finance	2027	Committee on Finance
2006	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2028	Committee on Labor & Public Employment, then to the Committee on Judiciary
2007	Committee on Health, then to the Committee on Finance	2029	Committee on Transportation, then to the Committee on Finance
2008	Committee on Judiciary, then to the Committee on Finance	2030	Committee on Energy & Environmental Protection, then to the Committee on Finance
2009	Committee on Judiciary, then to the Committee on Finance	2031	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance
2010	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	2032	Committee on Energy & Environmental Protection, then to the Committee on Finance
2011	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce	2033	Committee on Judiciary, then to the Committee on Finance
2012	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2034	Committee on Legislative Management, then to the Committee on Finance
2013	Committee on Housing, then to the Committee on Finance	2035	Committee on Education, then to the Committee on Finance
2014	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2036	Committee on Education, then to the Committee on Finance
2015	Committee on Finance	2037	Committee on Education, then to the Committee on Finance
2016	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2038	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2017	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2039	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
2018	Committee on Finance	2040	Committee on Higher Education, then to the Committee on Finance
2019	Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2041	Committee on Higher Education, then to the Committee on Finance
2020	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2042	Committee on Judiciary, then to the Committee on Finance
2021	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2043	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

2044	Committee on Human Services, then to the Committee on Finance	2067	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance
2045	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	2068	Committee on Housing, then to the Committee on Finance
2046	Committee on Health, then to the Committee on Consumer Protection & Commerce	2069	Committee on Human Services, then to the Committee on Finance
2047	Committee on Health, then to the Committee on Judiciary	2070	Committee on Human Services, then to the Committee on Judiciary
2048	Committee on Health, then to the Committee on Judiciary	2071	Committee on Human Services, then to the Committee on Finance
2049	Committee on Health, then to the Committee on Finance	2072	Jointly to the Committee on Health and the Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance
2050	Jointly to the Committee on Human Services and the Committee on International Affairs, then to the Committee on Judiciary	2073	Committee on Health, then to the Committee on Finance
2051	Committee on Judiciary, then to the Committee on Finance	2074	Committee on Health, then to the Committee on Finance
2052	Committee on Human Services, then to the Committee on Judiciary	2075	Committee on Transportation, then to the Committee on Finance
2053	Committee on Education, then to the Committee on Finance	2076	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
2054	Committee on Judiciary, then to the Committee on Finance	2077	Committee on Human Services, then to the Committee on Judiciary
2055	Committee on Judiciary, then to the Committee on Finance	2078	Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2056	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2079	Committee on Health, then to the Committee on Finance
2057	Jointly to the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Judiciary	2080	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
2058	Committee on Health, then to the Committee on Judiciary	2081	Committee on Education, then to the Committee on Finance
2059	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2082	Committee on Health, then to the Committee on Education, then to the Committee on Finance
2060	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2083	Committee on Health, then to the Committee on Education, then to the Committee on Finance
2061	Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2084	Committee on Health, then to the Committee on Education, then to the Committee on Finance
2062	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2085	Committee on Education, then to the Committee on Finance
2063	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2086	Committee on Health, then to the Committee on Education, then to the Committee on Finance
2064	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2087	Committee on Education, then to the Committee on Finance
2065	Jointly to the Committee on Housing and the Committee on Human Services, then to the Committee on Finance	2088	Committee on Education, then to the Committee on Finance
2066	Committee on Housing, then to the Committee on Finance	2089	Committee on Education, then to the Committee on Finance
		2090	Committee on Education, then to the Committee on Finance

2091	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2114	Committee on Judiciary
2092	Committee on Education, then to the Committee on Finance	2115	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2093	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2116	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
2094	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2117	Committee on Economic Development & Business Concerns
2095	Committee on Health, then to the Committee on Education, then to the Committee on Finance	2118	Committee on Economic Development & Business Concerns
2096	Committee on Human Services, then to the Committee on Finance	2119	Committee on Economic Development & Business Concerns
2097	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2120	Committee on Economic Development & Business Concerns
2098	Jointly to the Committee on Health and the Committee on Human Services	2121	Committee on Economic Development & Business Concerns
2099	Committee on Transportation, then to the Committee on Education, then to the Committee on Finance	2122	Committee on Judiciary
2100	Committee on Energy & Environmental Protection, then to the Committee on Finance	2123	Committee on Judiciary
2101	Jointly to the Committee on Health and the Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2124	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2102	Committee on Judiciary	2125	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2103	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	2126	Committee on Health, then to the Committee on Finance
2104	Committee on Transportation, then to the Committee on Judiciary	2127	Committee on Economic Development & Business Concerns, then to the Committee on Education, then to the Committee on Finance
2105	Committee on Health, then to the Committee on Finance	2128	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Finance
2106	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2129	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2107	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2130	Committee on Transportation, then to the Committee on Finance
2108	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2131	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
2109	Committee on Health, then to the Committee on Finance	2132	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2110	Committee on Health, then to the Committee on Finance	2133	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2111	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2134	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
2112	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	2135	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance
2113	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	2136	Committee on Judiciary

2137	Committee on Energy & Environmental Protection, then to the Committee on Finance	2160	Committee on Transportation, then to the Committee on Finance
2138	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2161	Committee on Labor & Public Employment, then to the Committee on Finance
2139	Committee on Education, then to the Committee on Finance	2162	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
2140	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	2163	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce
2141	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2164	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2142	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture	2165	Committee on Agriculture, then to the Committee on Finance
2143	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture	2166	Committee on Tourism & Culture, then to the Committee on Finance
2144	Committee on Agriculture, then to the Committee on Finance	2167	Committee on Legislative Management, then to the Committee on Finance
2145	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Tourism & Culture	2168	Committee on Hawaiian Affairs, then to the Committee on Legislative Management
2146	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary	2169	Committee on Hawaiian Affairs, then to the Committee on Finance
2147	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2170	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources
2148	Committee on Health, then to the Committee on Judiciary	2171	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2149	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2172	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2150	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2173	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2151	Committee on Finance	2174	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2152	Committee on Finance	2175	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2153	Committee on Health, then to the Committee on Finance	2176	Committee on Housing, then to the Committee on Finance
2154	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2177	Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
2155	Committee on Judiciary	2178	Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
2156	Committee on Housing, then to the Committee on Finance	2179	Jointly to the Committee on Agriculture and the Committee on Labor & Public Employment, then to the Committee on Finance
2157	Committee on Labor & Public Employment, then to the Committee on Finance	2180	Committee on Labor & Public Employment, then to the Committee on Higher Education, then to the Committee on Finance
2158	Committee on Hawaiian Affairs, then to the Committee on Labor & Public Employment, then to the Committee on Finance	2181	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2159	Committee on Health, then to the Committee on Finance		

- 2182 Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
- 2183 Jointly to the Committee on Education and the Committee on Public Safety & Military Affairs, then to the Committee on Finance

1960 "A BILL FOR AN ACT RELATING TO SPECIAL WASTES DISPOSAL RECYCLING."

Introduced by: Representative Waters, by request.

1961 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES."

Introduced by: Representative Waters, by request.

1962 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY."

Introduced by: Representative Waters, by request.

1963 "A BILL FOR AN ACT RELATING TO NO RULES COMBAT."

Introduced by: Representative Waters, by request.

1964 "A BILL FOR AN ACT RELATING TO RENEWABLE PORTFOLIO STANDARDS."

Introduced by: Representative Herkes.

1965 "A BILL FOR AN ACT RELATING TO DRUG TREATMENT."

Introduced by: Representative Herkes.

1966 "A BILL FOR AN ACT RELATING TO LEAHI HOSPITAL."

Introduced by: Representatives Herkes and Waters.

1967 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Representative Herkes.

1968 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Representative Herkes.

1969 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representative Herkes.

1970 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Representative Herkes.

1971 "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY."

Introduced by: Representative Herkes.

1972 "A BILL FOR AN ACT RELATING TO ELECTRICIANS."

Introduced by: Representative Herkes.

INTRODUCTION OF BILLS

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the following bills (H.B. Nos. 1950 through 2183) passed First Reading by title and were referred to Printing: (Representatives Evans and Takamine were excused.)

H. B. Nos.

1950 "A BILL FOR AN ACT RELATING TO TRAFFIC FINES."

Introduced by: Representative Waters.

1951 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE COUNTIES FOR STREET AND ROAD UPGRADES AND INSTALLATION AND MAINTENANCE OF TRAFFIC AND SAFETY SIGNALS AND DEVICES."

Introduced by: Representative Waters.

1952 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS."

Introduced by: Representative Waters.

1953 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Waters.

1954 "A BILL FOR AN ACT RELATING TO UNADJUDICATED TRAFFIC FINES."

Introduced by: Representative Waters.

1955 "A BILL FOR AN ACT RELATING TO LITTER CONTROL."

Introduced by: Representative Waters.

1956 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE TRANSFERS."

Introduced by: Representative Waters.

1957 "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL."

Introduced by: Representative Waters.

1958 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Waters, by request.

1959 "A BILL FOR AN ACT RELATING TO ANIMALS."

Introduced by: Representatives Waters, by request, and Chong.

1973	"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."	1986	"A BILL FOR AN ACT RELATING TO TRANSPORTATION."
	Introduced by: Representative Say.		Introduced by: Representatives Green, Hale, Lee, Nishimoto, Schatz, Sonson, Arakaki, Berg and Herkes.
1974	"A BILL FOR AN ACT RELATING TO KONA COFFEE."	1987	"A BILL FOR AN ACT RELATING TO HEALTH."
	Introduced by: Representative Herkes.		Introduced by: Representatives Green, Abinsay, Arakaki, Caldwell, Carroll, Lee, Nishimoto, Berg, Herkes, Kanoho, B. Oshiro, Shimabukuro, Souki, Takamine, Waters and Yamashita.
1975	"A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES."	1988	"A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
	Introduced by: Representative Herkes.		Introduced by: Representatives Green, Arakaki, Lee, Hale, Schatz and Souki.
1976	"A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."	1989	"A BILL FOR AN ACT RELATING TO TAXATION."
	Introduced by: Representative Herkes.		Introduced by: Representatives Green, Arakaki, Cabanilla, Chang, Hale, Herkes, Lee, Nishimoto, and B. Oshiro.
1977	"A BILL FOR AN ACT RELATING TO STRUCTURED SETTLEMENTS."	1990	"A BILL FOR AN ACT RELATING TO NURSING."
	Introduced by: Representative Herkes.		Introduced by: Representatives Green, Arakaki, Lee, Magaoay, Nishimoto, Tsuji, Luke and Wakai.
1978	"A BILL FOR AN ACT RELATING TO REAL PROPERTY DEVELOPMENT."	1991	"A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."
	Introduced by: Representative Herkes.		Introduced by: Representatives Green, Berg, Cabanilla, Hale, Ito, Lee, Nishimoto, B. Oshiro, Tsuji and Souki.
1979	"A BILL FOR AN ACT RELATING TO CONTRACTORS."	1992	"A BILL FOR AN ACT RELATING TO CIGARETTE TAX."
	Introduced by: Representative Herkes.		Introduced by: Representatives Green, Hale, Herkes, Lee, Nishimoto, B. Oshiro, Thielen, Wakai, Berg, Carroll, Luke, M. Oshiro and Waters.
1980	"A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES."	1993	"A BILL FOR AN ACT RELATING TO TELEPSYCHIATRY."
	Introduced by: Representative Herkes.		Introduced by: Representatives Green, Arakaki, Cabanilla, Hale, Halford and Sonson.
1981	"A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION."	1994	"A BILL FOR AN ACT RELATING TO FIRE PROTECTION."
	Introduced by: Representative B. Oshiro.		Introduced by: Representatives Ito, Evans, Lee, Arakaki, Cabanilla, Chong, Morita, Shimabukuro, Wakai and Yamane.
1982	"A BILL FOR AN ACT RELATING TO THE STATE FISH."	1995	"A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR."
	Introduced by: Representatives B. Oshiro, Berg, Kanoho, Kawakami, Morita, M. Oshiro, Takai and Schatz.		Introduced by: Representatives Ito, Arakaki, Cabanilla, Caldwell, Chong, Herkes, Kahikina, Lee, Luke, Morita, M. Oshiro, Shimabukuro, Yamane and Say.
1983	"A BILL FOR AN ACT RELATING TO THE JUDICIARY."	1996	"A BILL FOR AN ACT RELATING TO EXCISE TAX ON HEALTH CARE."
	Introduced by: Representatives B. Oshiro and Luke.		Introduced by: Representatives Ito, Arakaki, Cabanilla, Chong, Herkes, Lee, Yamane, Kahikina, M. Oshiro and Say.
1984	"A BILL FOR AN ACT RELATING TO CONVICTION DATA."		
	Introduced by: Representatives B. Oshiro and Luke.		
1985	"A BILL FOR AN ACT RELATING TO ONLINE PROPERTY OFFENSES."		
	Introduced by: Representatives B. Oshiro and Luke.		

1997	"A BILL FOR AN ACT RELATING TO SCHOOL SAFETY."	2008	"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DRUG NUISANCE ABATEMENT UNIT."
	Introduced by: Representatives Ito, Cabanilla, Herkes, M. Oshiro, Arakaki, Caldwell, Chong, Kahikina, Lee, Morita, Say, Shimabukuro and Yamane.		Introduced by: Representatives Finnegan, Ching, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.
1998	"A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION."	2009	"A BILL FOR AN ACT MAKING AN APPROPRIATION TO IMPLEMENT ACT 112, SESSION LAWS OF HAWAII, 2005."
	Introduced by: Representatives Ito, Berg, Chong, Evans, Lee, Shimabukuro, Yamane, Arakaki, Morita, Souki, Tanaka and Wakai.		Introduced by: Representatives Marumoto, Ching, Finnegan, Halford, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.
1999	"A BILL FOR AN ACT RELATING TO A DEPARTMENT OF CIVIL DEFENSE."	2010	"A BILL FOR AN ACT RELATING TO CORRECTIONAL TREATMENT FACILITIES."
	Introduced by: Representatives Ito, Yamane, Souki and Tanaka.		Introduced by: Representatives Moses, Ching, Finnegan, Halford, Marumoto, Meyer, Pine, Stevens, Stonebraker and Thielen.
2000	"A BILL FOR AN ACT RELATED TO FIREWORKS."	2011	"A BILL FOR AN ACT RELATING TO IDENTITY THEFT."
	Introduced by: Representatives Ito, Souki, Tanaka and Yamane.		Introduced by: Representatives Moses, Ching, Finnegan, Halford, Marumoto, Meyer, Pine, Stevens, Stonebraker and Thielen.
2001	"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE."	2012	"A BILL FOR AN ACT RELATING TO DRUGS."
	Introduced by: Representatives B. Oshiro and Thielen.		Introduced by: Representatives Marumoto, Ching, Finnegan, Meyer, Moses, Pine, Stevens and Stonebraker.
2002	"A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY."	2013	"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."
	Introduced by: Representatives B. Oshiro and Thielen.		Introduced by: Representatives Halford, Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.
2003	"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS."	2014	"A BILL FOR AN ACT RELATING TO THE EXCLUSION OF PROCEEDS FROM THE MANUFACTURE, PACKAGING, AND SALE OF FOOD FROM GENERAL EXCISE TAX LIABILITY."
	Introduced by: Representative Hale.		Introduced by: Representatives Moses, Ching, Finnegan, Halford, Marumoto, Meyer, Pine, Stevens, Stonebraker and Thielen.
2004	"A BILL FOR AN ACT RELATING TO EDUCATION."	2015	"A BILL FOR AN ACT RELATING TO THE STANDARD DEDUCTION FOR INDIVIDUAL INCOME TAX."
	Introduced by: Representatives Stonebraker, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen.		Introduced by: Representatives Meyer, Ching, Finnegan, Halford, Marumoto, Moses, Pine, Stevens, Stonebraker and Thielen.
2005	"A BILL FOR AN ACT RELATING TO SCHOOLS."	2016	"A BILL FOR AN ACT RELATING TO A LONG-TERM CARE TAX CREDIT."
	Introduced by: Representatives Thielen, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Stevens and Stonebraker.		Introduced by: Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.
2006	"A BILL FOR AN ACT RELATING TO VOLUNTARY DRUG TESTING IN SCHOOLS."	2017	"A BILL FOR AN ACT RELATING TO TAXATION."
	Introduced by: Representatives Marumoto, Ching, Finnegan, Halford, Meyer, Moses, Pine, Stevens and Stonebraker.		Introduced by: Representatives Marumoto, Ching, Finnegan, Halford, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.
2007	"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ADOLESCENT DRUG TREATMENT PROGRAMS."		
	Introduced by: Representatives Meyer, Ching, Finnegan, Halford, Marumoto, Moses, Pine, Stevens, Stonebraker and Thielen.		

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| 2018 | <p>"A BILL FOR AN ACT RELATING TO TAXATION."</p> <p>Introduced by: Representatives Marumoto, Ching, Finnegan, Halford, Moses, Pine, Stevens, Stonebraker and Thielen.</p> | 2028 | <p>"A BILL FOR AN ACT RELATING TO RESTORING THE RULEMAKING AUTHORITY OF THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS."</p> <p>Introduced by: Representatives Moses, Ching, Finnegan, Halford, Marumoto, Meyer, Pine, Stevens, Stonebraker and Thielen.</p> |
| 2019 | <p>"A BILL FOR AN ACT RELATING TO THE REDUCTION OF TAXES ON FUEL."</p> <p>Introduced by: Representatives Stonebraker, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen.</p> | 2029 | <p>"A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR STATE HARBORS."</p> <p>Introduced by: Representatives Stevens, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen.</p> |
| 2020 | <p>"A BILL FOR AN ACT RELATING TO TAXATION OF LOW EMISSION AND ENERGY-EFFICIENT VEHICLES."</p> <p>Introduced by: Representatives Thielen, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Stonebraker.</p> | 2030 | <p>"A BILL FOR AN ACT RELATING TO BIODIESEL."</p> <p>Introduced by: Representatives Thielen, Ching, Finnegan, Halford, Marumoto, Moses, Pine, Stevens and Stonebraker.</p> |
| 2021 | <p>"A BILL FOR AN ACT RELATING TO A VEHICLE CONVERSION TAX CREDIT."</p> <p>Introduced by: Representatives Thielen, Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Stonebraker.</p> | 2031 | <p>"A BILL FOR AN ACT RELATING TO AGRICULTURAL PUBLIC LAND USED TO GROW BIODIESEL PRODUCING CROPS."</p> <p>Introduced by: Representatives Halford, Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.</p> |
| 2022 | <p>"A BILL FOR AN ACT RELATING TO ENERGY."</p> <p>Introduced by: Representatives Marumoto, Ching, Finnegan, Halford, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.</p> | 2032 | <p>"A BILL FOR AN ACT RELATING TO ENERGY."</p> <p>Introduced by: Representatives Thielen, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Stonebraker.</p> |
| 2023 | <p>"A BILL FOR AN ACT RELATING TO HAWAIIAN EDUCATION."</p> <p>Introduced by: Representatives Finnegan, Ching, Marumoto, Meyer, Moses, Pine, Stevens and Thielen.</p> | 2033 | <p>"A BILL FOR AN ACT RELATING TO UNADJUDICATED TRAFFIC FINES."</p> <p>Introduced by: Representatives Finnegan, Ching, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.</p> |
| 2024 | <p>"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PROGRAMS ADDRESSING HOMELESSNESS."</p> <p>Introduced by: Representatives Finnegan, Ching, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.</p> | 2034 | <p>"A BILL FOR AN ACT RELATING TO FISCAL NOTES."</p> <p>Introduced by: Representatives Marumoto, Ching, Finnegan, Halford, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.</p> |
| 2025 | <p>"A BILL FOR AN ACT RELATING TO MEDICAL TORTS."</p> <p>Introduced by: Representatives Marumoto, Ching, Finnegan, Halford, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.</p> | 2035 | <p>"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PUBLIC SCHOOLS."</p> <p>Introduced by: Representatives Finnegan, Ching, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.</p> |
| 2026 | <p>"A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."</p> <p>Introduced by: Representatives Moses, Ching, Finnegan, Marumoto, Meyer, Pine, Stevens, Stonebraker and Thielen.</p> | 2036 | <p>"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CHARTER SCHOOLS."</p> <p>Introduced by: Representatives Finnegan, Ching, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.</p> |
| 2027 | <p>"A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."</p> <p>Introduced by: Representatives Meyer, Ching, Finnegan, Halford, Marumoto, Moses, Pine, Stevens, Stonebraker and Thielen.</p> | | |

- 2037 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SPECIAL EDUCATION SERVICES PROVIDED BY CHARTER SCHOOLS."
Introduced by: Representatives Finnegan, Ching, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.
- 2038 "A BILL FOR AN ACT RELATING TO OVERSIGHT OF THE PETROLEUM MARKET."
Introduced by: Representatives Marumoto, Ching, Finnegan, Halford, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.
- 2039 "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES."
Introduced by: Representatives Lee, Tsuji, Yamane, Tanaka, Wakai and Yamashita.
- 2040 "A BILL FOR AN ACT RELATING TO THE SENATOR HIRAM L. FONG SCHOLARSHIP PROGRAM."
Introduced by: Representatives Lee, Marumoto, Morita, Say, Tanaka, Waters and Souki.
- 2041 "A BILL FOR AN ACT RELATING TO THE SENATOR OREN E. LONG SCHOLARSHIP PROGRAM."
Introduced by: Representatives Lee, Morita, Say, Tanaka, Waters, Yamane and Souki.
- 2042 "A BILL FOR AN ACT RELATING TO AN AUTOMATED VICTIM NOTIFICATION SYSTEM."
Introduced by: Representatives Marumoto, Berg, Cabanilla, Caldwell, Chang, Ching, Evans, Finnegan, Hale, Kawakami, Lee, Meyer, Morita, Shimabukuro, Stevens, Thielen and Tsuji.
- 2043 "A BILL FOR AN ACT RELATING TO MEDICAID."
Introduced by: Representatives Shimabukuro, Berg, Caldwell, Chang, Ching, Evans, Green, Hale, Kawakami, Lee, Luke, Marumoto, Meyer, Morita, Thielen, Tsuji, Arakaki, Finnegan and Stevens.
- 2044 "A BILL FOR AN ACT RELATING TO POST-FOSTER CARE."
Introduced by: Representatives Kawakami, Arakaki, Berg, Caldwell, Chang, Ching, Hale, Marumoto, Meyer, Morita, Shimabukuro, Thielen, Tsuji, Carroll, Green, Lee and Yamane.
- 2045 "A BILL FOR AN ACT RELATING TO PERINATAL CARE."
Introduced by: Representatives Lee, Arakaki, Berg, Cabanilla, Caldwell, Carroll, Chang, Ching, Finnegan, Green, Hale, Kawakami, Luke, Marumoto, Meyer, Morita, Shimabukuro, Thielen, Tsuji, Yamane and Stevens.
- 2046 "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."
Introduced by: Representatives Shimabukuro, Arakaki, Berg, Cabanilla, Chang, Hale, Kawakami, Lee, Luke, Morita, Thielen, Tsuji, Caldwell, Green and Stevens.
- 2047 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Arakaki, Berg, Caldwell, Carroll, Green, Hale, Kawakami, Lee, Morita, Shimabukuro, Thielen, Marumoto and Stevens.
- 2048 "A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS."
Introduced by: Representatives Arakaki, Berg, Caldwell, Carroll, Evans, Finnegan, Green, Hale, Kawakami, Lee, Luke, Marumoto, Meyer, Shimabukuro, Stevens, Thielen and Tsuji.
- 2049 "A BILL FOR AN ACT RELATING TO RESTROOM FACILITIES FOR WOMEN."
Introduced by: Representatives Marumoto, Cabanilla, Chang, Hale, Meyer, Arakaki, Berg, Evans, Finnegan, Kawakami, Lee, Luke, Stevens and Tsuji.
- 2050 "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING."
Introduced by: Representatives Lee, Arakaki, Berg, Cabanilla, Caldwell, Chang, Ching, Evans, Finnegan, Hale, Kawakami, Luke, Marumoto, Meyer, Morita, Shimabukuro, Thielen, Tsuji and Stevens.
- 2051 "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING."
Introduced by: Representatives Lee, Berg, Carroll, Chang, Ching, Evans, Hale, Karamatsu, Morita, B. Oshiro, M. Oshiro, Shimabukuro, Takumi, Abinsay and Caldwell.
- 2052 "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN."
Introduced by: Representatives Kawakami, Berg, Caldwell, Carroll, Chang, Ching, Evans, Hale, Lee, Luke, Marumoto, Meyer, Morita, Shimabukuro, Tsuji and Green.
- 2053 "A BILL FOR AN ACT RELATING TO SEXUAL VIOLENCE PREVENTION EDUCATION."
Introduced by: Representatives Karamatsu, Berg, Carroll, Chang, Lee, Morita, B. Oshiro, M. Oshiro, Shimabukuro, Caldwell, Ching and Evans.
- 2054 "A BILL FOR AN ACT RELATING TO SENTENCING."
Introduced by: Representatives Karamatsu, Chang, Ching, Hale, Kawakami, Lee and Tsuji.

- 2055 "A BILL FOR AN ACT RELATING TO SEX ASSAULT SERVICES."
Introduced by: Representatives Lee, Arakaki, Berg, Cabanilla, Caldwell, Chang, Green, Hale, Kawakami, Luke, Marumoto, Thielen, Tsuji and Finnegan.
- 2056 "A BILL FOR AN ACT RELATING TO PRE-PAID PHONE CARDS."
Introduced by: Representatives Lee, Arakaki, Cabanilla, Caldwell, Carroll, Chang, Evans, Hale, Kawakami, Luke, Marumoto, Meyer, Morita, Stevens, Thielen, Tsuji, Berg, Finnegan, Green, Shimabukuro and Wakai.
- 2057 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Lee, Berg, Cabanilla, Chang, Evans, Hale, Kawakami, Luke, Meyer, Morita, Shimabukuro, Tsuji, Yamane, Arakaki, Caldwell, Marumoto and Stevens.
- 2058 "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE."
Introduced by: Representatives Lee, Arakaki, Berg, Cabanilla, Caldwell, Chang, Hale, Kawakami, Luke, Marumoto, Morita, Tsuji, Shimabukuro and Stevens.
- 2059 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Lee, Berg, Caldwell, Chang, Evans, Green, Hale, Kawakami, Luke, Marumoto, Morita, Shimabukuro, Stevens, Thielen, Tsuji and Carroll.
- 2060 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Morita, Berg, Cabanilla, Caldwell, Chang, Evans, Hale, Kawakami, Lee, Luke, Marumoto, Meyer, Shimabukuro, Thielen, Tsuji, Stevens and Yamane.
- 2061 "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS."
Introduced by: Representatives Souki, B. Oshiro, Caldwell, Chong, Herkes, Lee, Nakasone, Wakai and Yamane.
- 2062 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."
Introduced by: Representatives Souki, Caldwell, Karamatsu, Yamane, Chong, Herkes, Lee, Nakasone, Tanaka and Yamashita.
- 2063 "A BILL FOR AN ACT RELATING TO A LONG-TERM CARE RESOURCE INITIATIVE."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Chang, Ching, Finnegan, Hale, Kanoho, Lee, Meyer, Takai and Sonson.
- 2064 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILY CAREGIVER SUPPORT SERVICES."
Introduced by: Representatives Arakaki, Abinsay, Ching, Evans, Finnegan, Hale, Kanoho, Lee, Meyer, Takai, Chang and Sonson.
- 2065 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Finnegan, Green, Hale, Kahikina, Kanoho, Marumoto, Meyer, Shimabukuro, Sonson, Takai, Thielen and Evans.
- 2066 "A BILL FOR AN ACT RELATING TO HOMELESSNESS."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Evans, Finnegan, Green, Hale, Kahikina, Kanoho, Marumoto, Meyer, Shimabukuro, Sonson, Takai and Thielen.
- 2067 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Arakaki, Abinsay, Caldwell, Chang, Finnegan, Green, Hale, Kahikina, Kanoho, Marumoto, Meyer, Shimabukuro, Sonson, Takai and Thielen.
- 2068 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE RENTAL HOUSING TRUST FUND."
Introduced by: Representatives Arakaki, Abinsay, Chang, Hale, Kahikina, Kanoho, Marumoto, Shimabukuro, Takai and Thielen.
- 2069 "A BILL FOR AN ACT RELATING TO FAMILY SERVICE CENTERS."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Chang, Ching, Green, Hale, Kahikina, Kanoho, Marumoto, Meyer, Shimabukuro, Sonson, Takai and Thielen.
- 2070 "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD."
Introduced by: Representatives Arakaki, Cabanilla, Chang, Hale, Kahikina, Marumoto, Sonson, Evans, Finnegan, Green, Kanoho and Shimabukuro.
- 2071 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMISSION ON FATHERHOOD."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Chang, Green, Hale, Kahikina, Marumoto, Meyer, Shimabukuro, Sonson, Evans, Finnegan and Kanoho.
- 2072 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Arakaki, Green, Hale, Kahikina, Kanoho, Shimabukuro, Sonson, Takai and Thielen.

- 2073 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Chang, Ching, Green, Hale, Kahikina, Kanoho, Lee, Marumoto, Shimabukuro, Takai and Thielen.
- 2074 "A BILL FOR AN ACT RELATING TO JUVENILE DIABETES CURE RESEARCH."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Green, Kahikina, Marumoto, Shimabukuro, Takai, Thielen, Evans, Hale, Kanoho and Lee.
- 2075 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
Introduced by: Representatives Arakaki, Cabanilla, Chang, Finnegan, Green, Hale, Kahikina, Kanoho, Lee, Marumoto, Meyer, Shimabukuro, Sonson, Thielen and Evans.
- 2076 "A BILL FOR AN ACT RELATING TO MINORS."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Chang, Ching, Green, Hale, Kahikina, Lee, Marumoto, Shimabukuro, Sonson, Thielen, Evans and Kanoho.
- 2077 "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN."
Introduced by: Representatives Shimabukuro, Arakaki, Cabanilla, Chang, Ching, Hale, Kahikina, Lee, Marumoto, Meyer, Sonson, Takai, Abinsay, Evans, Green and Kanoho.
- 2078 "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN."
Introduced by: Representatives Shimabukuro, Arakaki, Chang, Hale, Kahikina, Lee, Marumoto, Sonson, Takai, Thielen and Green.
- 2079 "A BILL FOR AN ACT RELATING TO REPRODUCTIVE HEALTH INFORMATION."
Introduced by: Representatives Arakaki, Cabanilla, Chang, Evans, Hale, Kahikina, Lee, Marumoto, Shimabukuro, Sonson, Takai, Thielen and Kanoho.
- 2080 "A BILL FOR AN ACT RELATING TO SERVICE LEARNING."
Introduced by: Representatives Arakaki, Chang, Ching, Evans, Hale, Kahikina, Marumoto, Meyer, Takai, Thielen, Green, Kanoho, Shimabukuro and Sonson.
- 2081 "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION."
Introduced by: Representatives Arakaki, Abinsay, Caldwell, Chang, Ching, Green, Hale, Kahikina, Kanoho, Marumoto, Shimabukuro, Sonson, Takai, Thielen and Evans.
- 2082 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT FOR MIDDLE SCHOOLS."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Ching, Evans, Finnegan, Green, Hale, Kahikina, Kanoho, Lee, Marumoto, Meyer, Shimabukuro, Sonson, Takai and Thielen.
- 2083 "A BILL FOR AN ACT MAKES APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Ching, Evans, Finnegan, Green, Hale, Kahikina, Kanoho, Marumoto, Meyer, Shimabukuro, Sonson, Takai, Thielen and Lee.
- 2084 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE AND TREATMENT EDUCATION."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Ching, Evans, Green, Hale, Kahikina, Kanoho, Lee, Marumoto, Meyer, Shimabukuro, Sonson, Takai, Thielen and Finnegan.
- 2085 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT PHYSICAL ACTIVITY CURRICULUM ENHANCEMENT IN PUBLIC SCHOOLS."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Chang, Ching, Evans, Green, Hale, Kahikina, Kanoho, Marumoto, Sonson, Thielen and Shimabukuro.
- 2086 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT ADDITIONAL PHYSICAL ACTIVITY REQUIREMENT IN PUBLIC SCHOOLS."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Chang, Ching, Evans, Green, Hale, Kahikina, Kanoho, Marumoto, Thielen and Shimabukuro.
- 2087 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."
Introduced by: Representatives Arakaki, Ching, Evans, Finnegan, Green, Hale, Kahikina, Marumoto, Meyer, Shimabukuro, Thielen and Kanoho.
- 2088 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Arakaki, Abinsay, Chang, Ching, Evans, Green, Hale, Kahikina, Kanoho, Lee, Marumoto, Sonson, Takai, Thielen and Shimabukuro.
- 2089 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Takai, Arakaki, Abinsay, Chang, Ching, Evans, Green, Hale, Kahikina, Kanoho, Marumoto, Sonson, Thielen, Caldwell and Shimabukuro.

- 2090 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL REPAIR AND MAINTENANCE."
- Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Ching, Evans, Finnegan, Green, Hale, Kahikina, Kanoho, Marumoto, Meyer, Shimabukuro, Sonson, Takai and Thielen.
- 2091 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Ching, Evans, Hale, Kahikina, Kanoho, Marumoto, Meyer, Shimabukuro, Sonson, Takai, Thielen and Green.
- 2092 "A BILL FOR AN ACT RELATING TO EDUCATION."
- Introduced by: Representatives Arakaki, Abinsay, Chang, Green, Hale, Kahikina, Kanoho, Marumoto, Shimabukuro, Sonson and Thielen.
- 2093 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2, RELATING TO EDUCATION."
- Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Evans, Green, Hale, Kahikina, Kanoho, Lee, Shimabukuro, Sonson, Takai and Thielen.
- 2094 "A BILL FOR AN ACT PROPOSING A CONSTITUTIONAL AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO EDUCATION."
- Introduced by: Representatives Takai, Abinsay, Arakaki, Cabanilla, Evans, Green, Hale, Kahikina, Kanoho, Shimabukuro, Sonson and Thielen.
- 2095 "A BILL FOR AN ACT RELATING TO SUN PROTECTION."
- Introduced by: Representatives Arakaki, Abinsay, Chang, Ching, Evans, Hale, Kahikina, Lee, Meyer, Shimabukuro, Thielen and Kanoho.
- 2096 "A BILL FOR AN ACT RELATING TO INCOME TAX."
- Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Ching, Finnegan, Green, Hale, Kahikina, Kanoho, Marumoto, Shimabukuro, Sonson, Takai and Thielen.
- 2097 "A BILL FOR AN ACT RELATING TO CAREGIVERS."
- Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Green, Lee, Marumoto, Nishimoto, M. Oshiro, Sonson, Takai, Yamane and Shimabukuro.
- 2098 "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES."
- Introduced by: Representatives Arakaki, Abinsay, Berg, Ching, Finnegan, Green, Kahikina, Lee, Marumoto, Nishimoto and Takai.
- 2099 "A BILL FOR AN ACT RELATING TO DRIVER'S EDUCATION."
- Introduced by: Representatives Arakaki, Berg, Finnegan, Lee and Takumi.
- 2100 "A BILL FOR AN ACT RELATING TO SOLID WASTE."
- Introduced by: Representatives Arakaki, Schatz, Evans, Herkes, Luke and Morita.
- 2101 "A BILL FOR AN ACT RELATING TO THE EDUCATION OF CHILDREN WITH DISABILITIES."
- Introduced by: Representatives Arakaki, Cabanilla, Green, Nishimoto, Takai, Waters and Shimabukuro.
- 2102 "A BILL FOR AN ACT RELATING TO CHILDREN."
- Introduced by: Representatives Arakaki, Abinsay, Berg, Caldwell, Green, Lee, Marumoto, Sonson and Thielen.
- 2103 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Representatives Arakaki, Abinsay, Caldwell, Green, Lee and Sonson.
- 2104 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
- Introduced by: Representatives Arakaki, Caldwell, Green and Lee.
- 2105 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES."
- Introduced by: Representatives Arakaki, Cabanilla, Green, Kahikina, Lee, Nishimoto, Shimabukuro, Sonson, Wakai, Abinsay, Finnegan and Yamane.
- 2106 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."
- Introduced by: Representatives Arakaki, Green, Sonson, Cabanilla and Herkes.
- 2107 "A BILL FOR AN ACT RELATING TO A HAWAII CAREGIVER GRANT PROGRAM."
- Introduced by: Representatives Arakaki, Cabanilla, Chang, Ching, Green, Kahikina, Lee, Magaoay, Marumoto, Shimabukuro, Thielen, Abinsay, Berg, Evans, Finnegan and Wakai.
- 2108 "A BILL FOR AN ACT RELATING TO PLACEMENT OF HARMED CHILDREN."
- Introduced by: Representatives Arakaki, Cabanilla, Green, Kahikina, Nishimoto, Sonson, Shimabukuro and Yamane.
- 2109 "A BILL FOR AN ACT RELATING TO HEALTH."
- Introduced by: Representatives Arakaki, Cabanilla, Ching, Green, Lee, Marumoto, Thielen, Berg, Meyer, Morita and Wakai.

- 2110 "A BILL FOR AN ACT RELATING TO JUVENILE DIABETES CURE RESEARCH."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Ching, Green, Kahikina, Karamatsu, Lee, Marumoto, Thielen, Yamane, Finnegan and Shimabukuro.
- 2111 "A BILL FOR AN ACT RELATING TO CIGARETTES."
Introduced by: Representatives Arakaki, Green, Luke, M. Oshiro, Shimabukuro, Thielen, Berg, Herkes and Lee.
- 2112 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by: Representatives Kanoho, Chong, Kahikina, Morita, Schatz and Waters.
- 2113 "A BILL FOR AN ACT RELATING TO KULEANA LANDS."
Introduced by: Representatives Kanoho, Chong, Kahikina, Morita and Waters.
- 2114 "A BILL FOR AN ACT RELATING TO GRAFFITI."
Introduced by: Representative Berg.
- 2115 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE."
Introduced by: Representatives Tsuji, Abinsay, Berg, Cabanilla, Carroll, Hale, Ito, Kahikina, Lee, Marumoto, Morita, Moses, Schatz, Chang, Finnegan, Green, Herkes, Kanoho, Karamatsu, Meyer, M. Oshiro, Takumi, Tanaka, Wakai and Waters.
- 2116 "A BILL FOR AN ACT RELATING TO FIREARMS."
Introduced by: Representatives Tsuji, Luke, Abinsay, Arakaki, Berg, Carroll, Chang, Chong, Finnegan, Hale, Kahikina, Kanoho, Karamatsu, Lee, Meyer, Morita, Nishimoto, M. Oshiro, Schatz, Shimabukuro, Takumi, Wakai and Waters.
- 2117 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representative Karamatsu.
- 2118 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representative Karamatsu.
- 2119 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representative Karamatsu.
- 2120 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representative Karamatsu.
- 2121 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representative Karamatsu.
- 2122 "A BILL FOR AN ACT RELATING TO INCEST."
Introduced by: Representatives Yamane, Arakaki, Lee, Shimabukuro, Yamashita and Luke.
- 2123 "A BILL FOR AN ACT RELATING TO FELONY SEX CRIMES AGAINST CHILDREN."
Introduced by: Representatives Yamane, Arakaki, Lee, Shimabukuro, Luke and Yamashita.
- 2124 "A BILL FOR AN ACT RELATING TO REFERRAL TO ALCOHOL AND DRUG ABUSE SCREENING AND COUNSELING."
Introduced by: Representatives Yamane, Arakaki, Green, Lee, Morita, Nishimoto, Tanaka, Thielen and Shimabukuro.
- 2125 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT."
Introduced by: Representatives Yamane, Chong, Ito, Lee, Sonson, Tanaka and Yamashita.
- 2126 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES."
Introduced by: Representatives Yamane, Chong, Green, Lee, Shimabukuro, Yamashita, Arakaki and Magaoay.
- 2127 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Yamane, Chang and Karamatsu.
- 2128 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY EDUCATION."
Introduced by: Representatives Yamane, Chang, Karamatsu, Chong and Yamashita.
- 2129 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."
Introduced by: Representatives Yamane, Shimabukuro, Chong, Ito, Lee, Souki and Yamashita.
- 2130 "A BILL FOR AN ACT RELATING TO HARBORS."
Introduced by: Representatives Yamane, Chong, Lee, Shimabukuro, Yamashita, Nakasone and Souki.
- 2131 "A BILL FOR AN ACT RELATING TO TAX CREDITS."
Introduced by: Representatives Yamane, Ito, Tanaka, Yamashita and Luke.
- 2132 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ACQUIRE REAL PROPERTY IN WAHIAWA, OAHU."
Introduced by: Representatives Magaoay, Berg, Ito, M. Oshiro, Say, Yamane, Abinsay, Chong, Evans, Morita, Nakasone, Tanaka, Tsuji, Waters and Yamashita.

- 2133 "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM."
Introduced by: Representatives Magaoay, Berg, Evans, Ito, Morita, B. Oshiro, Say, Tsuji, Waters, Yamane, Abinsay, Chong, Tanaka and Yamashita.
- 2134 "A BILL FOR AN ACT RELATING TO WAGES."
Introduced by: Representatives Magaoay, Ching, Ito, Abinsay, Chang, Chong, Evans, Herkes, Nakasone, Tanaka, Tsuji, Yamane and Yamashita.
- 2135 "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN."
Introduced by: Representatives Schatz, Berg, Evans, Meyer, Morita and Waters.
- 2136 "A BILL FOR AN ACT RELATING TO PRIVACY."
Introduced by: Representatives Schatz, Luke, B. Oshiro and Thielen.
- 2137 "A BILL FOR AN ACT RELATING TO ENERGY CONSERVATION."
Introduced by: Representatives Schatz, Berg, Caldwell, Carroll, Evans, Kanoho, Morita, Sonson, Thielen, Waters, Herkes and Saiki.
- 2138 "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT."
Introduced by: Representatives Schatz, Kanoho, Morita, Thielen, Waters, Berg, Carroll and Pine.
- 2139 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Yamashita, Caldwell, Chong, Karamatsu, Say, Tsuji, Arakaki, Carroll, Chang, Green, Ito, Kahikina, Nakasone, M. Oshiro, Shimabukuro, Souki, Tanaka, Waters and Yamane.
- 2140 "A BILL FOR AN ACT RELATING TO LEGISLATIVE COMMITTEE PUBLIC HEARINGS."
Introduced by: Representatives Yamashita, Chong, Say, Carroll, Magaoay, Nakasone, Souki, Tanaka, Tsuji and Yamane.
- 2141 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Yamashita, Caldwell, Carroll, Chang, Chong, Green, Ito, Karamatsu, Say, Shimabukuro, Tsuji, Arakaki, Berg, Kahikina, Nakasone, M. Oshiro, Souki, Tanaka, Waters and Yamane.
- 2142 "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER."
Introduced by: Representatives Yamashita, Karamatsu, Magaoay, Say, Tsuji, Chang, Chong, Herkes, Nakasone, Souki, Tanaka and Yamane.
- 2143 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representatives Yamashita, Herkes, Karamatsu, Tsuji, Abinsay, Chang, Chong, Magaoay, Nakasone, Say, Souki, Tanaka and Yamane.
- 2144 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representatives Yamashita, Chong, Karamatsu, Magaoay, Say, Abinsay, Chang, Herkes, Nakasone, Souki, Tanaka and Yamane.
- 2145 "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM."
Introduced by: Representatives Yamashita, Abinsay, Herkes, Karamatsu, Magaoay, Tsuji, Chang, Chong, Nakasone, Say, Souki, Tanaka and Yamane.
- 2146 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representatives Yamashita, Chong, Herkes, Tsuji, Yamane, Abinsay, Chang, Karamatsu, Magaoay, Nakasone, Say, Souki and Tanaka.
- 2147 "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATING WATER STORAGE FACILITIES."
Introduced by: Representatives Yamashita, Abinsay, Chong, Karamatsu, Magaoay, Say, Tsuji, Yamane, Nakasone and Tanaka.
- 2148 "A BILL FOR AN ACT RELATING TO TOBACCO."
Introduced by: Representatives Yamashita, Arakaki, Chong, Karamatsu, Nishimoto, B. Oshiro, Say, Tsuji, Yamane, Abinsay, Carroll, Green, Luke, Nakasone, M. Oshiro, Takumi and Tanaka.
- 2149 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
Introduced by: Representatives Ito, Herkes, Arakaki, Chong, Evans, Lee, Morita, M. Oshiro, Shimabukuro and Wakai.
- 2150 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
Introduced by: Representatives Ito, Arakaki, Yamane, Chong, Kahikina and Say.
- 2151 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KOKUA LEGAL SERVICES, INCORPORATED."
Introduced by: Representative Say, by request.
- 2152 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE NA LEI WILI AREA HEALTH EDUCATION CENTER."
Introduced by: Representative Say, by request.
- 2153 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Say, by request.

- 2154 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH."
Introduced by: Representative Say, by request.
- 2155 "A BILL FOR AN ACT RELATING TO PARENTAL ALIENATION."
Introduced by: Representative Say, by request.
- 2156 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representative Say, by request.
- 2157 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."
Introduced by: Representative Say, by request.
- 2158 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW."
Introduced by: Representative Say, by request.
- 2159 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR LEAHI HOSPITAL."
Introduced by: Representative Say, by request.
- 2160 "A BILL FOR AN ACT RELATING TO HARBORS."
Introduced by: Representatives Say and Souki.
- 2161 "A BILL FOR AN ACT RELATING TO PARKING FEES."
Introduced by: Representative Say, by request.
- 2162 "A BILL FOR AN ACT RELATING TO RURAL HEALTH CARE."
Introduced by: Representative Say, by request.
- 2163 "A BILL FOR AN ACT RELATING TO KONA COFFEE."
Introduced by: Representative Say, by request.
- 2164 "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER RESOURCES."
Introduced by: Representative Say and Abinsay.
- 2165 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representatives Say and Abinsay.
- 2166 "A BILL FOR AN ACT RELATING TO BRANDING HAWAII NAME."
Introduced by: Representatives Say and Abinsay.
- 2167 "A BILL FOR AN ACT RELATING TO THE LEGISLATURE."
Introduced by: Representatives Berg, Green, Carroll, Lee and Shimabukuro.
- 2168 "A BILL FOR AN ACT RELATING TO ALOHA SPIRIT."
Introduced by: Representatives Berg, Carroll, Kahikina, Tsuji and Waters.
- 2169 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE."
Introduced by: Representatives Berg, Carroll, Green, Kahikina, Morita, Shimabukuro and Waters.
- 2170 "A BILL FOR AN ACT RELATING TO HEIAU."
Introduced by: Representatives Berg, Carroll, Morita, Shimabukuro, Waters, Evans, Green and Kahikina.
- 2171 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representatives Berg, Carroll, Morita, Kahikina, Shimabukuro and Waters.
- 2172 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by: Representatives Berg, Carroll, Kahikina, Shimabukuro and Waters.
- 2173 "A BILL FOR AN ACT RELATING TO MARINE WATERS."
Introduced by: Representatives Berg, Green, Kahikina, Waters, Carroll, Evans, Lee, Morita, Shimabukuro, Takumi and Tsuji.
- 2174 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Berg, Carroll, Green, Kahikina, Lee, Morita, Shimabukuro, Tsuji and Waters.
- 2175 "A BILL FOR AN ACT RELATING TO ENERGY."
Introduced by: Representatives Say, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hale, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, Nishimoto, M. Oshiro, B. Oshiro, Saiki, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Harbin and Souki.
- 2176 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Say, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hale, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, Nishimoto, M. Oshiro, B. Oshiro, Saiki, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Harbin and Souki.

- 2177 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION."

Introduced by: Representatives Say, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Chang, Chong, Evans, Green, Hale, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Harbin and Souki.

- 2178 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Representatives Say, Abinsay, Arakaki, Cabanilla, Caldwell, Carroll, Chang, Chong, Evans, Green, Hale, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Berg, Harbin, Morita, Nakasone and Souki.

- 2179 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Say, Abinsay, Arakaki, Cabanilla, Caldwell, Chong, Evans, Green, Hale, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Luke, Magaoay, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamashita, Harbin, Nakasone, Souki and Yamane.

- 2180 "A BILL FOR AN ACT RELATING TO LABOR."

Introduced by: Representatives Say, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Chong, Evans, Green, Hale, Herkes, Ito, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Carroll, Harbin, Nakasone and Souki.

- 2181 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."

Introduced by: Representatives Say, Abinsay, Arakaki, Caldwell, Chong, Green, Hale, Herkes, Ito, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Nakasone, B. Oshiro, M. Oshiro, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Berg, Cabanilla, Evans, Harbin, Morita, Nishimoto, Saiki and Souki.

- 2182 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Say, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Carroll, Chong, Evans, Green, Hale, Herkes, Ito, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Harbin, Nakasone and Souki.

- 2183 "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS."

Introduced by: Representatives Say, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Chong, Evans, Green, Hale, Herkes, Ito, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Schatz, Shimabukuro, Sonson, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Carroll, Harbin, Karamatsu, Saiki and Souki.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 6) and concurrent resolutions (H.C.R. Nos. 7 through 9) were referred to Printing and further action was deferred:

H.R. No. 6, entitled: "HOUSE RESOLUTION RECOGNIZING JANUARY AS CERVICAL CANCER MONTH IN HAWAII," was jointly offered by Representatives Marumoto, Arakaki, Berg, Cabanilla, Caldwell, Chang, Ching, Finnegan, Hale, Kawakami, Lee, Luke, Meyer, Morita, Shimabukuro, Thielen, Tsuji, Yamane, Carroll, Evans, Green and Stevens.

H.C.R. No. 7, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING JANUARY AS CERVICAL CANCER MONTH IN HAWAII," was jointly offered by Representatives Marumoto, Arakaki, Berg, Cabanilla, Caldwell, Chang, Ching, Finnegan, Green, Hale, Kawakami, Lee, Luke, Meyer, Morita, Shimabukuro, Thielen, Tsuji, Yamane, Carroll, Evans and Stevens.

H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," was jointly offered by Representatives Marumoto, Arakaki, Berg, Cabanilla, Caldwell, Chang, Ching, Evans, Finnegan, Green, Hale, Kawakami, Lee, Luke, Stevens, Thielen, Tsuji and Yamane.

H.C.R. No. 9, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL HAWAII SCHOOLS TO IMPLEMENT STANDARDS OF CONDUCT TO DISCOURAGE INTIMIDATION AND PROMOTE SAFE AND PEACEFUL SCHOOLS TO CREATE EFFECTIVE LEARNING ENVIRONMENTS," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Chang, Ching, Finnegan, Hale, Kahikina, Lee, Meyer, Sonson, Takai, Evans, Green, Kanoho and Shimabukuro.

ANNOUNCEMENTS

Representative Arakaki: "Thank you, Mr. Speaker, and good morning. I would like to invite you and all my colleagues to our first fellowship meeting, tomorrow at 12:30 p.m. in room 437 and join us in a moment of prayer, reflection and meditation. Thank you, Mr. Speaker."

The Chair then announced:

"If you there are no further announcements at this time, this House will stand in recess for the purpose of convening in Joint Session in this Chamber at 10 a.m. We'll convene on Wednesday, January 25 at 12:00 noon. Before calling the recess, on the desk, Members, are your referral sheets that were done over the weekend. So take a look at those referral sheets in regards to all bills."

At 9:37 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess, subject to the call of the Chair, and in accordance with House Concurrent Resolution No. 2, met in Joint Session with the Senate, to receive the Governor's State of the State Address.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Third Legislature was called to order at 10:00 o'clock a.m. by the Honorable Calvin K.Y. Say, Speaker of the House of Representatives.

The Speaker then welcomed and recognized the following honored guests:

Lt. Governor James R. Aiona, Jr., who was presented a lei by Senator Lorraine Inouye, and Mrs. Vivian Aiona, who was presented a lei by Representative Clift Tsuji;

Chief Justice Ronald T.Y. Moon, who was presented a lei by Senator Carol Fukunaga;

Congressman Ed Case, who was presented a lei by Representative Hermina Morita, and Mrs. Audrey Case, who was presented a lei by Senator Gary Hooser;

Trustee Haunani Apoliona, Chair, Office of Hawaiian Affairs, who was presented a lei by Representative Pono Chong;

Admiral William Fallon, Commander/US Pacific Command;

Rear Admiral Charles Wurster, Commander/14th Coast Guard;

Associate Supreme Court Justice Simeon Acoba, Jr.;

Associate Justice James E. Duffy, Jr., Hawaii State Supreme Court;

Associate Justice Steven H. Levinson, Hawaii State Supreme Court;

Associate Justice Paula A. Nakayama, Hawaii State Supreme Court;

Mayor Alan Arakawa, County of Maui, and Mrs. Ann Arakawa;

Mayor Bryan Baptiste, County of Kauai;

Mayor Harry Kim, County of Hawaii;

Council Chair Kaipo Asing, County of Kauai;

Council Chair Donovan Dela Cruz, City and County of Honolulu;

Council Vice Chair Robert Carroll, County of Maui;

Mr. John Henry Felix, Dean/Consular Corps of Hawaii; and

Major General Herbert Wolf (Ret.), Honorary Consul of Malaysia.

The Speaker then asked Representatives Takai, M. Oshiro and Finnegan, and Senators Kim, Hanabusa and Hogue to escort the Honorable Linda Lingle to the rostrum.

The Governor was presented with lei by Representative Thielen on behalf of the House of Representatives, and Senator Whalen on behalf of the Senate. The Speaker then presented to the Members of the Twenty-Third Legislature and the audience, the Honorable Linda Lingle, Governor of the State of Hawaii.

The Governor then addressed the Joint Session as follows:

"Mr. President, Mr. Speaker, Lt. Governor and Mrs. Aiona, members of the Legislature, Chief Justice Moon, Chair Apoliona, cabinet members, Congressman and Mrs. Case, Mayor Arakawa and Mrs. Arakawa, Mayor Baptiste, Mayor Kim, members of the counselor corps, distinguished guests, and to all the people of Hawai'i. Aloha and good morning.

"It is a great privilege to once again come before you to talk about our State's future. It is a hallmark of American democracy that governors across our nation are given the opportunity to speak freely about the challenges their states face as well as their hopes and dreams for the future. This, and other freedoms we too often take for granted, are being fought for today in distant lands across the globe. Thousands of miles away, countries that suffered under tyranny for decades are now budding democracies because of America's leadership and sacrifice.

"In the recent elections in Iraq, people walked as far as eight miles just to exercise their right to vote. Thanks to the efforts of America's armed forces, democracy is gaining a foothold in Iraq and Afghanistan, and we in America are safer. While in Iraq, our own Hawai'i National Guard 29th Brigade Combat Team conducted thousands of patrols, destroyed dozens of weapons stockpiles and detained hundreds of insurgents.

"Perhaps equally important, these American soldiers provided thousands of Iraqi citizens with clothing, food, purified water, shoes, school supplies and medical care. And they provided Iraqi citizens with a sense of hope and security that resulted in a 90% turnout for voting in the sector patrolled by the 29th Brigade. Allow me to take a moment to recognize some of our heroes who are with us this morning.

"Seated in the gallery and just recently returned home from Iraq is the Commander of the 29th Brigade, Brig. General Joe Chavez, Sgt. Major Robert Inouye, members of their brigade, and their families. Please stand and be recognized.

"These soldiers represent the more than 3,000 men and women of our Hawai'i National Guard and Army Reserve who answered the call of duty and served with honor in Iraq, Kuwait and Afghanistan.

"On behalf of all the citizens of Hawai'i, welcome home, and thank you for your sacrifice and for ensuring a safer world for future generations.

"Today, it is once again my great privilege to report on the state of our State. This year's address is made more meaningful by the presence of our soldiers.

"2005 will go down in history as one of our best years ever.

"The economic indicators are strong, investment is robust, and people are optimistic about the future.

"Our work force grew by 3% this year, one of the fastest growth rates in the nation.

"Our unemployment rate decreased to below 3%, the lowest in the nation.

"Total personal income grew by 8%, the biggest increase since 1990, and the third largest increase in the nation.

"Our gross state product, the most comprehensive measure of the economy, increased 4.7% in 2004. That is the biggest increase since 1991, and the fourth biggest increase in the nation.

"Visitor arrivals in 2005 are estimated to have reached 7.4 million, the first time in history that we had more than 7 million visitors in a year.

"And employment in the construction industry is nearing record levels.

"As strong as those numbers are, they alone don't capture the full story of our success during the past year.

"We achieved longstanding goals, from opening a new medical school in Kaka'ako, to establishing a refuge to protect our precious marine resources in the Northwestern Hawaiian Islands.

"We strengthened our ties to Asia. Our delegation to China and Korea returned with significant agreements covering education and economic development. The businesses that went on the trip already expect to generate more than \$100 million in new business.

"We regained our fiscal equilibrium because we were willing to make the tough choices, and exercise restraint in our spending.

"When I came into office in 2002, the State was spending \$215 million more than it was collecting.

"Today, rather than red ink, we are projecting a \$574 million positive balance. This is a turnaround of over three-quarters of a billion dollars in just three years.

"Now is the perfect time to share the results of this success with the people who made it possible, taxpayers who are struggling with the high cost of living, including skyrocketing housing prices and property taxes.

"It is also the right time to address many unmet needs, from dilapidated school buildings, to a lack of access to healthcare, to deteriorating public housing and a growing homeless population, to overburdened transportation systems.

"And it is obviously the best time in many years to save for the future while making smart investments in those areas that will secure a brighter tomorrow.

"I want to talk first about the least glamorous of my proposals, setting aside more money to meet unexpected challenges in the coming years.

"I am suggesting that we double the size of the State's Rainy Day Fund from \$55 million to \$110 million. Combined with the \$188 million in the Hurricane Relief Fund, this is a good start in creating a cushion for those times when the unexpected occurs.

"Putting aside more money for a rainy day is the responsible, prudent and smart thing to do. And it is exactly what responsible individuals do when they have an increase in their income, because they know that the unexpected can and will happen.

"At the same time we are putting something aside for future unexpected events, people need help right now in coping with the high cost of living.

"I want to use about half of the State's \$574 million surplus for tax relief for those who need it most.

"I was disappointed last year when my proposal to raise the standard deduction was not adopted because it meant that those struggling to make ends meet would fall further behind.

"The bottom line is that we are collecting income taxes from people who simply can't afford to pay them.

"Given our current fiscal condition and projected future revenue, we can raise the standard deduction further than I suggested last year, to 75% of the federal level.

"Moreover, raising the standard deduction helps hundreds of thousands more people than the Earned Income Tax Credit. It is simple for the State to implement, and easy for taxpayers to understand.

"I realize there are other points of view on how to get money back into the hands of our citizens, including President Bunda's call for adjusting the income tax brackets.

"I like his approach as well. That is why I am calling on the Legislature to adopt both ideas.

"Combining an increased standard deduction with a widening of the income tax brackets would reduce the tax burden by \$86 million and benefit over 80% of taxpayers and their dependents.

"It would mean that a family of four earning \$50,000 or less a year would save an estimated \$568 a year.

"This proposal alone, however, is not enough to make a real difference for families coping with higher housing costs, higher property taxes, higher car registration taxes, higher electricity rates, higher water and sewer bills, higher medical bills, and higher food prices.

"In light of higher prices for so many necessities of life, I am proposing two additional tax relief measures this year in recognition of the reality that people are facing across our State, especially the hundreds of thousands who are living paycheck to paycheck.

"First, I am suggesting that we grant a \$100 per person tax credit to those households earning \$50,000 or less a year in order to offset the taxes people pay on food, medical services and non-prescription drugs. I think it is unconscionable that we tax people for eating and getting sick. This tax credit would equal \$400 for a family of four and would benefit 707,000 taxpayers and their dependents.

"Finally, I am proposing a one-time tax refund of \$150 per exemption for all but the highest income residents. A couple with two children would receive a check for \$600 early next year. This one-time tax refund would benefit 857,000 taxpayers and their dependents.

"The advantage of including a one-time refund in the tax relief package is that it gets money to people now when they need it, but it preserves our future options since we are not committed to pay it in the coming years.

"If the Legislature enacts this \$285 million tax relief package, a family of four earning \$50,000 or less would receive \$1,568. Let me repeat how much a family would save, \$1,568. This is enough to pay a year's tuition at a community college with money left over for books, enough for a family to pay its electric bills for a year, or enough to pay off the mounting credit card debt that many are carrying.

"I don't view this session as a fight between tax relief or more money for education, or between education and saving for a rainy day, or between saving for a rainy day and securing our economic future through investments in new energy resources. I view it as a chance to literally have it all.

"Perhaps not in the exact form and amounts that each of us wants, but surely we can manage to compromise now that the treasury is full. We must resist framing the discussion in terms of either/or, but rather we should frame it in terms of how.

"Education must be one of our highest priorities, and is deserving of more support. It is our hope for a better tomorrow, both for us as

individuals and as a State. Over time, it can wash away the barriers of disadvantage.

"Almost all of us have been in a DOE or UH building that was run down, peeling paint, lack of electrical power, broken fixtures and worse. And new housing developments have created over-crowded conditions at some schools.

"I am proposing a dramatic increase of \$132.5 million for K-12 public education, including \$90 million in additional funds for school construction and repairs and maintenance. This money is on top of the \$570 million already appropriated, but not yet spent by the Department of Education for a total of \$660 million. These are big numbers, although they are not as large as some have suggested.

"Before we give the DOE a blank check, we must be certain we are getting our money's worth for the more than \$2 billion we are already spending each year on K-12 operations, and the \$570 million already approved to construct, repair and maintain our schools.

"Besides the need for a robust repair and maintenance program and new school construction, the DOE is facing a severe teacher shortage. I am proposing four laws to immediately address the shortage.

"One, allow retired DOE teachers to be hired for difficult to fill classroom positions for 24 months without any loss of retirement benefits.

"Two, start a Master Teacher Program that would pay a \$10,000 a year bonus to any of the 111 National Board Certified Teachers who agree to teach in an underperforming school for three years. They must mentor the other teachers and would be allowed to return to their original school.

"Three, create an Emergency Certified Teacher Program that would allow anyone holding a bachelor's degree or higher to teach in the subject in which they have degrees as long as they complete the substitute teacher training program or similar course.

"And four, use \$500,000 to reestablish the Hawai'i Educator Loan Program, and reduce the amount of time you must teach from 10 to 6 years in order to qualify for loan forgiveness for tuition at any certified teaching program.

"I have also included money in the Supplemental Budget for 100 more students in the College of Education at Manoa and West O'ahu and 150 more students from the community colleges who would transfer into the College of Education.

"The charter schools are an important adjunct to the traditional DOE schools. This important option for parents, students and teachers has never received fair and equal funding and we should change that this Session.

"Also, we should give the charter schools their own school district so they are able to receive funds directly from the federal government.

"This will be a net gain for our state school system.

"I am also requesting that you remove the cap on the number of charter schools so that we can establish seven new charter schools around the State that would use environmental education as their foundation. I view environmental threats as one of the most serious problems for us to address. It is increasingly important that future generations have an understanding of these issues and the choices we will face in the years ahead.

"I have included money in my Supplemental Budget to establish these seven charter schools throughout the major islands, including two on the Big Island. I hope you will give this proposal your most serious consideration.

"While public schools garner most of the education headlines, both good and bad, our University system is equally important and deserving of additional support. Last month I proposed that the UH receive an additional \$45.6 million in operating funds and \$252 million more for facilities, including \$175 million in private funding to make the dream of a West O'ahu campus a reality.

"These proposals include the money needed to repair crumbling buildings throughout the UH system, to increase campus security, expand workforce education in nursing, teaching and the construction trades; to fund the College of Pharmacy at UH-Hilo, and to support the Hawaiian Studies program.

"A good education is still the surest way to a higher-paying job, but even with rising wages, the price of rental housing and home purchase is out of reach today for too many people. The supply of rental housing has tightened and Hawai'i ranks 48th in home ownership. And as anyone knows who has visited Ala Moana Beach Park, the breakwater at Kahului Harbor on Maui and other areas across the State, the number of homeless among us is growing.

"It is simply not *pono* for our families to be living in cars, people to be sleeping in the doorways of businesses downtown or on picnic tables in our parks. There is no one silver bullet to solve the problems of homelessness and affordable housing, but there are many good ideas that can and should be enacted. We should begin by learning from our successes.

"I am proud to report that the Department of Hawaiian Home Lands has awarded more residential leases and provided more families with opportunities for home ownership in the last two years than in the entire decade of the 1990's. This fact is impressive, but let me share with you the human side of this success.

"This is a letter written to Hawaiian Homes Commission Chairman Micah Kane after the recent awarding of homestead lots in the Lai'opua subdivision on the Big Island.

"Dear Mr. Kane. I am writing to thank you and the DHHL administration for all of your love and support yesterday at the selection meeting in Kailua-Kona. I cannot express the emotion that I felt from the very beginning of the meeting. The *pule* from Kaulana Park was truly spirit filled. I did not know what to expect at this meeting. When I saw my husband's name, Wendell Kualaaui, on the big screen and heard his name called, I couldn't help but to feel an emotion of finally. Then I watched him hold his composure and his emotions through the whole process. Each and every one of you practically held everyone's hand through the entire procedure. Your administration was so organized and displayed such a sincere congratulations to each of the awardees. I don't know what it feels like to win the lottery but I imagine that this was pretty close. We all need hope in life to carry on and to have a future to look forward to. DHHL gave that to so many Hawaiians yesterday. Once again, thank you for an experience that will live in my heart forever. Aloha, Teresa A. Kualaaui."

"It is important to note that every home built by DHHL means there is one less family competing for an affordable home in the open market. DHHL's success has been so dramatic that the Building Industry Association recently named Hawaiian Homes Commission Chairman Micah Kane as its Housing Advocate of the Year.

"This Department achieved this success through many innovative programs, such as leveraging federal rural development funds, pre-selection credit reviews, and ongoing counseling to assure successful home ownership. Such approaches can serve as a model for other affordable housing programs.

"But we need more housing for our non-Hawaiian residents as well, so I am making good on my commitment to ask the Legislature to redirect Legacy Lands tax money from the general fund into our

housing funds. After all, there is no greater legacy that we can leave our children than a home they can call their own.

"Coupled with this infusion of additional State funding, I am proposing that the Legislature authorize the use of special purpose revenue bonds to encourage the construction of additional workforce housing across the State. Special purpose revenue bonds have proven to be a successful tool for funding private schools, hospitals and economic development projects. It is time to apply this tool to meeting our housing needs.

"To address the problem of homelessness, I am proposing that we spend \$10 million to renovate and repair existing homeless shelters, which have long suffered from neglect, and another \$10 million in grants for supportive housing. The importance of this funding cannot be over emphasized. Experience has shown that the homeless need more than just a roof over their head. They need services as well, substance abuse counseling, mental health treatment, and job training, that will give them the tools they need to stay off the streets. Supportive housing provides all of that in one package.

"I have submitted again this year a complete package of housing proposals, including: increased rental subsidies, a program to pay the first month's rent and security deposit, the lack of which keeps many people homeless; streamlined land use processing, and a redefinition of affordable housing in order to qualify more families.

"Lastly, we need to keep our eye on the ball and severely restrict the raiding of any of our housing funds as has been done to the tune of more than \$200 million over the last 10 years. I am proposing a new law to require that any future diversion of funds meant to finance housing projects would need a two-thirds vote of the Legislature.

"While tax relief, education and housing may be the State's most obvious needs, access to medical care and social services has also suffered during the lean years and now requires more funding. Now is the time to move forward to extend MEDICAID coverage to more low-income children and adults. I am proposing programs to extend coverage to an additional 29,000 people over the next six years, with the majority of the cost borne by the federal government.

"It is also time to restore dental coverage for needy adults, specifically preventive care for adults in the MEDICAID program. This is both the humane thing to do and the smart thing to do since a lack of preventive dental care will lead to the need for more painful and costly oral surgery for which the State would be obligated to pay.

"I spoke earlier this morning about the environmental threats we could face if we fail to teach our children the concept of good stewardship of our lands, oceans and other natural resources. And while teaching stewardship will help protect our resources over the long term, we need to invest now in various environmental programs and projects. That's why we've asked you to approve a record \$92 million budget for the Department of Land and Natural Resources that is unprecedented in scope and scale.

"The disrepair of our State parks deserves immediate attention. Residents and visitors alike expect and deserve better than broken or filthy restrooms. I have asked you for an additional \$10 million to repair our park facilities as well as additional funding to clean them more regularly and to provide nighttime security patrols. And I am again calling on the Legislature to invest in the repair and reconstruction of our small boat harbors.

"Besides this additional spending, I am proposing strict new penalties for those who illegally trespass into our forests and who steal timber, including our precious koa.

"Additionally, I am asking that revenues derived from forest reserves be used to expand and enhance forest stewardship.

"I am also proposing that we continue the successful partnerships with private landowners in order to encourage more habitat conservation plans on private lands. This law is set to expire next year.

"Respect for nature and respect for our native Hawaiian culture go hand in hand. To lose this would be to lose the very essence of our islands. A vibrant host culture enriches and benefits all of us. I pledge my continued support for those programs and efforts that preserve and perpetuate the Hawaiian culture.

"Of all the tasks that government undertakes, none is more fundamental than ensuring the safety of our citizens. The natural disasters of the past year made it clear that civil defense preparedness is a necessity, not a nicety. Last month, I announced a comprehensive emergency preparedness package. There are many components to that package, but the bottom line is this.

"First, we must harden our public and private buildings, to better resist natural disasters when they do hit.

"Second, we must be better prepared to respond before and after a disaster strikes by: modernizing our warning systems, stockpiling supplies, doubling the funds available to respond in the first hours after an emergency, and entering into an agreement with other states so we can call on them for aid when disaster strikes. We are the only state in the nation that has not yet signed that agreement and I am asking the Legislature to authorize us to do so now.

"Third, we must create additional shelter spaces including special areas for those needing medical care, and a place where people can bring their pets. We learned from Hurricane Katrina that the unwillingness to leave pets behind can lead to human death and injury.

"And finally, we must adopt severe penalties for those caught looting during or after a disaster and make it a serious crime to attack a civil defense worker.

"In addition to natural disasters, there are other, more subtle threats to our security that we must address.

"Our dependence on imported oil leaves us vulnerable to price swings and shortages of supply. Earlier this month, I proposed a sweeping set of proposals designed to move us from our decades-long overdependence on imported oil toward energy self-sufficiency based on renewable resources.

"If we are going to achieve self-sufficiency, we will need to push hard on many fronts. State government needs to lead the way by building more efficient buildings and using less oil itself. Weaning ourselves from oil won't be cost-free, but we must do so if we want our economy to survive the next time the price of a barrel of oil increases by 50%.

"I am proposing a bold new initiative to make Hawai'i the center of America's development of hydrogen as an alternate fuel source. Already internationally recognized leaders in this field have expressed interest in using Hawai'i as the place where hydrogen can move from the research phase into production.

"Additionally, we need to provide expanded tax incentives for people or businesses who install energy efficient appliances, solar hot water heating, photovoltaics or wind energy systems.

"We also need to encourage the development of biofuels as a substitute for oil, fuels through farming. Just as we want to mandate 20% alternative fuels for electricity production by 2020, we also want to adopt a standard of 20% use of biofuels in gasoline by 2020.

"The price of gasoline is just one of the challenges that we face when we drive each day. Another is gridlock on our highways. This is why I am seeking an additional \$137 million for highway

construction for projects such as: the North-South Road and Kapolei Parkway on O'ahu, the expansion of Kuhio Highway on Kaua'i, the realignment of Honoapi'ilani Highway on Maui and the design of an afternoon contra-flow zipper lane on the H-1 Freeway.

"Along with improved traffic flow, we have an obligation to make sure that pedestrians are safe when crossing the street. Just last week another senior citizen was killed by a driver while crossing the street in a marked crosswalk. This 86-year-old kupuna, who was so full of life, was on her way to buy supplies for centerpieces for her church choir. The news story said that Betty Tanaka Santiago's great grandchild asked, 'But why can't I see her anymore?'"

"My heart breaks for Mrs. Santiago's family. I am very angry about this senseless loss of life.

"I am proposing tough new measures to place traffic violators in jail and to revoke their driving privileges for failing to yield the right-of-way to a pedestrian.

"We must not abandon our search for solutions to this and other very difficult problems that continue to plague our State, most notably drug abuse.

"I am again calling on legislators to recognize that tougher penalties for repeat drug offenders and the manufacture of ice are essential if we ever hope to make a dent in this community crisis.

"But we also need to increase prevention efforts. As an example, I am proposing \$10.2 million in federal funds to expand the About Face and Healthy Lifestyles programs for at-risk youth and needy adults. This new spending will allow us to double the size of these programs.

"Director Ted Daligdig and students from the About Face program are with us today. Please stand and be recognized.

"I have shared a wide range of ideas with you today that I believe all fit into the following basic framework, ensuring that our economic prosperity continues, ensuring that we all share the benefits of that prosperity, and ensuring that we protect those things that make Hawai'i so special.

"Of all the things that make us special, one of the foremost is our diversity as a people. Remember the euphoria we all felt last year when the Little League team from Ewa Beach won the world championship? Where else would you find a team that close-knit with kids named Memea, Aliviado, Ranit, Javier, Guevara, Fe'au, Baniaga, Rosete, Enos, Aglipay, Kam and Tirpak? Just like that team, as a State we draw strength from our diversity. And we truly believe that it is right and proper to help those in need.

"These two characteristics of diversity and a desire to help others blended together for our troops as they not only fought wars in far-off lands, but helped people who were different than them. The soldiers from Hawai'i always treated the Iraqi and Afghan people with respect.

"As one of our returning National Guardsmen shared his experiences with me at a welcome home ceremony at Kalaeloa, tears came to his eyes as he spoke of having to leave the Iraqi children behind. Our ability to show aloha for others, including people from vastly different backgrounds...is one of our greatest sources of strength.

"I'm also reminded of our diversity as we begin the yearlong centennial celebration to mark the journey taken by the first 15 Sakadas who arrived on the Big Island from the Philippines in 1906. Like so many before them and so many since, they were driven by a dream, a dream of a better life, of hope and opportunity. From those humble roots, today the Filipino community makes up almost 25% of our population. Its members are among the leaders in all walks of life, from business to politics to the professions.

"Earlier this month, I had the privilege of retracing the journey of the Sakadas as part of an official delegation that traveled to the Philippines to celebrate this landmark event. That journey reminded me of the obligation that those of us in public service have to keep Hawai'i a place where diversity is respected, and where the dreams of our people, regardless of their origins, can be fulfilled.

"This is the final State of the State Address I will have the privilege of making during this term of office. I'd like to take this opportunity to thank the members of the Legislature for working with me to move our State forward. While we haven't always seen eye-to-eye, the debate has benefited the public and often made the results better.

"I'd also like to thank the 50,000 State employees, my colleagues in public service, who work hard to make life better for the citizens of this State.

"There is one State employee in particular whom I would like to recognize today. He is Francis Lum, our State's protocol officer. Mr. Lum has worked directly with five different governors, beginning with Governor Burns. He is retiring after 58 years of service, 40 as the State's protocol officer. Please join me in acknowledging the dedication and commitment of this exemplary public servant. Mr. Lum is a true public servant. It never mattered if he was working in a Democratic Administration, in a Republican Administration. Whether he was dealing with the House, the Senate, and the Executive Branch. He was exemplary and I will miss you terribly Mr. Lum.

"My final thanks go to the people of Hawai'i for giving me the chance to serve. Whether here at home, or traveling on the mainland or in foreign countries, wherever I go, whoever I talk with, I am always so full of pride because I represent the best people in the best place in the world.

"In closing I can say with gratitude and humility that the state of our State is better today than it was 3 years ago. It is better today than it was last year and if we have the political will to work together to make the correct choices during this Legislative Session, the state of our State next year be even better and stronger and more promising. Let's commit to work together to ensure that our economic prosperity continues. That we all share in the benefits of that prosperity and that we protect those things that make Hawai'i special. We have the opportunity; we have the means, now together let's seize the moment. Mahalo and God bless to all."

President Bunda then rose and stated:

"Thank you, Governor. We certainly do have a lot of work to do this session. Your proposals will be a subject of much discussion in the coming weeks and it is our hope that we can find some common ground for the good of the people of Hawaii. At this time, this Joint Session of the Legislature is now adjourned."

At 11:00 o'clock a.m., President Bunda declared the Joint Session of the House of Representatives and the Senate of the Twenty-Third Legislature adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, Wednesday, January 25, 2006.

LEGISLATIVE COMMUNICATION



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

October 31, 2005

Speaker Calvin Say
State Capitol, Rm. 431
415 South Beretania Street
Honolulu, HI 96813

Dear Speaker Say:

This is to inform you of my intent to resign my position as Representative of the 23rd House District. My resignation will be effective December 1st, 2005.

Aloha,

Galen Fox
Representative, Waikiki/Ala Moana/Kakaako

cc: Governor Linda Lingle

REPRESENTATIVE GALEN FOX, WAIKIKI/ALA MOANA/KAKAOKO
STATE CAPITOL BUILDING, ROOM 318 • HONOLULU, HAWAII • 96813
PHONE: 595-8580 • FAX: 595-8554
E-MAIL: repfox@capitol.hawaii.gov • WEBSITE: www.hawaii.net/~gfox

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 192) was received and announced by the Clerk and was placed on file:



EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

GOVERNOR'S MESSAGE
No. 192

January 16, 2006

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

Dear Speaker Say:

In accordance with the provisions of Title II, Chapter 17, Section 4 of the Hawaii Revised Statutes, it is my honor to appoint Anne V. Stevens to fill the vacancy for the unexpired term created by the resignation of Galen Fox as the member from the Twenty-Third District, House of Representatives, Twenty-Third Legislature, State of Hawaii.

Sincerely,

LINDA LINGLE

LEGISLATIVE COMMUNICATIONS



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

AFFIDAVIT OF ANNE V. STEVENS

STATE OF HAWAII)
) SS.
CITY & COUNTY OF HONOLULU)

ANNE V. STEVENS, being first duly sworn upon oath, deposes and says:

1. That she has been a resident of the State of Hawaii for not less than three years.
2. That she has attained the age of majority.
3. That she is a qualified voter of the 23rd District of the State House of Representatives to which she has been appointed by the Governor of the State of Hawaii effective January 16, 2006.

Further affiant sayeth naught.

ANNE V. STEVENS

Subscribed and sworn to before me this
17th day of January, 2006.

Patricia Mau-Shimizu
Notary Public, State of Hawaii
First Judicial Circuit
Commission expires: 12-16-09
Commission number: 93-728

PATRICIA MAU-SHIMIZU
Chief Clerk
CJ LEONG
Assistant Chief Clerk



Phone: (808) 586-6400
Fax: (808) 586-6401

HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL ROOM 027
415 SOUTH BERETANIA STREET
HONOLULU, HAWAII 96813

January 17, 2006

The Honorable Calvin K.Y. Say
Speaker, Hawaii State House
State Capitol, Room 431
Honolulu, Hawaii 96813

RE: Appointment of Anne V. Stevens
23rd District, Hawaii State House

Mr. Speaker:

I am please to inform you that ANNE V. STEVENS, the Governor's appointee of the 23rd District of the State House of Representatives to fill the vacancy created by the departure of GALEN FOX, has submitted to this Honorable Body an affidavit covering his/her qualifications which conform to the eligibility requirements of Article III, Section 6, of the Hawaii Constitution to serve as a member of this Honorable body.

Further, Chief Justice Ronald T.Y. Moon administered the oath of office pursuant to constitutional mandate to Ms. Stevens on this date.

Sincerely,

PATRICIA MAU-SHIMIZU
House Clerk

FIFTH DAY

Wednesday, January 25, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:00 o'clock noon, with the Speaker presiding.

The invocation was delivered by Mr. Christopher Lee, legislative aide to Representative Luke, after which the Roll was called showing all members present with the exception of Representatives Kawakami and Schatz, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 193 through 195) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 193, dated December 16, 2005, transmitting the Condominium Dispute Resolution Pilot Program Report.

Gov. Msg. No. 194, dated December 16, 2005, transmitting the Medical Claims Conciliation Panel Annual Report.

Gov. Msg. No. 195, dated January 23, 2006, transmitting the Department of Business, Economic Development, and Tourism's Report on 2006 Goals and Objectives.

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 49) was received by the Clerk and was placed on file:

Dept. Com. No. 49, dated January 23, 2006, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report, Audit of the Department of Human Services' Temporary Assistance for Needy Families Program.

INTRODUCTION

The following introduction was made to the members of the House:

Representative Kahikina introduced his friend, Mr. Van Diamond.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following bills (H.B. Nos. 2184 through 2387) were referred to committee by the Speaker:

H.B.
Nos.

Referred to:

	2186	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
	2187	Committee on Health, then to the Committee on Finance
	2188	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
	2189	Committee on Finance
	2190	Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance
	2191	Committee on Transportation, then to the Committee on Judiciary
	2192	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
	2193	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
	2194	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance
	2195	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
	2196	Committee on Consumer Protection & Commerce
	2197	Committee on Consumer Protection & Commerce
	2198	Committee on Finance
	2199	Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns, then to the Committee on Judiciary
	2200	Committee on Finance
	2201	Committee on International Affairs
	2202	Committee on International Affairs
	2203	Committee on International Affairs
	2204	Committee on Hawaiian Affairs, then to the Committee on Finance
	2205	Committee on Finance
2184	2206	Committee on Judiciary, then to the Committee on Finance
	2207	Committee on Judiciary
2185	2208	Committee on Judiciary
	2209	Committee on Judiciary

2210	Committee on Finance	2231	Committee on Judiciary
2211	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2232	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2212	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2233	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2213	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2234	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Judiciary
2214	Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2235	Committee on Energy & Environmental Protection, then to the Committee on Finance
2215	Committee on Transportation, then to the Committee on Finance	2236	Jointly to the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2216	Jointly to the Committee on Transportation and the Committee on Health, then to the Committee on Finance	2237	Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance
2217	Committee on Transportation, then to the Committee on Judiciary	2238	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2218	Committee on Judiciary	2239	Committee on Housing, then to the Committee on Finance
2219	Committee on Finance	2240	Committee on Housing, then to the Committee on Finance
2220	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Transportation, then to the Committee on Finance	2241	Committee on Education, then to the Committee on Finance
2221	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	2242	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
2222	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2243	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment, then to the Committee on Finance
2223	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2244	Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2224	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2245	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2225	Committee on Human Services, then to the Committee on Finance	2246	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance
2226	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2247	Committee on Finance
2227	Committee on Labor & Public Employment, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance	2248	Committee on Housing, then to the Committee on Finance
2228	Committee on Judiciary	2249	Committee on Finance
2229	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2250	Committee on Judiciary
2230	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2251	Committee on Education
		2252	Committee on Public Safety & Military Affairs, then to the Committee on Finance

2253	Committee on Agriculture, then to the Committee on Finance	2276	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
2254	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2277	Committee on Judiciary, then to the Committee on Finance
2255	Committee on Finance	2278	Committee on Judiciary, then to the Committee on Finance
2256	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2279	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2257	Committee on Human Services, then to the Committee on Finance	2280	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
2258	Committee on Human Services, then to the Committee on Finance	2281	Committee on Judiciary
2259	Committee on Legislative Management, then to the Committee on Finance	2282	Committee on Judiciary
2260	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2283	Committee on Judiciary, then to the Committee on Finance
2261	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2284	Committee on Judiciary, then to the Committee on Finance
2262	Committee on Judiciary, then to the Committee on Finance	2285	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2263	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance	2286	Committee on Judiciary
2264	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	2287	Committee on Judiciary
2265	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance	2288	Committee on Judiciary, then to the Committee on Finance
2266	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	2289	Committee on Judiciary
2267	Committee on Transportation, then to the Committee on Finance	2290	Committee on Judiciary
2268	Committee on Finance	2291	Committee on Judiciary, then to the Committee on Finance
2269	Committee on Judiciary, then to the Committee on Finance	2292	Committee on Judiciary
2270	Committee on Legislative Management, then to the Committee on Finance	2293	Committee on International Affairs, then to the Committee on Judiciary
2271	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance	2294	Committee on Judiciary
2272	Committee on Agriculture, then to the Committee on Finance	2295	Committee on Judiciary
2273	Committee on Finance	2296	Committee on Judiciary
2274	Committee on Finance	2297	Committee on Judiciary
2275	Committee on Finance	2298	Committee on Health, then to the Committee on Judiciary
		2299	Committee on Judiciary
		2300	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
		2301	Committee on Judiciary
		2302	Committee on Judiciary
		2303	Committee on Judiciary
		2304	Committee on Judiciary

2305	Committee on Transportation, then to the Committee on Judiciary	2328	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2306	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary	2329	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2307	Committee on Tourism & Culture, then to the Committee on Finance	2330	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2308	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Higher Education, then to the Committee on Finance	2331	Committee on Consumer Protection & Commerce
2309	Committee on Labor & Public Employment, then to the Committee on Finance	2332	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce
2310	Committee on Labor & Public Employment, then to the Committee on Finance	2333	Committee on Health, then to the Committee on Consumer Protection & Commerce
2311	Committee on Labor & Public Employment, then to the Committee on Finance	2334	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce
2312	Committee on Finance	2335	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce
2313	Committee on Consumer Protection & Commerce	2336	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2314	Committee on Energy & Environmental Protection, then to the Committee on Finance	2337	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2315	Committee on Consumer Protection & Commerce	2338	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2316	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2339	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
2317	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Labor & Public Employment	2340	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
2318	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	2341	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Health, then to the Committee on Judiciary
2319	Committee on Consumer Protection & Commerce	2342	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2320	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Labor & Public Employment, then to the Committee on Finance	2343	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
2321	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2344	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2322	Committee on Consumer Protection & Commerce	2345	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2323	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2346	Committee on Education, then to the Committee on Finance
2324	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Labor & Public Employment, then to the Committee on Judiciary	2347	Committee on Education, then to the Committee on Finance
2325	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2348	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
2326	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary		
2327	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary		

2349	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2367	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services, then to the Committee on Judiciary
2350	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance	2368	Committee on Housing, then to the Committee on Judiciary
2351	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2369	Committee on Housing, then to the Committee on Judiciary
2352	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2370	Committee on Human Services, then to the Committee on Finance
2353	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	2371	Jointly to the Committee on Human Services and the Committee on Judiciary, then to the Committee on Finance
2354	Jointly to the Committee on Housing and the Committee on Legislative Management, then to the Committee on Finance	2372	Committee on Labor & Public Employment, then to the Committee on Judiciary
2355	Committee on Housing, then to the Committee on Finance	2373	Committee on Labor & Public Employment, then to the Committee on Finance
2356	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2374	Committee on Health, then to the Committee on Finance
2357	Committee on Housing, then to the Committee on Finance	2375	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2358	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2376	Committee on Health, then to the Committee on Finance
2359	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2377	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2360	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2378	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2361	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2379	Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Judiciary
2362	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2380	Jointly to the Committee on Labor & Public Employment and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2363	Jointly to the Committee on Higher Education and the Committee on Human Services, then to the Committee on Finance	2381	Committee on Energy & Environmental Protection, then to the Committee on Finance
2364	Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Judiciary	2382	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
2365	Committee on Human Services, then to the Committee on Judiciary	2383	Committee on Energy & Environmental Protection, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance
2366	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2384	Committee on Health, then to the Committee on Finance
		2385	Committee on Health, then to the Committee on Finance
		2386	Committee on Energy & Environmental Protection, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance

2387 Committee on Energy & Environmental Protection, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

H.B. Nos.

Re-referred to:

2063 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2064 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2107 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance

2128 Committee on Education, then jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Finance

INTRODUCTION OF BILLS

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the following bills (H.B. Nos. 2184 through 3261) laying on the Clerk's desk and received up to 6:00 o'clock p.m. passed First Reading by title and were referred to Printing: (Representatives Kawakami and Schatz were excused.)

H. B. Nos.

2184 "A BILL FOR AN ACT RELATING TO WATER RESOURCES."

Introduced by: Representatives Schatz, Berg, Cabanilla, Green, Lee, Luke, Morita, Nishimoto, B. Oshiro, M. Oshiro, Shimabukuro, Sonson, Tsuji, Wakai, Waters, Arakaki, Caldwell, Evans, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Magaoay, Saiki, Souki, Takumi, Tanaka and Yamashita.

2185 "A BILL FOR AN ACT RELATING TO AGING IN PLACE TAX CREDIT."

Introduced by: Representative Schatz.

2186 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."

Introduced by: Representative Kahikina.

2187 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES."

Introduced by: Representatives Magaoay, Abinsay, Arakaki, Chong, Ito, Meyer, M. Oshiro, Say, Shimabukuro, Waters, Yamane, Tanaka and Yamashita.

2188 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF WAIMEA VALLEY, OAHU."

Introduced by: Representatives Magaoay, Abinsay, Berg, Evans, Herkes, Ito, Kanoho, Meyer, Morita, B. Oshiro, M. Oshiro, Say, Schatz, Shimabukuro, Tsuji, Waters, Yamane, Yamashita, Chong, Nakasone and Tanaka.

2189 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."

Introduced by: Representatives Magaoay, Caldwell, Tsuji, Abinsay, Chang, Shimabukuro, Takumi, Waters and Yamane.

2190 "A BILL FOR AN ACT RELATING TO RETIREMENT BENEFITS FOR REGISTERED PROFESSIONAL NURSES."

Introduced by: Representatives Lee, Morita, Takai, Takumi, Waters and Souki.

2191 "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF ALCOHOL."

Introduced by: Representatives Lee, Arakaki, Cabanilla, Green, Morita, Takai, Thielen, Waters and Souki.

2192 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."

Introduced by: Representatives Lee, Arakaki, Green, Morita, Takai and Waters.

2193 "A BILL FOR AN ACT RELATING TO THE PEARL HARBOR TUNNEL FEASIBILITY STUDY."

Introduced by: Representatives Cabanilla, M. Oshiro, Arakaki, Green, Lee, Nishimoto, Say, Sonson, Souki and Waters.

2194 "A BILL FOR AN ACT RELATING TO REAL PROPERTY."

Introduced by: Representatives Cabanilla, Luke, Sonson, Abinsay, Herkes, B. Oshiro, M. Oshiro and Souki.

2195 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Cabanilla, Green, Abinsay, Arakaki, Ching, Chong, Herkes, Nishimoto, M. Oshiro, Say and Sonson.

2196 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Cabanilla, Meyer, Abinsay, Arakaki, Chong, Green, Herkes, Nishimoto, M. Oshiro, Say, Sonson and Waters.

2197 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Cabanilla, Green, Luke, Abinsay, Arakaki, Chong, Herkes, Nishimoto, M. Oshiro, Say, Schatz, Sonson and Waters.

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| <p>2198 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MILILANI MIDDLE SCHOOL."</p> <p>Introduced by: Representatives Lee and Yamane.</p> <p>2199 "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT."</p> <p>Introduced by: Representative Hale.</p> <p>2200 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR PAHOA HIGH AND INTERMEDIATE SCHOOL."</p> <p>Introduced by: Representative Hale.</p> <p>2201 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."</p> <p>Introduced by: Representative Hale.</p> <p>2202 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."</p> <p>Introduced by: Representative Hale.</p> <p>2203 "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS."</p> <p>Introduced by: Representative Hale.</p> <p>2204 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."</p> <p>Introduced by: Representatives Saiki, Kanoho and Carroll.</p> <p>2205 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-SECOND REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representative Cabanilla.</p> <p>2206 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO SEXUAL ASSAULT."</p> <p>Introduced by: Representatives B. Oshiro and Luke.</p> <p>2207 "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT."</p> <p>Introduced by: Representatives B. Oshiro and Luke.</p> <p>2208 "A BILL FOR AN ACT RELATING TO COUNTIES."</p> <p>Introduced by: Representatives B. Oshiro and Luke.</p> <p>2209 "A BILL FOR AN ACT RELATING TO PROPERTY DAMAGE."</p> <p>Introduced by: Representatives B. Oshiro, Finnegan, Takai and Wakai.</p> | <p>2210 "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL."</p> <p>Introduced by: Representatives B. Oshiro, Takai, Takumi and Nakasone.</p> <p>2211 "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION."</p> <p>Introduced by: Representatives B. Oshiro and Caldwell.</p> <p>2212 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE."</p> <p>Introduced by: Representatives B. Oshiro, Luke, Berg and Takumi.</p> <p>2213 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE ASSESSMENTS FOR UNINSURED STUDENTS."</p> <p>Introduced by: Representatives B. Oshiro, Berg and Takumi.</p> <p>2214 "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX."</p> <p>Introduced by: Representatives Souki and Lee.</p> <p>2215 "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY."</p> <p>Introduced by: Representatives Souki and Lee.</p> <p>2216 "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES."</p> <p>Introduced by: Representatives Souki and Lee.</p> <p>2217 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."</p> <p>Introduced by: Representatives Souki and Lee.</p> <p>2218 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS."</p> <p>Introduced by: Representatives Berg and Stonebraker.</p> <p>2219 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FOURTEENTH, FIFTEENTH, AND SIXTEENTH REPRESENTATIVE DISTRICTS."</p> <p>Introduced by: Representatives Kawakami, Kanoho and Morita.</p> <p>2220 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."</p> <p>Introduced by: Representatives Tsuji, Abinsay, Arakaki, Green, Hale, Herkes, Lee, Magaoay, Morita, Shimabukuro, Sonson, Waters, Yamashita, Cabanilla, Finnegan, Nakasone and Tanaka.</p> |
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- 2221 "A BILL FOR AN ACT RELATING TO HUNTING."
Introduced by: Representatives Tsuji, Abinsay, Cabanilla, Chang, Ching, Herkes, Karamatsu, Magaoay, Marumoto, Shimabukuro, Sonson, Waters, Yamashita, Arakaki, Green, Hale, Lee, Nakasone, Takumi and Tanaka.
- 2222 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE REFUNDABLE CAREGIVER TAX CREDIT."
Introduced by: Representatives Arakaki, Cabanilla, Green, Hale, Kahikina and Sonson.
- 2223 "A BILL FOR AN ACT RELATING TO CARE HOMES."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Green, Hale, Kahikina, Karamatsu, Magaoay, Sonson and Finnegan.
- 2224 "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Finnegan, Green, Hale, Karamatsu, Magaoay and Sonson.
- 2225 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HUMAN SERVICES."
Introduced by: Representatives Arakaki, Cabanilla, Green, Hale and Sonson.
- 2226 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
Introduced by: Representatives Arakaki, Cabanilla, Hale, Sonson, Green and Kahikina.
- 2227 "A BILL FOR AN ACT RELATING TO WAGES."
Introduced by: Representatives Meyer, Ching, Finnegan, Marumoto, Moses, Pine, Stonebraker, Thielen and Stevens.
- 2228 "A BILL FOR AN ACT RELATING TO PORNOGRAPHY."
Introduced by: Representatives Meyer, Chang, Ching, Finnegan, Magaoay, Marumoto, Moses, Stonebraker, Thielen, Ito, Stevens, Tanaka and Tsuji.
- 2229 "A BILL FOR AN ACT RELATING TO PAROLE."
Introduced by: Representatives Meyer, Cabanilla, Chang, Finnegan, Marumoto, Moses, Stonebraker, Berg, Evans, Ito, Magaoay, Pine, Shimabukuro, Stevens, Tanaka and Tsuji.
- 2230 "A BILL FOR AN ACT RELATING TO IDENTITY THEFT."
Introduced by: Representatives Meyer, Chang, Ching, Evans, Finnegan, Marumoto, Moses, Pine, Stonebraker, Thielen, Berg, Cabanilla, Ito, Magaoay, Shimabukuro, Stevens, Tanaka, Tsuji and Wakai.
- 2231 "A BILL FOR AN ACT RELATING TO CRIMES AGAINST UNBORN CHILDREN."
Introduced by: Representatives Meyer, Finnegan, Moses, Stonebraker, Ching, Ito, Magaoay, Stevens, Tanaka and Tsuji.
- 2232 "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS."
Introduced by: Representatives Caldwell, Berg, Evans, Lee, Luke, Shimabukuro, Waters, Chong, Morita, Nishimoto, M. Oshiro and Takumi.
- 2233 "A BILL FOR AN ACT RELATING TO CONDEMNATION."
Introduced by: Representatives Caldwell, Berg, Evans, Lee, Luke, M. Oshiro, Schatz, Takai, Waters, Chong, Herkes, Souki, Takumi, Tanaka and Yamashita.
- 2234 "A BILL FOR AN ACT RELATING TO MOTOR SCOOTERS."
Introduced by: Representatives Caldwell, Berg, Cabanilla, Chong, Lee, Luke, Morita, Nishimoto, Schatz, Takai, Waters, Chang, Evans, Herkes, Ito, Karamatsu, Nakasone, M. Oshiro, Shimabukuro, Souki, Takumi, Tanaka, Yamane and Yamashita.
- 2235 "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES."
Introduced by: Representatives Caldwell, Berg, Evans, Karamatsu, Luke, Morita, M. Oshiro, Schatz, Waters and Herkes.
- 2236 "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT OFFICERS."
Introduced by: Representatives Caldwell, Takai, Takumi, Waters, Abinsay, Arakaki, Berg, Kahikina, Magaoay, M. Oshiro, Schatz, Shimabukuro, Tanaka, Yamane and Yamashita.
- 2237 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT."
Introduced by: Representatives Caldwell, Abinsay, Berg, Morita, M. Oshiro, Schatz, Shimabukuro, Takai, Takumi, Waters, Arakaki, Chang, Chong, Evans, Karamatsu, Nakasone, Souki, Tanaka, Yamane and Yamashita.
- 2238 "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS."
Introduced by: Representative Kahikina.
- 2239 "A BILL FOR AN ACT RELATING TO LAND ACQUISITION."
Introduced by: Representative Kahikina.
- 2240 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."
Introduced by: Representative Kahikina.

- 2241 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Kahikina.
- 2242 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."
Introduced by: Representative Kahikina.
- 2243 "A BILL FOR AN ACT RELATING TO AN AIRPORT AUTHORITY."
Introduced by: Representative Souki.
- 2244 "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY."
Introduced by: Representatives Chang, Herkes, M. Oshiro, Schatz, Arakaki, Cabanilla, Caldwell, Kahikina, Magaoay, Nakasone, Souki, Tanaka, Tsuji, Waters and Yamashita.
- 2245 "A BILL FOR AN ACT RELATING TO BUSINESS ENERGY TAX CREDIT."
Introduced by: Representatives Chang, Abinsay, Arakaki, Berg, Caldwell, Lee, Magaoay, Morita, M. Oshiro, Schatz, Tsuji, Waters, Yamane, Yamashita, Kahikina, Nakasone, Souki and Tanaka.
- 2246 "A BILL FOR AN ACT RELATING TO ETHANOL CONTENT."
Introduced by: Representatives Chang, Cabanilla, Caldwell, Kahikina, Tsuji, Wakai, Abinsay, Arakaki, Kawakami, Lee, Magaoay, Nakasone, Souki, Takumi, Tanaka, Yamane and Yamashita.
- 2247 "A BILL FOR AN ACT RELATING TO TOURISM."
Introduced by: Representatives Chang, Abinsay, Cabanilla, Hale, Karamatsu, Magaoay, Tsuji, Yamashita, Evans, Marumoto and Wakai.
- 2248 "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA."
Introduced by: Representative Hale.
- 2249 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE THIRTY-SEVENTH REPRESENTATIVE DISTRICT."
Introduced by: Representatives Yamane and Lee.
- 2250 "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS."
Introduced by: Representatives Yamane, Arakaki, Chong, Lee, Sonson, Yamashita, Luke and Tsuji.
- 2251 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Yamane, Carroll, Chong, Karamatsu, Lee, Tsuji and Yamashita.
- 2252 "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS."
Introduced by: Representatives Yamane, Ito, Lee and Yamashita.
- 2253 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONVERT THE DEPARTMENT OF AGRICULTURE'S ANIMAL QUARANTINE SHELTER INTO AN ANIMAL SHELTER TO BE USED DURING DISASTERS."
Introduced by: Representatives Yamane, Ito, Lee and Yamashita.
- 2254 "A BILL FOR AN ACT RELATING TO A STATE TAX HOLIDAY."
Introduced by: Representatives Yamane, Lee, Chong, Herkes, Magaoay, Nakasone, Souki and Yamashita.
- 2255 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE NINTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Nakasone.
- 2256 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."
Introduced by: Representatives Sonson, Cabanilla, Kanoho, Karamatsu, Marumoto, Morita, Herkes and Souki.
- 2257 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
Introduced by: Representatives Sonson, Abinsay, Cabanilla, Kahikina and Berg.
- 2258 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
Introduced by: Representatives Sonson, Abinsay, Cabanilla, Kahikina, Say and Yamane.
- 2259 "A BILL FOR AN ACT RELATING TO OFFICE OF THE LEGISLATIVE ANALYST."
Introduced by: Representatives Sonson, Abinsay, Arakaki, Berg, Cabanilla, Chang, Kahikina, Kanoho, Karamatsu, Magaoay, Morita, Say, Tsuji, Wakai, Herkes, Ito, Lee, Shimabukuro, Souki and Tanaka.
- 2260 "A BILL FOR AN ACT RELATING TO SMOKING."
Introduced by: Representatives Arakaki, Berg, Carroll, Green, Kahikina, Kawakami, Lee, Morita, Nishimoto, Schatz, Shimabukuro, Tanaka, Wakai, Abinsay, Herkes and Magaoay.
- 2261 "A BILL FOR AN ACT RELATING TO VIOLENT VIDEO GAMES."
Introduced by: Representatives Arakaki, Green, Kahikina, Lee, Marumoto, Morita, Abinsay, Berg, Carroll, Herkes, Kawakami, Magaoay, Schatz, Shimabukuro and Tanaka.

2262 "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING."

Introduced by: Representatives Arakaki, Abinsay, Berg, Carroll, Green, Herkes, Kahikina, Lee, Magaoay, Marumoto, Morita, Nishimoto, Schatz, Shimabukuro, Tanaka, Wakai and Halford.

2263 "A BILL FOR AN ACT RELATING TO CONTROLLING INVASIVE SPECIES."

Introduced by: Representatives Chong, Ito, Tsuji, Waters, Yamane, Yamashita, Souki and Tanaka.

2264 "A BILL FOR AN ACT RELATING TO STREET LIGHTING."

Introduced by: Representatives Chong, Ito, Lee, Morita, Schatz, Thielen, Tsuji, Waters, Yamane, Yamashita and Tanaka.

2265 "A BILL FOR AN ACT RELATING TO CORRECTIONS."

Introduced by: Representative Chong.

2266 "A BILL FOR AN ACT RELATING TO CONTRACTORS."

Introduced by: Representative Chong, by request.

2267 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representatives Chong, Ito, Tanaka, Waters, Souki, Tsuji, Yamane and Yamashita.

2268 "A BILL FOR AN ACT RELATING TO TAX EXEMPTION."

Introduced by: Representatives Chong, Waters, Yamashita, Tanaka, Tsuji and Yamane.

2269 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Representatives Chong, Ito, Lee, Tsuji, Yamane, Yamashita, Waters and Tanaka.

2270 "A BILL FOR AN ACT RELATING TO THE CAPITOL."

Introduced by: Representatives Magaoay, Herkes, Ito, Karamatsu, Lee, Marumoto, B. Oshiro, Schatz, Sonson, Takai, Yamane and Souki.

2271 "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS."

Introduced by: Representative Say, by request.

2272 "A BILL FOR AN ACT RELATING TO DEPARTMENT OF AGRICULTURE LOANS."

Introduced by: Representative Say, by request.

2273 "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT."

Introduced by: Representative Say, by request.

2274 "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT."

Introduced by: Representative Say, by request.

2275 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE."

Introduced by: Representative Say, by request.

2276 "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 BOARD."

Introduced by: Representative Say, by request.

2277 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES."

Introduced by: Representative Say, by request.

2278 "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL."

Introduced by: Representative Say, by request.

2279 "A BILL FOR AN ACT RELATING TO GOVERNMENT TORT LIABILITY."

Introduced by: Representative Say, by request.

2280 "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE."

Introduced by: Representative Say, by request.

2281 "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS."

Introduced by: Representative Say, by request.

2282 "A BILL FOR AN ACT RELATING TO CHAPTER 846E."

Introduced by: Representative Say, by request.

2283 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT."

Introduced by: Representative Say, by request.

2284 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVII OF THE CONSTITUTION OF THE STATE OF HAWAII REGARDING CHALLENGES TO CONSTITUTIONAL AMENDMENTS."

Introduced by: Representative Say, by request.

2285 "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES."

Introduced by: Representative Say, by request.

2286	"A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."	2300	"A BILL FOR AN ACT RELATING TO CHAPTER 134."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2287	"A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."	2301	"A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2288	"A BILL FOR AN ACT RELATING TO TORT ACTIONS."	2302	"A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2289	"A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."	2303	"A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2290	"A BILL FOR AN ACT RELATING TO TESTIMONY."	2304	"A BILL FOR AN ACT RELATING TO PROMOTING INTOXICATING LIQUOR TO A MINOR."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2291	"A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL."	2305	"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2292	"A BILL FOR AN ACT RELATING TO TIME LIMITATIONS."	2306	"A BILL FOR AN ACT RELATING TO THE CAPITAL LOAN PROGRAM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2293	"A BILL FOR AN ACT RELATING TO COURT ADVISEMENT CONCERNING ALIEN STATUS."	2307	"A BILL FOR AN ACT RELATING TO TOURISM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2294	"A BILL FOR AN ACT RELATING TO DRUGS."	2308	"A BILL FOR AN ACT RELATING TO ENERGY."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2295	"A BILL FOR AN ACT RELATING TO DRUGS."	2309	"A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2296	"A BILL FOR AN ACT RELATING TO INFORMATION CHARGING."	2310	"A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2297	"A BILL FOR AN ACT RELATING TO SENTENCING."	2311	"A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2298	"A BILL FOR AN ACT RELATING TO DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS FOR CRIMINAL INVESTIGATIONS."	2312	"A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE EMERGENCY BUDGET AND RESERVE FUND."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2299	"A BILL FOR AN ACT RELATING TO CHAPTER 803."	2313	"A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.

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| <p>2314 "A BILL FOR AN ACT RELATING TO TAX CREDITS FOR ENERGY STAR RATED APPLIANCES."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2328 "A BILL FOR AN ACT RELATING TO PETROLEUM PRICE GOUGING."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2315 "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2329 "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2316 "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2330 "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2317 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2331 "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2318 "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2332 "A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2319 "A BILL FOR AN ACT RELATING TO INSURANCE."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2333 "A BILL FOR AN ACT RELATING TO NURSES."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2320 "A BILL FOR AN ACT RELATING TO INSURANCE."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2334 "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2321 "A BILL FOR AN ACT RELATING TO TORTS."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2335 "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2322 "A BILL FOR AN ACT RELATING TO EXPEDITED INSURANCE RATE REDUCTIONS."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2336 "A BILL FOR AN ACT RELATING TO INVESTIGATIVE ACCESS FOR UNLICENSED ACTIVITY."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2323 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2337 "A BILL FOR AN ACT RELATING TO INSURANCE."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2324 "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2338 "A BILL FOR AN ACT RELATING TO IDENTITY THEFT."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2325 "A BILL FOR AN ACT RELATING TO MONEYS FOR DISASTER PREPAREDNESS."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2339 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE AGENCY."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2326 "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2340 "A BILL FOR AN ACT RELATING TO VETERANS' SERVICES."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2327 "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2341 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."</p> <p>Introduced by: Representative Say, by request.</p> |

2342	"A BILL FOR AN ACT RELATING TO VETERANS' SERVICES."	2356	"A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2343	"A BILL FOR AN ACT RELATING TO THE PENAL CODE."	2357	"A BILL FOR AN ACT RELATING TO THE STATE RENT SUPPLEMENT PROGRAM."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2344	"A BILL FOR AN ACT RELATING TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT."	2358	"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 1 OF THE STATE CONSTITUTION TO AUTHORIZE THE LEGISLATURE TO ESTABLISH SUBSYSTEMS FOR THE STATE'S SINGLE STATEWIDE SYSTEM OF PUBLIC SCHOOLS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2345	"A BILL FOR AN ACT RELATING TO TAX CREDITS FOR RETROFITTING PRIVATE FACILITIES."	2359	"A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE X, SECTIONS 2 AND 3 OF THE STATE CONSTITUTION TO ADD A FIFTEENTH MEMBER WHO IS APPOINTED BY THE GOVERNOR TO REPRESENT THE INTERESTS OF CHARTER SCHOOLS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2346	"A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY."	2360	"A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2347	"A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION."	2361	"A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2348	"A BILL FOR AN ACT RELATING TO THE HAWAII TEACHER STANDARDS BOARD."	2362	"A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2349	"A BILL FOR AN ACT RELATING TO THE HIRING OF RETIRED TEACHERS IN THE DEPARTMENT OF EDUCATION."	2363	"A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION FOR THE UNIVERSITY OF HAWAII."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2350	"A BILL FOR AN ACT RELATING TO THE HAWAII EDUCATOR LOAN PROGRAM."	2364	"A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2351	"A BILL FOR AN ACT RELATING TO THE HAWAII MASTER TEACHER PROGRAM."	2365	"A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2352	"A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."	2366	"A BILL FOR AN ACT RELATING TO INCREASING CAPACITY FOR HOME AND COMMUNITY-BASED LONG-TERM CARE SERVICES."
	Introduced by: Representative Say, by request.		Introduced by: Representative Say, by request.
2353	"A BILL FOR AN ACT RELATING TO PLANNING."		
	Introduced by: Representative Say, by request.		
2354	"A BILL FOR AN ACT RELATING TO HOUSING FUNDS."		
	Introduced by: Representative Say, by request.		
2355	"A BILL FOR AN ACT RELATING TO HOUSING."		
	Introduced by: Representative Say, by request.		

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| <p>2367 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2379 "A BILL FOR AN ACT RELATING TO SMOKE-FREE WORKPLACES."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2368 "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2380 "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORDS CHECKS."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2369 "A BILL FOR AN ACT RELATING TO HOUSING."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2381 "A BILL FOR AN ACT RELATING TO WASTEWATER SYSTEMS."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2370 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR GENERAL ASSISTANCE."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2382 "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2371 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2383 "A BILL FOR AN ACT RELATING TO SOLID WASTE."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2372 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2384 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2373 "A BILL FOR AN ACT RELATING TO THE UNIFORM ARBITRATION ACT."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2385 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2374 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2386 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER FEE."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2375 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2387 "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER SPECIAL FUND."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2376 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2388 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2377 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2389 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."</p> <p>Introduced by: Representative Say, by request.</p> |
| <p>2378 "A BILL FOR AN ACT RELATING TO THE HAWAII EARLY INTERVENTION COORDINATING COUNCIL."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2390 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW."</p> <p>Introduced by: Representative Say, by request.</p> |
| | <p>2391 "A BILL FOR AN ACT RELATING TO MONEYS CREDITED TO THE STATE'S ACCOUNT IN THE UNEMPLOYMENT TRUST FUND PURSUANT TO SECTION 903 OF THE SOCIAL SECURITY ACT."</p> <p>Introduced by: Representative Say, by request.</p> |

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| <p>2392 "A BILL FOR AN ACT RELATING TO TIP CREDIT."
Introduced by: Representative Say, by request.</p> <p>2393 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL EDUCATION FOR NEW CENTURY CHARTER SCHOOLS."
Introduced by: Representative Say, by request.</p> <p>2394 "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997."
Introduced by: Representative Say, by request.</p> <p>2395 "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES."
Introduced by: Representative Say, by request.</p> <p>2396 "A BILL FOR AN ACT RELATING TO FOREST STEWARDSHIP."
Introduced by: Representative Say, by request.</p> <p>2397 "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS."
Introduced by: Representative Say, by request.</p> <p>2398 "A BILL FOR AN ACT RELATING TO THE HAWAII OCEAN AND COASTAL COUNCIL."
Introduced by: Representative Say, by request.</p> <p>2399 "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE."
Introduced by: Representative Say, by request.</p> <p>2400 "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU."
Introduced by: Representative Say, by request.</p> <p>2401 "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE."
Introduced by: Representative Say, by request.</p> <p>2402 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."
Introduced by: Representative Say, by request.</p> <p>2403 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."
Introduced by: Representative Say, by request.</p> <p>2404 "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS."
Introduced by: Representative Say, by request.</p> | <p>2405 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING FOR EMPLOYEES IN LAW ENFORCEMENT AND EMERGENCY HEALTH AND SAFETY OCCUPATIONS."
Introduced by: Representative Say, by request.</p> <p>2406 "A BILL FOR AN ACT RELATING TO INTEREST ARBITRATION."
Introduced by: Representative Say, by request.</p> <p>2407 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
Introduced by: Representative Say, by request.</p> <p>2408 "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES."
Introduced by: Representative Say, by request.</p> <p>2409 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
Introduced by: Representative Say, by request.</p> <p>2410 "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES."
Introduced by: Representative Say, by request.</p> <p>2411 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say, by request.</p> <p>2412 "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE."
Introduced by: Representative Say, by request.</p> <p>2413 "A BILL FOR AN ACT RELATING TO INCREASING THE STANDARD DEDUCTION AND ADJUSTING THE BRACKETS FOR INDIVIDUAL INCOME TAXATION."
Introduced by: Representative Say, by request.</p> <p>2414 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE TAX CREDITS."
Introduced by: Representative Say, by request.</p> <p>2415 "A BILL FOR AN ACT RELATING TO NET INCOME TAX CREDIT FOR FOOD, MEDICAL SERVICES, AND NONPRESCRIPTION DRUGS."
Introduced by: Representative Say, by request.</p> <p>2416 "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING."
Introduced by: Representative Say, by request.</p> <p>2417 "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION."
Introduced by: Representative Say, by request.</p> |
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2418 "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION."

Introduced by: Representative Say, by request.

2419 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2420 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2421 "A BILL FOR AN ACT RELATING TO PERFORMING ARTS BUSINESSES."

Introduced by: Representative Say, by request.

2422 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representative Say, by request.

2423 "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND"

Introduced by: Representative Say, by request.

2424 "A BILL FOR AN ACT RELATING TO THE KAKAOKO COMMUNITY DEVELOPMENT DISTRICT"

Introduced by: Representative Say, by request.

2425 "A BILL FOR AN ACT RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

2426 "A BILL FOR AN ACT RELATING TO CHAPTER 40, HAWAII REVISED STATUTES."

Introduced by: Representative Say, by request.

2427 "A BILL FOR AN ACT RELATING TO THE FUNDS OF THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

2428 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

2429 "A BILL FOR AN ACT RELATING TO FINANCING AGREEMENTS."

Introduced by: Representative Say, by request.

2430 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Say, by request.

2431 "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING."

Introduced by: Representative Say, by request.

2432 "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE."

Introduced by: Representative Say, by request.

2433 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION'S ENGINEERING SCHOLARSHIP PROGRAM."

Introduced by: Representative Say, by request.

2434 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representative Herkes.

2435 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representative Herkes.

2436 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIFTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Herkes.

2437 "A BILL FOR AN ACT RELATING TO LOANS FOR TEACHERS."

Introduced by: Representative Herkes.

2438 "A BILL FOR AN ACT RELATING TO LOANS FOR HEALTH PROFESSIONALS."

Introduced by: Representative Herkes.

2439 "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER."

Introduced by: Representative Herkes.

2440 "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT."

Introduced by: Representative Herkes.

2441 "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION."

Introduced by: Representative Herkes.

2442 "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS."

Introduced by: Representatives Ito, M. Oshiro and Thielen.

2443 "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT."

Introduced by: Representatives Ito and Thielen.

2444 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representative Ito.

2445 "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS."

Introduced by: Representative Ito.

2446 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING POWER GENERATING CAPACITY FOR THE QUEEN'S MEDICAL CENTER."

Introduced by: Representatives Ito, Chong, Evans, Lee, Morita, M. Oshiro and Shimabukuro.

2447 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL."

Introduced by: Representatives Ito, Abinsay, Chong, Herkes, Karamatsu, Kawakami, Lee, Luke, M. Oshiro, Shimabukuro, Tanaka, Tsuji, Waters, Nakasone, Sonson, Souki and Wakai.

2448 "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES."

Introduced by: Representatives Ito, Abinsay, Chong, Herkes, Karamatsu, Lee, Luke, Shimabukuro, Sonson, Tanaka, Tsuji, Waters, Kawakami, Nakasone, M. Oshiro, Souki and Wakai.

2449 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO THE CIVIL AIR PATROL."

Introduced by: Representatives Ito, Chong, Herkes, Karamatsu, Kawakami, Luke, M. Oshiro, Shimabukuro, Tsuji, Waters, Abinsay, Lee, Nakasone, Sonson, Souki, Tanaka and Wakai.

2450 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives M. Oshiro, Caldwell and Herkes.

2451 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives M. Oshiro, Caldwell and Herkes.

2452 "A BILL FOR AN ACT RELATING TO SCHOOL BUSES."

Introduced by: Representatives M. Oshiro, Caldwell and Souki.

2453 "A BILL FOR AN ACT RELATING TO CREDIT CARDS."

Introduced by: Representatives M. Oshiro, Herkes, Luke, and B. Oshiro.

2454 "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES."

Introduced by: Representatives M. Oshiro, Luke, and B. Oshiro.

2455 "A BILL FOR AN ACT RELATING TO THE UNITED STATES SENATE."

Introduced by: Representatives M. Oshiro, Luke, B. Oshiro and Caldwell.

2456 "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX."

Introduced by: Representatives M. Oshiro, Caldwell, Chang, Herkes and Karamatsu.

2457 "A BILL FOR AN ACT RELATING TO THE STATE PLAN."

Introduced by: Representatives M. Oshiro, Finnegan, Herkes, Kanoho, B. Oshiro, Thielen, Tsuji and Ito.

2458 "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN."

Introduced by: Representatives Yamashita, Caldwell, Kanoho, Luke, M. Oshiro, Schatz, Tsuji, Yamane, Chong, and B. Oshiro.

2459 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Say, by request.

2460 "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST."

Introduced by: Representative Say, by request.

2461 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Say, by request.

2462 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."

Introduced by: Representative Say, by request.

2463 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Say, by request.

2464 "A BILL FOR AN ACT RELATING TO ADVERSE POSSESSION."

Introduced by: Representative Say, by request.

2465 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."

Introduced by: Representative Say, by request.

2466 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION'S HAWAIIAN EDUCATION PROGRAM."

Introduced by: Representative Say, by request.

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| <p>2467 "A BILL FOR AN ACT RELATING TO TEACHER LICENSING."</p> <p>Introduced by: Representative Say, by request.</p> <p>2468 "A BILL FOR AN ACT RELATING TO TEACHING THE HAWAIIAN LANGUAGE IN THE PUBLIC SCHOOLS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2469 "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2470 "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST."</p> <p>Introduced by: Representative Say, by request.</p> <p>2471 "A BILL FOR AN ACT RELATING TO OPEN TRANSMISSION ACCESS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2472 "A BILL FOR AN ACT RELATING TO OPEN TRANSMISSION ACCESS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2473 "A BILL FOR AN ACT RELATING TO FUEL TAX."</p> <p>Introduced by: Representative Say, by request.</p> <p>2474 "A BILL FOR AN ACT RELATING TO TAXATION."</p> <p>Introduced by: Representative Say, by request.</p> <p>2475 "A BILL FOR AN ACT RELATING TO STREAMLINED SALES AND USE TAX."</p> <p>Introduced by: Representative Say.</p> <p>2476 "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2477 "A BILL FOR AN ACT RELATING TO GUARD SERVICES."</p> <p>Introduced by: Representative Say, by request.</p> <p>2478 "A BILL FOR AN ACT RELATING TO AN ANIMATION AND MEDIA GRAPHICS PROGRAM."</p> <p>Introduced by: Representative Say, by request.</p> <p>2479 "A BILL FOR AN ACT RELATING TO THE CONSTRUCTION OF A PARKING STRUCTURE AT KAKAOKO MAKAI, OAHU."</p> <p>Introduced by: Representatives Say and Waters.</p> | <p>2480 "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES."</p> <p>Introduced by: Representative Say.</p> <p>2481 "A BILL FOR AN ACT RELATING TO TRANSFER OF APPEALS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2482 "A BILL FOR AN ACT RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2483 "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2484 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."</p> <p>Introduced by: Representative Say, by request.</p> <p>2485 "A BILL FOR AN ACT RELATING TO INTERMEDIATE APPELLATE COURT PANELS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2486 "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES."</p> <p>Introduced by: Representative Say, by request.</p> <p>2487 "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2488 "A BILL FOR AN ACT RELATING TO BAIL."</p> <p>Introduced by: Representative Say, by request.</p> <p>2489 "A BILL FOR AN ACT RELATING TO INTERMEDIATE APPELLATE COURT PANELS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2490 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO CHANGING THE NAME OF THE INTERMEDIATE APPELLATE COURT."</p> <p>Introduced by: Representative Say, by request.</p> <p>2491 "A BILL FOR AN ACT RELATING TO VEXATIOUS LITIGANTS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2492 "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI."</p> <p>Introduced by: Representative Say, by request.</p> |
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| <p>2493 "A BILL FOR AN ACT RELATING TO THE INTERSTATE COMPACT FOR JUVENILES."</p> <p>Introduced by: Representative Say, by request.</p> <p>2494 "A BILL FOR AN ACT RELATING TO APPEALS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2495 "A BILL FOR AN ACT RELATING TO TRAFFIC RECORDS AND ABSTRACTS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2496 "A BILL FOR AN ACT RELATING TO COURT FEES."</p> <p>Introduced by: Representative Say, by request.</p> <p>2497 "A BILL FOR AN ACT RELATING TO ADJUDICATION OF TRAFFIC INFRACTIONS COMMITTED BY MINORS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2498 "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT."</p> <p>Introduced by: Representative Say, by request.</p> <p>2499 "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."</p> <p>Introduced by: Representative Say, by request.</p> <p>2500 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."</p> <p>Introduced by: Representative Say, by request.</p> <p>2501 "A BILL FOR AN ACT RELATING TO APPEALS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2502 "A BILL FOR AN ACT RELATING TO DOCUMENTS SEALED UPON FILING."</p> <p>Introduced by: Representative Say, by request.</p> <p>2503 "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE."</p> <p>Introduced by: Representative Say, by request.</p> <p>2504 "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE."</p> <p>Introduced by: Representative Say, by request.</p> <p>2505 "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING."</p> <p>Introduced by: Representative Say, by request.</p> <p>2506 "A BILL FOR AN ACT RELATING TO THE FUEL TAX."</p> <p>Introduced by: Representative Say, by request.</p> | <p>2507 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."</p> <p>Introduced by: Representative Say, by request.</p> <p>2508 "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2509 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."</p> <p>Introduced by: Representative Say, by request.</p> <p>2510 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR IMPROVEMENTS TO KUHIO HIGHWAY, KAUAI."</p> <p>Introduced by: Representative Say, by request.</p> <p>2511 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GRANT-IN-AID TO THE COUNTY OF KAUAI FOR LAND ACQUISITION AND PLANNING FOR IMPROVEMENTS TO POULI ROAD, KAUAI."</p> <p>Introduced by: Representative Say, by request.</p> <p>2512 "A BILL FOR AN ACT RELATING TO TIME SHARE ZONING."</p> <p>Introduced by: Representative Say, by request.</p> <p>2513 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG."</p> <p>Introduced by: Representative Say, by request.</p> <p>2514 "A BILL FOR AN ACT RELATING TO THE REHIRING OF RETIREES."</p> <p>Introduced by: Representative Say, by request.</p> <p>2515 "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY."</p> <p>Introduced by: Representative Say, by request.</p> <p>2516 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONSTRUCTION OF ROADWAYS IN KONA."</p> <p>Introduced by: Representative Say, by request.</p> <p>2517 "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS."</p> <p>Introduced by: Representative Say, by request.</p> <p>2518 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY."</p> <p>Introduced by: Representative Say, by request.</p> |
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2519 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANS AND CONSTRUCTION FOR THE PUNA RECREATIONAL COMPLEX IN PĀHOA, HAWAII."

Introduced by: Representative Say, by request.

2520 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ROADS IN LIMBO PROGRAM FOR THE COUNTY OF HAWAII."

Introduced by: Representative Say, by request.

2521 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY ANTI-DRUG FUND."

Introduced by: Representative Say, by request.

2522 "A BILL FOR AN ACT RELATING TO LIABILITY OF FIREARM OWNERS."

Introduced by: Representative Say, by request.

2523 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FLOOD PLAIN MANAGEMENT IN THE COUNTY OF HAWAII."

Introduced by: Representative Say, by request.

2524 "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS."

Introduced by: Representative Say, by request.

2525 "A BILL FOR AN ACT RELATING TO PERMISSIBLE USES WITHIN AGRICULTURAL DISTRICTS."

Introduced by: Representative Say, by request.

2526 "A BILL FOR AN ACT MAKING AN APPROPRIATION AS A GRANT-IN-AID TO THE COUNTY OF HAWAII FOR EMERGENCY MEDICAL SERVICE PERSONNEL TO STAFF THE AEROMEDICAL HELICOPTER UNIT."

Introduced by: Representative Say, by request.

2527 "A BILL FOR AN ACT RELATING TO EXCEPTIONS TO TORT ACTIONS."

Introduced by: Representative Say, by request.

2528 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS TO THE OLD KAILUA AIRPORT PARK IN KAILUA-KONA, HAWAII."

Introduced by: Representative Say, by request.

2529 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UPGRADE THE TELECOMMUNICATIONS SYSTEM OF THE HAWAII COUNTY POLICE DEPARTMENT."

Introduced by: Representative Say, by request.

2530 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PLANNING, DESIGN, AND CONSTRUCTION OF THE KAILUA-KONA SENIOR CENTER IN KAILUA-KONA, HAWAII."

Introduced by: Representative Say, by request.

2531 "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS TAX."

Introduced by: Representative Say, by request.

2532 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representative Say, by request.

2533 "A BILL FOR AN ACT RELATING TO IMPACT FEES."

Introduced by: Representative Say, by request.

2534 "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION UNITS AND VICTIM WITNESS ASSISTANCE PROGRAMS."

Introduced by: Representative Say, by request.

2535 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS."

Introduced by: Representative Say, by request.

2536 "A BILL FOR AN ACT RELATING TO THEFT."

Introduced by: Representative Say, by request.

2537 "A BILL FOR AN ACT RELATING TO CHAPTER 803, HAWAII REVISED STATUTES."

Introduced by: Representative Say, by request.

2538 "A BILL FOR AN ACT RELATING TO ABSENTEE VOTING."

Introduced by: Representative Say, by request.

2539 "A BILL FOR AN ACT RELATING TO ELECTION."

Introduced by: Representative Say, by request.

2540 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS."

Introduced by: Representative Say, by request.

2541 "A BILL FOR AN ACT RELATING TO LIABILITY."

Introduced by: Representative Say, by request.

2542 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."

Introduced by: Representative Say, by request.

2543 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."

Introduced by: Representative Say, by request.

- 2544 "A BILL FOR AN ACT RELATING TO MISSING PERSONS."
Introduced by: Representative Lee.
- 2545 "A BILL FOR AN ACT RELATING TO NUISANCE ABATEMENT."
Introduced by: Representative Harbin.
- 2546 "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND."
Introduced by: Representative Takai.
- 2547 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Takai.
- 2548 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Takai, Cabanilla, Chong, Ito and Takumi.
- 2549 "A BILL FOR AN ACT RELATING TO MILITARY RESERVE COMPONENTS."
Introduced by: Representatives Takai, Cabanilla, Chong, Ito and Luke.
- 2550 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Takumi.
- 2551 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Takumi.
- 2552 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Takumi.
- 2553 "A BILL FOR AN ACT RELATING TO CHAPTER 291E, HAWAII REVISED STATUTES."
Introduced by: Representatives Caldwell, Chong, Kanoho, Lee, Morita, Sonson, Tanaka, Nakasone, Shimabukuro and Souki.
- 2554 "A BILL FOR AN ACT RELATING TO VEHICLE TAXATION."
Introduced by: Representatives Caldwell, Sonson, Chong, Ito, Kanoho, Karamatsu, Lee, Morita, Nakasone, Shimabukuro, Souki and Tanaka.
- 2555 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."
Introduced by: Representatives Caldwell, Kanoho, Morita, Schatz and Waters.
- 2556 "A BILL FOR AN ACT RELATING TO SMOKING."
Introduced by: Representatives Caldwell, Arakaki, Green, Lee, Morita, M. Oshiro, Herkes, Nishimoto and Souki.
- 2557 "A BILL FOR AN ACT RELATING TO PUBLIC CONTRACTS."
Introduced by: Representatives Caldwell, Ito, Kanoho, Morita, Sonson, Karamatsu and Souki.
- 2558 "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION."
Introduced by: Representatives Caldwell, Morita, M. Oshiro, Shimabukuro, Sonson, Chong, Kanoho, Karamatsu, Nakasone and Souki.
- 2559 "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."
Introduced by: Representative Caldwell, by request.
- 2560 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT."
Introduced by: Representative Caldwell.
- 2561 "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF NURSES."
Introduced by: Representative Caldwell.
- 2562 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION REFORM."
Introduced by: Representative Caldwell.
- 2563 "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT."
Introduced by: Representative Caldwell.
- 2564 "A BILL FOR AN ACT RELATING TO WAGES."
Introduced by: Representative Caldwell.
- 2565 "A BILL FOR AN ACT RELATING TO THE OFFICE OF ELECTIONS."
Introduced by: Representatives Schatz and Luke.
- 2566 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Kahikina and Nishimoto.
- 2567 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."
Introduced by: Representatives Kahikina and Nishimoto.
- 2568 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."
Introduced by: Representatives Kahikina and Nishimoto.

- 2569 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR WASTE MANAGEMENT AT LOWLAND SCHOOLS."
Introduced by: Representatives Magaoay, Chong, Kanoho, M. Oshiro, Tanaka and Yamane.
- 2570 "A BILL FOR AN ACT RELATING TO HOMEOWNER LOSS MITIGATION PROGRAM."
Introduced by: Representatives Magaoay, Chong, Kanoho, M. Oshiro, Tanaka and Yamane.
- 2571 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Magaoay, Yamane, Chong, Kanoho, M. Oshiro and Tanaka.
- 2572 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KAIKA BAY."
Introduced by: Representatives Magaoay, Chong, Kanoho, Yamane, M. Oshiro and Tanaka.
- 2573 "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE MANAGEMENT."
Introduced by: Representatives Magaoay, Chong, Kanoho, Yamane, M. Oshiro and Tanaka.
- 2574 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WASTE MANAGEMENT FOR SCHOOLS IN LOWLAND AREAS."
Introduced by: Representatives Magaoay, Kanoho, Yamane, Chong, M. Oshiro and Tanaka.
- 2575 "A BILL FOR AN ACT RELATING TO NO FAULT INSURANCE."
Introduced by: Representatives Kanoho, Herkes and Luke.
- 2576 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."
Introduced by: Representatives Kahikina and Shimabukuro.
- 2577 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XII, SECTION 6, OF THE CONSTITUTION OF THE STATE OF HAWAII."
Introduced by: Representative Kahikina.
- 2578 "A BILL FOR AN ACT RELATING TO BOATING."
Introduced by: Representatives Schatz, Kanoho, Morita and Waters.
- 2579 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-SECOND REPRESENTATIVE DISTRICT."
Introduced by: Representative Saiki.
- 2580 "A BILL FOR AN ACT RELATING TO TITLE INSURERS."
Introduced by: Representatives Morita and Herkes.
- 2581 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE EIGHTEENTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Berg.
- 2582 "A BILL FOR AN ACT RELATING TO EVALUATION OF MEDICAL OPINIONS."
Introduced by: Representative Harbin.
- 2583 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."
Introduced by: Representative Harbin.
- 2584 "A BILL FOR AN ACT RELATING TO THE CAPITOL DISTRICT."
Introduced by: Representative Harbin.
- 2585 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS IN THE TWENTY-EIGHTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Harbin.
- 2586 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Harbin.
- 2587 "A BILL FOR AN ACT RELATING TO MARINE RESOURCES."
Introduced by: Representatives Kanoho, Morita, Schatz, Thielen, Waters and Berg.
- 2588 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Yamane, Chong, Say, Tsuji and Yamashita.
- 2589 "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS."
Introduced by: Representatives Green, Arakaki, Herkes, Sonson, Luke, Takumi and Tsuji.
- 2590 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Green, Arakaki and Hale.
- 2591 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SIXTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Green.

- 2592 "A BILL FOR AN ACT RELATING TO HEALTH CARE."
Introduced by: Representatives Green, Arakaki, Herkes, M. Oshiro, Schatz, Tsuji, Waters, Berg, Hale and Takumi.
- 2593 "A BILL FOR AN ACT RELATING TO VACCINATIONS."
Introduced by: Representatives Green, Arakaki, Cabanilla, Hale, Herkes, M. Oshiro, Schatz, Shimabukuro, Tsuji and Waters.
- 2594 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
Introduced by: Representatives Magaoay, Marumoto, Moses, Chong, Ito, Karamatsu, Tsuji and Yamashita.
- 2595 "A BILL FOR AN ACT RELATING TO FAMILY VISITS."
Introduced by: Representatives Tanaka, Carroll, M. Oshiro, Sonson, Evans, Green, Halford, Ito, Karamatsu, Magaoay, Nishimoto, Souki, Tsuji, Wakai, Yamane and Yamashita.
- 2596 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Tanaka, Carroll, Sonson, Arakaki, Green, Kahikina and Magaoay.
- 2597 "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS AT PUBLIC SCHOOLS."
Introduced by: Representatives Tanaka, Carroll, Chang, Green, Shimabukuro, Sonson, Chong and Halford.
- 2598 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Tanaka, Arakaki, Cabanilla, Carroll, Green, Halford, Nishimoto and Sonson.
- 2599 "A BILL FOR AN ACT RELATING TO ASSISTED LIVING FACILITIES."
Introduced by: Representatives Tanaka, Arakaki, Carroll, Green, Sonson and Nishimoto.
- 2600 "A BILL FOR AN ACT RELATING TO ELECTIONS."
Introduced by: Representatives Tanaka, Sonson, Carroll, Halford, Magaoay and Yamashita.
- 2601 "A BILL FOR AN ACT RELATING TO ADULT RESIDENTIAL CARE HOMES."
Introduced by: Representatives Tanaka, Cabanilla, Carroll, Green, Sonson and Nishimoto.
- 2602 "A BILL FOR AN ACT RELATING TO VIDEOCONFERENCING."
Introduced by: Representatives Tanaka, Carroll, Chang and Halford.
- 2603 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-EIGHTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Lee.
- 2604 "A BILL FOR AN ACT RELATING TO PROPERTY INSURANCE."
Introduced by: Representatives Herkes and M. Oshiro.
- 2605 "A BILL FOR AN ACT RELATING TO CABLE."
Introduced by: Representative Herkes.
- 2606 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."
Introduced by: Representative Herkes.
- 2607 "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE."
Introduced by: Representative Herkes.
- 2608 "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS."
Introduced by: Representative Herkes, by request.
- 2609 "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING FOR EMPLOYEES IN NEW CENTURY CHARTER SCHOOLS."
Introduced by: Representatives Takumi, Caldwell, and M. Oshiro.
- 2610 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."
Introduced by: Representative Takumi.
- 2611 "A BILL FOR AN ACT RELATING TO ETHANOL CONTENT."
Introduced by: Representative Marumoto.
- 2612 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE NINETEENTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Marumoto.
- 2613 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Schatz, Caldwell, Green, Kahikina, Lee, Luke, Morita, Nishimoto, B. Oshiro, Shimabukuro, Wakai, Waters and Yamane.
- 2614 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."
Introduced by: Representatives Morita, Evans, Kanoho, Pine, Schatz, Thielen, Waters, Berg and Carroll.

- 2615 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SEAWATER AIR CONDITIONING PROJECTS ON THE ISLAND OF OAHU."
Introduced by: Representatives Morita, Kanoho, Pine, Thielen, Berg, Carroll and Evans.
- 2616 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR ENERGY USE IN STATE FACILITIES."
Introduced by: Representatives Morita, Berg, Carroll, Evans, Kanoho, Pine, Schatz, Thielen and Waters.
- 2617 "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF REAL PROPERTY."
Introduced by: Representatives Morita, Kanoho, Pine, Schatz, Thielen, Waters, Carroll and Evans.
- 2618 "A BILL FOR AN ACT RELATING TO SEAWATER AIR CONDITIONING DISTRICT COOLING SYSTEMS."
Introduced by: Representatives Morita, Carroll, Kanoho, Pine, Schatz, Thielen and Evans.
- 2619 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."
Introduced by: Representatives Morita, Carroll, Kanoho, Pine, Schatz, Thielen, Waters and Evans.
- 2620 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
Introduced by: Representatives Morita, Berg, Carroll, Evans, Kanoho, Pine, Schatz, Thielen and Waters.
- 2621 "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE."
Introduced by: Representatives Morita, Berg, Carroll, Evans, Kanoho, Schatz, Thielen and Waters.
- 2622 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FIRST REPRESENTATIVE DISTRICT."
Introduced by: Representative Takamine.
- 2623 "A BILL FOR AN ACT RELATING TO STREAMLINED SALES AND USE TAX."
Introduced by: Representative Takamine.
- 2624 "A BILL FOR AN ACT RELATING TO LABOR."
Introduced by: Representatives Takamine and Caldwell.
- 2625 "A BILL FOR AN ACT RELATING TO UNIFORM STATE LAWS."
Introduced by: Representatives Takamine, Cabanilla, Caldwell, Chang, Chong, Green, Hale, Herkes, Lee, Luke, Nishimoto, M. Oshiro, Schatz, Tanaka, Abinsay, Arakaki, Kahikina, Karamatsu, Kawakami, Takumi and Tsuji.
- 2626 "A BILL FOR AN ACT RELATING TO STATE BONDS."
Introduced by: Representative Takamine.
- 2627 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Takamine, Chang, Green, Hale, Herkes and Tsuji.
- 2628 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT BENEFITS."
Introduced by: Representatives M. Oshiro, Caldwell and Souki.
- 2629 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
Introduced by: Representatives M. Oshiro, Caldwell and Herkes.
- 2630 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representative M. Oshiro.
- 2631 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Green, Sonson and Tsuji.
- 2632 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SIXTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Green.
- 2633 "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES."
Introduced by: Representatives Green, Schatz and Herkes.
- 2634 "A BILL FOR AN ACT RELATING TO A PORT AUTHORITY."
Introduced by: Representatives Souki, Caldwell, Ito, Lee, Tanaka, Yamane, Chong, Nakasone, Shimabukuro and Stevens.
- 2635 "A BILL FOR AN ACT RELATING TO THE AHIHI-KINAU NATURAL AREA RESERVE MANAGEMENT PLAN."
Introduced by: Representatives Souki and Tanaka.

2636 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE EIGHTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Souki.

2637 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."

Introduced by: Representative Souki.

2638 "A BILL FOR AN ACT RELATING TO HAWAII'S FISHING INDUSTRY."

Introduced by: Representative Souki.

2639 "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE."

Introduced by: Representative Souki.

2640 "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS."

Introduced by: Representative Souki.

2641 "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS."

Introduced by: Representatives Caldwell, M. Oshiro, Herkes, Ito, Luke, Nakasone, Shimabukuro, Souki and Takumi.

2642 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."

Introduced by: Representatives Caldwell, Chong, Ito, M. Oshiro, Shimabukuro and Takumi.

2643 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives Caldwell, Chong, Ito, Kanoho, Luke, Morita, M. Oshiro, Schatz, Herkes, Karamatsu, Shimabukuro and Souki.

2644 "A BILL FOR AN ACT RELATING TO TEMPORARY DISABILITY INSURANCE."

Introduced by: Representatives Caldwell, Kanoho, Luke, Morita, M. Oshiro, Sonson, Chong, Ito, Karamatsu, Nakasone and Souki.

2645 "A BILL FOR AN ACT RELATING TO PERSONNEL ADMINISTRATION."

Introduced by: Representatives Caldwell and Luke.

2646 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives Caldwell, Herkes, Nishimoto, M. Oshiro, Wakai, Ito and Karamatsu.

2647 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."

Introduced by: Representatives Caldwell, Green, Karamatsu, Schatz, Wakai, Carroll, Chong, Herkes, Lee, Luke, M. Oshiro and Shimabukuro.

2648 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII TO PROVIDE FOR INITIATIVE, REFERENDUM, AND RECALL."

Introduced by: Representatives Stevens, Meyer, Moses, Thielen, Ching, Magaoay, Souki, Tanaka and Waters.

2649 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representatives Stevens, Meyer, Moses, Carroll, Chong, Halford, Kanoho, Magaoay, Souki, Tanaka, Thielen, Wakai and Waters.

2650 "A BILL FOR AN ACT RELATING TO THE REGULATION OF TATTOOS, PIERCINGS, BRANDS, MUTILATION, IMPLANTS, AND SCARIFICATIONS."

Introduced by: Representatives Stevens, Ching, Meyer, Moses, Carroll, Chong, Halford, Kanoho, Karamatsu, Kawakami, Magaoay, Souki, Tanaka, Thielen, Tsuji and Waters.

2651 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Representatives Schatz and Stevens.

2652 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES."

Introduced by: Representatives Schatz, Carroll, Kanoho, Thielen, Waters and Berg.

2653 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."

Introduced by: Representatives Cabanilla, Green, Meyer, Arakaki, Ching, Chong, Herkes, Lee, Nishimoto, M. Oshiro, Say, Schatz, Sonson, Souki and Stevens.

2654 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."

Introduced by: Representatives Cabanilla, Green, Luke, Arakaki, Herkes, Ito, Lee, Magaoay, Nishimoto, M. Oshiro, Say, Schatz, Sonson, Souki, Waters and Yamane.

2655 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT INVESTIGATION."

Introduced by: Representatives Cabanilla, Lee, Magaoay, Souki, Stevens and Yamane.

2656 "A BILL FOR AN ACT RELATING TO CULTURAL IMPACT STUDIES."

Introduced by: Representative Luke.

2657 "A BILL FOR AN ACT RELATING TO CULTURAL IMPACT STUDY."

Introduced by: Representative Luke.

- 2658 "A BILL FOR AN ACT RELATING TO LAND DEVELOPMENT."
Introduced by: Representative Luke.
- 2659 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."
Introduced by: Representative Luke.
- 2660 "A BILL FOR AN ACT RELATING TO FIREWORKS."
Introduced by: Representative Luke.
- 2661 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."
Introduced by: Representative Luke.
- 2662 "A BILL FOR AN ACT RELATING TO CRIME."
Introduced by: Representative Luke.
- 2663 "A BILL FOR AN ACT RELATING TO COURTS."
Introduced by: Representative Luke.
- 2664 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."
Introduced by: Representative Luke.
- 2665 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
Introduced by: Representative Luke.
- 2666 "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX."
Introduced by: Representatives Chang, Herkes, Schatz, Shimabukuro, Waters, Yamashita, Abinsay, Arakaki, Cabanilla, Ito, Karamatsu, Kawakami, Magaoay, Souki, Takamine, Tanaka, Tsuji and Wakai.
- 2667 "A BILL FOR AN ACT RELATING TO STATE PARKS."
Introduced by: Representatives Chang, Carroll, Green, Herkes, Karamatsu, Kawakami, Luke, Magaoay, Morita, Nishimoto, M. Oshiro, Schatz, Tsuji, Wakai, Abinsay, Arakaki, Sonson, Souki, Takamine, Takumi, Tanaka and Yamashita.
- 2668 "A BILL FOR AN ACT RELATING TO TOURISM RESEARCH AND STATISTICS."
Introduced by: Representatives Chang, Green, Herkes, Karamatsu, Sonson, Wakai, Abinsay, Arakaki, Cabanilla, Carroll, Ching, Kawakami, Magaoay, Marumoto, Morita, Nishimoto, M. Oshiro, Schatz, Souki, Takamine, Tanaka, Tsuji and Yamashita.
- 2669 "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND."
Introduced by: Representatives Chang, Green, Herkes, Karamatsu, Nishimoto, Schatz, Abinsay, Arakaki, Carroll, Kawakami, Magaoay, Morita, M. Oshiro, Sonson, Souki, Tanaka, Tsuji, Wakai and Yamashita.
- 2670 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Green, Arakaki, M. Oshiro and Takumi.
- 2671 "A BILL FOR AN ACT RELATING TO OCEAN VESSELS."
Introduced by: Representatives M. Oshiro, Kanoho, Morita, Schatz and Waters.
- 2672 "A BILL FOR AN ACT RELATING TO QUEST."
Introduced by: Representatives Arakaki, Green, M. Oshiro, Sonson and Berg.
- 2673 "A BILL FOR AN ACT RELATING TO COMMERCIAL SURF INSTRUCTION."
Introduced by: Representative Nishimoto, by request.
- 2674 "A BILL FOR AN ACT RELATING TO DISORDERLY CONDUCT."
Introduced by: Representative Nishimoto.
- 2675 "A BILL FOR AN ACT RELATING TO THE HOMELESS."
Introduced by: Representative Nishimoto, by request.
- 2676 "A BILL FOR AN ACT RELATING TO THE HOMELESS."
Introduced by: Representative Nishimoto, by request.
- 2677 "A BILL FOR AN ACT RELATING TO MOPEDS."
Introduced by: Representatives Nishimoto and Souki.
- 2678 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representative Nishimoto.
- 2679 "A BILL FOR AN ACT RELATING TO FIREWORKS."
Introduced by: Representative Nishimoto, by request.
- 2680 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."
Introduced by: Representatives Nishimoto, Arakaki and Green.

- 2681 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."
Introduced by: Representative Nishimoto, by request.
- 2682 "A BILL FOR AN ACT RELATING TO NOISE."
Introduced by: Representative Nishimoto.
- 2683 "A BILL FOR AN ACT RELATING TO THE LANDLORD-TENANT CODE."
Introduced by: Representative Nishimoto.
- 2684 "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYEES."
Introduced by: Representative Nishimoto.
- 2685 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."
Introduced by: Representative Nishimoto.
- 2686 "A BILL FOR AN ACT RELATING TO LEAF BLOWERS."
Introduced by: Representative Nishimoto.
- 2687 "A BILL FOR AN ACT RELATING TO FIRE PROTECTION."
Introduced by: Representatives Ito, Caldwell, Chang, Herkes, Karamatsu, Lee, Shimabukuro, Tsuji, Arakaki, Berg, Luke, Magaoay, Souki, Takumi, Tanaka and Wakai.
- 2688 "A BILL FOR AN ACT RELATING TO FIREWORKS."
Introduced by: Representatives Ito, Chang, Green, Herkes, Kanoho, Karamatsu, Lee, Luke, Arakaki, Berg, Caldwell, Kawakami, Magaoay, M. Oshiro, Shimabukuro, Souki, Takumi, Tanaka, Tsuji and Wakai.
- 2689 "A BILL FOR AN ACT RELATING TO INSURANCE."
Introduced by: Representatives Ito, Herkes, Kanoho, Wakai, Arakaki, Berg, Chang, Shimabukuro, Souki, Tanaka and Tsuji.
- 2690 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-NINTH REPRESENTATIVE DISTRICT."
Introduced by: Representative M. Oshiro.
- 2691 "A BILL FOR AN ACT RELATING TO PREVAILING WAGES."
Introduced by: Representatives Caldwell, Morita, M. Oshiro, Shimabukuro, Takumi, Herkes, Luke, Takamine and Yamashita.
- 2692 "A BILL FOR AN ACT RELATING TO PUBLIC WORKS."
Introduced by: Representatives Caldwell, Ito, Morita, M. Oshiro, Shimabukuro, Takumi, Luke and Takamine.
- 2693 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representatives Caldwell, M. Oshiro, Herkes, Kawakami, Luke, Nakasone, Nishimoto, Tanaka, Wakai, Yamane and Yamashita.
- 2694 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
Introduced by: Representatives Caldwell, Green, Chong, Ito, M. Oshiro, Shimabukuro and Takumi.
- 2695 "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY."
Introduced by: Representatives Caldwell, Takumi, Chong, Herkes, Ito, Luke, M. Oshiro, Shimabukuro, Tsuji and Yamashita.
- 2696 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."
Introduced by: Representatives Caldwell, M. Oshiro, Shimabukuro, Takumi, Ito and Takamine.
- 2697 "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM."
Introduced by: Representatives Caldwell, Kanoho, Luke, Ito, Morita, Nakasone, M. Oshiro, Souki and Takamine.
- 2698 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
Introduced by: Representatives Caldwell, Green, Karamatsu, Lee, Luke, Takumi, Wakai, Herkes, Ito, M. Oshiro, Shimabukuro and Takamine.
- 2699 "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION."
Introduced by: Representatives Caldwell, Kanoho, Sonson, Chong, Ito, Karamatsu, Luke, Morita, Nakasone, M. Oshiro, Souki and Takamine.
- 2700 "A BILL FOR AN ACT RELATING TO EXEMPT EMPLOYEES."
Introduced by: Representatives Caldwell, Luke, M. Oshiro, Takai, Herkes, Nakasone, Shimabukuro, Souki, Takamine and Takumi.
- 2701 "A BILL FOR AN ACT RELATING TO CIVIL SERVICE."
Introduced by: Representatives Caldwell, Nishimoto, Takai, Takumi, Chong, Ito, Lee, Nakasone, M. Oshiro, Shimabukuro, Souki and Takamine.

- 2702 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."
Introduced by: Representatives Caldwell, Chang, Schatz, Takai, Waters, Green, Herkes, Kawakami, Magaoay, Morita, Nishimoto, M. Oshiro, Takamine, Tsuji, Wakai and Yamashita.
- 2703 "A BILL FOR AN ACT RELATING TO ALTERNATIVE ENERGY SOURCES."
Introduced by: Representatives Caldwell, Carroll, Schatz and Waters.
- 2704 "A BILL FOR AN ACT RELATING TO NEGLIGENT HOMICIDE."
Introduced by: Representatives Caldwell, Lee, Luke, Wakai, Green and Souki.
- 2705 "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING."
Introduced by: Representatives Caldwell, Luke, Morita, Schatz, Carroll, Herkes, Lee, M. Oshiro and Takumi.
- 2706 "A BILL FOR AN ACT RELATING TO PEDESTRIAN SAFETY."
Introduced by: Representatives Caldwell, Kanoho, Karamatsu, Lee, Luke, Morita, Shimabukuro, Souki, Tanaka and Yamane.
- 2707 "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING."
Introduced by: Representatives Caldwell, Kanoho, Lee, Luke, Morita, Takai, Thielen, Waters, Arakaki, Herkes, Shimabukuro and Souki.
- 2708 "A BILL FOR AN ACT RELATING TO ADVERTISING."
Introduced by: Representatives Caldwell, Kanoho, Lee, Luke, Morita, M. Oshiro, Takai, Thielen, Waters, Arakaki, Herkes, Souki and Takamine.
- 2709 "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES."
Introduced by: Representatives Caldwell, M. Oshiro, Schatz, Takai, Wakai, Karamatsu, Souki, Takamine and Yamane.
- 2710 "A BILL FOR AN ACT RELATING TO NOISE."
Introduced by: Representatives Caldwell, Luke, Morita, Nishimoto, Schatz, Waters, Souki and Yamane.
- 2711 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by: Representative Say.
- 2712 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN."
Introduced by: Representative Say.
- 2713 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR KAWAIAHAO SCHOOL."
Introduced by: Representatives Say and Waters.
- 2714 "A BILL FOR AN ACT RELATING TO HARBORS."
Introduced by: Representatives Say and Yamane.
- 2715 "A BILL FOR AN ACT RELATING TO POLICE OFFICERS."
Introduced by: Representatives Yamane and Say.
- 2716 "A BILL FOR AN ACT RELATING TO CORRECTIONS OFFICERS."
Introduced by: Representative Say.
- 2717 "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION."
Introduced by: Representative Say.
- 2718 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR PLANS, DESIGN, CONSTRUCTION, AND EQUIPMENT OF A LEVEL III BIOTECHNOLOGY LABORATORY FACILITY FOR THE UNIVERSITY OF HAWAII."
Introduced by: Representatives Say and M. Oshiro.
- 2719 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A PURCHASE OF SERVICE TO THE DEPARTMENT OF HEALTH."
Introduced by: Representative Say, by request.
- 2720 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."
Introduced by: Representative Say, by request.
- 2721 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
Introduced by: Representative Say.
- 2722 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Say.
- 2723 "A BILL FOR AN ACT RELATING TO GOVERNMENT."
Introduced by: Representative Say.
- 2724 "A BILL FOR AN ACT RELATING TO PUBLIC LANDS."
Introduced by: Representative Say.
- 2725 "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN."
Introduced by: Representative Say.

2726 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."

Introduced by: Representative Say.

2727 "A BILL FOR AN ACT RELATING TO STATE AND COUNTY LIABILITY."

Introduced by: Representative Say, by request.

[Note: The following bills were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

2728 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representative Abinsay.

2729 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representative Abinsay.

2730 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representative Abinsay.

2731 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representative Abinsay.

2732 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representative Abinsay.

2733 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR WIRELESS CONNECTIVITY AT RURAL SCHOOLS ON MAUI, LANAI, AND MOLOKAI."

Introduced by: Representatives Carroll, Berg, Luke, Morita, Shimabukuro, Tanaka, Tsuji, Wakai, Yamashita and Kahikina.

2734 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."

Introduced by: Representatives Carroll, Berg, Green, Kahikina, Luke, Morita, Tsuji, Waters, Arakaki and Shimabukuro.

2735 "A BILL FOR AN ACT APPROPRIATING FUNDS FOR BRIDGE SIGNS ON HANA HIGHWAY."

Introduced by: Representatives Carroll, Berg, Luke, Morita, Yamashita, M. Oshiro and Shimabukuro.

2736 "A BILL FOR AN ACT RELATING TO HIGHWAY SIGNS."

Introduced by: Representatives Carroll, Morita, Yamashita, and M. Oshiro.

2737 "A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI."

Introduced by: Representatives Carroll, Luke, Tsuji, Waters, Arakaki, Berg, Green, Kahikina, Morita, Shimabukuro and Souki.

2738 "A BILL FOR AN ACT RELATING TO CABLE TELEVISION."

Introduced by: Representatives Carroll, Berg, Luke, Morita, Shimabukuro, Takai, Arakaki, Souki, Waters and Yamashita.

2739 "A BILL FOR AN ACT RELATING TO KALAUPAPA PATIENT RESIDENTS."

Introduced by: Representatives Carroll, Abinsay, Arakaki, Luke, B. Oshiro, Shimabukuro, Takumi, Tanaka and Yamashita.

2740 "A BILL FOR AN ACT RELATING TO NOISE POLLUTION."

Introduced by: Representatives Carroll, Berg, Green, Kahikina, Luke, M. Oshiro, Shimabukuro, Tsuji, Yamashita and Arakaki.

2741 "A BILL FOR AN ACT RELATING TO DEPLETED URANIUM AND OTHER HAZARDOUS MATERIALS EXPOSURE."

Introduced by: Representatives Shimabukuro, Arakaki, Carroll, Green, Lee, Schatz and Takumi.

2742 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

2743 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

2744 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Takumi.

2745 "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY."

Introduced by: Representative Souki.

2746 "A BILL FOR AN ACT RELATING TO AVIATION FUEL TAXES."

Introduced by: Representative Souki.

2747 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."

Introduced by: Representatives Souki and Lee.

- 2748 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO MATCH ENVIRONMENTAL PROTECTION AGENCY FUNDS FOR THE WEST MAUI SOIL AND WATER CONSERVATION DISTRICT."
Introduced by: Representatives Souki and Kanoho.
- 2749 "A BILL FOR AN ACT RELATING TO CORRECTIONS."
Introduced by: Representative Nakasone.
- 2750 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO THE LEGISLATURE."
Introduced by: Representative Harbin.
- 2751 "A BILL FOR AN ACT RELATING TO BUSINESS RETENTION AND EXPANSION."
Introduced by: Representative Harbin.
- 2752 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."
Introduced by: Representative Harbin.
- 2753 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."
Introduced by: Representative Harbin.
- 2754 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."
Introduced by: Representative Harbin.
- 2755 "A BILL FOR AN ACT RELATING TO CONSUMER ADVOCATE FOR APPROPRIATE HEALTH CARE."
Introduced by: Representative Harbin.
- 2756 "A BILL FOR AN ACT RELATING TO LAND."
Introduced by: Representative M. Oshiro.
- 2757 "A BILL FOR AN ACT RELATING TO LAND CONSERVATION."
Introduced by: Representative M. Oshiro.
- 2758 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representative M. Oshiro.
- 2759 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."
Introduced by: Representatives Chang, Abinsay, Cabanilla, Carroll, Evans, Green, Hale, Herkes, Ito, Karamatsu, Kawakami, Lee, Luke, Shimabukuro, Tsuji, Yamashita, Arakaki, Marumoto, Souki, Takamine, Takumi and Wakai.
- 2760 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Takai.
- 2761 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MAUI LAND AND PINEAPPLE COMPANY, INC."
Introduced by: Representatives Yamashita, Chang, Chong, Herkes, Karamatsu, Say, Tanaka, Tsuji, Wakai, Yamane, Abinsay, Carroll, Magaoay, Nakasone and Souki.
- 2762 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE 12TH REPRESENTATIVE DISTRICT."
Introduced by: Representative Yamashita.
- 2763 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG."
Introduced by: Representatives Tsuji, Chang, Hale, Herkes, Evans, Green and Takamine.
- 2764 "A BILL FOR AN ACT RELATING TO COQUI FROGS."
Introduced by: Representatives Herkes, Chang, Evans, Green, Hale, Tsuji and Takamine.
- 2765 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."
Introduced by: Representatives Evans, Chang, Green, Hale, Herkes, Tsuji and Takamine.
- 2766 "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN."
Introduced by: Representatives Tsuji, Abinsay, Berg, Chong, Herkes, Kanoho, Luke, Marumoto, Moses, Schatz, Waters, Yamane, Yamashita, Evans, Ito, Kahikina, Karamatsu, Magaoay, Meyer, Shimabukuro, Souki, Takamine and Tanaka.
- 2767 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representatives Tsuji, Abinsay, Chang, Chong, Green, Halford, Herkes, Karamatsu, Lee, Luke, Magaoay, Marumoto, Morita, B. Oshiro, Wakai, Yamashita, Arakaki, Cabanilla, Caldwell, Evans, Ito, Sonson, Souki, Takamine, Takumi, Tanaka and Yamane.
- 2768 "A BILL FOR AN ACT RELATING TO DEFERRED DEPOSITS."
Introduced by: Representatives M. Oshiro, Ito, Kahikina, Kanoho, Lee, Magaoay and Waters.
- 2769 "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES."
Introduced by: Representatives Abinsay, Chang, Herkes, Kanoho, Karamatsu, Magaoay, Tsuji, Yamashita and Wakai.

2770 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE EAST KAUAI IRRIGATION SYSTEM."

Introduced by: Representatives Abinsay, Chang, Kanoho, Karamatsu, Magaoay, Yamashita, Herkes and Wakai.

2771 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AGRICULTURAL PARK IN ROYAL KUNIA."

Introduced by: Representatives Abinsay, Chang, Herkes, Karamatsu, Magaoay, Tsuji, Wakai, Yamashita and Kanoho.

2772 "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY."

Introduced by: Representatives Abinsay, Chang, Herkes, Kanoho, Karamatsu, Magaoay, Tsuji, Wakai and Yamashita.

2773 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Abinsay, Chang, Herkes, Kanoho, Karamatsu, Magaoay, Tsuji, Yamashita and Wakai.

2774 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Abinsay, Chang, Kanoho, Karamatsu, Magaoay, Tsuji, Yamashita and Herkes.

2775 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Abinsay, Chang, Herkes, Kanoho, Karamatsu, Magaoay, Tsuji, Wakai and Yamashita.

2776 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO AGRICULTURE."

Introduced by: Representatives Abinsay, Chang, Herkes, Kanoho, Karamatsu, Magaoay, Tsuji, Yamashita and Wakai.

2777 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES."

Introduced by: Representatives Abinsay, Herkes, Kanoho, Karamatsu, Magaoay, Tsuji, Yamashita and Wakai.

2778 "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS."

Introduced by: Representatives Abinsay, Arakaki, Caldwell, Carroll, Chang, Chong, Magaoay, M. Oshiro, Schatz, Sonson, Tanaka, Tsuji, Waters, Hale and Karamatsu.

2779 "A BILL FOR AN ACT RELATING TO DISCRIMINATION."

Introduced by: Representatives Abinsay, Arakaki, Caldwell, Carroll, Chang, Chong, Magaoay, M. Oshiro, Schatz, Sonson, Tanaka, Tsuji, Waters and Hale.

2780 "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS."

Introduced by: Representatives Abinsay, Carroll, Chang, Karamatsu, M. Oshiro, Schatz, Sonson, Tsuji, Chong, Hale and Tanaka.

2781 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."

Introduced by: Representative Nishimoto.

2782 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Nishimoto.

2783 "A BILL FOR AN ACT RELATING TO STANDARD DEDUCTION."

Introduced by: Representative Nishimoto.

2784 "A BILL FOR AN ACT RELATING TO DOGS."

Introduced by: Representative Nishimoto, by request.

2785 "A BILL FOR AN ACT RELATING TO ZONING."

Introduced by: Representative Nishimoto.

2786 "A BILL FOR AN ACT RELATING TO ENERGY PROJECTORIES."

Introduced by: Representative Nishimoto, by request.

2787 "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS."

Introduced by: Representative Nishimoto.

2788 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE COMMISSION ON THE STATUS OF WOMEN."

Introduced by: Representatives Lee, Berg, Cabanilla, Carroll, Evans, Hale, Kawakami, Luke, Marumoto, Morita, M. Oshiro, Schatz, Shimabukuro and Thielen.

2789 "A BILL FOR AN ACT RELATING TO TIP CREDIT."

Introduced by: Representative Harbin.

2790 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."

Introduced by: Representative Harbin.

2791 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representative Harbin.

- 2792 "A BILL FOR AN ACT RELATING TO AN AFFORDABLE HOUSING DEVELOPMENT AUTHORITY."
Introduced by: Representatives Kahikina, Chong and Say.
- 2793 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-FOURTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Kahikina.
- 2794 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE WAIANAE COST COMPREHENSIVE HEALTH CENTER."
Introduced by: Representative Kahikina.
- 2795 "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION."
Introduced by: Representative Kahikina.
- 2796 "A BILL FOR AN ACT RELATING TO HONEY."
Introduced by: Representatives Hale, Tsuji and Abinsay.
- 2797 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."
Introduced by: Representative Schatz.
- 2798 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-NINTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Abinsay.
- 2799 "A BILL FOR AN ACT RELATING TO ATTRACTIONS AND EDUCATIONAL FACILITIES TAX CREDIT."
Introduced by: Representatives Takai, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Carroll, Chang, Evans, Green, Hale, Herkes, Ito, Kanoho, Karamatsu, Kawakami, Lee, Magaoay, Marumoto, Morita, Nakasone, Nishimoto, M. Oshiro, Schatz, Sonson, Stevens, Takumi, Tanaka, Thielen, Tsuji, Wakai, Yamane and Yamashita.
- 2800 "A BILL FOR AN ACT RELATING TO WATER RIGHTS."
Introduced by: Representative Kanoho.
- 2801 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representative Kanoho, by request.
- 2802 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST THE HAWAII MEDICAL CENTER, L.L.C."
Introduced by: Representatives Kanoho, Arakaki and Green.
- 2803 "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX."
Introduced by: Representative Kanoho.
- 2804 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE TWENTY-THIRD REPRESENTATIVE DISTRICT."
Introduced by: Representative Stevens.
- 2805 "A BILL FOR AN ACT RELATING TO STATE PLANNING."
Introduced by: Representatives Yamane, Berg, M. Oshiro, Chong, Say and Yamashita.
- 2806 "A BILL FOR AN ACT RELATING TO SUSTAINABILITY."
Introduced by: Representatives Yamane, Berg, Chong, M. Oshiro and Yamashita.
- 2807 "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS."
Introduced by: Representative Yamane, by request.
- 2808 "A BILL FOR AN ACT MAKING AN APPROPRIATION OF A GRANT TO THE HAWAIIAN HUMANE SOCIETY."
Introduced by: Representative Yamane.
- 2809 "A BILL FOR AN ACT RELATING TO THE LEGISLATURE."
Introduced by: Representative Harbin.
- 2810 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION."
Introduced by: Representative Harbin.
- 2811 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."
Introduced by: Representative Harbin.
- 2812 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
Introduced by: Representative Harbin.
- 2813 "A BILL FOR AN ACT RELATING TO INSURANCE FOR DISABLED CHILDREN."
Introduced by: Representative Harbin.
- 2814 "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES."
Introduced by: Representative Harbin.
- 2815 "A BILL FOR AN ACT RELATING TO PETROLEUM PRODUCTS."
Introduced by: Representative Harbin.

2816 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."

Introduced by: Representative Harbin.

2817 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Harbin.

2818 "A BILL FOR AN ACT RELATING TO THE AVAILABILITY AND SALE OF PRIVATE INFORMATION."

Introduced by: Representative Marumoto.

2819 "A BILL FOR AN ACT RELATING TO DECABROMODIPHENYLETHER."

Introduced by: Representatives Thielen, Arakaki, Lee, Luke and Morita.

2820 "A BILL FOR AN ACT RELATING TO ELECTION CAMPAIGN CONTRIBUTIONS AND EXPENDITURES."

Introduced by: Representatives Thielen, Hale and Marumoto.

2821 "A BILL FOR AN ACT RELATING TO HIGHWAYS."

Introduced by: Representatives Carroll, Morita, Souki, Tanaka and Yamashita.

2822 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representatives Carroll, Luke, Shimabukuro, Abinsay, Arakaki, B. Oshiro, Souki, Takumi, Tanaka and Yamashita.

2823 "A BILL FOR AN ACT RELATING TO BILL OF RIGHTS DAY."

Introduced by: Representatives Carroll, Berg, Ito, Luke, Morita, Takai, Waters, Arakaki, Chong, Evans, Green, Karamatsu, Shimabukuro and Tanaka.

2824 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR THE HANA HEALTH NUTRITION TRAINING CENTER."

Introduced by: Representatives Carroll, Abinsay, Arakaki, Caldwell, Chong, Luke, Morita, B. Oshiro, Shimabukuro, Tanaka, Yamashita and Takumi.

2825 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HEMODIALYSIS FACILITY IN HANA."

Introduced by: Representatives Carroll, Abinsay, Arakaki, Caldwell, Herkes, Luke, Morita, B. Oshiro, Shimabukuro, Tanaka, Tsuji, Wakai, Waters, Yamashita, Berg, Chong, Kahikina, Souki and Takumi.

2826 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HANA COMMUNITY HEALTH CENTER."

Introduced by: Representatives Carroll, Abinsay, Arakaki, Caldwell, Chong, Luke, Morita, B. Oshiro, Shimabukuro, Tanaka, Yamashita and Takumi.

2827 "A BILL FOR AN ACT RELATING TO LABELING AND IDENTIFICATION OF GENETICALLY MODIFIED FISH AND FISH PRODUCTS."

Introduced by: Representatives Carroll, Berg, Morita, Shimabukuro, Arakaki, B. Oshiro, Takumi, Tanaka and Yamashita.

2828 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES."

Introduced by: Representatives Pine, Cabanilla, Finnegan, Meyer, Moses, Stonebraker, Halford and Stevens.

2829 "A BILL FOR AN ACT RELATING TO A GENERAL EXCISE TAX EXEMPTION."

Introduced by: Representatives Pine, Marumoto, Meyer, Moses, Stevens, Stonebraker, Finnegan and Halford.

2830 "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES."

Introduced by: Representatives Pine, Moses, Finnegan, Stevens and Stonebraker.

2831 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-THIRD REPRESENTATIVE DISTRICT."

Introduced by: Representative Pine.

2832 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representatives Chong, Kanoho, Morita, Tsuji and Yamane.

2833 "A BILL FOR AN ACT RELATING TO PRISONS."

Introduced by: Representatives Chong, Ito, Luke, Waters, Caldwell, Kawakami, Moses, Nakasone, Takamine, Takumi and Thielen.

2834 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-NINTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Chong.

2835 "A BILL FOR AN ACT RELATING TO LOW-INCOME REFUNDABLE TAX CREDIT."

Introduced by: Representative Chong.

2836 "A BILL FOR AN ACT RELATING TO INFORMATION SECURITY."

Introduced by: Representatives Chong, Caldwell, Evans, Karamatsu, Lee, Luke, Say, Tanaka, Tsuji, Waters, Yamane, Yamashita, Kawakami, Nakasone, Takamine and Takumi.

- 2837 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Chong, Evans, Ito, Tsuji, Waters, Yamashita, Takumi, Tanaka and Yamane.
- 2838 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL CUSTODIAL TRAINING."
Introduced by: Representative Souki.
- 2839 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representative Souki, Chang, Evans, Herkes, Nishimoto, Cabanilla, Chong, Ito, Kanoho, Karamatsu, Kawakami, Magaoay, Nakasone, Sonson, Takamine, Tanaka, Tsuji, Wakai, Yamane and Yamashita.
- 2840 "A BILL FOR AN ACT RELATING TO OCCUPATIONAL SAFETY AND HEALTH."
Introduced by: Representatives Magaoay, Arakaki, Caldwell, Chang, Herkes, Ito, Karamatsu, Kawakami, Lee, Tsuji, Waters, Yamane, Yamashita and Souki.
- 2841 "A BILL FOR AN ACT RELATING TO IDENTITY THEFT."
Introduced by: Representatives Magaoay, Abinsay, Caldwell, Chang, Ito, Kanoho, Karamatsu, Luke, Marumoto, Schatz, Tsuji, Waters, Yamane, Yamashita, Souki and Tanaka.
- 2842 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST IN CONSTRUCTING AND MAKING IMPROVEMENTS TO THE AGRICULTURAL IRRIGATION SYSTEMS ON THE NORTH SHORE OF THE ISLAND OF OAHU."
Introduced by: Representatives Magaoay, Kanoho, Yamane, Abinsay, Takamine, Tanaka and Yamashita.
- 2843 "A BILL FOR AN ACT RELATING TO CRIME."
Introduced by: Representatives Pine, Cabanilla, Ching, Finnegan, Meyer, Moses, Stevens and Stonebraker.
- 2844 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTY-FIFTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Shimabukuro.
- 2845 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO UNIVERSITY OF HAWAII'S LEEWARD COMMUNITY COLLEGE FOR A PHILIPPINE STUDIES PROGRAM AND FACULTY POSITION."
Introduced by: Representatives Abinsay, Arakaki, Cabanilla, Chong, Karamatsu, Magaoay, Sonson, Wakai, Yamane, Yamashita and Finnegan.
- 2846 "A BILL FOR AN ACT RELATING TO THE OFFICE OF INFORMATION PRACTICES."
Introduced by: Representatives Thielen, Schatz and Hale.
- 2847 "A BILL FOR AN ACT RELATING TO AN ENVIRONMENTAL COURT."
Introduced by: Representatives Morita, Berg, Carroll, Kanoho, Pine, Schatz, Thielen, Waters and Evans.
- 2848 "A BILL FOR AN ACT RELATING TO ENERGY."
Introduced by: Representatives Morita, Berg, Carroll, Kanoho, Pine, Schatz, Thielen and Waters.
- 2849 "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTABILITY."
Introduced by: Representatives Morita, Berg, Carroll, Evans, Kanoho, Schatz, Thielen and Waters.
- 2850 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES FUNDING."
Introduced by: Representatives Morita, Berg, Carroll, Chong, Evans, Kanoho, Pine, Schatz, Thielen, Tsuji, Waters and Yamane.
- 2851 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FIRST REPRESENTATIVE DISTRICT."
Introduced by: Representative Nishimoto.
- 2852 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS AND MAKING AN APPROPRIATION."
Introduced by: Representatives Saiki, Carroll and Kanoho.
- 2853 "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST."
Introduced by: Representatives Saiki, Carroll and Kanoho.
- 2854 "A BILL FOR AN ACT RELATING TO UNMARRIED COUPLES."
Introduced by: Representatives Saiki, Caldwell, Lee, Luke, B. Oshiro and Thielen.
- 2855 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Evans, Arakaki, Cabanilla, Ching, Hale, Schatz, Shimabukuro, Waters, Chang, Chong, Finnegan, Halford, Kawakami, Magaoay, Nishimoto, Sonson, Souki, Stonebraker and Tanaka.

- 2856 "A BILL FOR AN ACT RELATING TO LICENSING FOR CONSULTANTS."
Introduced by: Representatives Evans, Ching, Hale, Marumoto, Moses, Waters, Arakaki, Chang, Chong, Green, Halford, Ito, Kawakami, Magaoay, Meyer, Nishimoto, Schatz, Shimabukuro, Sonson, Souki, Stevens, Stonebraker, Takumi and Tanaka.
- 2857 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Evans, Arakaki, Cabanilla, Ching, Hale, Meyer, Moses, Chang, Chong, Finnegan, Green, Halford, Ito, Kahikina, Kawakami, Lee, Magaoay, Nishimoto, Schatz, Shimabukuro, Sonson, Souki, Stevens, Stonebraker, Takumi and Tanaka.
- 2858 "A BILL FOR AN ACT RELATING TO PROTECTION OF CAVES."
Introduced by: Representatives Evans, Hale, Arakaki, Cabanilla, Chang, Ching, Chong, Green, Ito, Kahikina, Kawakami, Magaoay, Meyer, Nishimoto, Schatz, Shimabukuro, Sonson, Souki, Stonebraker, Takumi and Tanaka.
- 2859 "A BILL FOR AN ACT RELATING TO FENCING."
Introduced by: Representatives Evans, Tsuji, Chang and Kanoho.
- 2860 "A BILL FOR AN ACT RELATING TO THE MAUNA KEA SUMMIT."
Introduced by: Representatives Evans, Kanoho, Morita and Berg.
- 2861 "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS."
Introduced by: Representatives Evans, Herkes and Karamatsu.
- 2862 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX."
Introduced by: Representatives Evans, Berg and Kanoho.
- 2863 "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY INNOVATION CORPORATION."
Introduced by: Representatives Evans, Morita, Chang and Karamatsu.
- 2864 "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN."
Introduced by: Representatives Evans, and B. Oshiro.
- 2865 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SEVENTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Evans.
- 2866 "A BILL FOR AN ACT RELATING TO FAMILY COURTS."
Introduced by: Representative Evans.
- 2867 "A BILL FOR AN ACT RELATING TO CULTURAL AND HISTORIC SITES."
Introduced by: Representatives Evans, Arakaki, Cabanilla, Chang, Ching, Hale, Magaoay, Marumoto, Moses, Nishimoto, Schatz, Shimabukuro, Stonebraker, Tanaka, Thielen, Waters, Chong, Finnegan, Green, Ito, Lee, Meyer, Souki and Stevens.
- 2868 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE THIRD REPRESENTATIVE DISTRICT."
Introduced by: Representatives Tsuji, Karamatsu, Wakai, Abinsay, Moses, B. Oshiro, Shimabukuro, Sonson and Tanaka.
- 2869 "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE."
Introduced by: Representatives Tsuji, Abinsay, Karamatsu, Marumoto, Moses, B. Oshiro, Shimabukuro, Wakai, Evans, Sonson, Takamine and Tanaka.
- 2870 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN."
Introduced by: Representatives Tsuji, Abinsay, Chang, Evans, Karamatsu, Moses, B. Oshiro, Shimabukuro, Green, Marumoto, Sonson, Takamine, Tanaka and Wakai.
- 2871 "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS."
Introduced by: Representatives Tsuji, Abinsay, Evans, Karamatsu, Moses, B. Oshiro, Shimabukuro, Sonson, Takamine, Tanaka and Wakai.
- 2872 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG."
Introduced by: Representatives Tsuji, Abinsay, Evans, Karamatsu, Moses, B. Oshiro, Shimabukuro, Sonson, Tanaka, Marumoto, Takamine and Wakai.
- 2873 "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES."
Introduced by: Representatives Tsuji, Abinsay, Chang, Chong, Green, Karamatsu, B. Oshiro, Shimabukuro, Sonson, Yamashita, Marumoto, Takamine, Tanaka and Wakai.
- 2874 "A BILL FOR AN ACT RELATING TO PUBLIC WORKS CONTRACTS."
Introduced by: Representatives Tsuji, Abinsay, Chang, Evans, Green, Hale, Moses, B. Oshiro, Harbin, Karamatsu, Marumoto, Shimabukuro, Sonson, Takamine, Tanaka and Wakai.

- 2875 "A BILL FOR AN ACT RELATING TO FISHING."
Introduced by: Representative Kanoho.
- 2876 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."
Introduced by: Representative Kanoho.
- 2877 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
Introduced by: Representative Nakasone.
- 2878 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC."
Introduced by: Representative Takamine.
- 2879 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
Introduced by: Representatives Takamine, Luke and Takumi.
- 2880 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION."
Introduced by: Representatives Takamine, Evans, Herkes and Tsuji.
- 2881 "A BILL FOR AN ACT RELATING TO MARINE RESOURCE MANAGEMENT."
Introduced by: Representatives Takamine, Evans, Herkes, Kanoho and Tsuji.
- 2882 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO AUGMENT THE FUNDING FOR THE WEIGHTED STUDENT FORMULA."
Introduced by: Representatives Takamine, Evans, Herkes and Tsuji.
- 2883 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE OVERSIGHT."
Introduced by: Representatives Magaoay, Cabanilla, Green, Lee, Nishimoto and Sonson.
- 2884 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AMBULANCE SERVICE FOR THE HAIKU REGION OF MAUI."
Introduced by: Representatives Carroll, Caldwell, Chong, Green, Luke, Morita, Saiki, Tanaka, Tsuji, Arakaki, Berg, Kahikina, Karamatsu, Shimabukuro, Souki and Yamashita.
- 2885 "A BILL FOR AN ACT RELATING TO ADULT ENTERTAINMENT PRODUCTS."
Introduced by: Representatives Carroll, Abinsay, Arakaki, Caldwell, Chong, Kahikina, Lee, Luke, Saiki, Tanaka, Tsuji, Waters, Yamashita, Karamatsu, B. Oshiro and Shimabukuro.
- 2886 "A BILL FOR AN ACT RELATING TO VEHICLES."
Introduced by: Representatives Carroll, Saiki, Tanaka, Yamashita and Souki.
- 2887 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST THE MOLOKAI REEF FISH RESTORATION PILOT PROJECT."
Introduced by: Representatives Carroll, Berg, Caldwell, Chong, Evans, Kanoho, Karamatsu, Luke, Morita, Saiki, Tanaka, Tsuji, Wakai, Waters, Yamashita and Souki.
- 2888 "A BILL FOR AN ACT RELATING TO GREENBELTS."
Introduced by: Representatives Carroll, Berg, Caldwell, Luke, Morita, Saiki, Shimabukuro, Tsuji, Waters, Chong, Green, Kanoho, Karamatsu, Souki, Tanaka and Yamashita.
- 2889 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RECONSTRUCTION OF HISTORIC OLD NAHIKU SCHOOL."
Introduced by: Representatives Carroll, Caldwell, Chong, Evans, Luke, Morita, Saiki, Waters, Berg, Kanoho, Karamatsu, Souki, Tanaka, Tsuji and Yamashita.
- 2890 "A BILL FOR AN ACT RELATING TO SENTENCING."
Introduced by: Representative Stonebraker.
- 2891 "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN."
Introduced by: Representatives Stonebraker, Finnegan, Meyer and Pine.
- 2892 "A BILL FOR AN ACT RELATING TO THE SUNSHINE LAW."
Introduced by: Representatives Stonebraker, Marumoto and Berg.
- 2893 "A BILL FOR AN ACT RELATING TO INSURANCE."
Introduced by: Representative Stonebraker.
- 2894 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Stonebraker, Finnegan, Meyer, Moses and Pine.
- 2895 "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS."
Introduced by: Representatives Luke and B. Oshiro.
- 2896 "A BILL FOR AN ACT RELATING TO EMOTIONAL DISTRESS."
Introduced by: Representatives Luke and B. Oshiro.

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| <p>2897 "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> | <p>2909 "A BILL FOR AN ACT RELATING TO CAMPAIGN CONTRIBUTIONS."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> |
| <p>2898 "A BILL FOR AN ACT RELATING TO ARBITRATION."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> | <p>2910 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."</p> <p>Introduced by: Representatives Sonson, Arakaki, Cabanilla, Kahikina and Halford.</p> |
| <p>2899 "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> | <p>2911 "A BILL FOR AN ACT RELATING TO HUMAN SERVICES."</p> <p>Introduced by: Representatives Sonson, Arakaki and Green.</p> |
| <p>2900 "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> | <p>2912 "A BILL FOR AN ACT RELATING TO STATE FINANCES."</p> <p>Introduced by: Representative Takamine.</p> |
| <p>2901 "A BILL FOR AN ACT RELATING TO GARNISHMENT."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> | <p>2913 "A BILL FOR AN ACT RELATING TO TAXATION."</p> <p>Introduced by: Representative Takamine.</p> |
| <p>2902 "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> | <p>2914 "A BILL FOR AN ACT RELATING TO THE STATE BUDGET."</p> <p>Introduced by: Representative Takamine.</p> |
| <p>2903 "A BILL FOR AN ACT RELATING TO PROTECTION OF PUBLIC TRANSIT WORKERS."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> | <p>2915 "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT INSURANCE."</p> <p>Introduced by: Representative Takamine.</p> |
| <p>2904 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION, PREVENTION, AND TREATMENT PROGRAMS FOR DRUG ADDICTION."</p> <p>Introduced by: Representatives Luke and B. Oshiro.</p> | <p>2916 "A BILL FOR AN ACT RELATING TO TRANSPORTATION."</p> <p>Introduced by: Representatives Moses, Marumoto, Pine, Thielen, Arakaki, Evans, Kanoho, Karamatsu, Morita, Shimabukuro, Sonson, Stevens, Stonebraker and Tanaka.</p> |
| <p>2905 "A BILL FOR AN ACT RELATING TO ELECTIONS."</p> <p>Introduced by: Representative Luke.</p> | <p>2917 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE FORTIETH REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representatives Moses, Karamatsu, Pine and Stonebraker.</p> |
| <p>2906 "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS."</p> <p>Introduced by: Representative Luke.</p> | <p>2918 "A BILL FOR AN ACT RELATING TO THEFT."</p> <p>Introduced by: Representatives Moses, Evans, Finnegan, Meyer, Morita, Pine, Thielen, Arakaki, Halford, Kanoho, Karamatsu, Marumoto, Sonson, Stevens, Stonebraker and Tanaka.</p> |
| <p>2907 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PAPAOLEA COMMUNITY DEVELOPMENT CORPORATION."</p> <p>Introduced by: Representative Luke.</p> | <p>2919 "A BILL FOR AN ACT RELATING TO IDENTITY THEFT."</p> <p>Introduced by: Representatives Moses, Finnegan, Marumoto, Meyer, Pine, Thielen, Arakaki, Kanoho, Karamatsu, Morita, Shimabukuro, Sonson, Stevens, Stonebraker and Tanaka.</p> |
| <p>2908 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-SIXTH REPRESENTATIVE DISTRICT."</p> <p>Introduced by: Representative Luke.</p> | |

2920 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."

Introduced by: Representatives Moses, Finnegan, Marumoto, Meyer, Pine, Sonson, Arakaki, Evans, Halford, Kanoho, Morita, Stevens, Stonebraker, Tanaka, Tsuji and Wakai.

2921 "A BILL FOR AN ACT RELATING TO THE EXCLUSION OF PROCEEDS FROM THE MANUFACTURE, PACKAGING, AND SALE OF FOOD FROM GENERAL EXCISE TAX LIABILITY."

Introduced by: Representatives Moses, Finnegan, Halford, Marumoto, Meyer, Pine, Stevens, Stonebraker, Thielen, Arakaki, Kanoho and Tanaka.

2922 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Moses, Finnegan, Halford, Marumoto, Meyer, Pine, Thielen, Arakaki, Evans, Kanoho, Sonson, Stevens and Tanaka.

2923 "A BILL FOR AN ACT RELATING TO AMBULANCES."

Introduced by: Representatives Moses, Pine, Karamatsu, Sonson, Stonebraker and Wakai.

2924 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representatives Moses, Cabanilla, Ching, Finnegan, Marumoto, Meyer, Pine, Stevens, Stonebraker, Green, Hale, Halford, Ito, Kanoho, Souki, Tanaka, Tsuji and Waters.

2925 "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT."

Introduced by: Representatives Shimabukuro, Morita, B. Oshiro, Schatz, Takai, Berg, Cabanilla, Carroll, Chang, Green, Hale, Ito, Kahikina, Karamatsu, Souki, Takamine, Tsuji and Wakai.

2926 "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS."

Introduced by: Representatives Shimabukuro, Berg, Lee, Morita, B. Oshiro, Tanaka, Wakai, Carroll, Evans, Hale, Ito, Kahikina, Schatz, Souki and Tsuji.

2927 "A BILL FOR AN ACT RELATING TO HARBORS."

Introduced by: Representatives Shimabukuro, Berg, Evans, Lee, Morita, M. Oshiro, Schatz, Hale, Ito, Kahikina, Souki and Wakai.

2928 "A BILL FOR AN ACT RELATING TO THE COUNTIES."

Introduced by: Representatives Shimabukuro, Berg, Carroll, Evans, Morita, B. Oshiro, Takai, Wakai, Arakaki, Green, Hale, Ito, Kahikina, Souki and Tsuji.

2929 "A BILL FOR AN ACT RELATING TO BOATING."

Introduced by: Representatives Shimabukuro, Berg, Carroll, Evans, Morita, B. Oshiro, Takai, Tanaka, Wakai, Chang, Green, Hale, Ito, Kahikina, Lee, Souki and Tsuji.

2930 "A BILL FOR AN ACT RELATING TO HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES."

Introduced by: Representatives Shimabukuro, Green, Morita, Berg, Carroll, Chang, Hale and Ito.

2931 "A BILL FOR AN ACT RELATING TO GENERATED ELECTRICITY."

Introduced by: Representatives Shimabukuro, Berg, Chang, Evans, Ito, Kahikina, Morita, M. Oshiro, Schatz, Takai, Arakaki, Green, Hale, Lee, Schatz, Souki and Wakai.

2932 "A BILL FOR AN ACT RELATING TO LAND USE."

Introduced by: Representatives Shimabukuro, Chang, Evans, Hale, Ito, Morita, B. Oshiro, Schatz, Takai, Arakaki, Berg, Carroll, Green, Kahikina, M. Oshiro, Tsuji and Wakai.

2933 "A BILL FOR AN ACT RELATING TO THE WAIANAE COAST."

Introduced by: Representatives Shimabukuro, Berg, Carroll, Chang, Evans, Green, Kahikina, Morita, B. Oshiro, Schatz, Takai, Tsuji, Wakai, Hale, Ito and Souki.

2934 "A BILL FOR AN ACT RELATING TO HOMELESS VETERANS."

Introduced by: Representatives Green, Chang, Ito, Kahikina, Shimabukuro, Tanaka and Berg.

2935 "A BILL FOR AN ACT RELATING TO ELDERLY IDENTIFICATION."

Introduced by: Representative Nishimoto.

2936 "A BILL FOR AN ACT RELATING TO DISASTER PLANNING."

Introduced by: Representative Nishimoto.

2937 "A BILL FOR AN ACT RELATING TO SOCIAL RECIPROCITY."

Introduced by: Representative Nishimoto.

2938 "A BILL FOR AN ACT RELATING TO LONG TERM CARE."

Introduced by: Representative Nishimoto.

2939 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representative Nishimoto.

2940 "A BILL FOR AN ACT RELATING TO SAGE PLUS."

Introduced by: Representative Nishimoto.

2941 "A BILL FOR AN ACT RELATING TO AGING."

Introduced by: Representative Nishimoto.

- 2942 "A BILL FOR AN ACT RELATING TO FERAL PIGS."
Introduced by: Representatives Caldwell, Berg, Kanoho, Morita and Evans.
- 2943 "A BILL FOR AN ACT RELATING TO RELIEF OF MANOA FLOOD VICTIMS."
Introduced by: Representative Caldwell.
- 2944 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TWENTY-FOURTH DISTRICT."
Introduced by: Representative Caldwell.
- 2945 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."
Introduced by: Representatives Caldwell, Berg, Carroll, Chong, Evans, Kanoho, Lee, Magaoay, Morita, Nishimoto, Schatz, Tsuji, Waters, Yamashita, Kawakami, Nakasone and Takamine.
- 2946 "A BILL FOR AN ACT RELATING TO EXAMINATIONS FOR THE DETERMINATION OF PERMANENT IMPAIRMENT."
Introduced by: Representatives Caldwell, Shimabukuro, Chong, Ito, M. Oshiro and Takumi.
- 2947 "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY."
Introduced by: Representatives Caldwell, Chong, Ito, Kanoho, Nishimoto, M. Oshiro, Shimabukuro, Takai, Tsuji, Wakai, Carroll, Evans, Kawakami, Lee, Magaoay, Souki, Tanaka, Yamane and Yamashita.
- 2948 "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS."
Introduced by: Representatives Caldwell, Evans, Waters, Yamane, Karamatsu, Luke, Nakasone, M. Oshiro, Souki and Takumi.
- 2949 "A BILL FOR AN ACT RELATING TO THE HAWAII LIVING WAGE LAW."
Introduced by: Representatives Caldwell, Lee, M. Oshiro, Takumi, Carroll, Chong, Magaoay, Nishimoto, Shimabukuro, Souki, Tanaka, Tsuji, Wakai and Yamashita.
- 2950 "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS."
Introduced by: Representatives Caldwell, Kanoho, Sonson, Arakaki, Berg, Chong, Green, Ito, Kahikina, Karamatsu, Morita, Nakasone, M. Oshiro, Shimabukuro, Souki, Takumi and Waters.
- 2951 "A BILL FOR AN ACT RELATING TO LABOR."
Introduced by: Representatives Caldwell, M. Oshiro, Say, Takai, B. Oshiro, Souki, Takamine and Takumi.
- 2952 "A BILL FOR AN ACT RELATING TO PUBLIC WORKS."
Introduced by: Representatives Caldwell, Herkes, Ito, Magaoay, M. Oshiro, Shimabukuro, Takai, Luke, B. Oshiro, Souki and Takumi.
- 2953 "A BILL FOR AN ACT RELATING TO LABOR."
Introduced by: Representatives Caldwell, Ito, Magaoay, M. Oshiro, Takai, Herkes, Luke, B. Oshiro, Shimabukuro, Souki and Takumi.
- 2954 "A BILL FOR AN ACT RELATING TO FAMILY LEAVE."
Introduced by: Representatives Caldwell, Green, Luke, Morita, M. Oshiro, Shimabukuro, Souki and Takumi.
- 2955 "A BILL FOR AN ACT RELATING TO INSTANT RUNOFF VOTING."
Introduced by: Representatives Stevens, Marumoto, Abinsay, Carroll, Evans, Halford, Herkes, Karamatsu, Lee, Magaoay, Pine, Souki and Tanaka.
- 2956 "A BILL FOR AN ACT RELATING TO ETHICS."
Introduced by: Representatives Stevens, Cabanilla, Pine, Schatz, Abinsay, Carroll, Chang, Evans, Halford, Herkes, Karamatsu, Lee, Magaoay, Marumoto, Souki, Stonebraker, Takai, Tanaka and Yamane.
- 2957 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SURVEY AND ENGINEERING DESIGN FEES FOR THE DEVELOPMENT OF AN INDUSTRIAL PARK AT MANA, HILO, HAWAII."
Introduced by: Representatives Chang, Green, Hale, Herkes, Kanoho, Tsuji and Takamine.
- 2958 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE SECOND REPRESENTATIVE DISTRICT."
Introduced by: Representatives Chang, Tsuji, Green, Hale and Herkes.
- 2959 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
Introduced by: Representatives Abinsay, Evans, Ito, Kanoho, Lee, Magaoay, Meyer, Sonson, Yamane, Berg, Cabanilla, Green, Halford and Wakai.
- 2960 "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS."
Introduced by: Representatives Abinsay, Chang, Herkes, Karamatsu, Magaoay, Tsuji, Yamashita and Wakai.
- 2961 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Takumi.

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| <p>2962 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representative Takumi.</p> <p>2963 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Say and Kahikina.</p> <p>2964 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."
Introduced by: Representatives Say and Kahikina.</p> <p>2965 "A BILL FOR AN ACT RELATING TO A COMMISSION TO CELEBRATE 2008 AS THE YEAR OF THE FAMILY."
Introduced by: Representative Kahikina.</p> <p>2966 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representative Kahikina, by request.</p> <p>2967 "A BILL FOR AN ACT RELATING TO THE JUDICIARY."
Introduced by: Representative Kahikina, by request.</p> <p>2968 "A BILL FOR AN ACT RELATING TO INTEREST RATES."
Introduced by: Representative Herkes.</p> <p>2969 "A BILL FOR AN ACT RELATING TO ANNUITIES."
Introduced by: Representative Herkes.</p> <p>2970 "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION BOARD."
Introduced by: Representatives Herkes and Nakasone.</p> <p>2971 "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE."
Introduced by: Representative Herkes, by request.</p> <p>2972 "A BILL FOR AN ACT RELATING TO ELECTRICAL LICENSING."
Introduced by: Representative Herkes.</p> <p>2973 "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS."
Introduced by: Representatives Herkes, Luke and Marumoto.</p> <p>2974 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representative Herkes.</p> | <p>2975 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR URGENT AND EXTENDED IN WEST MAUI."
Introduced by: Representatives Tanaka, Cabanilla, Carroll, Chong, Green, Halford, Kawakami, Lee, Magaoay, Nakasone, Nishimoto, Pine, Souki, Wakai, Yamane, Yamashita, Evans, Takamine and Tsuji.</p> <p>2976 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE TENTH REPRESENTATIVE DISTRICT."
Introduced by: Representative Tanaka.</p> <p>2977 "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS."
Introduced by: Representative Say, by request.</p> <p>2978 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF EDUCATION WEB SITE."
Introduced by: Representative Say, by request.</p> <p>2979 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAIIAN LANGUAGE MEDIUM EDUCATION PROGRAM."
Introduced by: Representative Say, by request.</p> <p>2980 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
Introduced by: Representative Say.</p> <p>2981 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MCKINLEY HIGH SCHOOL PHYSICAL EDUCATION AND ATHLETIC FACILITIES."
Introduced by: Representative Say.</p> <p>2982 "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY."
Introduced by: Representatives Say and Caldwell.</p> <p>2983 "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX ALLOCATION."
Introduced by: Representative Say.</p> <p>2984 "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY."
Introduced by: Representative Say.</p> <p>2985 "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES."
Introduced by: Representative Say, by request.</p> <p>2986 "A BILL FOR AN ACT RELATING TO HOUSING."
Introduced by: Representatives Tanaka and Say.</p> |
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2987 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL."

Introduced by: Representative Say.

2988 "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST THE PERSON."

Introduced by: Representative Say, by request.

2989 "A BILL FOR AN ACT RELATING TO TAXATION."

Introduced by: Representative Say, by request.

2990 "A BILL FOR AN ACT RELATING TO STATE MORTGAGE CREDIT CERTIFICATES."

Introduced by: Representative Say.

2991 "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Representatives Say and Kahikina.

2992 "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS."

Introduced by: Representatives Say and Kahikina.

2993 "A BILL FOR AN ACT RELATING TO TOBACCO ENFORCEMENT."

Introduced by: Representative Say, by request.

2994 "A BILL FOR AN ACT RELATING TO LAND ACQUISITION."

Introduced by: Representative Ito.

2995 "A BILL FOR AN ACT RELATING TO THE OFFICE OF YOUTH SERVICES."

Introduced by: Representatives Ito, Berg, Green, Herkes, Kawakami, Lee, Luke, Magaoay, Nishimoto, Takai, Waters, Yamane, Abinsay, Carroll, Chong, Sonson, Takumi, Tanaka, Tsuji, Wakai and Yamashita.

2996 "A BILL FOR AN ACT RELATING TO FIREARMS."

Introduced by: Representative Ito.

2997 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS TO PURCHASE THE OLD GREY HOUND FACILITY TO RELOCATE AND CONSOLIDATE THE OPERATIONS OF THE SHERIFF DIVISION."

Introduced by: Representatives Ito, Chong, Lee, Shimabukuro, Tanaka, Yamane, Souki and Wakai.

2998 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST THE UNITED STATES ORGANIZATION WITH ITS PLANNED WELCOME HOME CELEBRATION FOR RETURNING HAWAII NATIONAL GUARD MEMBERS IN THE COUNTIES OF HAWAII, MAUI, AND KAUAI."

Introduced by: Representatives Ito, Abinsay, Chong, Herkes, Karamatsu, Luke, Magaoay, Nishimoto, Shimabukuro, Takai, Tanaka, Yamane, Cabanilla, Kawakami, Lee, Sonson, Tsuji, Wakai and Yamashita.

2999 "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS."

Introduced by: Representatives Berg, Carroll, Green, Ito, Schatz and Waters.

3000 "A BILL FOR AN ACT RELATING TO VEHICULAR EMISSIONS."

Introduced by: Representatives Berg, Caldwell, Carroll, Green, Schatz, Ito, Kahikina and Waters.

3001 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Berg, Carroll, Kahikina, Ito and Shimabukuro.

3002 "A BILL FOR AN ACT RELATING TO CONSTRUCTION MATERIALS."

Introduced by: Representatives Berg, Shimabukuro and Green.

3003 "A BILL FOR AN ACT RELATING TO THE STATE WATER CODE."

Introduced by: Representatives Berg, Green and Shimabukuro.

3004 "A BILL FOR AN ACT RELATING TO ECONOMICS EDUCATION."

Introduced by: Representatives Berg, Carroll and Wakai.

3005 "A BILL FOR AN ACT RELATING TO WATER CONSERVATION."

Introduced by: Representatives Berg, Carroll, Green and Yamashita.

3006 "A BILL FOR AN ACT RELATING TO WATER POLLUTION."

Introduced by: Representatives Berg, Carroll, Evans, Green, Morita, Schatz, Shimabukuro, Tsuji and Wakai.

3007 "A BILL FOR AN ACT RELATING TO AGRICULTURE."

Introduced by: Representatives Berg, Green, Shimabukuro, Schatz, Tsuji and Wakai.

- 3008 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES."
Introduced by: Representative Halford, by request.
- 3009 "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES."
Introduced by: Representative Halford, by request.
- 3010 "A BILL FOR AN ACT RELATING TO GASOLINE PRICING."
Introduced by: Representative Halford.
- 3011 "A BILL FOR AN ACT RELATING TO THE AUDITOR."
Introduced by: Representatives Halford, Chang, Ching, Evans, Schatz, Sonson, Stevens, Stonebraker, Tanaka, Arakaki, Cabanilla, Caldwell, Carroll, Chong, Kahikina, Kanoho, Lee, Magaoay, Marumoto, Meyer, Morita, Nishimoto, Pine, Shimabukuro, Tsuji, Wakai and Yamashita.
- 3012 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Halford, by request.
- 3013 "A BILL FOR AN ACT RELATING TO DEATH WITH DIGNITY."
Introduced by: Representatives B. Oshiro and M. Oshiro.
- 3014 "A BILL FOR AN ACT RELATING TO BAIL."
Introduced by: Representatives B. Oshiro and Luke.
- 3015 "A BILL FOR AN ACT RELATING TO FIREARMS."
Introduced by: Representative B. Oshiro.
- 3016 "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS."
Introduced by: Representatives B. Oshiro and Waters.
- 3017 "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS."
Introduced by: Representatives Wakai, Arakaki, Caldwell, Chong, Hale, Kanoho, Luke, Nishimoto, Shimabukuro, Takai, Tsuji, Waters, Yamashita, Abinsay, Berg, Chang, Kahikina, Karamatsu, Kawakami, Magaoay, Morita, M. Oshiro, Souki, Takumi, Tanaka and Yamane.
- 3018 "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES."
Introduced by: Representatives Wakai, Hale, Kahikina, Luke, Nishimoto, Takai, Berg, Chong, Morita, Shimabukuro, Souki, Tanaka, Tsuji and Yamane.
- 3019 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY."
Introduced by: Representatives Wakai, Caldwell, Herkes, Kanoho, Magaoay, Nishimoto, Takai, Waters, Yamane, Abinsay, Arakaki, Berg, Chang, Chong, Hale, Ito, Kahikina, Karamatsu, Kawakami, Morita, M. Oshiro, Shimabukuro, Souki, Takumi, Tanaka and Yamashita.
- 3020 "A BILL FOR AN ACT RELATING TO HARBORS."
Introduced by: Representatives Wakai, Cabanilla, Herkes, Kanoho, Kawakami, Luke, Morita, Nishimoto, Takai, Waters, Arakaki, Berg, Caldwell, Chang, Chong, Hale, Ito, Kahikina, Karamatsu, Magaoay, M. Oshiro, Souki, Takumi, Tanaka, Tsuji, Yamane and Yamashita.
- 3021 "A BILL FOR AN ACT RELATING TO THE INCOME TAX."
Introduced by: Representatives Wakai, Kahikina, Luke, Nishimoto, Abinsay, Caldwell, Chang, Chong, Hale, Ito, Kanoho, Magaoay, Morita, Souki, Tanaka, Tsuji and Yamane.
- 3022 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representatives Wakai, Berg, Cabanilla, Hale, Kahikina, Luke, Morita, Nishimoto, Shimabukuro, Takai, Abinsay, Arakaki, Caldwell, Chong, Ito, Kanoho, Karamatsu, Magaoay, Souki, Takumi, Tanaka, Tsuji and Yamane.
- 3023 "A BILL FOR AN ACT RELATING TO INCOME TAX DEDUCTIONS."
Introduced by: Representatives Wakai, Hale, Kanoho, Luke, Nishimoto, Takai, Tanaka, Waters, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Chang, Chong, Herkes, Ito, Kahikina, Karamatsu, Kawakami, Magaoay, Morita, M. Oshiro, Shimabukuro, Souki, Takumi, Tsuji, Yamane and Yamashita.
- 3024 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SALT LAKE ELEMENTARY SCHOOL IN THE THIRTY-FIRST REPRESENTATIVE DISTRICT."
Introduced by: Representative Wakai.
- 3025 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-FIRST DISTRICT."
Introduced by: Representative Wakai.
- 3026 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-FIRST DISTRICT."
Introduced by: Representatives Wakai and Nishimoto.
- 3027 "A BILL FOR AN ACT RELATING TO ORGAN DONATION."
Introduced by: Representative Wakai, by request.

3028 "A BILL FOR AN ACT RELATING TO DISEASE MANAGEMENT."

Introduced by: Representative Wakai, by request.

3029 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Takai, Cabanilla, Caldwell, Chong, Green, Ito, Thielen, Waters and Shimabukuro.

3030 "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES."

Introduced by: Representatives Schatz, Carroll, Kanoho, Morita, Waters and Evans.

3031 "A BILL FOR AN ACT RELATING TO STATE HOLIDAYS."

Introduced by: Representatives Carroll, Arakaki, Caldwell, Chong, Herkes, Kahikina, Lee, Luke, Morita, Saiki, Takai, Tsuji, Chang, Kanoho, Karamatsu, Magaoay, Say, Souki, Takumi, Tanaka and Yamashita.

3032 "A BILL FOR AN ACT RELATING TO HEALTH."

Introduced by: Representatives Carroll, Arakaki, Berg, Green, Luke, Morita, Saiki, Shimabukuro, Takai, Waters, Chong, Karamatsu, Souki, Tanaka and Yamashita.

3033 "A BILL FOR AN ACT RELATING TO MOLOKAI GENERAL HOSPITAL."

Introduced by: Representatives Carroll, Arakaki, Karamatsu, Morita, Saiki, Berg, Magaoay, Souki, Tanaka and Yamashita.

3034 "A BILL FOR AN ACT RELATING TO AN ENVIRONMENTAL COURT."

Introduced by: Representatives Carroll, Berg, Chong, Kahikina, Luke, Saiki, Schatz, Tanaka, Tsuji, Wakai, Yamashita, Kanoho, Karamatsu, Morita and Waters.

3035 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL."

Introduced by: Representatives Carroll, Arakaki, Karamatsu, Morita, Saiki, Berg, Magaoay, Souki, Tanaka and Yamashita.

3036 "A BILL FOR AN ACT RELATING TO CONTRACTS."

Introduced by: Representatives Herkes, Caldwell, Chong, Evans, Ito, Karamatsu, Morita, Nishimoto, B. Oshiro, M. Oshiro, Say, Schatz, Shimabukuro, Takai, Takumi, Chang, Luke and Tsuji.

3037 "A BILL FOR AN ACT RELATING TO DRIVER LICENSING."

Introduced by: Representatives Souki and Lee.

3038 "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS."

Introduced by: Representatives Souki and Lee.

3039 "A BILL FOR AN ACT RELATING TO HAWAII COMMUNITY DEVELOPMENT AUTHORITY."

Introduced by: Representative Harbin.

3040 "A BILL FOR AN ACT RELATING TO HOUSING."

Introduced by: Representative Harbin.

3041 "A BILL FOR AN ACT RELATING TO HEALTH CARE REIMBURSEMENTS."

Introduced by: Representative Harbin.

3042 "A BILL FOR AN ACT RELATING TO TRAUMA AND EMERGENCY CARE."

Introduced by: Representative Harbin.

3043 "A BILL FOR AN ACT RELATING TO PUBLIC WORKS."

Introduced by: Representative Harbin.

3044 "A BILL FOR AN ACT RELATING TO GASOLINE."

Introduced by: Representatives Morita, Berg, Carroll, Evans, Kanoho, Schatz, Thielen and Waters.

3045 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."

Introduced by: Representatives Morita, Berg, Carroll, Evans, Kanoho, Schatz, Thielen and Waters.

3046 "A BILL FOR AN ACT RELATING TO BIOLOGICAL DIVERSITY."

Introduced by: Representatives Morita, Lee, Thielen and Carroll.

3047 "A BILL FOR AN ACT RELATING TO BURIAL SITES."

Introduced by: Representatives Morita, Berg, Carroll, Kanoho, Saiki, Schatz, Waters and Evans.

3048 "A BILL FOR AN ACT RELATING TO VEHICULAR EMISSIONS."

Introduced by: Representatives Morita, Berg, Carroll, Kanoho, Pine, Schatz, Thielen, Waters and Evans.

3049 "A BILL FOR AN ACT RELATING TO ENERGY."

Introduced by: Representatives Morita, Berg, Carroll, Evans, Pine, Thielen, Waters, Kanoho and Schatz.

3050 "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY."

Introduced by: Representatives Morita, Carroll, Kanoho, Pine, Schatz, Thielen, Waters, Berg and Evans.

- 3051 "A BILL FOR AN ACT RELATING TO QUARANTINE."
Introduced by: Representatives Morita, Carroll, Evans, Kanoho, Pine, Thielen, Waters, Berg and Schatz.
- 3052 "A BILL FOR AN ACT RELATING TO CLEAN FUEL."
Introduced by: Representatives Morita, Carroll, Evans, Kanoho, Schatz, Thielen, Waters and Berg.
- 3053 "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY."
Introduced by: Representatives Morita, Carroll, Evans, Kanoho, Pine, Schatz, Thielen, Waters and Berg.
- 3054 "A BILL FOR AN ACT RELATING TO PROFESSIONAL LICENSURE."
Introduced by: Representative Nishimoto, by request.
- 3055 "A BILL FOR AN ACT RELATING TO OCEAN RECREATION."
Introduced by: Representative Nishimoto.
- 3056 "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH."
Introduced by: Representatives Chong, Kanoho, M. Oshiro, Thielen and Waters.
- 3057 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Herkes, Magaoay, Marumoto, Tsuji, Wakai and Yamashita.
- 3058 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY INNOVATION CORPORATION."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Herkes, Magaoay, Tsuji, Wakai and Yamashita.
- 3059 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Herkes, Ito, Magaoay, Tsuji, Wakai, Yamane and Yamashita.
- 3060 "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Herkes, Magaoay, Marumoto, Tsuji, Wakai and Yamashita.
- 3061 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representatives Karamatsu, Chang, Herkes, Chong, Ito, Magaoay, Souki, Tsuji, Wakai and Yamashita.
- 3062 "A BILL FOR AN ACT RELATING TO VENTURE FINANCING."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Herkes, Ito, Magaoay, Tsuji, Wakai, Yamane and Yamashita.
- 3063 "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Ito, Magaoay, Tsuji, Wakai, Yamane and Yamashita.
- 3064 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Ito, Magaoay, Wakai, Yamashita, Herkes and Tsuji.
- 3065 "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Herkes, Magaoay, Tsuji, Wakai and Yamashita.
- 3066 "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Herkes, Waters, Chong, Magaoay, Tsuji, Wakai and Yamashita.
- 3067 "A BILL FOR AN ACT RELATING TO STATE FUNDS."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Ito, Magaoay, Tsuji, Wakai, Yamane and Yamashita.
- 3068 "A BILL FOR AN ACT RELATING TO AGRICULTURE."
Introduced by: Representatives Karamatsu, Abinsay, Herkes and Wakai.
- 3069 "A BILL FOR AN ACT RELATING TO USE OF BIOLOGICAL RESOURCES COLLECTED IN HAWAII."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Herkes, Magaoay, Tsuji, Yamashita, Wakai and Waters.
- 3070 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS."
Introduced by: Representatives Karamatsu, Chang, Chong, Herkes, Magaoay, Tsuji, Wakai, Yamashita and Yamane.
- 3071 "A BILL FOR AN ACT RELATING TO ROYAL KUNIA."
Introduced by: Representative Karamatsu.

- 3072 "A BILL FOR AN ACT RELATING TO A CONSTRUCTION AUTHORITY."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Magaoay, Tsuji and Yamashita.
- 3073 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Ito, Magaoay, Tsuji, Wakai, Yamane and Yamashita.
- 3074 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Herkes, Ito, Magaoay, Tsuji, Wakai, Yamashita and Yamane.
- 3075 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
Introduced by: Representatives Karamatsu, Chang, Abinsay, Magaoay, Tsuji, Wakai and Yamashita.
- 3076 "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT."
Introduced by: Representatives Karamatsu, Chang, Chong and Yamashita.
- 3077 "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ROSETTE STEEL HAWAII."
Introduced by: Representative Karamatsu.
- 3078 "A BILL FOR AN ACT RELATING TO SEX ASSAULTS COMMITTED BY MINORS."
Introduced by: Representatives Karamatsu, Chang, Kanoho, Magaoay, Pine, Thielen, Yamashita, Chong, Kawakami, Lee, Luke, Stevens and Tanaka.
- 3079 "A BILL FOR AN ACT RELATING TO THE SALE OF BONDS."
Introduced by: Representatives Karamatsu, Abinsay, Chang, Chong, Evans, Herkes, Ito, Magaoay, Tanaka, Tsuji, Wakai, Yamane, Yamashita and Stevens.
- 3080 "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA."
Introduced by: Representatives Karamatsu, Chang, Abinsay, Chong, Magaoay, Tsuji and Yamashita.
- 3081 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATE-OWNED AIRCRAFT."
Introduced by: Representatives Karamatsu, Marumoto, Pine, Tsuji, Herkes, Ito, Lee, Souki and Tanaka.
- 3082 "A BILL FOR AN ACT RELATING TO GASOLINE."
Introduced by: Representatives Karamatsu, Chang, Chong, Herkes, Ito, Kanoho, Magaoay, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Morita and Souki.
- 3083 "A BILL FOR AN ACT RELATING TO FIREWORKS."
Introduced by: Representatives Karamatsu, Chong, Ito, Souki and Tanaka.
- 3084 "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES."
Introduced by: Representative Karamatsu, by request.
- 3085 "A BILL FOR AN ACT RELATING TO A STATE LOTTERY FOR EDUCATION."
Introduced by: Representatives Karamatsu, Chang, Herkes, Ito, Waters, Abinsay, Magaoay, Souki and Tsuji.
- 3086 "A BILL FOR AN ACT RELATING TO TAXATION."
Introduced by: Representative Karamatsu.
- 3087 "A BILL FOR AN ACT RELATING TO PROCUREMENT."
Introduced by: Representatives Say and Kawakami.
- 3088 "A BILL FOR AN ACT RELATING TO ASSET MANAGEMENT."
Introduced by: Representative Say, by request.
- 3089 "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' TRUST FUND."
Introduced by: Representatives Say and Caldwell.
- 3090 "A BILL FOR AN ACT RELATING TO LABOR."
Introduced by: Representatives Caldwell, M. Oshiro, Nakasone and Takumi.
- 3091 "A BILL FOR AN ACT RELATING TO CONTRACTORS."
Introduced by: Representatives Caldwell, Cabanilla, Chang, Evans, Herkes, Ito, Karamatsu, Luke, Morita, Nishimoto, B. Oshiro, M. Oshiro, Say, Takai, Tsuji, Wakai, Green and Shimabukuro.
- 3092 "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES."
Introduced by: Representatives Caldwell and Ito.
- 3093 "A BILL FOR AN ACT RELATING TO STATE LIABILITY."
Introduced by: Representative Caldwell.
- 3094 "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY."
Introduced by: Representatives Caldwell, M. Oshiro, Waters, Karamatsu and Wakai.

- 3095 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF EDUCATION TO PAY THE STATE'S SHARE OF EXPENSES IN A PARTNERSHIP WITH A PRIVATE OR NONSECTARIAN EDUCATIONAL ORGANIZATION TO START EARLY CHILDHOOD EDUCATION PROGRAMS IN COMMUNITIES IN NEED."
Introduced by: Representatives Caldwell, Luke, M. Oshiro, Waters and Berg.
- 3096 "A BILL FOR AN ACT RELATING TO CURBSIDE RECYCLING."
Introduced by: Representatives Caldwell, Chong, Lee, Luke, M. Oshiro, Thielen, Waters, Berg, Karamatsu, Morita, Nishimoto and B. Oshiro.
- 3097 "A BILL FOR AN ACT RELATING TO PETROLEUM STORAGE FACILITIES."
Introduced by: Representatives Caldwell, Kanoho, M. Oshiro and Waters.
- 3098 "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS."
Introduced by: Representatives Caldwell, Berg, B. Oshiro, M. Oshiro, Takumi and Waters.
- 3099 "A BILL FOR AN ACT RELATING TO ANTITRUST VIOLATIONS BY THE PETROLEUM INDUSTRY."
Introduced by: Representatives Caldwell, Herkes, Luke, B. Oshiro and M. Oshiro.
- 3100 "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES."
Introduced by: Representatives Caldwell, Herkes, M. Oshiro, Karamatsu, Luke and B. Oshiro.
- 3101 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."
Introduced by: Representatives Cabanilla, Green, Kahikina, Kanoho, Luke, Abinsay, Arakaki, Carroll, Chang, Evans, Finnegan, Herkes, Ito, Lee, Magaoay, Meyer, Nishimoto, M. Oshiro, Say, Shimabukuro, Sonson, Souki, Tanaka, Wakai, Waters and Yamane.
- 3102 "A BILL FOR AN ACT RELATING TO CONDOMINIUM PROPERTY REGIMES."
Introduced by: Representatives Cabanilla, Kahikina, Kanoho, Pine, Wakai, Evans, Herkes, Karamatsu, Luke, Nishimoto, Sonson, Souki, Stevens, Tanaka and Waters.
- 3103 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S LEEWARD COMMUNITY COLLEGE."
Introduced by: Representatives Cabanilla, Arakaki, Carroll, Kahikina, Kanoho, Karamatsu, Lee, Luke, Magaoay, Nishimoto, Pine, Shimabukuro, Sonson, Stevens, Takai, Takumi, Tanaka, Wakai, Waters, Chang, Souki and Yamashita.
- 3104 "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES."
Introduced by: Representatives Cabanilla, Kanoho, Chang, Karamatsu, Lee and Souki.
- 3105 "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION."
Introduced by: Representatives Sonson, Arakaki, Green and Nishimoto.
- 3106 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION."
Introduced by: Representatives Ching, Cabanilla, Caldwell, Evans, Kahikina, Kanoho, Pine, Stonebraker, Thielen, Abinsay, Arakaki, Chang, Herkes, Marumoto and Tsuji.
- 3107 "A BILL FOR AN ACT RELATING TO DRUG TREATMENT PROGRAMS."
Introduced by: Representatives Ching, Abinsay, Chang, Marumoto, Meyer, Moses, Pine, Arakaki, Caldwell, Evans, Finnegan, Herkes, Kahikina, Kanoho, Stevens and Tsuji.
- 3108 "A BILL FOR AN ACT RELATING TO EDUCATION."
Introduced by: Representatives Ching, Chang, Finnegan, Marumoto, Meyer, Moses, Pine, Abinsay, Arakaki, Caldwell, Herkes, Kahikina, Kanoho, Tsuji and Wakai.
- 3109 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."
Introduced by: Representatives Ching, Arakaki, Cabanilla, Chang, Finnegan, Kahikina, Marumoto, Moses, Pine, Stevens, Stonebraker, Abinsay, Evans, Hale, Herkes, Kanoho and Tsuji.
- 3110 "A BILL FOR AN ACT RELATING TO MUFFLERS."
Introduced by: Representatives Ching, Cabanilla, Kanoho, Moses, Abinsay, Arakaki, Caldwell, Evans, Finnegan, Herkes, Marumoto, Meyer, Stonebraker and Wakai.
- 3111 "A BILL FOR AN ACT RELATING TO MUFFLERS."
Introduced by: Representatives Ching, Arakaki, Marumoto, Moses, Abinsay, Caldwell, Evans, Finnegan, Hale, Herkes, Kanoho and Wakai.
- 3112 "A BILL FOR AN ACT RELATING TO COUNTIES."
Introduced by: Representatives Ching, Abinsay, Arakaki, Cabanilla, Caldwell, Chang, Evans, Herkes, Kahikina, Kanoho, Marumoto, Stonebraker and Tsuji.
- 3113 "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORY MUSEUM."
Introduced by: Representatives Ching, Abinsay, Cabanilla, Evans, Marumoto, Meyer, Moses, Stonebraker, Takai, Thielen, Arakaki, Chang, Finnegan, Herkes, Kahikina, Kanoho, Pine, Stevens and Tsuji.

- 3114 "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION TAX CREDIT."
Introduced by: Representatives Ching, Arakaki, Cabanilla, Finnegan, Hale, Marumoto, Meyer, Moses, Thielen, Waters, Chang, Chong, Evans, Green, Halford, Kahikina, Kawakami, Magaoay, Nishimoto, Shimabukuro, Sonson, Souki, Stevens, Stonebraker and Tanaka.
- 3115 "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY."
Introduced by: Representatives M. Oshiro, Cabanilla, Caldwell, Chang, Herkes, Kanoho, Karamatsu, Kawakami, Lee, Luke, Morita, Nishimoto, B. Oshiro, Schatz, Takai, Wakai, Abinsay, Arakaki, Evans, Say and Takamine.
- 3116 "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM."
Introduced by: Representatives Arakaki, Abinsay, Berg, Cabanilla, Caldwell, Carroll, Chang, Chong, Green, Hale, Herkes, Ito, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Say, Schatz, Shimabukuro, Takai, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Karamatsu, Sonson, Souki, Takamine and Takumi.
- 3117 "A BILL FOR AN ACT RELATING TO NATURAL CATASTROPHES."
Introduced by: Representatives Herkes, Abinsay, Arakaki, Berg, Cabanilla, Carroll, Chang, Chong, Evans, Green, Hale, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Say, Schatz, Shimabukuro, Sonson, Takai, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Souki and Takamine.
- 3118 "A BILL FOR AN ACT RELATING TO CORPORATIONS."
Introduced by: Representatives M. Oshiro, Herkes and Karamatsu.
- 3119 "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX."
Introduced by: Representatives Nishimoto, Arakaki, Caldwell, Chong, Herkes, Kahikina, Luke, Morita, B. Oshiro, M. Oshiro, Schatz, Takai, Waters, Yamane, Abinsay, Chang, Green, Kanoho, Karamatsu, Kawakami, Say, Souki, Takamine, Wakai and Yamashita.
- 3120 "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT."
Introduced by: Representatives Chong, Abinsay, Arakaki, Caldwell, Chang, Herkes, Kahikina, Karamatsu, Luke, Say, Takai, Wakai, Waters, Yamane, Yamashita, Cabanilla, Kanoho, Kawakami, Lee, Nishimoto, M. Oshiro and Takamine.
- 3121 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."
Introduced by: Representatives Yamane, Abinsay, Arakaki, Caldwell, Chang, Chong, Herkes, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, M. Oshiro, Say, Schatz, Takai and Yamashita.
- 3122 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTIETH REPRESENTATIVE DISTRICT."
Introduced by: Representatives Arakaki and Abinsay.
- 3123 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HURRICANE PREPAREDNESS."
Introduced by: Representatives Arakaki, Cabanilla, Ching, Green, Halford, Lee, Kawakami, Say and Takamine.
- 3124 "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX."
Introduced by: Representative Arakaki.
- 3125 "A BILL FOR AN ACT RELATING TO ELDERLY CARE."
Introduced by: Representatives Arakaki, Ching and Lee.
- 3126 "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS."
Introduced by: Representatives Arakaki, Cabanilla, Green, Sonson and Luke.
- 3127 "A BILL FOR AN ACT RELATED TO HEALTH CARE."
Introduced by: Representatives Arakaki, Abinsay, Herkes, Magaoay, Schatz, Lee and Sonson.
- 3128 "A BILL FOR AN ACT RELATING TO HEALTHCARE."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Green, Kahikina, Halford, Lee and Takamine.
- 3129 "A BILL FOR AN ACT RELATING TO LONG-TERM CARE."
Introduced by: Representatives Arakaki, Abinsay, Cabanilla, Ching, Green, Herkes, Kahikina, Lee, Nakasone, Schatz, Tanaka, Finnegan, Kawakami, Sonson and Yamane.
- 3130 "A BILL FOR AN ACT RELATING TO CHILD PROTECTION."
Introduced by: Representatives Arakaki, Cabanilla, Green, Luke, Sonson and Shimabukuro.
- 3131 "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION."
Introduced by: Representatives Arakaki and Waters.

- 3132 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REIMBURSEMENT TO THE COUNTIES FOR THE ISSUANCE OF PARKING PLACARDS TO PERSONS WITH DISABILITIES."
Introduced by: Representatives Arakaki, Green, Kanoho, Carroll, Chang, Halford, Herkes, Kawakami, Takamine, Tanaka and Tsuji.
- 3133 "A BILL FOR AN ACT RELATING TO FEDERALLY QUALIFIED HEALTH CENTERS."
Introduced by: Representatives Arakaki and Green.
- 3134 "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH."
Introduced by: Representatives Arakaki and Green.
- 3135 "A BILL FOR AN ACT RELATING TO HIV/AIDS."
Introduced by: Representatives Arakaki and Green.
- 3136 "A BILL FOR AN ACT RELATING TO THE ELDERLY."
Introduced by: Representative Arakaki.
- 3137 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Arakaki.
- 3138 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Arakaki.
- 3139 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Arakaki.
- 3140 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representative Arakaki.
- 3141 "A BILL FOR AN ACT RELATING TO DENTAL SPECIALISTS."
Introduced by: Representatives Arakaki and Green.
- 3142 "A BILL FOR AN ACT RELATING TO TRAUMA CARE."
Introduced by: Representatives Arakaki and Green.
- 3143 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."
Introduced by: Representatives Arakaki, Abinsay, Green, Herkes and Schatz.
- 3144 "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM."
Introduced by: Representatives Green, Arakaki, Abinsay and Sonson.
- 3145 "A BILL FOR AN ACT RELATING TO HEALTH CARE."
Introduced by: Representatives Arakaki, Abinsay, Kahikina, Lee, Magaoay, Schatz, Sonson, Yamane, Cabanilla, Finnegan, Green, Herkes and Shimabukuro.
- 3146 "A BILL FOR AN ACT RELATING TO TEACHER HOUSING."
Introduced by: Representatives Waters, Arakaki, Caldwell, Chang, Kahikina, Shimabukuro, Berg, Green and Takumi.
- 3147 "A BILL FOR AN ACT RELATING TO TEACHERS' HOUSING."
Introduced by: Representatives Waters, Arakaki, Caldwell, Chang, Green, Kahikina, Shimabukuro, Berg, Hale and Takumi.
- 3148 "A BILL FOR AN ACT RELATING TO SOLID WASTE CONTROL."
Introduced by: Representative Waters.
- 3149 "A BILL FOR AN ACT RELATING TO LAND TRANSFER."
Introduced by: Representative Waters.
- 3150 "A BILL FOR AN ACT RELATING TO ILLEGAL DISPOSAL OF SOLID WASTE."
Introduced by: Representative Waters.
- 3151 "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES."
Introduced by: Representative Waters.
- 3152 "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS."
Introduced by: Representative Waters.
- 3153 "A BILL FOR AN ACT RELATING TO LAND USE."
Introduced by: Representative Waters.
- 3154 "A BILL FOR AN ACT RELATING TO HEALTH."
Introduced by: Representatives Waters, Arakaki and Green.
- 3155 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENT PROJECTS IN THE FIFTY-FIRST REPRESENTATIVE DISTRICT."
Introduced by: Representative Waters.
- 3156 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS AT THE UNIVERSITY OF HAWAII AT MANOA."
Introduced by: Representatives Waters, Arakaki, Caldwell, Chang, Shimabukuro, Wakai, Berg, Cabanilla and Takumi.

- 3157 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT MANOA HAWAIIAN AFFAIRS."

Introduced by: Representatives Waters, Arakaki, Berg, Caldwell, Chang, Chong, Shimabukuro, Takumi, Cabanilla and Wakai.

- 3158 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Waters, Berg, Cabanilla, Caldwell, Chang, Hale, Shimabukuro, Arakaki, Takumi and Wakai.

- 3159 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COLLEGE OF NATURAL SCIENCES."

Introduced by: Representatives Waters, Berg, Caldwell, Chang, Hale, Shimabukuro, Arakaki, Cabanilla, Green, Takumi and Wakai.

- 3160 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII."

Introduced by: Representatives Waters, Arakaki, Berg, Cabanilla, Caldwell, Chang, Green, Hale, Lee, Shimabukuro, Takumi, Wakai and Chong.

- 3161 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII FOR CAMPUS SECURITY."

Introduced by: Representatives Waters, Arakaki, Caldwell, Chang, Chong, Hale, Shimabukuro, Berg, Cabanilla, Takumi and Wakai.

- 3162 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO EXPAND THE UNIVERSITY OF HAWAII'S HAMILTON LIBRARY'S HOURS AN ADDITIONAL FORTY-TWO HOURS PER WEEK."

Introduced by: Representatives Waters, Berg, Caldwell, Chang, Green, Hale, Shimabukuro, Arakaki, Cabanilla, Chong, Takumi and Wakai.

- 3163 "A BILL FOR AN ACT RELATING TO THE WAIKIKI AQUARIUM."

Introduced by: Representatives Waters, Arakaki, Berg, Caldwell, Chang, Green, Shimabukuro, Takumi and Wakai.

- 3164 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII COLLEGE OF ARTS AND SCIENCES."

Introduced by: Representatives Waters, Arakaki, Caldwell, Chang, Shimabukuro, Takumi, Berg, Green and Wakai.

- 3165 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK."

Introduced by: Representative Waters.

- 3166 "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Waters.

- 3167 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII WEST OAHU."

Introduced by: Representatives Waters, Berg, Cabanilla, Caldwell, Chang, Kahikina, Karamatsu, Lee, Shimabukuro, Takumi, Yamane, Arakaki and Wakai.

- 3168 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Waters, Arakaki, Berg, Cabanilla, Caldwell, Chang, Kahikina, Karamatsu, Lee, Shimabukuro, Takumi, Yamane, Hale and Wakai.

- 3169 "A BILL FOR AN ACT RELATING TO THE HAWAII SMALL BUSINESS DEVELOPMENT CENTER."

Introduced by: Representatives Waters, Cabanilla, Caldwell, Chang, Evans, Hale, Herkes, Shimabukuro, Tsuji, Arakaki, Berg, Takamine, Takumi and Wakai.

- 3170 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO."

Introduced by: Representatives Waters, Arakaki, Berg, Cabanilla, Caldwell, Chang, Chong, Green, Hale, Herkes, Shimabukuro, Tsuji, Wakai, Evans, Takamine and Takumi.

- 3171 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO."

Introduced by: Representatives Waters, Arakaki, Cabanilla, Caldwell, Chang, Hale, Herkes, Shimabukuro, Tsuji, Wakai, Berg, Chong, Evans, Takamine and Takumi.

- 3172 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO."

Introduced by: Representatives Waters, Arakaki, Caldwell, Chang, Green, Hale, Herkes, Shimabukuro, Tsuji, Wakai, Berg, Cabanilla, Evans, Takamine and Takumi.

- 3173 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO."

Introduced by: Representatives Waters, Arakaki, Cabanilla, Caldwell, Chang, Chong, Evans, Hale, Herkes, Shimabukuro, Tsuji, Wakai, Berg and Takumi.

- 3174 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO COLLEGE OF PHARMACY."

Introduced by: Representatives Waters, Arakaki, Cabanilla, Caldwell, Chang, Evans, Hale, Herkes, Shimabukuro, Tsuji, Wakai, Berg, Takamine and Takumi.

- 3175 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE UNIVERSITY OF HAWAII AT HILO."

Introduced by: Representatives Waters, Arakaki, Berg, Caldwell, Chang, Hale, Shimabukuro, Tsuji, Wakai, Cabanilla, Evans and Takumi.

- 3176 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO NATIVE HAWAIIAN INITIATIVES."

Introduced by: Representatives Waters, Arakaki, Berg, Caldwell, Chang, Hale, Shimabukuro, Tsuji, Wakai, Evans and Takumi.

- 3177 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO NORTH HAWAII EDUCATION RESEARCH CENTER."

Introduced by: Representatives Waters, Arakaki, Caldwell, Chang, Evans, Shimabukuro, Tsuji, Wakai, Berg, Cabanilla and Hale.

- 3178 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S HAWAII COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Caldwell, Chang, Evans, Hale, Herkes, Shimabukuro, Tsuji, Wakai, Arakaki, Cabanilla and Takumi.

- 3179 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE HAWAII COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Caldwell, Chang, Evans, Herkes, Shimabukuro, Tsuji, Arakaki, Cabanilla, Chong, Hale, Takumi and Wakai.

- 3180 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE MAUI COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Caldwell, Chang, Shimabukuro, Yamashita, Arakaki, Chong, Souki, Takumi and Wakai.

- 3181 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S MAUI COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Caldwell, Chang, Shimabukuro, Tanaka, Wakai, Yamashita, Arakaki, Cabanilla, Chong, Souki and Takumi.

- 3182 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S KAUAI COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Caldwell, Chang, Chong, Morita, Shimabukuro, Wakai, Arakaki, Cabanilla and Takumi.

- 3183 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS PERTAINING TO KAUAI COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Cabanilla, Caldwell, Chang, Morita, Shimabukuro, Wakai, Arakaki and Takumi.

- 3184 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S HONOLULU COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Caldwell, Chang, Shimabukuro, Wakai, Arakaki, Cabanilla and Takumi.

- 3185 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS PERTAINING TO HONOLULU COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Arakaki, Berg, Caldwell, Chang, Chong, Shimabukuro, Wakai, Cabanilla and Takumi.

- 3186 "A BILL FOR AN ACT RELATING TO UNIVERSITY OF HAWAII'S KAPIOLANI COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Arakaki, Berg, Cabanilla, Caldwell, Shimabukuro, Wakai, Chang and Takumi.

- 3187 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE KAPIOLANI COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Arakaki, Berg, Caldwell, Nishimoto, Shimabukuro, Wakai, Cabanilla, Chang and Takumi.

- 3188 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS PERTAINING TO WINDWARD COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Arakaki, Berg, Caldwell, Chong, Ito, Shimabukuro, Wakai, Cabanilla, Chang and Takumi.

- 3189 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S WINDWARD COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Arakaki, Berg, Caldwell, Chong, Ito, Shimabukuro, Cabanilla, Chang, Hale and Wakai.

- 3190 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS PERTAINING TO WINDWARD COMMUNITY COLLEGE."

Introduced by: Representatives Ito, Arakaki, Caldwell, Chong, Shimabukuro, Wakai, Waters, Berg, Cabanilla, Chang and Takumi.

- 3191 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII'S LEEWARD COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Cabanilla, Caldwell, Kahikina, Shimabukuro, Takumi, Wakai, Arakaki and Chang.

3192 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS PERTAINING TO LEEWARD COMMUNITY COLLEGE."

Introduced by: Representatives Waters, Berg, Cabanilla, Caldwell, Kahikina, Shimabukuro, Takumi, Wakai, Arakaki and Chang.

3193 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Waters.

3194 "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE."

Introduced by: Representative Waters.

3195 "A BILL FOR AN ACT RELATING TO AUDIT AND ACCOUNTING."

Introduced by: Representative Waters.

3196 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Waters.

3197 "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION'S ENGINEERING SCHOLARSHIP PROGRAM."

Introduced by: Representative Waters.

3198 "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING SPECIAL FUND."

Introduced by: Representative Waters.

3199 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Waters.

3200 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Waters.

3201 "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII."

Introduced by: Representative Waters.

3202 "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING."

Introduced by: Representatives Kahikina and Say.

3203 "A BILL FOR AN ACT RELATING TO CRIME."

Introduced by: Representative Finnegan.

3204 "A BILL FOR AN ACT RELATING TO ACT 308, SESSION LAWS OF HAWAII 2001."

Introduced by: Representative Finnegan.

3205 "A BILL FOR AN ACT RELATING TO SPECIAL NUMBER PLATES."

Introduced by: Representatives Finnegan, Marumoto, Moses, Stonebraker, Halford and Stevens.

3206 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTY-SECOND REPRESENTATIVE DISTRICT."

Introduced by: Representative Finnegan.

3207 "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID."

Introduced by: Representative Finnegan.

3208 "A BILL FOR AN ACT RELATING TO EDUCATION FUNDING."

Introduced by: Representatives Finnegan, Ching, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker, Thielen and Halford.

3209 "A BILL FOR AN ACT RELATING TO THE MINIMUM WAGE."

Introduced by: Representatives Takai, Arakaki, Chang, Chong, Evans, Finnegan, Green, Hale, Halford, Harbin, Herkes, Ito, Karamatsu, Kawakami, Luke, Magaoay, Marumoto, Nishimoto, B. Oshiro, Saiki, Say, Stevens, Tanaka, Wakai, Yamane and Souki.

3210 "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHO'OLAWA."

Introduced by: Representatives Carroll, Berg, Evans, Kanoho, Luke, Morita, Schatz, Waters and Wakai.

3211 "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS FOR THE BENEFIT OF THE THIRTEENTH REPRESENTATIVE DISTRICT."

Introduced by: Representative Carroll.

3212 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX."

Introduced by: Representatives Carroll, Saiki, Waters, Arakaki, Chong, Kahikina, Kanoho, Karamatsu, Luke, M. Oshiro, Takumi, Tanaka, Tsuji, Wakai and Yamashita.

3213 "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VIII, SECTION 3, OF THE HAWAII CONSTITUTION, TO REQUIRE THE LEGISLATURE TO ESTABLISH A ONE PER CENT CEILING ON REAL PROPERTY TAX ASSESSMENTS."

Introduced by: Representatives Carroll, Saiki, Waters, Arakaki, Berg, Chong, Green, Kahikina, Kanoho, Karamatsu, Luke, M. Oshiro, Takumi, Tanaka, Tsuji, Wakai and Yamashita.

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| <p>3214 "A BILL FOR AN ACT RELATING TO REAL PROPERTY TAX."</p> <p>Introduced by: Representatives Carroll, Saiki, Waters, Arakaki, Berg, Chong, Evans, Kahikina, Kanoho, Karamatsu, Luke, M. Oshiro, Takumi, Tanaka, Tsuji, Wakai and Yamashita.</p> | <p>3223 "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS."</p> <p>Introduced by: Representatives Chang, Caldwell, Evans, Green, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Lee, Magaoay, Morita, B. Oshiro, Tsuji, Wakai, Yamane, Arakaki, Cabanilla, Ching, Marumoto, Schatz, Shimabukuro, Sonson and Thielen.</p> |
| <p>3215 "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN."</p> <p>Introduced by: Representative Carroll.</p> | <p>3224 "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT."</p> <p>Introduced by: Representative Karamatsu.</p> |
| <p>3216 "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOLAWE."</p> <p>Introduced by: Representatives Carroll, Arakaki, Evans, Kahikina, Schatz and Tanaka.</p> | <p>3225 "A BILL FOR AN ACT RELATING TO CONDOMINIUMS."</p> <p>Introduced by: Representative Karamatsu.</p> |
| <p>3217 "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY."</p> <p>Introduced by: Representatives Carroll, Abinsay, Arakaki, Berg, Caldwell, Chang, Chong, Evans, Green, Ito, Kahikina, Kanoho, Lee, Luke, Magaoay, Morita, M. Oshiro, Saiki, Say, Shimabukuro, Takai, Takumi, Tanaka, Tsuji, Waters, Yamashita, Karamatsu, Schatz, Souki and Wakai.</p> | <p>3226 "A BILL FOR AN ACT RELATING TO BUILDING IMPROVEMENTS."</p> <p>Introduced by: Representatives Ito, Abinsay, Arakaki, Caldwell, Carroll, Chang, Chong, Hale, Herkes, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Schatz, Sonson, Takai, Takumi, Tanaka, Tsuji, Waters, Yamane, Yamashita, Evans, Green, Say, Shimabukuro and Souki.</p> |
| <p>3218 "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS."</p> <p>Introduced by: Representatives Carroll, Morita, Saiki, Waters, Arakaki, Berg, Chong, Kahikina, Schatz, Tanaka, Tsuji and Yamashita.</p> | <p>3227 "A BILL FOR AN ACT RELATING TO REAL ESTATE."</p> <p>Introduced by: Representatives Ito, Abinsay, Arakaki, Berg, Cabanilla, Carroll, Chong, Green, Hale, Herkes, Kahikina, Kanoho, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Schatz, Sonson, Takai, Wakai, Waters, Yamane, Yamashita, Caldwell, Chang, Evans, Karamatsu, Kawakami, Lee, Say, Shimabukuro, Souki, Takamine, Takumi, Tanaka and Tsuji.</p> |
| <p>3219 "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS."</p> <p>Introduced by: Representatives Carroll, Arakaki, Berg, Morita, Saiki, Tanaka, Caldwell, Chong, Kahikina and Yamashita.</p> | <p>3228 "A BILL FOR AN ACT RELATING TO TAXATION."</p> <p>Introduced by: Representatives M. Oshiro, Abinsay, Arakaki, Cabanilla, Caldwell, Carroll, Chang, Chong, Green, Hale, Herkes, Ito, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, Say, Schatz, Shimabukuro, Sonson, Takai, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Berg, Karamatsu, Souki and Takamine.</p> |
| <p>3220 "A BILL FOR AN ACT RELATING TO AGRICULTURAL PRODUCT MARKET DEVELOPMENT."</p> <p>Introduced by: Representatives Carroll, Berg, Chong, Kahikina, Saiki, Tanaka, Tsuji, Wakai, Waters, Arakaki and Yamashita.</p> | <p>3229 "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE."</p> <p>Introduced by: Representatives M. Oshiro, Abinsay, Berg, Caldwell, Chang, Chong, Hale, Halford, Herkes, Ito, Kahikina, Kanoho, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, Say, Sonson, Takai, Takumi, Tanaka, Tsuji, Waters, Yamane, Yamashita, Evans, Green, Shimabukuro, Souki, Takamine and Wakai.</p> |
| <p>3221 "A BILL FOR AN ACT RELATING TO NATURAL DISASTERS."</p> <p>Introduced by: Representatives Carroll, Berg, Chong, Kahikina, Kanoho, Karamatsu, Luke, Morita, Saiki, Tanaka, Tsuji, Wakai, Waters, Yamashita and Souki.</p> | <p>3230 "A BILL FOR AN ACT RELATING TO BUILDING CODES."</p> <p>Introduced by: Representatives Ito, Abinsay, Arakaki, Berg, Caldwell, Carroll, Chong, Green, Hale, Herkes, Kahikina, Kanoho, Lee, Luke, Magaoay, Morita, B. Oshiro, M. Oshiro, Schatz, Sonson, Takai, Tsuji, Yamane, Yamashita, Evans, Karamatsu, Kawakami, Nishimoto, Say, Shimabukuro, Souki, Takamine, Takumi, Tanaka, Wakai and Waters.</p> |
| <p>3222 "A BILL FOR AN ACT RELATING TO ENERGY."</p> <p>Introduced by: Representatives Chang, Abinsay, Herkes, Kanoho, Magaoay, B. Oshiro, M. Oshiro, Tsuji, Waters, Evans and Souki.</p> | |

- 3231 "A BILL FOR AN ACT ESTABLISHING A STATE COMMISSION ON EMERGENCY RESPONSE."

Introduced by: Representatives Ito, Abinsay, Arakaki, Berg, Caldwell, Carroll, Chang, Chong, Evans, Green, Hale, Herkes, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Schatz, Shimabukuro, Sonson, Takai, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Say, Souki and Takamine.

- 3232 "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE."

Introduced by: Representatives Ito, Abinsay, Arakaki, Berg, Caldwell, Carroll, Chang, Chong, Evans, Green, Hale, Herkes, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Schatz, Sonson, Takai, Takumi, Tanaka, Tsuji, Waters, Yamane, Yamashita, Say, Shimabukuro, Souki, Takamine and Wakai.

- 3233 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives M. Oshiro, Abinsay, Arakaki, Caldwell, Carroll, Chang, Chong, Green, Hale, Herkes, Ito, Kahikina, Kanoho, Kawakami, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, Say, Schatz, Shimabukuro, Sonson, Takai, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Berg, Cabanilla, Karamatsu, Souki, Takamine and Takumi.

- 3234 "A BILL FOR AN ACT RELATING TO ELECTIONS."

Introduced by: Representatives M. Oshiro, Caldwell, Luke, B. Oshiro, Say, Takai and Wakai.

- 3235 "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND."

Introduced by: Representative M. Oshiro.

- 3236 "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR CAPITAL IMPROVEMENT PROJECTS IN THE THIRTY-THIRD, THIRTY-FOURTH, AND THIRTY-SIXTH REPRESENTATIVE DISTRICTS."

Introduced by: Representatives Takumi, B. Oshiro and Takai.

- 3237 "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION."

Introduced by: Representatives Takumi and Sonson.

- 3238 "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS."

Introduced by: Representatives Luke, Caldwell, Herkes, B. Oshiro, Schatz, Takai, Kanoho, Karamatsu, Lee, Takumi, Wakai and Yamane.

- 3239 "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS."

Introduced by: Representatives Luke, Arakaki, Cabanilla, Evans, Herkes, Lee, B. Oshiro, Schatz, Takai, Takumi, Caldwell, Carroll, Chang, Kanoho, Karamatsu, Tsuji, Wakai, Yamane and Yamashita.

- 3240 "A BILL FOR AN ACT RELATING TO ANIMAL CRUELTY."

Introduced by: Representatives Luke, Arakaki, Caldwell, Herkes, Lee, Schatz, Takai, Wakai, Yamane, Carroll, Kanoho, Karamatsu, Takumi, Tsuji and Yamashita.

- 3241 "A BILL FOR AN ACT RELATING TO THE LAND COURT."

Introduced by: Representative Luke.

- 3242 "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR."

Introduced by: Representatives Luke, Arakaki, Cabanilla, Caldwell, Carroll, Chang, Herkes, Kanoho, Lee, B. Oshiro, Schatz, Takai, Tsuji, Wakai, Yamashita, Evans and Yamane.

- 3243 "A BILL FOR AN ACT RELATING TO IDENTITY THEFT."

Introduced by: Representatives Luke, Arakaki, Cabanilla, Evans, Herkes, Lee, Meyer, B. Oshiro, Schatz, Takai, Tsuji, Wakai, Yamane, Yamashita, Caldwell, Carroll, Chang, Kanoho, Karamatsu and Takumi.

- 3244 "A BILL FOR AN ACT RELATING TO IDENTITY THEFT."

Introduced by: Representatives Luke, Arakaki, Cabanilla, Caldwell, Carroll, Chang, Evans, Herkes, Lee, Meyer, B. Oshiro, Schatz, Takumi, Tsuji, Wakai, Kanoho, Karamatsu, Yamane and Yamashita.

- 3245 "A BILL FOR AN ACT RELATING TO ELECTRONIC COMMERCE."

Introduced by: Representatives Luke, Cabanilla, Evans, Herkes, Meyer, B. Oshiro, Sonson, Tsuji and Green.

- 3246 "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY."

Introduced by: Representatives Luke, Cabanilla, Evans, Green, Herkes, B. Oshiro, Sonson and Tsuji.

- 3247 "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING."

Introduced by: Representatives Luke, Green, B. Oshiro, Sonson, Cabanilla, Evans, Herkes and Tsuji.

- 3248 "A BILL FOR AN ACT RELATING TO INSURANCE."

Introduced by: Representatives Luke, Cabanilla, Evans, Herkes, Lee, B. Oshiro, Schatz, Takai, Arakaki, Caldwell, Carroll, Chang, Kanoho, Karamatsu, Tsuji, Wakai and Yamane.

- 3249 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY PLACEMENT PROGRAMS FOR FEMALE OFFENDERS TRANSITIONING FROM PRISON TO THE COMMUNITY."

Introduced by: Representatives Luke and B. Oshiro.

- 3250 "A BILL FOR AN ACT RELATING TO SUPERSEDEAS BONDS."

Introduced by: Representatives Luke, Cabanilla, Caldwell, Herkes, B. Oshiro, Schatz, Takai, Arakaki, Carroll, Evans, Kanoho, Karamatsu, Lee, Tsuji, Wakai and Yamane.

- 3251 "A BILL FOR AN ACT RELATING TO COUNTIES."

Introduced by: Representatives Luke, Cabanilla, Caldwell, Carroll, Evans, Herkes, B. Oshiro, Schatz, Takai, Arakaki, Chang, Kanoho, Karamatsu, Lee, Tsuji, Wakai and Yamane.

- 3252 "A BILL FOR AN ACT RELATING TO TORT ACTIONS."

Introduced by: Representatives Luke, Cabanilla, Evans, Herkes, Takai, Yamashita, Arakaki, Caldwell, Chang, Kanoho, Karamatsu, B. Oshiro, Schatz, Tsuji, Wakai and Yamane.

- 3253 "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE."

Introduced by: Representatives Luke, Caldwell, Herkes, B. Oshiro, Schatz, Takai, Yamane, Arakaki, Cabanilla, Carroll, Evans, Kanoho, Karamatsu, Lee, Tsuji and Wakai.

- 3254 "A BILL FOR AN ACT RELATING TO OATHS OF OFFICE."

Introduced by: Representatives Luke and B. Oshiro.

- 3255 "A BILL FOR AN ACT RELATING TO THE USE OF SOCIAL SECURITY NUMBERS."

Introduced by: Representatives Luke, Arakaki, Cabanilla, Caldwell, Carroll, Chang, Evans, Herkes, Kanoho, Lee, B. Oshiro, Schatz, Takai, Tsuji, Wakai, Yamane, Karamatsu, Takumi and Yamashita.

- 3256 "A BILL FOR AN ACT RELATING TO THE PENAL CODE."

Introduced by: Representatives Luke and B. Oshiro.

- 3257 "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS."

Introduced by: Representatives Luke and B. Oshiro.

- 3258 "A BILL FOR AN ACT RELATING TO EDUCATION."

Introduced by: Representatives Arakaki, Abinsay, Finnegan and Magaoay.

- 3259 "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH."

Introduced by: Representative Arakaki.

- 3260 "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE."

Introduced by: Representatives M. Oshiro, Arakaki, Green and Sonson.

- 3261 "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER."

Introduced by: Representatives M. Oshiro, Herkes and Karamatsu.

INTRODUCTION OF RESOLUTION

By unanimous consent, the following concurrent resolution (H.C.R. No. 10) was referred to Printing and further action was deferred:

H.C.R. No. 10, entitled: "HOUSE CONCURRENT RESOLUTION URGING CULTURAL PERPETUATION IN RURAL HAWAIIAN COMMUNITIES," was offered by Representative Say, by request.

ANNOUNCEMENT

Speaker Say: "The Chair would like to remind all of you that 6:00 p.m. this evening is the filing deadline for all legislative bills."

At this time, Representative B. Oshiro moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving bills for introduction, seconded by Representative Meyer and carried. (Representatives Kawakami and Schatz were excused.)

At 12:07 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 12:00 o'clock noon, Friday, January 27, 2006. (Representatives Kawakami and Schatz were excused.)

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon, Friday, January 27, 2006.

SIXTH DAY

Friday, January 27, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:02 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Walter Yoshimitsu, Roman Catholic Church, after which the Roll was called showing all members present with the exception of Representative Meyer, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 196 through 202) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 196, dated January 23, 2006, transmitting the Department of Human Services' Report as required by Act 178, Section 162, SLH 2005 for the 2nd quarter of FY 06.

Gov. Msg. No. 197, dated January 23, 2006, transmitting the Department of Human Services' Report as required by Act 178, Section 159, SLH 2005 for the 2nd quarter of FY 06.

Gov. Msg. No. 198, dated January 20, 2006, transmitting the Department of Agriculture's Transfer of Revolving Fund Monies Annual Report for calendar year ending December 31, 2005.

Gov. Msg. No. 199, dated January 19, 2006, transmitting the corrected report on transfers of operating funds between programs required by Section 134 of Act 178, SLH 2005, the General Appropriations Act.

Gov. Msg. No. 200, dated January 23, 2006, transmitting the Progress Report to the Governor and Legislature of the State of Hawaii Regarding State Support for Achieving Hawaii's Renewable Portfolio Standards.

Gov. Msg. No. 201, dated January 20, 2006, transmitting the amendment to their October 3, 2005 report on unauthorized positions required by Section 167 of Act 178, Session Laws of Hawaii 2005, the General Appropriations Act of 2005.

Gov. Msg. No. 202, dated January 31, 2006, transmitting the Department of Education's Interagency Working Group report.

INTRODUCTIONS

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

Representative Hale introduced Ms. Katherine Jane Callaghan, Foreign Policy Advisor to Kevin Rudd, Australian Labor Party's Foreign Affairs spokesman; Dr. Stephanie Krebs, U.S. Department of State, English Language Officer; Ms. Teresita Bernales, International Visitor Program Coordinator, Pacific and Asian Affairs Council; and Ms. Abigail Sines, East-West Center Seminar Program Specialist.

Representative Arakaki introduced his cousin, Mr. Osamu Arakaki, Ph. D., Associate Professor, Faculty of Law at Shigakukan University in Okinawa.

Representative Kanoho introduced Ms. Anela Grace, a University of Hawaii student volunteering in his office.

Representative Magaoay introduced his legislative staff, Mr. Lawrence Sagaysay, Ms. Deirdra Alo, and Ms. Judy Fomin.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following bills (H.B. Nos. 2388 through 2803) were referred to committee by the Speaker:

H.B.
Nos.Referred to:

2388	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2389	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2390	Committee on Labor & Public Employment, then to the Committee on Finance
2391	Committee on Labor & Public Employment, then to the Committee on Finance
2392	Committee on Labor & Public Employment, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance
2393	Committee on Education, then to the Committee on Finance
2394	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
2395	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
2396	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2397	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2398	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2399	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2400	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2401	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2402	Committee on Judiciary
2403	Committee on Judiciary
2404	Committee on Judiciary

2405	Committee on Health, then jointly to the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	2429	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
2406	Committee on Labor & Public Employment, then to the Committee on Finance	2430	Committee on Higher Education, then to the Committee on Finance
2407	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2431	Committee on Higher Education, then to the Committee on Finance
2408	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2432	Committee on Higher Education, then to the Committee on Finance
2409	Committee on Judiciary	2433	Committee on Transportation, then to the Committee on Higher Education, then to the Committee on Finance
2410	Committee on Judiciary	2434	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2411	Committee on Finance	2435	Committee on Consumer Protection & Commerce
2412	Committee on Finance	2436	Committee on Finance
2413	Committee on Finance	2437	Committee on Education, then to the Committee on Finance
2414	Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance	2438	Committee on Health, then to the Committee on Finance
2415	Committee on Health, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance	2439	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2416	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2440	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
2417	Committee on Judiciary, then to the Committee on Finance	2441	Committee on Consumer Protection & Commerce
2418	Committee on Judiciary, then to the Committee on Finance	2442	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2419	Committee on Finance	2443	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2420	Committee on Finance	2444	Committee on Public Safety & Military Affairs
2421	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Tourism & Culture, then to the Committee on Finance	2445	Committee on Public Safety & Military Affairs
2422	Committee on Transportation, then to the Committee on Judiciary	2446	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2423	Committee on Transportation, then to the Committee on Finance	2447	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2424	Committee on Transportation, then to the Committee on Finance	2448	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2425	Jointly to the Committee on Higher Education and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	2449	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2426	Committee on Higher Education, then to the Committee on Finance	2450	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2427	Committee on Higher Education, then to the Committee on Finance	2451	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2428	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance		

2452	Committee on Transportation, then to the Committee on Judiciary	2475	Committee on Economic Development & Business Concerns, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2453	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2476	Committee on Judiciary
2454	Jointly to the Committee on Judiciary and the Committee on Legislative Management	2477	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Economic Development & Business Concerns, then to the Committee on Judiciary
2455	Committee on Judiciary	2478	Committee on Higher Education, then to the Committee on Finance
2456	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2479	Committee on Higher Education, then to the Committee on Finance
2457	Committee on Public Safety & Military Affairs	2480	Jointly to the Committee on Judiciary and the Committee on Legislative Management
2458	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns, then to the Committee on Judiciary	2481	Committee on Judiciary
2459	Committee on Hawaiian Affairs	2482	Committee on Judiciary
2460	Committee on Hawaiian Affairs, then to the Committee on Finance	2483	Committee on Judiciary
2461	Committee on Hawaiian Affairs, then to the Committee on Finance	2484	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce
2462	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2485	Committee on Judiciary
2463	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	2486	Committee on Judiciary, then to the Committee on Finance
2464	Committee on Hawaiian Affairs, then to the Committee on Judiciary	2487	Committee on Judiciary, then to the Committee on Finance
2465	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance	2488	Committee on Judiciary, then to the Committee on Finance
2466	Jointly to the Committee on Education and the Committee on Hawaiian Affairs, then to the Committee on Legislative Management, then to the Committee on Finance	2489	Committee on Judiciary
2467	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2490	Committee on Judiciary, then to the Committee on Finance
2468	Committee on Hawaiian Affairs, then to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance	2491	Committee on Judiciary
2469	Committee on Hawaiian Affairs	2492	Committee on Judiciary
2470	Committee on Hawaiian Affairs	2493	Committee on Judiciary, then to the Committee on Finance
2471	Jointly to the Committee on Hawaiian Affairs and the Committee on Consumer Protection & Commerce	2494	Committee on Judiciary
2472	Committee on Hawaiian Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2495	Committee on Judiciary, then to the Committee on Finance
2473	Committee on Energy & Environmental Protection, then to the Committee on Finance	2496	Committee on Judiciary
2474	Committee on Finance	2497	Committee on Judiciary, then to the Committee on Finance
		2498	Committee on Judiciary, then to the Committee on Finance
		2499	Committee on Judiciary
		2500	Committee on Judiciary, then to the Committee on Finance
		2501	Committee on Judiciary

2502	Committee on Judiciary	2524	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance
2503	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	2525	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
2504	Committee on Transportation, then to the Committee on Judiciary	2526	Committee on Health, then to the Committee on Finance
2505	Committee on Transportation, then to the Committee on Judiciary	2527	Committee on Judiciary
2506	Committee on Energy & Environmental Protection, then to the Committee on Finance	2528	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2507	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	2529	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2508	Committee on Energy & Environmental Protection, then to the Committee on Finance	2530	Committee on Human Services, then to the Committee on Finance
2509	Committee on Transportation, then to the Committee on Judiciary	2531	Jointly to the Committee on Transportation and the Committee on Tourism & Culture, then to the Committee on Finance
2510	Committee on Transportation, then to the Committee on Finance	2532	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2511	Committee on Transportation, then to the Committee on Finance	2533	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance
2512	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2534	Committee on Judiciary, then to the Committee on Finance
2513	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance	2535	Committee on Consumer Protection & Commerce and the Committee on Judiciary
2514	Committee on Labor & Public Employment, then to the Committee on Finance	2536	Committee on Judiciary
2515	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2537	Committee on Judiciary
2516	Committee on Housing, then to the Committee on Finance	2538	Committee on Judiciary
2517	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	2539	Committee on Judiciary
2518	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2540	Committee on Judiciary, then to the Committee on Finance
2519	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2541	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2520	Committee on Transportation, then to the Committee on Finance	2542	Committee on Judiciary
2521	Committee on Judiciary, then to the Committee on Finance	2543	Committee on Judiciary
2522	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2544	Committee on Judiciary
2523	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2545	Committee on Judiciary, then to the Committee on Finance
		2546	Committee on Labor & Public Employment, then to the Committee on Finance
		2547	Committee on Labor & Public Employment, then to the Committee on Finance
		2548	Jointly to the Committee on Education and the Committee on Public Safety & Military Affairs, then to the Committee on Finance

2549	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2572	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2550	Committee on Education, then to the Committee on Finance	2573	Committee on Water, Land, & Ocean Resources, then to the Committee on Higher Education, then to the Committee on Finance
2551	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2574	Committee on Education, then to the Committee on Finance
2552	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2575	Committee on Transportation, then to the Committee on Judiciary
2553	Committee on Transportation, then to the Committee on Judiciary	2576	Committee on Higher Education, then to the Committee on Finance
2554	Committee on Transportation, then to the Committee on Finance	2577	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2555	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2578	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2556	Jointly to the Committee on Health and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	2579	Committee on Finance
2557	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2580	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2558	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2581	Committee on Finance
2559	Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance	2582	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2560	Committee on Labor & Public Employment	2583	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2561	Jointly to the Committee on Labor & Public Employment and the Committee on Health	2584	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2562	Committee on Labor & Public Employment	2585	Committee on Finance
2563	Committee on Labor & Public Employment	2586	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2564	Committee on Labor & Public Employment	2587	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2565	Committee on Judiciary, then to the Committee on Finance	2588	Committee on Education, then to the Committee on Finance
2566	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2589	Committee on Health, then to the Committee on Consumer Protection & Commerce
2567	Committee on Housing, then to the Committee on Finance	2590	Committee on Health, then to the Committee on Finance
2568	Committee on Housing, then to the Committee on Finance	2591	Committee on Finance
2569	Committee on Education, then to the Committee on Finance	2592	Committee on Health, then to the Committee on Finance
2570	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2593	Committee on Health, then to the Committee on Finance
2571	Committee on Education, then to the Committee on Finance	2594	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance
		2595	Committee on Public Safety & Military Affairs, then to the Committee on Finance

2596	Committee on Housing, then to the Committee on Finance	2617	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
2597	Jointly to the Committee on Education and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	2618	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2598	Committee on Housing, then to the Committee on Finance	2619	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2599	Jointly to the Committee on Human Services and the Committee on Health and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2620	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2600	Committee on Judiciary, then to the Committee on Finance	2621	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce
2601	Jointly to the Committee on Human Services and the Committee on Health and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2622	Committee on Finance
2602	Committee on Legislative Management, then to the Committee on Finance	2623	Committee on Economic Development & Business Concerns, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2603	Committee on Finance	2624	Committee on Labor & Public Employment, then to the Committee on Finance
2604	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2625	Committee on Judiciary, then to the Committee on Finance
2605	Committee on Consumer Protection & Commerce	2626	Committee on Finance
2606	Jointly to the Committee on Labor & Public Employment and the Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2627	Committee on Education, then to the Committee on Finance
2607	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2628	Committee on Labor & Public Employment, then to the Committee on Finance
2608	Committee on Tourism & Culture, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2629	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2609	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2630	Committee on Agriculture, then to the Committee on Finance
2610	Committee on Education, then to the Committee on Finance	2631	Committee on Agriculture, then to the Committee on Finance
2611	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2632	Committee on Finance
2612	Committee on Finance	2633	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance
2613	Committee on Finance	2634	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment, then to the Committee on Finance
2614	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2635	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2615	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2636	Committee on Finance
2616	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2637	Committee on Transportation, then to the Committee on Finance
		2638	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance

2639	Committee on Transportation, then to the Committee on Judiciary	2660	Committee on Tourism & Culture, then to the Committee on Judiciary
2640	Jointly to the Committee on Transportation and the Committee on Health, then to the Committee on Finance	2661	Committee on Judiciary
2641	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Finance	2662	Committee on Judiciary
2642	Committee on Labor & Public Employment, then to the Committee on Finance	2663	Committee on Judiciary
2643	Committee on Labor & Public Employment, then to the Committee on Finance	2664	Committee on Judiciary
2644	Committee on Labor & Public Employment, then to the Committee on Finance	2665	Committee on Judiciary
2645	Committee on Labor & Public Employment, then to the Committee on Finance	2666	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
2646	Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	2667	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2647	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2668	Committee on Tourism & Culture, then to the Committee on Finance
2648	Committee on Judiciary, then to the Committee on Finance	2669	Committee on Tourism & Culture, then to the Committee on Finance
2649	Committee on Transportation, then to the Committee on Judiciary	2670	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2650	Committee on Health, then to the Committee on Consumer Protection & Commerce	2671	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2651	Committee on Judiciary	2672	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
2652	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2673	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2653	Committee on Consumer Protection & Commerce	2674	Committee on Judiciary
2654	Committee on Consumer Protection & Commerce	2675	Committee on Housing, then to the Committee on Finance
2655	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	2676	Committee on Housing, then to the Committee on Finance
2656	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2677	Committee on Transportation, then to the Committee on Judiciary
2657	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2678	Committee on Labor & Public Employment, then to the Committee on Finance
2658	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2679	Jointly to the Committee on Tourism & Culture and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
2659	Committee on Judiciary, then to the Committee on Finance	2680	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
		2681	Committee on Consumer Protection & Commerce, then to the Committee on Finance
		2682	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
		2683	Committee on Housing, then to the Committee on Consumer Protection & Commerce

2684	Committee on Labor & Public Employment, then to the Committee on Finance	2705	Committee on Tourism & Culture, then to the Committee on Judiciary
2685	Committee on Transportation, then to the Committee on Finance	2706	Committee on Transportation, then to the Committee on Judiciary
2686	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	2707	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary
2687	Committee on Labor & Public Employment, then to the Committee on Finance	2708	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Transportation, then to the Committee on Judiciary
2688	Jointly to the Committee on Tourism & Culture and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2709	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2689	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2710	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
2690	Committee on Finance	2711	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Finance and the Committee on Legislative Management
2691	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	2712	Committee on Legislative Management, then to the Committee on Finance
2692	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	2713	Committee on Education, then to the Committee on Finance
2693	Committee on Labor & Public Employment, then to the Committee on Finance	2714	Committee on Transportation
2694	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2715	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
2695	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2716	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
2696	Committee on Labor & Public Employment, then to the Committee on Finance	2717	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2697	Committee on Labor & Public Employment, then to the Committee on Finance	2718	Committee on Higher Education, then to the Committee on Finance
2698	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2719	Committee on Health, then to the Committee on Finance
2699	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2720	Committee on Judiciary
2700	Committee on Labor & Public Employment, then to the Committee on Finance	2721	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2701	Committee on Labor & Public Employment, then to the Committee on Finance	2722	Committee on Finance
2702	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2723	Committee on Finance
2703	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2724	Committee on Water, Land, & Ocean Resources
2704	Committee on Judiciary	2725	Committee on Water, Land, & Ocean Resources
		2726	Committee on Housing
		2727	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
		2728	Committee on Agriculture
		2729	Committee on Agriculture
		2730	Committee on Agriculture

2731	Committee on Agriculture	2755	Committee on Health, then to the Committee on Consumer Protection & Commerce
2732	Committee on Agriculture	2756	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2733	Committee on Education, then to the Committee on Finance	2757	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Finance and the Committee on Legislative Management
2734	Committee on Energy & Environmental Protection, then to the Committee on Finance	2758	Committee on Agriculture, then to the Committee on Finance
2735	Committee on Transportation, then to the Committee on Finance	2759	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
2736	Jointly to the Committee on Transportation and the Committee on Hawaiian Affairs, then to the Committee on Finance	2760	Committee on Education, then to the Committee on Finance
2737	Committee on Transportation, then to the Committee on Judiciary	2761	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2738	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2762	Committee on Finance
2739	Committee on Health, then to the Committee on Judiciary	2763	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
2740	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	2764	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection
2741	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2765	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
2742	Committee on Education	2766	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
2743	Committee on Education	2767	Committee on Agriculture, then to the Committee on Finance
2744	Committee on Education	2768	Committee on Consumer Protection & Commerce
2745	Committee on Transportation, then to the Committee on Judiciary	2769	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Finance
2746	Committee on Transportation	2770	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance
2747	Committee on Transportation, then to the Committee on Judiciary	2771	Committee on Agriculture, then to the Committee on Finance
2748	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2772	Committee on Agriculture, then to the Committee on Judiciary
2749	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance	2773	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2750	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	2774	Committee on Agriculture, then to the Committee on Finance
2751	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2775	Committee on Agriculture, then to the Committee on Finance
2752	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2776	Committee on Agriculture, then to the Committee on Finance
2753	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance		
2754	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance		

2777 Committee on Agriculture, then to the Committee on Finance

2778 Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

2779 Committee on Judiciary

2780 Committee on Judiciary

2781 Committee on Consumer Protection & Commerce

2782 Committee on Finance

2783 Committee on Finance

2784 Committee on Judiciary

2785 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2786 Committee on Energy & Environmental Protection, then to the Committee on Finance

2787 Committee on Consumer Protection & Commerce, then to the Committee on Finance

2788 Committee on Human Services, then to the Committee on Finance

2789 Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Finance

2790 Committee on Energy & Environmental Protection, then to the Committee on Judiciary

2791 Committee on Education, then to the Committee on Finance

2792 Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance

2793 Committee on Finance

2794 Committee on Health, then to the Committee on Finance

2795 Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance

2796 Committee on Agriculture, then to the Committee on Consumer Protection & Commerce

2797 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance

2798 Committee on Finance

2799 Committee on Tourism & Culture, then to the Committee on Finance

2800 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary

2801 Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Finance

2802 Committee on Health, then to the Committee on Finance

2803 Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

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

H.B. Nos.

Re-referred to:

2222 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

2251 Committee on Education, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1-06) recommending that H.B. No. 1949, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1949, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to speak in, well I am in favor of this bill. I'm voting for this bill. But I would like to point out what I've perceived to be a shortfall in this bill, specifically regarding the Legislative Auditor, the funding for the Legislative Auditor.

"Again, there's insufficient funding for regular and ongoing comprehensive auditing of all State activity as required in our State Constitution. Mr. Speaker, I feel that this is so important because for us, our Legislature is responsible for the purse strings, for the management of our State finances. It is specifically these management and performance audits that will give us the insight and clarity into how to get the most value for the dollars that we spend.

"Perhaps, funding this would yield value in excess of the surpluses that we now see in our coffers. So I just wanted to take this opportunity again to say that I hope we will fulfill these constitutional mandates soon. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1949, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Second Reading and was placed on the calendar for Third Reading, with Representative Meyer being excused.

At 12:13 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:14 o'clock p.m.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 2-06) recommending that H.B. No. 1860, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1860, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in support of HB1860. This bill appropriates funds to operate the DOE website. Although I think a website is important to the Department of Education, when we adopted the Weighted Student Formula we wanted the School Community Councils to prioritize where education funding would be spent. When we continue to direct spending from the Legislature we hurt the intentions of the WSF and push our agenda before those at the school level."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1860, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Meyer being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 3-06) recommending that H.B. No. 1863, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1863, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in support of HB1863. This bill repeals the transfer of functions to the Department of Education that were specified in Act 51 from the Departments of Budget and Finance, Attorney General, and Human Services, and delays for one year the transfer of public health nurses from the Department of Health."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1863, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Meyer being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 4-06) recommending that H.B. No. 1865, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1865, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in support of HB1865. This bill establishes 8 new positions in the DOE and appropriates funding for them. I am in strong agreement with the DOE hiring a Chief Financial Officer. At this time I am unsure about prioritizing the other two positions over school based spending. I have requested from the Department of Education an organization chart with job titles and job functions to get a better understanding of the current management structure and the proposed new management structure."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1865, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Meyer being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 7 and 8) and concurrent resolutions (H.C.R. Nos. 11 and 12) were referred to Printing and further action was deferred:

H.R. No. 7, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES AND THE JUDICIARY TO CLEAN UP AND BEAUTIFY THE AREA IMMEDIATELY ADJACENT TO THE BANYAN TREE BETWEEN THE TERRITORIAL BUILDING AND ALIOLANI HALE," was offered by Representative Harbin.

H.R. No. 8, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO CONTAIN AND ERADICATE COQUI FROGS IN HAWAII," was jointly offered by Representatives Takamine, Chang, Evans, Green, Hale, Herkes and Tsuji.

H.C.R. No. 11, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO STUDY AND RECOMMEND ACTIONS TO PREVENT THE SPREAD OF COQUI FROGS AND OTHER INVASIVE SPECIES," was jointly offered by Representatives Evans, Chang, Green, Hale, Herkes, Tsuji and Takamine.

H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO CONTAIN AND ERADICATE COQUI FROGS IN HAWAII," was jointly offered by Representatives Takamine, Chang, Evans, Green, Hale, Herkes and Tsuji.

ANNOUNCEMENTS

Representative M. Oshiro: "Mr. Speaker, I just like to announce that one of our Members celebrated his birthday this past week Tuesday. I think we'd all like to wish him a belated 'Happy Birthday' to Chair Herkes. Happy Birthday. Thank you Mr. Speaker."

Speaker Say: "Any further announcements? If not, Members if you look at your appendix for tomorrow, it shows the hearings that are scheduled. It's on your agenda."

ADJOURNMENT

At 12:15 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, January 30, 2006. (Representative Meyer was excused.)

SEVENTH DAY

Monday, January 30, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Barbara C. Marumoto, after which the Roll was called showing all members present with the exception of Representatives Berg, Halford and Meyer, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 203 through 207) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 203, dated January 20, 2006, transmitting the High Technology Development Corporation's 2005 Annual Report.

Gov. Msg. No. 204, dated January 23, 2006, transmitting the Corrections Population Management Commission's Annual Report.

Gov. Msg. No. 205, dated February 3, 2006, transmitting the Report Pursuant to Senate Concurrent Resolution 93, Senate Draft 2, Requesting the Department of Health and Hawaii Health Systems Corporation to Submit a Report of Stake Holder Group Activities to Implement Crisis Stabilization Services at the Maui Memorial Medical Center.

Gov. Msg. No. 206, dated February 3, 2006, transmitting the Report Pursuant to HCR 229, HD 1, SD 1, 2005 Session Laws of Hawaii, Requesting the Legislative Reference Bureau to Coordinate Studies, with the Assistance of the Department of Health, to Evaluate the Impact of the Physician "On-call" Crisis on the Queen's Medical Center Trauma Center to Provide Emergency Medical Services in the State of Hawaii, and to Recommend Any Appropriate Government and Private Sector Responses to the On-call Crisis to Ensure Continued Access to Trauma Level Care.

Gov. Msg. No. 207, dated February 3, 2006, transmitting the Report Pursuant to Section 348F-4, Hawaii Revised Statutes, Requiring the Department of Health, Disability and Communication Access Board to Prepare a Yearly Detailed Progress Report of the Board's Activities.

INTRODUCTIONS

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

Representative Marumoto introduced her friends from Northern California, former mayor and councilman of the City of South San Francisco, Mr. Bob Yee, and his wife Mrs. Shirley Yee.

At 12:08 o'clock p.m., Representative M. Oshiro requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:09 o'clock p.m.

Representative Sonson, on behalf of Representative Karamatsu and himself, introduced students of Honowai Elementary School in Waipahu.

Representative Stonebraker also welcomed the students of Honowai Elementary School.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following bills (H.B. Nos. 2804 through 3261) were referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Referred to:</u>
2804	Committee on Finance
2805	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2806	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2807	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2808	Committee on Finance
2809	Committee on Legislative Management, then to the Committee on Judiciary
2810	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2811	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2812	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2813	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2814	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2815	Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2816	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Finance
2817	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2818	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary

2819	Committee on Health, then to the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce	2840	Committee on Labor & Public Employment, then to the Committee on Judiciary
2820	Committee on Legislative Management, then to the Committee on Judiciary	2841	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2821	Committee on Transportation, then to the Committee on Finance	2842	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2822	Jointly to the Committee on Tourism & Culture and the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	2843	Committee on Judiciary
2823	Committee on Judiciary, then to the Committee on Finance	2844	Committee on Finance
2824	Committee on Health, then to the Committee on Finance	2845	Committee on Higher Education, then to the Committee on Finance
2825	Committee on Health, then to the Committee on Finance	2846	Committee on Judiciary, then to the Committee on Finance
2826	Committee on Health, then to the Committee on Finance	2847	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
2827	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Economic Development & Business Concerns	2848	Committee on Energy & Environmental Protection, then to the Committee on Finance
2828	Committee on Health, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance	2849	Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2829	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2850	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Transportation, then to the Committee on Finance
2830	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2851	Committee on Finance
2831	Committee on Finance	2852	Committee on Hawaiian Affairs, then to the Committee on Finance
2832	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Education and the Committee on Higher Education	2853	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2833	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2854	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
2834	Committee on Finance	2855	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2835	Committee on Finance	2856	Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2836	Committee on Finance	2857	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2837	Committee on Education, then to the Committee on Finance	2858	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2838	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2859	Committee on Judiciary
2839	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance	2860	Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
		2861	Committee on Consumer Protection & Commerce
		2862	Committee on Judiciary, then to the Committee on Finance

2863	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	2882	Committee on Education, then to the Committee on Finance
2864	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance	2883	Committee on Health, then to the Committee on Consumer Protection & Commerce
2865	Committee on Finance	2884	Committee on Health, then to the Committee on Finance
2866	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary	2885	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary
2867	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2886	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
2868	Committee on Finance	2887	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2869	Committee on Agriculture, then to the Committee on Judiciary	2888	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance
2870	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2889	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2871	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2890	Committee on Judiciary
2872	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance	2891	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance
2873	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Transportation, then to the Committee on Finance	2892	Committee on Judiciary
2874	Committee on Labor & Public Employment, then to the Committee on Finance	2893	Committee on Consumer Protection & Commerce
2875	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Judiciary	2894	Committee on Judiciary, then to the Committee on Finance
2876	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then jointly to the Committee on Finance and the Committee on Legislative Management	2895	Committee on Judiciary
2877	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Transportation, then to the Committee on Finance	2896	Committee on Judiciary
2878	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2897	Committee on Judiciary
2879	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2898	Committee on Judiciary
2880	Committee on Health, then to the Committee on Finance	2899	Committee on Judiciary
2881	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2900	Committee on Judiciary
		2901	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
		2902	Committee on Health, then to the Committee on Finance
		2903	Jointly to the Committee on Labor & Public Employment and the Committee on Transportation, then to the Committee on Judiciary
		2904	Committee on Health, then to the Committee on Finance
		2905	Committee on Judiciary
		2906	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance

2907	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance	2931	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2908	Committee on Finance		
2909	Committee on Judiciary	2932	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance
2910	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance		
2911	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	2933	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2912	Committee on Finance	2934	Committee on Housing, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance
2913	Committee on Finance	2935	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2914	Committee on Finance	2936	Jointly to the Committee on Health and the Committee on Human Services and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
2915	Committee on Finance		
2916	Committee on Transportation, then to the Committee on Judiciary	2937	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2917	Committee on Finance	2938	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2918	Committee on Judiciary	2939	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2919	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2940	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2920	Committee on Judiciary	2941	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2921	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2942	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2922	Committee on Housing, then to the Committee on Finance	2943	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2923	Committee on Health, then to the Committee on Finance	2944	Committee on Finance
2924	Committee on Health, then to the Committee on Finance	2945	Committee on Energy & Environmental Protection, then to the Committee on Finance
2925	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2946	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2926	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2947	Committee on Labor & Public Employment, then to the Committee on Finance
2927	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2948	Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance
2928	Committee on Hawaiian Affairs, then to the Committee on Finance	2949	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Finance
2929	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns, then to the Committee on Finance		
2930	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2950	Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance

2951	Committee on Labor & Public Employment, then to the Committee on Finance	2974	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2952	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Finance	2975	Committee on Health, then to the Committee on Finance
2953	Committee on Economic Development & Business Concerns, then to the Committee on Labor & Public Employment, then to the Committee on Finance	2976	Committee on Finance
2954	Committee on Labor & Public Employment, then to the Committee on Finance	2977	Committee on Judiciary
2955	Committee on Judiciary, then to the Committee on Finance	2978	Committee on Education, then to the Committee on Finance
2956	Committee on Judiciary	2979	Committee on Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance
2957	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2980	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce
2958	Committee on Finance	2981	Committee on Education, then to the Committee on Finance
2959	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Energy & Environmental Protection, then to the Committee on Finance	2982	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
2960	Jointly to the Committee on Agriculture and the Committee on Finance	2983	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Housing, then to the Committee on Finance
2961	Committee on Education, then to the Committee on Finance	2984	Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing and the Committee on Hawaiian Affairs, then to the Committee on Finance
2962	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2985	Committee on Judiciary, then to the Committee on Finance
2963	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2986	Committee on Housing, then to the Committee on Finance
2964	Committee on Housing, then to the Committee on Finance	2987	Committee on Education, then to the Committee on Finance
2965	Committee on Tourism & Culture, then to the Committee on Finance	2988	Committee on Judiciary
2966	Jointly to the Committee on Housing and the Committee on Labor & Public Employment, then to the Committee on Finance	2989	Committee on Housing, then to the Committee on Finance
2967	Committee on Judiciary, then to the Committee on Finance	2990	Committee on Housing, then to the Committee on Finance
2968	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2991	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance
2969	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2992	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance
2970	Committee on Finance	2993	Committee on Health, then to the Committee on Judiciary
2971	Committee on Consumer Protection & Commerce	2994	Committee on Housing, then to the Committee on Finance
2972	Committee on Consumer Protection & Commerce	2995	Committee on Human Services, then jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
2973	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary		

2996	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	3017	Committee on Health, then to the Committee on Judiciary
2997	Committee on Public Safety & Military Affairs, then to the Committee on Finance	3018	Committee on Labor & Public Employment, then to the Committee on Judiciary
2998	Committee on Public Safety & Military Affairs, then to the Committee on Finance	3019	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2999	Committee on Public Safety & Military Affairs, then to the Committee on Finance	3020	Committee on Water, Land, & Ocean Resources, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3000	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3021	Committee on Finance
3001	Jointly to the Committee on Education and the Committee on Hawaiian Affairs, then to the Committee on Finance	3022	Committee on Economic Development & Business Concerns, then to the Committee on Finance
3002	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	3023	Committee on Public Safety & Military Affairs, then to the Committee on Finance
3003	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	3024	Committee on Finance
3004	Committee on Economic Development & Business Concerns, then to the Committee on Legislative Management, then to the Committee on Finance	3025	Committee on Finance
3005	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns and the Committee on Housing, then to the Committee on Finance	3026	Committee on Finance
3006	Committee on Health, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance	3027	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
3007	Committee on Agriculture, then to the Committee on Finance	3028	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3008	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Finance	3029	Committee on Higher Education, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance
3009	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Finance	3030	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
3010	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3031	Jointly to the Committee on Judiciary and the Committee on Hawaiian Affairs, then to the Committee on Finance
3011	Committee on Legislative Management, then to the Committee on Finance	3032	Jointly to the Committee on Labor & Public Employment and the Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance
3012	Committee on Agriculture, then to the Committee on Health, then to the Committee on Judiciary	3033	Jointly to the Committee on Health and the Committee on Hawaiian Affairs, then to the Committee on Finance
3013	Committee on Health, then to the Committee on Judiciary	3034	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
3014	Committee on Judiciary	3035	Committee on Health, then to the Committee on Finance
3015	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	3036	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce
3016	Committee on Judiciary	3037	Committee on Transportation, then to the Committee on Judiciary
		3038	Committee on Transportation, then to the Committee on Judiciary

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| 3039 | Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns, then to the Committee on Finance | 3055 | Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance |
| 3040 | Committee on Labor & Public Employment, then to the Committee on Housing, then to the Committee on Finance | 3056 | Committee on Water, Land, & Ocean Resources, then to the Committee on Finance |
| 3041 | Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3057 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3042 | Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3058 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3043 | Committee on Labor & Public Employment, then to the Committee on Housing, then to the Committee on Finance | 3059 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3044 | Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3060 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3045 | Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3061 | Jointly to the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3046 | Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture, then to the Committee on Finance | 3062 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3047 | Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance | 3063 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3048 | Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3064 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3049 | Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3065 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3050 | Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3066 | Committee on Energy & Environmental Protection, then to the Committee on Finance |
| 3051 | Jointly to the Committee on Agriculture and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance | 3067 | Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 3052 | Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3068 | Committee on Economic Development & Business Concerns, then jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance |
| 3053 | Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance | 3069 | Committee on Economic Development & Business Concerns, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance |
| 3054 | Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance | 3070 | Jointly to the Committee on Agriculture and the Committee on Finance |
| | | 3071 | Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance |
| | | 3072 | Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance |
| | | 3073 | Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance |

3074	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Finance	3095	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
3075	Committee on Economic Development & Business Concerns, then to the Committee on Finance	3096	Committee on Energy & Environmental Protection, then to the Committee on Finance
3076	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	3097	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3077	Committee on Economic Development & Business Concerns, then to the Committee on Finance	3098	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
3078	Committee on Judiciary	3099	Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
3079	Committee on Finance	3100	Committee on Consumer Protection & Commerce
3080	Committee on Tourism & Culture, then to the Committee on Finance	3101	Committee on Judiciary
3081	Committee on Transportation, then to the Committee on Finance	3102	Committee on Consumer Protection & Commerce
3082	Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3103	Committee on Higher Education, then to the Committee on Finance
3083	Committee on Tourism & Culture, then to the Committee on Judiciary	3104	Committee on Public Safety & Military Affairs, then to the Committee on Finance
3084	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce	3105	Jointly to the Committee on Health and the Committee on Human Services, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
3085	Jointly to the Committee on Judiciary and the Committee on Education, then to the Committee on Finance	3106	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
3086	Committee on Economic Development & Business Concerns, then to the Committee on Finance	3107	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3087	Committee on Health, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance	3108	Committee on Education, then to the Committee on Finance
3088	Committee on Water, Land, & Ocean Resources, then to the Committee on Education, then to the Committee on Finance	3109	Committee on Public Safety & Military Affairs, then to the Committee on Finance
3089	Committee on Labor & Public Employment, then to the Committee on Finance	3110	Committee on Transportation, then to the Committee on Judiciary
3090	Jointly to the Committee on Labor & Public Employment and the Committee on Tourism & Culture, then to the Committee on Judiciary, then to the Committee on Finance	3111	Committee on Transportation, then to the Committee on Judiciary
3091	Committee on Consumer Protection & Commerce	3112	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
3092	Committee on Public Safety & Military Affairs, then to the Committee on Finance	3113	Committee on Tourism & Culture, then to the Committee on Finance
3093	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	3114	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
3094	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Development & Business Concerns, then to the Committee on Finance	3115	Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
		3116	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

3117	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Public Safety & Military Affairs, then to the Committee on Finance	3136	Committee on Health
		3137	Committee on Health
3118	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3138	Committee on Health
		3139	Committee on Health
		3140	Committee on Health
3119	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance	3141	Committee on Health, then to the Committee on Consumer Protection & Commerce
3120	Committee on Health, then to the Committee on Finance	3142	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3121	Committee on Public Safety & Military Affairs, then to the Committee on Finance	3143	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3122	Committee on Finance		
3123	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance	3144	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3124	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	3145	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3125	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance	3146	Jointly to the Committee on Housing and the Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance
3126	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3147	Jointly to the Committee on Housing and the Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance
3127	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3148	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
3128	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3149	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
3129	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3150	Committee on Energy & Environmental Protection, then to the Committee on Finance
3130	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary	3151	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3131	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	3152	Committee on Energy & Environmental Protection, then to the Committee on Finance
3132	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance	3153	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture
3133	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	3154	Committee on Health, then to the Committee on Finance
3134	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	3155	Committee on Finance
3135	Committee on Health, then to the Committee on Finance	3156	Committee on Higher Education, then to the Committee on Finance

3157	Jointly to the Committee on Higher Education and the Committee on Hawaiian Affairs, then to the Committee on Finance	3180	Committee on Higher Education, then to the Committee on Finance
3158	Committee on Higher Education, then to the Committee on Finance	3181	Committee on Higher Education, then to the Committee on Finance
3159	Committee on Higher Education, then to the Committee on Finance	3182	Committee on Higher Education, then to the Committee on Finance
3160	Committee on Higher Education, then to the Committee on Finance	3183	Committee on Higher Education, then to the Committee on Finance
3161	Committee on Higher Education, then to the Committee on Finance	3184	Committee on Higher Education, then to the Committee on Finance
3162	Committee on Higher Education, then to the Committee on Finance	3185	Committee on Higher Education, then to the Committee on Finance
3163	Committee on Higher Education, then to the Committee on Finance	3186	Committee on Higher Education, then to the Committee on Finance
3164	Committee on Higher Education, then to the Committee on Finance	3187	Committee on Higher Education, then to the Committee on Finance
3165	Committee on Higher Education, then to the Committee on Finance	3188	Committee on Higher Education, then to the Committee on Finance
3166	Committee on Higher Education, then to the Committee on Finance	3189	Committee on Higher Education, then to the Committee on Finance
3167	Committee on Higher Education, then to the Committee on Finance	3190	Committee on Higher Education, then to the Committee on Finance
3168	Committee on Higher Education, then to the Committee on Finance	3191	Committee on Higher Education, then to the Committee on Finance
3169	Committee on Higher Education, then to the Committee on Finance	3192	Committee on Higher Education, then to the Committee on Finance
3170	Committee on Higher Education, then to the Committee on Finance	3193	Committee on Higher Education, then to the Committee on Judiciary
3171	Committee on Higher Education, then to the Committee on Finance	3194	Committee on Higher Education
3172	Committee on Higher Education, then to the Committee on Finance	3195	Committee on Higher Education, then to the Committee on Finance
3173	Committee on Higher Education, then to the Committee on Finance	3196	Committee on Higher Education, then to the Committee on Finance
3174	Committee on Higher Education, then to the Committee on Finance	3197	Committee on Transportation, then to the Committee on Higher Education, then to the Committee on Finance
3175	Committee on Higher Education, then to the Committee on Finance	3198	Committee on Higher Education, then to the Committee on Finance
3176	Committee on Higher Education, then to the Committee on Hawaiian Affairs, then to the Committee on Finance	3199	Committee on Higher Education
3177	Committee on Higher Education, then to the Committee on Finance	3200	Committee on Higher Education
3178	Committee on Higher Education, then to the Committee on Finance	3201	Committee on Higher Education
3179	Committee on Higher Education, then to the Committee on Finance	3202	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
		3203	Committee on Judiciary, then to the Committee on Finance

3204	Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Finance	3222	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3205	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Finance	3223	Committee on Tourism & Culture, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
3206	Committee on Finance	3224	Committee on Judiciary
3207	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance	3225	Committee on Consumer Protection & Commerce
3208	Committee on Education, then to the Committee on Finance	3226	Committee on Public Safety & Military Affairs, then to the Committee on Finance
3209	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	3227	Committee on Consumer Protection & Commerce
3210	Jointly to the Committee on Hawaiian Affairs and the Committee on Energy & Environmental Protection, then to the Committee on Finance	3228	Committee on Finance
3211	Committee on Finance	3229	Committee on Consumer Protection & Commerce
3212	Committee on Judiciary, then to the Committee on Finance	3230	Committee on Consumer Protection & Commerce, then to the Committee on Finance
3213	Committee on Judiciary, then to the Committee on Finance	3231	Committee on Public Safety & Military Affairs, then to the Committee on Finance
3214	Committee on Judiciary, then to the Committee on Finance	3232	Committee on Public Safety & Military Affairs, then to the Committee on Finance
3215	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	3233	Committee on Education, then to the Committee on Finance
3216	Committee on Hawaiian Affairs, then jointly to the Committee on Energy & Environmental Protection and the Committee on Legislative Management, then to the Committee on Finance	3234	Committee on Judiciary
3217	Jointly to the Committee on Hawaiian Affairs and the Committee on Judiciary, then to the Committee on Finance	3235	Committee on Tourism & Culture, then to the Committee on Finance
3218	Jointly to the Committee on Health and the Committee on Energy & Environmental Protection, then jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce	3236	Committee on Finance
3219	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns and the Committee on Energy & Environmental Protection, then to the Committee on Health, then to the Committee on Consumer Protection & Commerce	3237	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
3220	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce	3238	Committee on Tourism & Culture, then to the Committee on Consumer Protection & Commerce
3221	Committee on Public Safety & Military Affairs, then to the Committee on Finance	3239	Committee on Judiciary
		3240	Committee on Judiciary
		3241	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
		3242	Committee on Health, then to the Committee on Judiciary
		3243	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
		3244	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
		3245	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
		3246	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance

3247	Committee on Judiciary, then to the Committee on Finance
3248	Committee on Consumer Protection & Commerce
3249	Committee on Public Safety & Military Affairs, then to the Committee on Finance
3250	Committee on Judiciary
3251	Committee on Judiciary, then to the Committee on Finance
3252	Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
3253	Committee on Judiciary
3254	Committee on Labor & Public Employment, then to the Committee on Judiciary
3255	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
3256	Committee on Judiciary
3257	Committee on Transportation, then to the Committee on Judiciary
3258	Jointly to the Committee on Education and the Committee on International Affairs, then to the Committee on Finance
3259	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
3260	Committee on Labor & Public Employment, then to the Committee on Finance
3261	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Higher Education, then to the Committee on Finance

COMMITTEE REASSIGNMENT

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

<u>H.B. No.</u>	<u>Re-referred to:</u>
1904	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 5-06) recommending that H.B. No. 1840, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1840, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Berg and Meyer being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 6-06) recommending that H.B. No. 1864, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1864, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Berg and Meyer being excused.

Representatives Takumi and Waters, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 7-06) recommending that H.B. No. 1866, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1866, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Berg and Meyer being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 8-06) recommending that H.B. No. 1879, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1879, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Finance with Representatives Berg and Meyer being excused.

Representatives Ito and Arakaki, for the Committee on Public Safety & Military Affairs and the Committee on Health presented a report (Stand. Com. Rep. No. 9-06) recommending that H.B. No. 2125, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2125, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Stand. Com. Report 9-06, I have some concerns. It's a very good bill in general. However, it talks about providing treatment and assessment for any crime. I think it's a little broad. I don't know if any crime would be considered, or just those crimes that might relate to drugs, because we're talking about substance abuse. So maybe it can be limited a little bit more as it moves through the other committees.

"Also, there is no financial impact assessed in the bill, at least attached there. I know it will require some funds. So just those comments. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2125, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Berg and Meyer being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 10-06) recommending that H.B. No. 1861, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1861, pass Second Reading and be

placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising to just express some reservations about this bill. Thank you. Mr. Speaker, I will be voting for it, but I would like to get more information before we go through to Third Reading.

"The bill eliminates the requirement that the Department of Education's annual report of principals are provided to the Board of Education, I believe. I may be misreading this. But I believe that it's eliminating that requirement. I think that the more regular information that is provided, as we struggle to improve our school system, is important. And so I will talk to the Chair of the Education Committee to try to get some more insight on this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1861, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Berg and Meyer being excused.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 1949:

Representative M. Oshiro moved that H.B. No. 1949, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker. In favor of this bill, and for brevity, I'll just reference my remarks at Second Reading."

The motion was put to vote by the Chair and carried, H.B. No. 1949, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Third Reading by a vote of 49 ayes, with Representatives Berg and Meyer being excused.

At 12:14 o'clock p.m., the Chair noted that H.B. No. 1949 passed Third Reading.

ANNOUNCEMENTS

Representative Stevens: "Mr. Speaker, our islands and especially the maritime community lost a distinguished citizen last night. Many of you know Captain David Lyman who was the Senior Pilot from the Pilots Association. He died last night while piloting a cruise ship out of Nawiliwili Harbor. He was just an outstanding citizen, a very good friend and mentor of mine. If you know, he's been involved in so many community service and charitable causes including the Hawaii Maritime Museum. He was a founding member. I would just like to request a moment of silence in his memory. Thank you Mr. Speaker."

At this time, the House of Representatives stood for a moment of silence in memory of veteran harbor pilot, Captain David Lyman.

Representative Moses: "Mr. Speaker, I'd just like to wish this Body *chung hee fat choy*. Happy New Year"

Speaker Say: "Representative Ching, would you like to clarify?"

Representative Ching: "*Do jie, do jie*. Thank you, Mr. Speaker. Yes, I would also like to wish this Body a *kung hee fat choy sa nin fai loh san tai gin hong* 'Happy New Year and in all four seasons, may peace and health be with you.'"

ADJOURNMENT

At 12:17 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Tuesday, January 31, 2006. (Representatives Berg and Meyer were excused.)

EIGHTH DAY

Tuesday, January 31, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:03 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Roosevelt Freeman, legislative aide to Representative Meyer, after which the Roll was called showing all members present with the exception of Representatives Meyer and Thielen, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 208) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 208, dated January 31, 2006, transmitting the Department of Education's Edible School Gardens follow-up report.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1947	Committee on Judiciary
2168	Committee on Legislative Management
2193	Committee on Transportation, then to the Committee on Finance
2233	Committee on Judiciary
2510	Committee on Finance
2708	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary
2960	Committee on Agriculture, then to the Committee on Finance
3070	Committee on Agriculture, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Sonson and Hale, for the Committee on Human Services and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 11-06) recommending that H.B. No. 2050, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2050, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Meyer and Thielen being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment

presented a report (Stand. Com. Rep. No. 12-06) recommending that H.B. No. 1859, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Meyer and Thielen being excused.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 1861:

Representative M. Oshiro moved that H.B. No. 1861, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I know it is Third Reading and there's no way to go back and look at this bill a little more. And I was not in the Committee. So I apologize.

"I just have a little concern that the Board of Education is the governing body over the Department of Education, it just seems to me that they would deserve to take a look at some of these documents in proceedings. And there was no testimony from the Board. So we have no idea if they think that this is a good idea or not. Thank you."

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

"Yes Mr. Speaker, I have similar concerns. Particularly in the fact that if you just read the bill alone, it seems like we're taking away the Legislature's directive to be accountable to the Board of Education. And so, just because I don't know that much about this bill, I just wanted to voice my strong reservations and hope that we're not taking away a requirement to be accountable to us and the Board. Thanks."

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

"Thank you very much, Mr. Speaker. I had to put on the glasses so I can see you better. Just as a clarification on this bill, and if any Member has any questions regarding any bill, they're more than welcome to come in, talk to me so I can explain the rationale behind it.

"This bill, what it does is it repeals the requirement for an annual report submitted to the Board of Education on all principal transactions. In another words, on an annual basis, the Superintendent submits a report to the Board listing every principal in the system and whether or not they got promoted, retired, they left, whatever the case may be.

"This was a Board-initiated request. There were 7 bills proposed by the Department of Education. This was one of them and as people

who know the process, any bills submitted by the Department has to be approved by the Board. This bill was approved by the Board. It had their support. And it's basically a housekeeping bill.

"Secondly, more importantly, Mr. Speaker, this raises a whole question that we tried to embed in the Re-inventing Education Act of 2004. And that is, the Department and the Board should really be able to control their own destiny.

"I do believe the Legislature should not be in the business of saying, "Superintendent, provide a report to the Board." It should be the Board that requests the Superintendent to provide reports to them on a timely basis. This is a report that they don't feel they need. It's in statute. I believe we should repeal it.

"The Board is under its total authority at present to request any and all reports of the Superintendent that they deem necessary to conduct their business. So they do not need a law for us to tell them that they need a certain report. And that's the whole impetus behind this bill. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, H.B. No. 1861, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Meyer and Thielen being excused.

At 12:11 o'clock p.m., the Chair noted that H.B. No. 1861 passed Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 9) and concurrent resolutions (H.C.R. Nos. 13 through 15) were referred to Printing and further action was deferred:

H.R. No. 9, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was jointly offered by Representatives Say, Chong and Ito.

H.C.R. No. 13, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING, AND REQUESTING ADDITIONAL FINANCIAL SUPPORT OF, HISTORIC PRESERVATION," was jointly offered by Representatives Ching, Arakaki, Cabanilla, Evans, Finnegan, Kawakami, Marumoto, Meyer, Moses, Nishimoto, Schatz, Shimabukuro, Thielen, Chang, Chong, Green, Hale, Halford, Kahikina, Magaoay, Sonson, Souki, Stevens, Stonebraker and Waters.

H.C.R. No. 14, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PRESERVATION OF JAPANESE SHRINES AND TEMPLES IN HAWAII," was jointly offered by Representatives Ching, Arakaki, Chang, Evans, Finnegan, Green, Hale, Ito, Kawakami, Marumoto, Meyer, Moses, Nishimoto, Schatz, Shimabukuro, Tanaka, Thielen, Waters, Cabanilla, Chong, Halford, Kahikina, Lee, Magaoay, Sonson, Souki and Stevens.

H.C.R. No. 15, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was jointly offered by Representatives Say, Chong and Ito.

ANNOUNCEMENT

Representative Kahikina, for the Committee on Housing requested a waiver of the 48-hour advance notice requirement for the purpose

of conducting a public hearing with decision making to follow on the following measures, and the Chair "so ordered":

H.B. No. 1981, Relating to Leasehold Conversion;
H.B. No. 2934, Relating to Homeless Veterans;
H.B. No. 2991, Relating to Special Purpose Revenue Bonds;
H.B. No. 2992, Proposing Amendments to Hawaii State Constitution Relating to Special Purpose Revenue Bonds;
H.B. No. 1846, Relating to Affordable Housing Tax Credit;
H.B. No. 1853, Relating to Rental Housing;
H.B. No. 2239, Relating to Land Acquisition;
H.B. No. 2240, Relating to Affordable Housing; and
H.B. No. 2567, Relating to Affordable Housing.

Representative Kahikina: "Thank you, Mr. Speaker. Said measures will be heard in Committee on Wednesday, February 1st at 9:00 a.m. in Conference Room 329. All House Committee Members have been given an advanced copy of the amended hearing notice for their review prior to the hearing. Thank you, Mr. Speaker."

ADJOURNMENT

At 12:13 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Moses and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, February 1, 2006. (Representatives Meyer and Thielen were excused.)

NINTH DAY

Wednesday, February 1, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Chaplain Bradley Lum from Unity Church of Hawaii, after which the Roll was called showing all members present.

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

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 50 through 52) were received by the Clerk and were placed on file:

Dept. Com. No. 50, dated January 25, 2006, from David McClain, Interim President, University of Hawaii, transmitting The Research Corporation of the University of Hawaii's Annual Report for fiscal year ending June 30, 2005.

Dept. Com. No. 51, from the Legislative Reference Bureau, transmitting the Bioprospecting: Issues and Policy Considerations.

Dept. Com. No. 52, from the Legislative Reference Bureau, transmitting the On-Call Crisis in Trauma Care: Government Responses.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1830	Committee on Judiciary, then to the Committee on Finance
1831	Committee on Judiciary, then to the Committee on Finance
2057	Committee on Health, then to the Committee on Judiciary
2544	Committee on Judiciary, then to the Committee on Finance
2576	Committee on Higher Education
2864	Committee on Judiciary, then to the Committee on Finance
2866	Committee on Human Services, then to the Committee on Judiciary
3157	Committee on Higher Education, then to the Committee on Finance
3176	Committee on Higher Education, then to the Committee on Finance
3242	Committee on Judiciary

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 13-06) recommending that H.B. No. 1647, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1647, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Just one concern. What I understand, and again, this is not a Committee I'm in, and it'll come to my Committee later. But I understand that the intent is to do all of this undergrounding without passing on the cost to the consumer. I think that's an impossible task. I just want to point that out for anybody who is business-minded. They'll know that the consumer will ultimately pay. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUNDING OF OVERHEAD UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 14-06) recommending that H.B. No. 1891, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1891, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. With reservations and short comments. Thank you. This is the State Educational Facilities Improvement Special Fund, otherwise known as SEFI. The money in this SEFI does not lapse. This creates a disincentive to meet deadlines. Also there is no oversight. It interferes with Budget and Finance's management of State's finances and bond authorizations. So I'm just a little concerned. Thank you."

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

"Thank you very much, Mr. Speaker. In support of this measure. And just for the edification of the Members who are not on the Education Committee, this SEFI Fund as many of you who were here in previous years know that we reduced that amount from \$90 million to \$45 million in 1999.

"This bill merely asks, I mean it's going to be forwarded obviously to the Finance Committee to take a look at that. It's a blank amount. And whether or not we should increase that \$45 million to whatever amount. And it has a drop dead clause of one year. So we all know we're in unique circumstances. This is an opportunity for us to make a commitment to the repair and maintenance of schools and to have a one-time allocation into that Fund and then it will sunset. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1891, HD 1, entitled:

"A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

ANNOUNCEMENTS

Representative Waters, for the Committee on Higher Education requested a waiver of the 48-hour advance notice requirement for the purpose of conducting a public hearing on H.B. No. 3157, Relating to the University of Hawaii at Manoa Hawaiian Affairs tomorrow at 2:30 p.m. at the Campus Center Ballroom of the University of Hawaii and the Chair "so ordered."

Representative Ito for the Committees on Public Safety & Military Affairs and Water, Land, & Ocean Resources requested a waiver of the 48-hour advance notice requirement for the purpose of conducting a public hearing with decision making to follow on H.B. No. 2833, Relating to Prisons on Friday, February 3, 2006 in Conference Room 312 and the Chair "so ordered."

Speaker Say: "At this time, the Chair has an announcement for all of you. If you look in your tray, Members, you'll find H.B. No. 1949, SD 1. It has been placed on your desk. This measure is positioned to pass Third Reading in the Senate tomorrow and be returned to this Chamber.

"There upon, we will take Final Reading action on Friday. So this is to give you the 48 hours notice that this measure is coming back and we will take action on Friday. The Chair has given you this notice in order to comply, once more with the provisions of Article III, Section 15 of the State Constitution, which states in pertinent part: no bill shall pass Third Reading or Final Reading in either House, unless printed copies of the bill in the form to be passed shall have been made available to the Members of this House for at least 48 hours.

"That is to support all of our employees who are presently working this Session and for the Members of all the Neighbor Island delegation and for our legislative allowance."

Representative M. Oshiro: "Mr. Speaker, it gives me great pleasure to announce that today, we celebrate the birthday of one of our leaders. And that gentleman is none other than yourself. So I'd like to ask the Members to wish you, Mr. Speaker, a very Happy Birthday. And also Mr. Speaker, to invite all Members of the House to have some birthday cake outside the Caucus Room."

Speaker Say: "May I extend to all of you, for those individuals or colleagues whose birthdays do not fall during the Session, I want to wish you a Happy Birthday also."

ADJOURNMENT

At 12:16 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, February 2, 2006.

TENTH DAY

Thursday, February 2, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Glenn Yamaguchi from New Hope Chapel, Kapolei, after which the Roll was called showing all members present.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the First, Second and Third Days were approved. (Representatives Kahikina, Nishimoto and Souki were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 209 through 215) were received and announced by the Clerk:

Gov. Msg. No. 209, dated January 31, 2006, transmitting the Preliminary Report on the Implementation of Act 183, Incentives for Agricultural Lands.

Gov. Msg. No. 210, dated January 27, 2006, transmitting the ACT 306/SHL 2001 Progress Report: Implementation of A.R.T.S. FIRST: Hawaii's Arts Education Strategic Plan – July 1, 2004 to June 30, 2005.

Gov. Msg. No. 211, dated January 31, 2006, transmitting the Annual Report "Small Business Regulatory Review Board" prepared by the Business Assistance Branch of the Department of Business, Economic Development, and Tourism.

Gov. Msg. No. 212, dated January 31, 2006, requesting immediate passage of House Bill No. 2278 appropriating \$1,214,367 in special funds for the State DNA database and \$1,076,217 in general funds for sexual assault treatment programs to the Department of the Attorney General.

Gov. Msg. No. 213, dated January 27, 2006, requesting immediate passage of House Bill No. 2346 appropriating \$5,169,458 in general funds to the Department of Education for electricity costs.

Gov. Msg. No. 214, dated January 27, 2006, requesting immediate passage of House Bill No. 2347 appropriating \$5,785,448 in general funds to the Department of Education for student transportation.

Gov. Msg. No. 215, dated January 31, 2006, requesting immediate passage of House Bill No. 2400 appropriating \$1,600,000 in general funds to the Department of Land and Natural Resources to assist in the purchase and preservation of Waimea Valley.

INTRODUCTIONS

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

Representative Wakai, on behalf of Representative Arakaki and Finnegan, introduced ninth grade students from Moanalua High School accompanied by teacher, Ms. Shauna Tanaka; chaperones, Mr. Keith Davis and Ms. Dianne Davis.

Representative Waters introduced Nemia "Sonny" Niupulusu, his legislative 'shadow' from the Hawaii Job Corps.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2234	Committee on Transportation, then to the Committee on Judiciary
2556	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2641	Committee on Labor & Public Employment, then to the Committee on Finance
2736	Committee on Transportation, then to the Committee on Finance
2822	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2983	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Finance
3032	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Higher Education, then to the Committee on Finance
3046	Committee on Water, Land, & Ocean Resources, then jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture, then to the Committee on Finance
3115	Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
3124	Committee on Health, then to the Committee on Finance
3132	Jointly to the Committee on Health and the Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
3144	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3218	Committee on Energy & Environmental Protection, then jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture, then to the Committee on Consumer Protection & Commerce

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 15-06) recommending that H.B. No. 2147, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2147, entitled: "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATING WATER STORAGE FACILITIES," passed Second Reading and was referred to the Committee on Finance.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 16-06) recommending that H.B. No. 1982, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1982, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Ito and Souki, for the Committee on Public Safety & Military Affairs and the Committee on Transportation presented a report (Stand. Com. Rep. No. 17-06) recommending that H.B. No. 1809, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1809, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," passed Second Reading and was referred to the Committee on Finance.

Representatives Takumi and Waters, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 18-06) recommending that H.B. No. 2182, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2182, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support with reservations, please. Thank you. Mr. Speaker, I am in strong support of the repair and maintenance of our schools. I have just a couple concerns.

"One being the new special fund, the New School Construction Special Fund that allows the DOE to enter into financing agreements without the approval of the Director of Finance. The DOE would be allowed to incur that. That would become a State obligation without regard to the statewide budget. That was the concern of the Budget and Finance.

"As we are taking a look at the numbers, we'll go ahead and just wait for Third Reading. But I have some other concerns that I'd like to put in written comments. Thank you," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I want to thank Budget and Finance and the Department of Education for working together to create a better system of transparency in the way CIP money is managed and released. I am hopeful that this new process will be beneficial for all those involved, including those at the school level.

"Make no mistake that there currently is \$210 million available for Repairs and Maintenance and CIP projects for Fiscal year 06-07. In the Governor's supplemental budget, she offers an additional \$90 million, and the House Majority is suggesting an additional \$150 million. The DOE is asking for \$368 million and for the funds to be

deposited into SEFI. No proposals have come forward to even meet half of what DOE is asking for. It is extremely important to fund our school facilities; however, DOE isn't the only department that needs help with facilities. The University of Hawaii has major facility challenges, some in dilapidated conditions. I just ask that in our desire to help the DOE that we do not ignore other areas of desperate need. These projects did not show up overnight. For decades we ignored repairs and maintenance. Let us move forward in a responsible and realistic manner accountable to the taxpayers of Hawaii.

"Currently, this bill has a blank amount for additional appropriations for operations for the DOE for 06-07. I am a strong supporter of sending any new money for education directly to the school level to work in line with Act 51 and the Weighted Student Formula. Please consider HB 3208, a mechanism to fund money directly to the School Community Councils, to use at their discretion. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I just have reservations too. I believe the Comptroller and Budget and Finance need to be involved with the process."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2182, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 19-06) recommending that H.B. No. 2260, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2260, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker. H.B. 2260 is one of the priority bills for the Health Committee, especially for the Chair and Vice Chair."

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

"Mr. Speaker, I'd like to speak briefly in support of the measure. Thank you. I'd just like to briefly quote from an article that appeared in the *Honolulu Advertiser* written by Don Thompson of the Associated Press. The dateline is Sacramento, California.

"California last week became the first state to declare secondhand smoke a toxic air pollutant, putting tobacco fumes in the same category as diesel exhaust, arsenic, and benzene, because of its link to breast cancer.

"The article goes on to talk about how breast cancer is linked to a lot of other kinds of cancers including incredibly, cervical cancer which the Women's Caucus has a project on this year. So I'd like to have permission to put the remainder of this article into the Journal. Thank you very much," and the Chair "so ordered."

Representative Lee submitted the following article:

"Secondhand smoke is air pollutant, Calif. Rules
Link to breast cancer puts fumes in rank of arsenic for first time
By DON THOMPSON
Associated Press

SACRAMENTO, Calif. - California last week became the first state to declare secondhand smoke a toxic air pollutant, putting tobacco fumes in the same category as diesel exhaust, arsenic and benzene because of its link to breast cancer.

The unanimous decision by the state Air Resources Board relied on a September report that found a sharply increased risk of breast cancer in young women exposed to secondhand smoke. It also links drifting smoke to premature births, asthma and heart disease, as well as other cancers and numerous health problems in children.

"If people are serious about breast cancer, they have to deal with secondhand smoke. That's what this is all about," said Dr. Stanton Glantz, director of the Center for Tobacco Control, Research and Education at the University of California - San Francisco.

"This is a seminal, international document," Glantz said. "It's impossible to underestimate what a big deal this is."

The report by scientists at California's Office of Environmental Health Hazard Assessment drew on more than 1,000 other studies of secondhand smoke and blamed the fumes for 4,000 deaths each year in California from lung cancer or heart disease alone.

The most significant new finding cited by state officials is that young women exposed to secondhand smoke increase their risk of developing breast cancer between 68 percent and 120 percent. The disease kills about 40,000 women in the United States each year.

That conclusion conflicts with a 2004 report by the U.S. surgeon general. Sanford Barsky, a researcher writing on behalf of the R.J. Reynolds tobacco company, told the board the state report "either ignores mentioning or does not give the appropriate weight" to studies refuting a link between secondhand smoke and breast cancer.

California scientists say their research is more current than the surgeon general's report. The state report went through an exhaustive review that delayed its release for nearly a year but ensures it is based on sound research, said Dr. John Froines, director of UCLA's Center for Occupational and Environmental Health and head of the scientific review panel.

R.J. Reynolds spokesman David Howard said regardless of the dangers from passive smoke indoors, no research supports regulators' decision to declare it an air pollutant.

"No studies exist that show that exposure outdoors leads to any increased risk of tobacco-associated illness," he said.

The air board must next consider regulatory steps to reduce exposure to the smoke, a process that could take years.

"This is no longer some crazy, California, Left Coast way of thinking," said Cynthia Hallett, executive director of Berkeley-based Americans for Nonsmokers' Rights.

She cited smoking bans that have been enacted or are being considered across the nation and in other countries.

Much of the initial effort in California will focus on public education, said Paul Knepprath, vice president for government relations at the American Lung Association of California.

ON THE WEB

California Air Resources Board: <http://www.arb.ca.gov>

*The Honolulu Advertiser
Sunday, January 29, 2006*

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

"Thank you. I rise with reservations. I know that we took a look at this bill I believe last year and possibly even the year before. I stood up with reservations then and I have not changed my mind. Until I see the details of the bill, I'm very concerned that it says 'prohibit smoking.' At least in the Committee Report, it says, 'prohibit smoking' in public places and places of employment.

"I really feel that you're going to force people out on the sidewalks, in the street. I really don't understand. If it's saying you can't smoke at all in the facility, which is where I think they're headed, then where are you going to put these people? So, I think we don't like smoking but we need to find appropriate places for them. And I don't agree with this total elimination. Thank you."

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

"Thank you, Mr. Speaker. I have reservations also. I don't smoke. I quit cold turkey 13 years ago. I never wanted to go back and never feel the urge to. I don't think smoking is good for you. But I have a problem with the... You know, in some of the work places, of course, it's been negotiable to date at least. It's a negotiable item. But also more than that, if we really are opposed to smoking, as a State, and as a Body here, let's stop taking the tax money from cigarettes and let's ban the use of cigarettes in the State of Hawaii. It's simple. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support of this bill. The place that we're going to put our workers is in the ground and in their graves. So I strongly support this bill."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2260, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," passed Second Reading and was referred to the Committee on Judiciary.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 20-06) recommending that H.B. No. 2060, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2060, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, thank you. Last year, I had some concerns about this bill. I'm speaking with reservation. Well actually I'm voting no. I'm not agreeing personally with some of the things I'm about to say, but I'm trying to think on the other side, what parents who think and believe in that are sending their kids to our public schools.

"I'm assuming that this bill relates to sex education partly in our public schools. I was concerned last year because in the Finance Committee I asked specifically, a proponent of this measure, what exactly are they teaching kids in these schools? It says, 'age appropriate' in this bill.

"However, age appropriate could mean very different things to many different parents. For example, this bill requires that the people teaching this sex education in our schools have to teach contraception. And I can tell you that I have a very large religious community in my district and they don't even teach their kids that, because they don't believe in it. So while I'm open-minded myself, I am just expressing the views of the parents that send their kids to these schools.

"The other concern that I had last year, I asked the same question in the Finance Committee. I said, since there are parents that may have beliefs that the rest of the society do not believe in, are you contacting these parents to specifically tell them ahead of time, what their children will be taught? And they had promised to get that information to me, and I've asked it several times during the Session last year and they never gave that information to me to prove that they're actually doing that. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. With reservations. I have some of the similar concerns. I just look at the list of testifiers. I don't see any parent organizations there. I don't see any church groups there. So I think that we're leaving out a large segment of our society. Maybe the teachings are great. But I haven't seen what it is. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Also with reservations. Considering that the proponents of the bill have offered to capitulate with age appropriate education. My concern is that their recognition of what is appropriate for a certain age is contradictory to what many parents would feel. I know that in Massachusetts, a number of students as young as kindergartners are being taught the use of condoms, mutual masturbation, and even 'fisting'. If you don't know what that is, you can look it up.

"But this is inappropriate but there are some people, and the supporters of this bill will say that it's absolutely appropriate for a six year old to learn about mutual masturbation and some other things like that. I don't think it is appropriate and I'd like to keep some of these groups out of our schools."

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

"Mr. Speaker, I stand in strong support of this measure. This argument about age appropriate can last for '40 days and 40 nights'. But I believe that we have our Department of Education that looks at this. And other members in the community that would look at what age appropriate sex education would be. But to close a long discussion about what is appropriate and not appropriate is for us to look at the bigger picture. This is something that we need for our youth. We deal with diseases like venereal diseases, AIDS, and so on. And unwanted pregnancy.

"I don't think that we need to mandate sex education in our class. We just have to believe that our leadership in this subject matter can come out appropriate to the most of us. We can never come to a 100% agreement on this matter. But I think that we should go with what we think is best for most of us. Thank you, Mr. Speaker."

Representative Stonebraker rose to respond, stating:

"Mr. Speaker, I would like to close by mentioning that one of the primary proponents of this bill, the ACLU, is notorious for its protection of pedophiles. Thank you."

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2060 relating to medically accurate sex information.

"Each year a million American teens become pregnant and approximately half of all teenagers ages 14 to 18 have engaged in sexual intercourse. Two-thirds of the girls who have engaged in sexual intercourse in this age group become pregnant unintentionally.

"The incidence of sexually transmitted diseases has been increasing for the first time in over a decade. One quarter of all new STD cases occur in the adolescent population.

"While abstinence is the best way to avoid pregnancy and STD's, research indicates encouraging abstinence is not the most effective way to reduce pregnancies and the spread of STD's. Surgeon General David Satcher's 2001 report, "Call to Action to Promote Sexual Health and Responsible Sexual Behavior," stressed the importance of accurate information about sex and its possible consequences in addition to encouraging our youth to abstain from sexual intercourse.

"HB 2060 requires that any recipient of State funds that provides information or programs about sex, family planning, pregnancy or sexually transmitted diseases must not only present information on the benefits of abstinence, but must also provide accurate information about contraception and its role in preventing pregnancy and the spread of STD's including HIV/AIDS. To minimize unwanted pregnancies and the abortions that often follow and the spread of STD's we owe our youth the best information available.

"Mahalo Mr. Speaker, for the time. I encourage my colleagues to vote yes on this measure."

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

"In strong support. I would like the record to reflect that I'm adopting the words of the Representative from Lower Waipahu, Upper Ewa as my own," and the Chair "so ordered."

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

"In support, Mr. Speaker. Just very briefly to counter some of the prior comments. I believe one of the testifiers, the ACLU's mission is actually to stand for the constitutional rights of everyone. Whoever it is. And it doesn't necessarily have anything to do with pedophiles. Thank you."

The Chair then stated:

"Members, we've had a lot of discussion on this. It's going to be referred to the Committee on Judiciary. For those members who are part of the Committee, you've heard the discussion on Second Reading. So with the input that you have, I hope you'll come up with a better bill as we move into Third Reading."

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

"I'd like to just register reservations and put in a request that information be given to us on what the medically accurate information is."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2060, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second

Reading and was referred to the Committee on Judiciary with Representative Pine voting no.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 21-06) recommending that H.B. No. 2082, pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2082, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT FOR MIDDLE SCHOOLS," passed Second Reading and was referred to the Committee on Education.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 22-06) recommending that H.B. No. 2095, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2095, HD 1, pass Second Reading and be referred to the Committee on Education, seconded by Representative B. Oshiro.

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

"On Standing Committee Report 22-06, I rise with reservations. I just noticed, unless it's incorrect, the Committee Referral just says Health. My question would be, if the intent is to ask our schools to provide suntan lotion, it's going to have a cost. And so it's not referred to Finance.

"The other thing is, if a child does get skin cancer, can they go back and say, 'Well, gee, the schools didn't provide adequate sun care protection.' So are we now creating a liability situation? So I just want to bring that up to the Members and if it is only going to the Health Committee, you know I have some concerns. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2095, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUN PROTECTION," passed Second Reading and was referred to the Committee on Education.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 23-06) recommending that H.B. No. 2045, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2045, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Second Reading and was referred to the Committee on Higher Education.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 24-06) recommending that H.B. No. 2146, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2146, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Judiciary.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 25-06) recommending that

H.B. No. 2145, as amended in HD 1, pass Second Reading and be referred to the Committee on Tourism & Culture.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2145, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," passed Second Reading and was referred to the Committee on Tourism & Culture.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 26-06) recommending that H.B. No. 2619, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2619, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 27-06) recommending that H.B. No. 2375, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2375, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION," passed Second Reading and was referred to the Committee on Finance.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 28-06) recommending that H.B. No. 2377, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2377, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES," passed Second Reading and was referred to the Committee on Finance.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 29-06) recommending that H.B. No. 2378, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2378, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EARLY INTERVENTION COORDINATING COUNCIL," passed Second Reading and was referred to the Committee on Finance.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 30-06) recommending that H.B. No. 2076, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2076, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No.

31-06) recommending that H.B. No. 1952, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1952, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF GENERAL OBLIGATION BONDS," passed Second Reading and was referred to the Committee on Finance.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar.

THIRD READING

H.B. No. 1859, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

At 12:27 o'clock p.m., the Chair noted that H.B. No. 1859, HD 1, passed Third Reading.

ANNOUNCEMENTS

Representative Shimabukuro: "Thank you, Mr. Speaker. I'd just like to announce that the Legal Aid Society of Hawaii will be having a reception today from 4 to 6 p.m. in Conference Room 329. So if you all can make it. Thank you."

Representative Finnegan: "Thank you Mr. Speaker. In your trays you have a pin and it reminds you to 'Go Red For Women' tomorrow. Please wear red in support for women and heart disease. Wear it tomorrow whether you're a woman or you're a man. Thank you."

ADJOURNMENT

At 12:28 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, February 3, 2006.

ELEVENTH DAY

Friday, February 3, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by former Representative Nobu Yonamine, after which the Roll was called showing all members present with the exception of Representative Halford, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 216 and 217) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 216, dated January 24, 2006, transmitting the Natural Energy Laboratory of Hawaii Authority's 2005 Annual Report.

Gov. Msg. No. 217, dated January 26, 2006, transmitting the Department of Business, Economic Development and Tourism's 2005 Annual Report of the State of Hawaii Overseas Offices.

At 12:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:11 o'clock p.m.

The Chair announced:

"Before we take the Senate Communication out of turn, we are going to introductions and then call for a recess."

INTRODUCTIONS

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

Representative Cabanilla introduced Ms. Teo Gallegos of the Adult Care Home Association.

Representative Hale introduced her daughter, Mrs. Indira Hale Tucker, and son-in-law, retired judge Mr. Marcus O. Tucker of Longbeach, California.

Representative Marumoto introduced Ms. Michelle Squyer of the San Francisco State University Government Affairs Department.

Representative Takai, on behalf of Representatives Takumi and Berg, introduced and recognized members of the Hawaii State Student Council:

Ryan Hironaka, Chair; Tu Nguyen, Vice Chair; Mamelli Joy Basilio, Lobby Chair; Tiffany Lau, Deanne Sameshima, Jasmine Enos, Jessica Ogihara, Beatrice Morlan, Brittney Sutton, Hayden Atkins, Kelsey Copes-Gerbitz, Ashley-Rae Fujie, Angela Chong, Laura Layugan, Darren Ibara; and Advisor, Mr. Blain Shinno.

Representative Takai also introduced members of the 2005 Secondary Student Conference Planning Committee:

Francis Choe, Vice Chair; George Bodgen, Lobby and Political Action Chair; Jessica Au, Christopher Lee, Lindsey Nakashima,

Shyla LaVasseur, Sarah Iida, Geoffrey Kahapea, Ericson Abalos, Agustin Garcia, Cristhel Carinio, Jaelyn Mison, Vavi Domingo, Glen Bissell, Melanie Dudley, Lynn Nakagawa; and Advisors, Mr. Sean Ibara, Ms. Janice Uemori, Ms. Susan Marciel, Ms. Regina Yoshimori, Ms. Netlie Yokoyama, Ms. Glenda Joyo, Mr. Cliff Fukuda.

At 12:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

The Chair announced:

"Prior to the recess, we had the introductions of our audience and now we would like to take up the Senate Communication."

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 3) was received and announced by the Clerk:

Sen. Com. No. 3, transmitting H.B. No. 1949, S.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," which passed Third Reading in the Senate on February 2, 2006.

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules of the House be suspended for the purpose of considering a certain bill on Final Reading on the basis of a modified consent calendar, seconded by Representative B. Oshiro and carried. (Representatives Halford, Kahikina, Kanoho, Marumoto and Saiki were excused.)

FINAL READING

Representative M. Oshiro moved to agree to the amendments proposed by the Senate to H.B. No. 1949 (SD 1), seconded by Representative B. Oshiro and carried. (Representatives Halford, Kahikina, Kanoho and Saiki were excused.)

H.B. No. 1949, SD 1:

Representative M. Oshiro moved that H.B. No. 1949, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm going to be voting with reservations on this bill. I know that our staffs are all waiting eagerly for this bill to pass. And I think my reservations aren't going to stop that. But one reservation that I expressed in the Finance Committee was the fact that there's a provision in this bill that appropriates \$100,000 for the Legislative Auditor to audit the Youth Correctional Center. In my mind, that was an unusual way of funding that. That should have come as a separate bill. A stand-alone bill which would have a hearing.

"In the Finance Committee, there was nobody from the Executive Branch there to speak to that. I don't think they were really even aware that that provision was in this budget. So that I just don't think that's the way we should operate. I think we should be more transparent and every bill should have a hearing. That is not the

usual part of this bill. So I felt that there wasn't enough communication to people that might want to come and testify.

"Also, two days ago when you discussed the 48 hours dealing with this bill, and the bill was on our desk. I didn't look at it. I wasn't aware that the Senate had amended the bill. In fact, it wasn't until yesterday that they passed it on Third Reading.

"I'm somewhat troubled with this bill, having to do with fairness issues. The discussion and argument on the Senate side dealt with fairness. And some of the things that came up were the fact that Senators on the Majority side had two staff people during the interim, where the 5 Republican Minority Members did not.

"So they were being funded, the Majority was being funded with an additional person to handle correspondence and to do all the kinds of things that we all have to do and with less people to help us. That to me is an issue of fairness.

"As far as the reduction that was made in the Ways and Means Committee, I don't know where that money was appropriated. I mean, who was going to receive it and for what position or whatever. But I think ..."

Representative Takai rose to a point of order, stating:

"Point of order, Mr. Speaker. Thank you. I think the speaker is speaking to something totally out of our jurisdiction. In fact, the governance of the Senate is beyond your scope as Speaker, Mr. Speaker."

The Chair then ruled:

"That's correct but it is part of the Senate Draft that we are adopting today. So please proceed, Representative Meyer."

Representative Meyer continued, stating:

"Thank you, Mr. Speaker. That's absolutely right. The Draft that we sent to the Senate appropriated \$7,216,979 for the operation of the Senate. The bill that came back to us was \$340,000 less.

"There is no explanation in the Committee Report as to what that reduction was. What it represents. Because of some of the lack of fairness issues, or at least the perceived lack of fairness as we are all elected by constituents of very nearly equal numbers of constituents, it only seems proper that we should all be given the same amount of resources to do our jobs. So for those reasons, I'll be voting with reservations. Thank you, Mr. Speaker"

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

"Thank you, Mr. Speaker. I would also like to voice my reservations and include the words from the good Representative from Kahaluu. Adding to that, many of us know that it is the responsibility of the House to hold the 'purse strings'. So when it comes to spending money and allocating that to the Senate side, I'm very grateful to the previous speaker for indicating to us what may be an issue of unfairness that is going on perhaps in the Senate.

"It's important that we know that in the interim, the Minority members did not have an equal amount of staff, even though they do serve an equal amount of people. Those kinds of things are very important for us as we vote on these because all of us hope to have a fair and equitable means of funding for every Representative regardless of Party. For those reasons, I'm very grateful that this has come to light. Thank you."

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

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

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

"Mr. Speaker, I will also vote with reservations. I always stand up for parity. I would like to have the words of the Minority Floor Leader incorporated as my own," and the Chair "so ordered." (By reference only.)

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

"Mr. Speaker, with reservations and the same request," and the Chair "so ordered."

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

"Thank you, Mr. Speaker. Also with reservations for the same reasons."

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

"Thank you, Mr. Speaker. With reservations and the words of the previous speakers. Thank you."

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

"Thank you, Mr. Speaker. I rise in support. To the comments raised by the Representative from Kahaluu in regard to the audit for the Youth Correctional Facility, I think we need to do the audit. The audit is in my district. Its operations clearly affect the well-being of my community, especially in terms of security. I don't see a need to wait to have that audit."

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

"Thank you, Mr. Speaker. Just briefly in support. I also wanted to speak a little bit about the audit for HYCF. Mr. Speaker, the notion that there was no awareness on behalf of the Administration is not true. Whether they knew it when the House Committee heard it. You know, it's irrelevant by the fact that when it went over to the Senate, it was clearly in the budget.

"If the Administration wanted to come and object to the audit, they could have come in front of the Senate Committee. Since we heard that bill, we have heard nothing from the Administration whether anybody objected to the audit.

"The second thing is in August 2005, the Department of Justice came down with a very scathing report of the HYCF and the administration of the HYCF. For us to float a bill as opposed to doing something on behalf of the Legislature would be absurd, because then we would be losing five months before we can actually act and find out more clearly what's going on. I think we need to act now. We need to act fast.

"In the meantime, the ACLU continues to have battles with the HYCF administration and the Lingle Administration. We continue to have abuse at HYCF. That's not something that we should be happy with and just allow it to go on.

"It's also not true that something like this has never happened before. We have done this in a serious situation like the Felix situation. Thank you."

Representative Moses rose to respond, stating:

"Thank you Mr. Speaker. I just ask the previous speaker to present to me the documented proof of the abuses. Thank you."

The Chair then stated:

"Thank you very much. She will, after."

Representative Pine rose to respond, stating:

"Yes, Mr. Speaker. I thank the previous speakers for the comments. I just want to make it clear that the Members of the Minority are not against this audit. We believe it's a very serious problem going on with the teenagers and the students there. We're just concerned about the process, Mr. Speaker. We want everything to be transparent here.

"And also, there's also very serious problems like homelessness and people that are losing their families for various reasons. I say we speed all those things up and pass all those things right now. Instead of waiting five months to house these people. Thank you."

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

Representative Stonebraker rose to respond, stating:

"Very briefly, Mr. Speaker. We do agree that an audit of the Youth Correctional Facilities is in order. However, it is surprising that when it comes to light, that a Body counter to us, being a bicameral Legislature here, the Body on the other side. When it comes to light that there has been some injustice as far as funding of positions, it's rather surprising to find no reservations on the part of this Body from the other side of the isle. We don't want to make an issue of this.

"However, it should be something that upon coming to light, that the Senate has had some questionable practices in the past. It would be forthcoming to have a little reservation about that. I'm sure many of the people in this Body were not aware of what was going on, on that side. But now that it is brought up ..."

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

"Point of order, Mr. Speaker. I believe the remarks by the current speaker are not germane to this bill before us. The process and procedures of the Body on the other side are not relevant to the discussion in the House Chamber."

The Chair then stated:

"Thank you very much. Representative Stonebraker, could you confine your remarks."

Representative Stonebraker continued, stating:

"Well, pertaining to the spending, the funding, which is primarily the duty of the House. We let the money go. Now if I gave money to my children and I say, this is only to purchase such and such a thing. If I learn that they have purchased other things, I'm going to be concerned the next time that allocate money in that direction.

"So in light of that, finding out that there has been some lack of parity on the other side, I would think that this Body would show some reservation when it comes to voting on this. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1949, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," passed Final

Reading by a vote of 48 aye with Representatives Halford, Kanoho and Saiki being excused.

At 12:42 o'clock p.m., the Chair noted that H.B. No. 1949, SD 1, passed Final Reading.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.B. Nos.

Re-referred to:

112, HD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Transportation, then to the Committee on Finance
296	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2082	Committee on Health, then jointly to the Committee on Education and the Committee on Judiciary, then to the Committee on Finance
2145, HD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Tourism & Culture
2269	Committee on Finance
2444, HD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2606	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2683	Committee on Housing, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2699	Jointly to the Committee on Labor & Public Employment and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2705	Committee on Judiciary
2769	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
2854	Committee on Judiciary
2902	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Takumi and Ito, for the Committee on Education and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 32-06) recommending that H.B. No. 2183, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2183, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS," passed Second

Reading and was referred to the Committee on Finance with Representatives Halford, Kanoho and Saiki being excused.

Representatives Takumi and Arakaki, for the Committee on Education and the Committee on Health presented a report (Stand. Com. Rep. No. 33-06) recommending that H.B. No. 2212, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2212, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. With reservations. The Department of Education had some concerns in regards to the definition of expunge, that I thought was very important to lay out what that will mean. So as we move forward with this bill, just keep that in mind. I know that it's going to Judiciary so I will wait till then. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2212, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Halford, Kanoho and Saiki being excused.

Representatives Takumi and Arakaki, for the Committee on Education and the Committee on Health presented a report (Stand. Com. Rep. No. 34-06) recommending that H.B. No. 2213, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2213, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE ASSESSMENTS FOR UNINSURED STUDENTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Halford, Kanoho and Saiki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 35-06) recommending that H.B. No. 2132, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2132, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ACQUIRE REAL PROPERTY IN WAHIAWA, OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Kanoho and Saiki being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 36-06) recommending that H.B. No. 1938, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1938, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Kanoho and Saiki being excused.

Representatives Kanoho and Karamatsu, for the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 37-06) recommending that H.B. No. 2135, as amended in

HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," passed Second Reading and was referred to the Committee on Judiciary with Representatives Halford, Kanoho and Saiki being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 38-06) recommending that H.B. No. 2078, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2078, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"On 38-06, I rise with reservations. As I read this bill, I see two sections to it. There is just one that I have a concern with. And that is: 'Requiring the cost of fostered child's motor vehicle insurance shall be paid by the natural parents.'

"I believe that parents can tell a child, you know if you want to drive a car, you have to go work at McDonald's or whatever and raise the money. Then you can maybe drive a car and you can pay for your motor vehicle insurance. I'm kind of surprised that we're telling parents they have to pay for their child's motor vehicle insurance. So that's my reservation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2078, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Halford, Kanoho and Saiki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 39-06) recommending that H.B. No. 2325, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2325, entitled: "A BILL FOR AN ACT RELATING TO MONEYS FOR DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Halford, Kanoho and Saiki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 40-06) recommending that H.B. No. 112, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Public Safety & Military Affairs for further consideration.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was adopted, passed, and recommitted to the Committee on Public Safety & Military Affairs for further consideration with Representatives Halford, Kanoho, Morita and Saiki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 41-06) recommending that H.B. No. 2444, as amended in HD 1, be adopted,

passed, and recommitted to the Committee on Public Safety & Military Affairs for further consideration.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2444, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was adopted, passed, and recommitted to the Committee on Public Safety & Military Affairs for further consideration with Representatives Halford, Kanoho, Morita and Saiki being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolutions (H.C.R. Nos. 16 and 17) were referred to Printing and further action was deferred:

H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPROPRIATE SAFEGUARDS BE INSTITUTED IN HEALTH CARE FACILITIES TO MINIMIZE THE OCCURRENCE OF MUSCULOSKELETAL INJURIES SUFFERED BY NURSES," was jointly offered by Representatives Lee, Cabanilla, Evans, Shimabukuro, Takumi, Tsuji, Caldwell, Green, Herkes, Kanoho, Kawakami, Nakasone, Schatz, Souki, Takamine and Tanaka.

H.C.R. No. 17, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE GOAL OF ELIMINATING SUFFERING AND DEATH FROM CANCER BY THE YEAR 2015," was jointly offered by Representatives Lee, Arakaki, Cabanilla, Caldwell, Evans, Green, Herkes, Shimabukuro, Souki, Takumi, Tsuji, Kanoho, Kawakami, Nakasone, Schatz, Takamine and Tanaka.

ANNOUNCEMENTS

Representative Finnegan: "Thank you, Mr. Speaker. As you know, a lot of us are wearing Red for Women today in regards to heart disease. I just wanted to bring awareness to one situation. That is, if you are experiencing pains in your chest, neck, arms, or that sort of things, and please let your elderly parents know that one of the things that I've learned through my husband, who's a fire captain at Kuakini Station, is that you should always call 911 first before trying to call a doctor, or call a family member or anything like that, because those minutes will count. So that's a very important piece of information. I would like to pass it on to Dr. Green to talk a little bit more about the 'Go Red For Women' Day."

Representative Green: "Thank you, Mr. Speaker. Thank you, Minority Leader. It's an important day because what we're really talking about is, half of our population who, just like the men have heart attacks, have cardiovascular problems, and they have real needs for care.

"Historically, research was done on men. That's something that is really good to know. For many decades, dating well back into our previous centuries, the way we did scientific research, especially in cardiovascular problems, was we had study groups that were only composed of men. Actually, white men for the most part. So what we learned over the years, as far as heart health goes was mostly how best to treat men. Cardiovascular disease in women isn't exactly the same disease as it is in men. We still have to be careful about smoking. We all have to be careful about our diets and all the other risk factors. But there are different presentations. So it's really good that we're addressing this today.

"Finally, Mr. Speaker and colleagues, several people came up to me and they wanted to know if I would say something specifically about a dear colleague of ours. I went to our colleague, Helène Hale

and asked her. She gave me permission to make a statement about her health.

"Cardiovascular fitness, vascular fitness in general, affects all of the blood vessels of the body. I just wanted to say, I'm proud to see that one of our colleagues, who has worked through a health problem, is recovering and is contributing to us in an extraordinary fashion, is here with us today having experienced some of these problems that we're honoring today by wearing red and talking about the issue. So I really think it's a good and honorable thing that we're doing today to bring special awareness to cardiovascular disease in women. Particularly in honor of Representative Hale"

Speaker Say: "The Chair has an announcement to make to all of you. I realize tomorrow, we'll be having a lot of Committee hearings. If there is no quorum, Chairs and Vice Chairs, you could defer decision making to the following hearing date and notice that you present to this Body. So you all realize on your desk, the number of hearings on Saturday.

"The Higher Education Committee will be going to the Big Island. For those who aren't going, just be aware that no decision making can occur if there is no quorum."

Representative Lee: "Mr. Speaker, could I just ask that all the women briefly remain in the Chamber for a photo opportunity immediately following the adjournment. Thank you."

ADJOURNMENT

At 12:49 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, February 6, 2006. (Representatives Halford, Kanoho, Morita, Saiki and Souki were excused.)

TWELFTH DAY

Monday, February 6, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Ms. Traci Toguchi, legislative aide to Representative Nishimoto and former Miss Hawaii, after which the Roll was called showing all members present with the exception of Representatives Carroll and Souki, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 218 and 219) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 218, dated January 23, 2006, transmitting the Hawaii Community Development Authority's Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 219, dated January 24, 2006, transmitting the Hawaii Strategic Development Corporation's 2005 Annual Report.

MISCELLANEOUS COMMUNICATION

The following miscellaneous communication (Misc. Com. No. 9) was received by the Clerk and was placed on file:

Misc. Com. No. 9, dated January 27, 2006, from Thomas M. Driskill, Jr., President/CEO, Hawaii Health Systems Corporation, transmitting the report relating to a feasibility study to expand the Program of All-Inclusive Care for the Elderly (PACE) to rural communities in Hawaii.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
937	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
2179	Committee on Agriculture, then to the Committee on Finance
2558	Committee on Labor & Public Employment, then to the Committee on Finance
3005	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
3146	Committee on Education, then to the Committee on Finance
3147	Committee on Education, then to the Committee on Finance

3210 Committee on Hawaiian Affairs, then to the Committee on Finance

3217 Committee on Judiciary, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 42-06) recommending that H.B. No. 2129, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2129, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 43-06) recommending that H.B. No. 1939, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1939, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representatives Kanoho and Magaoay, for the Committee on Water, Land, & Ocean Resources and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 44-06) recommending that H.B. No. 2112, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2112, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Yes, Mr. Speaker. Please note my reservations. I do believe that the sale of public lands for private purposes is very, very important and should be considered. But I believe that we should move very cautiously with this particular bill. Just to make sure that the implications throughout the State are fully considered. Thank you very much."

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

"Thank you, Mr. Speaker. I also have reservations. I noticed it's directed toward HCDA primarily. Not only do they have the Kakaako Project, but they have projects in Kalaheo. So I have some concerns. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2112, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 45-06) recommending that H.B. No. 2070, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2070, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 46-06) recommending that H.B. No. 2071, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2071, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 47-06) recommending that H.B. No. 2346, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2346, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 48-06) recommending that H.B. No. 2347, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2347, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 49-06) recommending that H.B. No. 2713, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2713, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR KAWAIAHAO SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 50-06) recommending that H.B. No. 2987, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2987, entitled: "A BILL FOR AN ACT

RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 51-06) recommending that H.B. No. 2128, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2128, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY EDUCATION," passed Second Reading and was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment with Representatives Carroll and Souki being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 52-06) recommending that H.B. No. 2069, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2069, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SERVICE CENTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 53-06) recommending that H.B. No. 2879, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2879, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Carroll and Souki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 54-06) recommending that H.B. No. 2443, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2443, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 55-06) recommending that H.B. No. 296, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 296, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I have reservations on this measure. It's a beautiful measure. However, it excludes those qualified residents from the Army Reserve who are also faithful citizens and patriotic members of

our society. I think they should be included. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 296, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 56-06) recommending that H.B. No. 3126, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3126, entitled: "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Carroll and Souki being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 57-06) recommending that H.B. No. 1981, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1981, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Carroll and Souki being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 58-06) recommending that H.B. No. 2567, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2567, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 59-06) recommending that H.B. No. 2934, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2934, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS VETERANS," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs with Representatives Carroll and Souki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 60-06) recommending that H.B. No. 2449, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2449, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO THE CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 61-06) recommending that H.B. No. 2447, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2447, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 62-06) recommending that H.B. No. 2177, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2177, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 63-06) recommending that H.B. No. 2178, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2178, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 64-06) recommending that H.B. No. 2772, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2772, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 65-06) recommending that H.B. No. 2774, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2774, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 66-06) recommending that H.B. No. 2775, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2775, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was

referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 67-06) recommending that H.B. No. 2253, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2253, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONVERT THE DEPARTMENT OF AGRICULTURE'S ANIMAL QUARANTINE SHELTER INTO AN ANIMAL SHELTER TO BE USED DURING DISASTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 68-06) recommending that H.B. No. 2272, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2272, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF AGRICULTURE LOANS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 69-06) recommending that H.B. No. 2771, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2771, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AGRICULTURAL PARK IN ROYAL KUNIA," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 70-06) recommending that H.B. No. 1924, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1924, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT," passed Second Reading and was referred to the Committee on Higher Education with Representatives Carroll and Souki being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 71-06) recommending that H.B. No. 3069, pass Second Reading and be referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3069, entitled: "A BILL FOR AN ACT RELATING TO USE OF BIOLOGICAL RESOURCES COLLECTED IN HAWAII," passed Second Reading and was referred jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs with Representatives Carroll and Souki being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com.

Rep. No. 72-06) recommending that H.B. No. 2957, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2957, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SURVEY AND ENGINEERING DESIGN FEES FOR THE DEVELOPMENT OF AN INDUSTRIAL PARK AT MANA, HILO, HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 73-06) recommending that H.B. No. 1968, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1968, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 74-06) recommending that H.B. No. 2707, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2707, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 75-06) recommending that H.B. No. 2708, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2708, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 76-06) recommending that H.B. No. 2777, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2777, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll and Souki being excused.

ANNOUNCEMENTS

Representative Harbin: "Mr. Speaker, I'd like to make my first announcement. That would be an announcement of absolute dismay at the inability of us to pay our employees their checks on Friday. I just cannot fathom being a leader and hiring staff and to have them wait since January 3rd to get a paycheck; hit the stagger, and then suddenly sit in the office until 5:30 p.m. to find they are not getting paid. And I as their leader was not told about this until I saw it in the paper the next day. I am embarrassed and I need to say, 'shame on

us, shame on the Chief Clerk, and shame on the Office of the Speaker.' Thank you."

Speaker Say: "Thank you very much. Your point is well taken."

Representative Caldwell: "Brief announcement. You know last week Friday, Betty Friedan passed away, the author of *Feminine Mystique*. Today they're having a memorial service for her at Riverside Drive in Manhattan. For some of us, for example, maybe the Representative from Kaimuki/Kapahulu wasn't born when *Feminine Mystique* was written. It really helped change the world of women in our country. It resulted in great progress in terms of women in business, women in politics, our current Governor has benefited from what Betty Friedan started. Hopefully we'll see it in further progress. There's much more that needs to be done.

"I thought it could be appropriate at this time to have a moment of silence for Betty Friedan and reflect on what she's done for our country. Thank you very much, Mr. Speaker."

At this time, the House of Representatives stood for a moment of silence in memory of *Feminine Mystique* author, Ms. Betty Friedan.

Representative Cabanilla: "Mr. Speaker, I would like to rise in defense of all of us and the Clerk, as well as for you. I believe the reason why our staff didn't get paid last Friday is because the Executive Order wasn't signed, because the Governor was out of town. I believe the Lt. Governor was in the building. I was just wondering how come the measure to allow our staff to get paid wasn't executed. I stand corrected if I'm wrong with my assumption. But from what I was told, that was the cause of why my staff as well, didn't get paid. Thank you."

Representative Arakaki: "Thank you, Mr. Speaker. The Committee of Health will be reconvening at 1:00 p.m. in Conference Room 329 for the purpose of hearing one last bill on our agenda and also to make decisions on the measures that we heard in the morning. Thank you, Mr. Speaker."

Representative Karamatsu: "Your Members of the Economic Development & Business Concerns Committee and Labor Committee will reconvene in Room 423 at 2:15 p.m."

Representative Pine: "Thank you, Mr. Speaker. Not to continue in this conversation but I just wanted to make clear that it has nothing to do with the Governor. I think it has everything to do with a particular legislative Body here. I'll talk to Representative Cabanilla about what happened there."

ADJOURNMENT

At 12:19 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Tuesday, February 7, 2006. (Representative Carroll was excused.)

THIRTEENTH DAY

Tuesday, February 7, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Nicole Valentini from Saint Elizabeth School, after which the Roll was called showing all members present with the exception of Representative Souki, who was excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 220 through 222) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 220, dated February 3, 2006, transmitting the Report Pursuant to Section 3 of Act 213, Session Laws of Hawaii 2005 (Regular Session), Requiring a Report by the Student Substance Abuse Assessment and Treatment Advisory Task Force.

Gov. Msg. No. 221, dated February 3, 2006, transmitting the Report Pursuant to Section 321-195, Hawaii Revised Statutes, Requiring a Report by the Department of Health on Implementation of the State Plan for Substance Abuse.

Gov. Msg. No. 222, informing the House that on February 4, 2006, the following bill was signed into law:

H.B. 1949, SD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN." (ACT 001)

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 53) was received by the Clerk and was placed on file:

Dept. Com. No. 53, dated January 23, 2006, from the Department of Health, transmitting corrected copies for their responses to SCR 109, SD 1, REQUESTING THE DEPARTMENT OF HEALTH TO MAKE EDUCATIONAL MATERIALS AVAILABLE, IN WRITTEN AND ELECTRONIC FORM, ON THE PREVENTION, DIAGNOSIS, AND TREATMENT OF HEPATITIS C TO PHYSICIANS, OTHER HEALTH CARE PROVIDERS, VETERANS, AND OTHER PERSONS AT HIGH RISK FOR HEPATITIS C; and SCR 227, SD 1, HD 1, CREATING A PLANNING TASK FORCE FOR THE HEALTHY START PROGRAM.

INTRODUCTIONS

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

Representative B. Oshiro introduced Ms. Nicole Valentini, an 8th grade student at Saint Elizabeth School who delivered today's invocation. She was accompanied by her father, Mr. David Valentini, and Saint Elizabeth School Vice Principal, Ms. Pamela Falasco.

Representative Cabanilla introduced students from the Friendship Christian School in Ewa Beach. They were accompanied by their teacher, Ms. Rhoda McGuire; and parent, Ms. Lisa Ramos.

Representative Magaoay introduced staff members of the Waialua Public Library: Mr. Tim Littlejohn, Library Branch Manager, Ms. Leta Mamizuku, and Ms. Toni Albios; and members of the Friends of Wailua Library: Ms. Marge Russell, President, Ms. Petie McManus, Ms. Alice Stanley, Ms. Donna Nathanson, Ms. Pam Goodman-Kilmer, Ms. Evangeline Goodman-Kilmer, Mr. Wayne Delventhal, and Ms. Elaine Delventhal.

Representative Chang introduced friends from Florida, Mr. Fred Frankel, Chairman of the Board of the Trade Center Development Corporation; Mr. Ed Oppel, Head of Construction of the Baltimore Inner Harbor Project and Developer of the National Aquarium; and Mr. Randy Avon, Chief Executive Officer of the World Trade Center.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2192	Committee on Public Safety & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2605	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2743	Committee on Education, then to the Committee on Finance
2803	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
3034	Committee on Judiciary, then to the Committee on Finance
3139	Committee on Health, then to the Committee on Finance
3140	Committee on Health, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 77-06) recommending that H.B. No. 1706, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1706, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"I'd like to state into the Journal that this bill, and I'm speaking against the bill, Sir. In opposition. I would like to state my opposition into the Journal that this bill may be fatally flawed in that

the Chair of the EEP Committee inappropriately inserted me as voting on the Energy Committee, which I did not. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1706, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," passed Second Reading and was referred to the Committee on Judiciary with Representative Harbin voting no, and with Representatives Chang and Souki being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 78-06) recommending that H.B. No. 2043, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2043, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 79-06) recommending that H.B. No. 2620, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Chang and Souki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 80-06) recommending that H.B. No. 1923, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1923, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 81-06) recommending that H.B. No. 1922, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1922, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 82-06) recommending that H.B. No. 2669, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2669, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 83-06) recommending that H.B. No. 2668, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2668, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOURISM RESEARCH AND STATISTICS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 84-06) recommending that H.B. No. 2753, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2753, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Chang and Souki being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 85-06) recommending that H.B. No. 2813, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2813, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FOR DISABLED CHILDREN," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Chang and Souki being excused.

Representative Arakaki, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 86-06) recommending that H.B. No. 2670, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 87-06) recommending that H.B. No. 2103, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 2670, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce; and H.B. No. 2103, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. Please note me having reservations on 86 and 87. And just short comments. I am currently a part of the Health Task Force. I know that we are expecting a report come either mid-February hopefully, or the ending of February. I'd like to see where that goes before we move forward. Thank you."

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

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

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

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

"I'd like to register a no vote on both of these please, Mr. Speaker. I'm sure that we'll have a lot of debate on these coming up. We will see these in their future Committees. But this is of course to create the Hawaii Health Authority and for Universal Health Care, to study it. Mr. Speaker, to summarize, this has been studied all over the world in different countries where it's failing. I think it would be disastrous.

"In its current form, \$1 is allocated. We can save the trouble of passing this bill. I'll give a dollar here to end it. But Mr. Speaker, this is bad idea. And it comes up every year. If you want the health care system to look like the DMV, then this is the bill to do it. But I think it's a bad idea. Thank you."

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

"Thank you, Mr. Speaker, in support. These two bills, we want them to keep moving because we are, as the Minority Leader stated, in the process of a good dialogue to look at whether our system needs to be changed. In some countries around the world, it has benefited the people greatly."

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

"Thank you, Mr. Speaker, reservations on both measures. You know, maybe Universal Health Care is good for some countries, but how come they're all trying to come here? Thank you."

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

"Mr. Speaker, I stand in support of this measure. Our health care system is at stake in this State. We are plagued with the high cost of health care. So studying this measure or other measures, it's worthwhile. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representative Stonebraker voting no, and with Representatives Chang and Souki being excused; and

H.B. No. 2103, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Higher Education with Representative Stonebraker voting no, and with Representatives Chang and Souki being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 88-06) recommending that H.B. No. 2162, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2162, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RURAL HEALTH CARE," passed Second Reading and was referred to the Committee on Higher Education with Representatives Chang and Souki being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 89-06) recommending that H.B. No. 2259, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2259, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"On page 4. Yes, a quick comment in support of Stand. Com. 89-06. Mr. Speaker, you might have noticed a huge headline in the newspapers this Saturday. \$100 million was brought into the State. Mr. Speaker, by just looking at that, it seems that there are millions of dollars coming into the State. We probably have no idea where it's going and how it's being used.

"The current Administration has greatly impacted the amount of money, federal funds, that are coming in. And it's terrific. However, the body, which has been established, the Legislative Auditor, which is the body I think that we need at this point; because we need to be sure that the money that's coming in, the federal funds that are coming in, will be spent wisely.

"Let me tell you one thing that has been done that presents the concern that will be resolved by this. Mr. Speaker, \$100 million is actually brought here because there is now an obligation of the State to continue. We have no choice on it because we have been obligated, unilaterally by the Administration to a contract with the federal government. But we must continue.

"Indeed we have been subsidizing the federally qualified health centers, and we've been willing to do so. However Mr. Speaker, the Legislature has not had anything to say regarding the continued funding over 6 years, which made this amount of federal funds coming in. Moreover, Mr. Speaker, the money that is going to be brought in within the next 6 years, \$50 million every year seems to be targeted to be distributed to private hospitals.

"Again, Mr. Speaker, federal funds are coming into the State. The Legislature at this point has no say in how it's being distributed. We don't know whether or not the programs being funded by these funds are the best. We don't know whether or not we're getting the best bang, I've always wanted to say this, for the buck.

"So, Mr. Speaker, funding these positions that has been created, as the Legislative Analyst, is wise. It's again, in adopting words from the Administration, it's not going to cost the State anything because it's going to be federally funded. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in support. I just wanted to make a couple comments in regards to these federal funds. Yes, these federal funds should be credited to the hard work of the Administration because they've been working very hard to get us these additional funds.

"We've seen a lot of positive affects from that in regards to making payments to some of these private hospitals who take care of our Medicaid clients. So I definitely think that we're heading in the right direction. I don't think that there's ever been a time, at least I haven't been a part of any conversation, memos, or letters that have said that the Administration does not want any guidance, leadership, from the

Legislature. So I will stand in support of this measure. But I definitely think that that ability is already there. Thank you."

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

"Thank you, Mr. Speaker. I'm rising with some reservations on this measure. I noticed in the Committee Report it says, 'the purpose of this bill is to take steps, to activate the dormant office', dormant office at the Legislative Analyst. So for many years, we have had no need for this position.

"My concern is that because we have a surplus, we're finding ways to spend it. I believe that the present Administration has, at least in some of the departments, the Department of Human Services, they have maximized the use of the federal money. I think each department; it's their responsibility to account for the federal money. They are working in that arena day in and day out. I just question the needs of this. So that's the reason for my reservations. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2259, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF THE LEGISLATIVE ANALYST," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 90-06) recommending that H.B. No. 2712, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2712, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 91-06) recommending that H.B. No. 1917, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1917, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 92-06) recommending that H.B. No. 2398, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2398, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCEAN AND COASTAL COUNCIL," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 93-06) recommending that H.B. No. 2395, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2395, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 94-06) recommending that H.B. No. 2133, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2133, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 95-06) recommending that H.B. No. 2138, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2138, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"I'm sorry Mr. Speaker. I'm a little slow on the uptake. Just quickly on Stand. Com. Report Number 95. I would just like to register with reservations. I'll just withhold my comments for Third Reading. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2138, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representatives Takumi and Sonson, for the Committee on Education and the Committee on Human Services presented a report (Stand. Com. Rep. No. 96-06) recommending that H.B. No. 2364, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2364, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 97-06) recommending that H.B. No. 3130, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3130, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with deep reservations on Stand. Com. Report 97. This bill, I have said, and I suppose it's an old issue that comes up every year. It has a wonderful intent in protecting children. However, what I find difficult with the bill as written right

now is that it does not take into account the whole picture. At the crux of it is the anonymity.

"On page 2 of the bill it says, anonymity, confidentiality, and freedom from prosecution for parents may encourage them to leave the newborn infant at a suitably safe place. There's speculation as to what encourages someone to abandon their baby at any given place. But the problem with the anonymity part of that is that it causes many problems down on the line because it forever severs the relationship of that parent and child, and the ramifications as you know are medical. You can see there is no medical history required or asked for in this bill. The medical history can change. Then if you can't find the parent or the child, and you're in need of plasma or bone marrow, or such, of course can't find the person. So that kind of defeats the purpose.

"Secondarily, what does not change? Medical conditions change. Some people don't know they're going to get diabetes in ten years. But they might. What doesn't change is people's identity, their ethnic background, their genetics. So we're finding that many diseases are oriented towards what particular ethnic group you might come from. So as it's written, I still have problems as it is written. But I will go with reservations because of the intent. Thank you."

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

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

"Thank you, Mr. Speaker. In strong support of this measure. I just want to note that now, we're just one of five States that don't have some type of safe haven or safety net provisions. Really, this really is a life saving measure. Even if it only saves one life, I think it'll be worth it.

"I also want to note that, although I didn't have a chance to talk to my colleague from Liliha, last year, we did make some amendments. The current bill reflects those amendments to allow the personnel at the hospital, fire station, or police station; although they may not inquire as to the identity of the person leaving the newborn child, they can inform the person that the information may be voluntarily put forth regarding any medical history, including major illnesses or disease. It also allows the personnel to ask the person leaving the newborn child, about the history of the child.

"So I think we need to keep the fact that the information has to be confidential, unless it's volunteered. But with that, I think to the greatest extent possible, we want to be sensitive to the issues brought up by the Representative from Liliha. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3130, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 98-06) recommending that H.B. No. 2796, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2796, entitled: "A BILL FOR AN ACT RELATING TO HONEY," passed Second Reading and was referred

to the Committee on Consumer Protection & Commerce with Representatives Chang and Souki being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 99-06) recommending that H.B. No. 2767, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2767, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representatives Abinsay and Karamatsu, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 100-06) recommending that H.B. No. 2769, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2769, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 101-06) recommending that H.B. No. 3080, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3080, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 10) and concurrent resolution (H.C.R. No. 18) were referred to Printing and further action was deferred:

H.R. No. 10, entitled: "HOUSE RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO WORK TO ABOLISH THE DEATH TAX PERMANENTLY," was offered by Representative Marumoto.

H.C.R. No. 18, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONGRESSIONAL DELEGATION OF THE STATE OF HAWAII TO WORK TO ABOLISH THE DEATH TAX PERMANENTLY," was offered by Representative Marumoto.

ANNOUNCEMENTS

Representative Herkes, for the Committee on Consumer Protection & Commerce, requested a waiver of the 48-hour advance notification for decision making only for H.B. No. 1796, Relating to Notice. Also short form bills, H.B. No. 2972, Relating to Electrical Licensing, and H.B. No. 3605, Relating to Cable. Proposed HD 1 for both bills will be available. These bills are scheduled for tomorrow at 2:05 p.m. in Conference Room 325, and the Chair "so ordered."

Representative Ito, for the Committee on Public Safety & Military Affairs requested a waiver of the 48-hour advance notice requirement

for the purpose of conducting a public hearing with decision-making to follow on H.B. No. 2192, Relating to Controlled Substances to be heard on Thursday, February 9th, 8:30 a.m. in Conference Room 309, and the Chair "so ordered."

At 12:29 o'clock p.m., Representative Morita requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:30 o'clock p.m.

Representative Evans: "Thank you, Mr. Speaker. I want to announce the Committee on Energy & Environmental Protection will reconvene in Conference Room 312. We have 3 agendas. The first one will be a joint EEP/EDB for decision-making on H.B. No. 3050 Relating to Energy Efficiency.

"The second will be an agenda on EEP for decision making on H.B. No. 3044, Relating to Gasoline; H.B. No. 3222, Relating to Energy; and H.B. No. 2175, Relating to Energy.

"We'll also reconvene to finish the hearing we held this morning. We heard 7 bills and we did hear testimony. We are still in discussion, and that's a joint hearing, Agriculture and EEP. Thank you."

Representative Takumi, for the Committee on Education, requested a waiver of the 48-hour advance notice requirement for the purpose of conducting a public hearing for decision-making only on H.B. No. 2550 and H.B. No. 2610, both bills Relating to Charter Schools tomorrow at 2:00 p.m. in Conference Room 309, and the Chair "so ordered."

Representative Arakaki: "Thank you, Mr. Speaker. Just a reminder on behalf of the Chair of the Labor Committee and for the Committee on Health, we have a meeting for decision-making only at 1:00 p.m. in Conference Room 329. Thank you, Mr. Speaker."

ADJOURNMENT

At 12:31 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, February 8, 2006. (Representatives Chang and Souki were excused.)

FOURTEENTH DAY

Wednesday, February 8, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with the Vice Speaker Takai presiding.

The invocation was delivered by Pastor Jack Smith of Church of the Nazarene, after which the Roll was called showing all members present with the exception of Representatives Chang, Kahikina and Kawakami, who were excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 223) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 223, dated February 1, 2006, transmitting the Department of Public Safety and Department of Human Services' Report as required by SCR 128 adopted by the 2005 Hawaii State Legislature.

INTRODUCTIONS

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

Representative Ito introduced Army Master Sergeant Alan W. Perez and congratulated him on his recent retirement. He was accompanied by his wife, Mrs. Patty Perez, 1st Lt. Byron Cadiz, 1st Lt. Gavin Sakagawa, Lt. Colonel Jeff Potacio and 1st Lt. Jayson Watts.

Representative M. Oshiro introduced homeless advocate Pastor Jack Smith of the Church of the Nazarene who delivered today's invocation.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2328	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2948	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
2962	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
2966	Committee on Housing, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 102-06)

recommending that H.B. No. 1918, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1918, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Kahikina and Kawakami being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 103-06) recommending that H.B. No. 1839, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1839, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 104-06) recommending that H.B. No. 2961, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2961, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 105-06) recommending that H.B. No. 1934, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1934, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 106-06) recommending that H.B. No. 937, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 937, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise to speak in support of the measure with some reservations. Thank you. I'm supporting this measure because I'd like to support the Chair of Human Services and his concerns for the problems that were brought up, especially in light of the many interim briefings that they had on the problems at the Youth Correctional Facility.

"I guess my concern is that over the years we've really not provided the needed resources at the Youth Correctional Facility. In fact, the Office of Youth Services has needed to fulfill their mandate.

And I would hate to see our Youth Correctional Facility become just another prison.

"There are many corrections that need to be made. I'm just hoping that along with the reformation and this new structure, there'd be added resources provided, because without the resources, it's like just rearranging the deck chairs in the *Titanic*. It's going to take a great deal of resources to turn the ship around.

"There's a Department of Justice settlement that was just issued. There was also a finding in the District Court against the Administrators, both of the Office of Youth Services and the Administrator for the Youth Correctional Facility. And these are very grave charges that were made of abuses against young people who are wards of the State. I don't think we can allow this to continue happening.

"So I'm hoping that by supporting the Chair and his efforts, that we can resolve this problem and get immediate action and provide especially the emergency funding that the Youth Correctional Facility and the Office of Youth Services need to make the changes. So with that, Mr. Speaker, I urge everyone to support this measure."

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

"I'd like to note my reservations on the measure. I believe it's another level of bureaucracy and it's not going to solve the problem. It's just going to make it worse. Thank you."

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

"Mr. Speaker, in support. This is a very important measure, Mr. Speaker. This measure as it moves along, will actually help to solve the problems that has been undergoing at the HYCF, OYS. OYS oversees HYCF. In the agreement that's been reached by the State and the feds that was signed yesterday, also mentioned by a prior speaker, actually speaks to HYCF as having the problem. What the bill does is to isolate HYCF on itself, give it more autonomy, and also ensure that the resources are indeed provided.

"The concern of the Health Chair that the resources has not been given to OYS in the past is true. We have not. However, we are not there now, we are here. We are trying to face a problem that's been created by the lack of resources in the past. New resources must be afforded to the facility. As I read the agreement between the Federal Government and the State of Hawaii, it seems to indicate that there will be a monitor, Mr. Van Fleet, who will be overseeing this agreement to ensure there's implementation of the conditions contained therein.

"It also states here that there will be identification of new resources in the federal side, to ensure that we are successful. HYCF must be successful. It is their duty to ensure that the kids that go in there are treated for mental health, medical needs. And treated in such a way to ensure that they are safe from each other, that they are safe from the workers that work there, and so forth, that they are free from harassment, and the other things that were complained about in the separate lawsuit brought on by the ACLU.

"This bill, as it moves forward, I hope that, Mr. Speaker, that everyone can continue to look at it and support it because it is indeed very important that we do not fail in meeting all the conditions that are contained in this agreement with the DOJ. If we fail, then a lawsuit will ensue. A consent decree is not and I would backup, I would like to credit the State Attorney General in doing a fine job in negotiating with DOJ to ensure that we don't have a federal consent decree over our heads; that the DOJ is allowing the State to try to address the concerns and the problems that are brought on by the ACLU head-on and be given an opportunity to fix it within three years.

"As stated in the article that's been written in *Honolulu Advertiser*, Mr. Bennett has said that the work has already been done. And thanks to the Committee that worked over the interim, that looked and identified the problems that were complained of. It is the interaction between that Committee that was formed, and the questions that they've asked the Administrators of the facility that has started not only the dialogue going, but actually the work going. There have been massive improvements already, although there are a lot of things to be done. And yes, we do need the resources and we need your support. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 937, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Kahikina and Kawakami being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 107-06) recommending that H.B. No. 2573, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2573, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE MANAGEMENT," passed Second Reading and was referred to the Committee on Higher Education with Representatives Chang, Kahikina and Kawakami being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 108-06) recommending that H.B. No. 3057, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3057, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 109-06) recommending that H.B. No. 3060, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3060, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 110-06) recommending that H.B. No. 1979, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1979, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

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

"I'm assuming we're talking about 110. Mr. Vice Speaker, I rise with reservations regarding this bill. I have a very serious concern about carving out the requirement for licensing for certain unlicensed contractors for repairs. I feel this is a very, very, very important

issue for many of our property managers. You know, incidental repairs. But as long as we're going to require a whole large group of small businesses to follow very strict requirements for licensing, which includes many, many requirements for insurance and other requirements, that we have to be very, very careful about who we allow to do unlicensed work because of the potential liability and injury to the employees of the business community.

"So again, with very strong reservations. I really, really, request that we proceed very cautiously on extending unlicensed activity."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1979, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Chang, Kahikina and Kawakami being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 111-06) recommending that H.B. No. 2127, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2127, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education with Representatives Chang, Kahikina and Kawakami being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 112-06) recommending that H.B. No. 3068, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3068, HD 1, pass Second Reading and be referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3068, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Karamatsu and Souki, for the Committee on Economic Development & Business Concerns and the Committee on Transportation presented a report (Stand. Com. Rep. No. 113-06) recommending that H.B. No. 2877, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2877, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Vice Speaker, again I rise with very strong reservations. I would like to caution us with taking away gross excise taxes on gasoline. Because what I'm very, very concerned about is the studies on the mainland have shown, when you do these types of release of taxes, it just adds to the profit coffers of the oil companies, which is

money still coming out of the backs of our people of Hawaii. So if we're going to take away gross excise tax, which I support in many measures as we all, know, let us please proceed cautiously with some type of protection that this doesn't end up being another profit column for the oil companies."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2877, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Karamatsu and Chang, for the Committee on Economic Development & Business Concerns and the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 114-06) recommending that H.B. No. 2421, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2421, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise and speak in favor of Standing Committee Report 114, which would provide tax credits to performing arts, qualified high tech businesses. I'm for helping our performing arts as much as possible. However, I did vote WR because the testimony from the Department of Taxation, and Business and Economic Development said that H.B. 3080 was a preferable vehicle, much easier to administer. So I think we should take a look at this one. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2421, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERFORMING ARTS BUSINESSES," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Karamatsu and Morita, for the Committee on Economic Development & Business Concerns and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 115-06) recommending that H.B. No. 2931, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2931, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERATED ELECTRICITY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Chang, Kahikina and Kawakami being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 116-06) recommending that H.B. No. 2811, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2811, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Yes, thank you, Vice Speaker. I stand in very, very strong support. I wanted to take this opportunity to speak to what exactly is Mutual Benefit Society. What it is in our laws. This is, the Mutual Benefit Society is a law that was passed in the early 70s. Mutual Benefit Societies were created by nurses to attempt to expedite healthcare to the people of Hawaii. Basically the workers, the employees of the small business community of which the Prepaid Healthcare Act mandates coverage.

"This started off as a very, very wonderful concept. However, the Mutual Benefit Society Law has not been looked at or reviewed since the early 70s. What is happening now is that the members of the Mutual Benefit Society, especially the healthcare organizations, the members which our employees and workers have no voice in the management appointment of the Boards of Directors, or even have the ability to bring forth any special hearings or request to address management of the Mutual Benefit Societies.

"What we need to do is we need to have that particular law looked at but if not at least some type of oversight that the rights of our employees are protected as the owners and members of the Mutual Benefit Societies and that's the reason that I am standing in very strong support and I ask that my fellow colleagues really take a look at the Mutual Benefit Societies laws as it stands. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2811, entitled: "A BILL FOR AN ACT RELATING TO MUTUAL BENEFIT SOCIETIES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Chang, Kahikina and Kawakami being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 117-06) recommending that H.B. No. 3053, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3053, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Ito and Kanoho, for the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 118-06) recommending that H.B. No. 2833, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2833, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 119-06) recommending that H.B. No. 2549, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2549, entitled: "A BILL FOR AN ACT RELATING TO MILITARY RESERVE COMPONENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 120-06) recommending that H.B. No. 2998, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2998, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ASSIST THE UNITED STATES ORGANIZATION WITH ITS PLANNED WELCOME HOME CELEBRATION FOR RETURNING HAWAII NATIONAL GUARD MEMBERS IN THE COUNTIES OF HAWAII, MAUI, AND KAUAI," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 121-06) recommending that H.B. No. 2715, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2715, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I stand with reservations on 121-06. House Bill No. 2715. This is relating to police officers. It is giving a maintenance allowance for the uniforms and weapons. Sounds like a good bill and God knows, I mean I'm a Marine. Most police officers, you know, they end up coming from the military and such. We're all for them. My problem with it is it's a negotiable item and if they're unhappy with the maintenance allowance that they get now or the uniform or the weapons they get now, they should negotiate that contract. What we're doing is setting it up so anytime a bargaining unit in this State doesn't like what they bargain for, they'll come back to us and ask us to make them whole again and I think it's a dangerous precedent. We ought to be very careful."

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

"Mr. Speaker, I'm in support. Mr. Speaker, this is not a collective bargaining issue. This is a public safety issue. This version will allow officers, to buy equipment, offer some monetary relief to help minimize a pay differential between Hawaii police officers and that of other jurisdictions. It's a valuable tool for the retention and equipment of our officers, and this will help address the State shortage issue in our police department. If you read this Sunday's paper there was an article on Chief Correa and he explained it clearly that they need some help. Thank you."

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

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

"Mr. Speaker, I stand in strong support. Our officers are on duty 24 hours a day, 7 days a week. They're required to report in and respond to situations even though they're off duty. If we value our safety, want to make sure that our communities have adequate officers, if you want to tackle the issues of drugs, ice, property crimes, murder, and incidents against the innocents, then we need to start standing up and supporting the men and women that make our community safe. Thank you."

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

"In strong support. We need to support our brave men and women in blue and I like to incorporate the words of the Chair of Public Safety as my own," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2715, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 122-06) recommending that H.B. No. 2339, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2339, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE AGENCY," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 123-06) recommending that H.B. No. 2340, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2340, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 124-06) recommending that H.B. No. 2265, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2265, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2265, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 125-06) recommending that H.B. No. 2131, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2131, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. This goes back to the police officers. This is a tax credit for law enforcement officers. I'm speaking with reservations. Again it's a negotiable item. We heard it on the previous measure that we should support them and I do support them and therefore, I will support their bargaining unit to get more money for their uniforms, etc. This is a tax credit so they can go out and buy vests, bulletproof vests. They're issued bulletproof vests now. Some of the officers don't care for the vest that's issued to them. They think it's too heavy so they go out and buy a different one and that's fine but I don't think we should pay for it. I think they should go back and negotiate for the vest that they choose. There are more of them than us and I think they could do that. Thank you."

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

"Mr. Speaker, I rise up with reservations. Thank you. I certainly support the police officers safety. The reason for my reservations is that we did receive some testimony if these officers buy these upgraded vests, their insurance policy would be null and voided. If they were injured when they were wearing those vests. So I would like to see as this bill moves along perhaps that loophole could be corrected. Thank you."

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

"Mr. Speaker, in support. Mr. Speaker, this bill is to assist our law enforcement officers by providing a one time, one time tax credit to purchase non-departmental bulletproof vest. Right now the tax credit reimburses police officers for an amount equal to the difference between the cost of a high quality vest and the cost of a department-issued vest. The department-issued vests do not adequately withstand the stress of daily use. For example, an officer's perspiration, weight, and body size are factors that can contribute to the failure of a vest with a possible result of serious injury to the officer. Again, Mr. Speaker, this is not a collective bargaining issue. This is a public safety issue. Thank you."

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

"Standing in strong support. We've been hearing about supporting our police officers. Well what does support mean, Mr. Speaker? The Director of Taxation states that this legislation will result in a loss of approximately \$10,000 to \$15,000, Mr. Speaker. One time, \$15,000. Is that what we call support? Thank you."

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

"Thank you, Mr. Speaker, in strong support. Our police officers put their lives on the line for us. And if individuals need certain types of vests to protect them to the greatest extent possible, I would like to stand in support of protecting those that protect us. Thank you."

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

"Thank you, Mr. Speaker. A ruling on a potential conflict. I have two sons who are police officers," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2131, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 126-06) recommending that H.B. No. 1999, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1999, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker, in opposition. Thank you, Mr. Speaker. The Adjutant General's Office, our major defense and civil defense agency in this State, is doing an annual review. Actually, a reorganization review and it will be due in October of this year. We're looking at reorganization. I think what we're doing here is we're jumping the gun. They testified against this measure and they said, 'Let's wait until the reorganization review is published this October and see what is needed.' Thank you."

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

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

"Thank you. I would just like to register a no vote. We did receive really compelling testimony in opposition from the Department of Defense in Committee. Our Civil Defense Department has just received national recognition for their tsunami readiness and I feel that the organization should be allowed to complete their reorganization study before we pass this measure. Thank you."

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

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

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

"Mr. Speaker, in support. You know, Mr. Speaker, you know, this will give the Governor, first hand information to react. Right now within the chain of command, it goes through several bureaucracies. And if you saw what FEMA did on the mainland, it wasn't within the cabinet. It was detached from the cabinet so the response time was very, very slow.

"Mr. Speaker, with our increased concern about terrorism and natural disasters, Hawaii's state of readiness to respond is critical to the safety, welfare, and defense of our people. It is imperative that our Civil Defense team has the authority to act quickly and therefore I believe this proposal merits further discussion.

"Mr. Speaker, I just want to say that the reason why they got the award is because of our package last Session about the hurricane preparedness. So again it was the Legislature that took the initiative. Thank you."

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

"Thank you, Mr. Speaker, I'm rising in opposition to this measure. Having lived through Hurricane Iniki right in Kauai, sort of in the eye of the storm and seeing how well that the Civil Defense worked with the National Guard, which is under, is now under General Lee's command, I think you needed that coordination between those two groups. Many people that come out to work for the Civil Defense are volunteers and I mean they work very hard but it's not a pay job, and I think they benefit greatly by being attached to a bonafide military organization. And I think we ought to wait till that report is

completed before we move forward with this. Thank you, Mr. Speaker."

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

"With reservations. Thank you. I really appreciate the comments from the Chair of Public Safety and what the intent of the bill is. I would just like to think that we could address those concerns about quick response time in another manner than creating another department. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1999, entitled: "A BILL FOR AN ACT RELATING TO A DEPARTMENT OF CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan, Halford, Meyer, Moses, Stevens and Stonebraker voting no, and with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 127-06) recommending that H.B. No. 2521, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2521, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY ANTI-DRUG FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 128-06) recommending that H.B. No. 2625, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2625, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM STATE LAWS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 129-06) recommending that H.B. No. 355, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 355, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 130-06) recommending that H.B. No. 2055, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2055, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX ASSAULT SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 131-06) recommending that H.B. No. 2418, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2418, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 132-06) recommending that H.B. No. 2540, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2540, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 133-06) recommending that H.B. No. 2565, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2565, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF ELECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 134-06) recommending that H.B. No. 1840, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1840, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker. Thank you. Mr. Speaker, I'd like to have a no vote cast for me on House Bill 1840, please. I don't support the safe harbors. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1840, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," was referred to the Committee on Finance with Representative Thielen voting no, and with Representatives Chang, Kahikina and Kawakami being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 135-06) recommending that H.B. No. 2039, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2039, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker. I'd like to speak in support of this measure. This measure is part of a package of legislation that was put forth by the Mililani Drug Free, which is a community group in Central Oahu. And I just briefly would like to say that Hawaii is currently experiencing a severe housing shortage and we need to ensure that every available property is habitable especially for our *keiki*. We also need to give landlords and law enforcement officials guidance on what constitutes a thorough decontamination. I have additional written remarks that I'd like to insert in the Journal. Thank you very much, Mr. Speaker," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker. With the popularity of synthetic drugs like crystal methamphetamine, clean up of illegal drug production facilities has become a major problem.

"Many of the chemicals used in the production of crystal meth are toxic especially to children. These chemicals include volatile organic chemicals like toluene, acetone, methanol, petroleum distillates and others, lead (depending on the manufacturing method) and mercury (also depending on the manufacturing method).

"When illegal labs are discovered, human habitation of the premises is often unsafe. To determine whether living in the building is safe and to conduct necessary clean up, it is important to adopt regulations for the testing and decontamination of property used for the production of illegal drugs.

"Hawaii is currently experiencing a severe housing shortage. We need to ensure that every available property is habitable especially for our *keiki*. We also need to give landlords and law enforcement officials guidance on what constitutes a thorough decontamination."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2039, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Kahikina and Kawakami being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 136-06) recommending that H.B. No. 2184, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2184, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RESOURCES," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Chang, Kahikina and Kawakami being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 137-06) recommending that H.B. No. 2927, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2927, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang, Kahikina and Kawakami being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 138-06)

recommending that H.B. No. 2856, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2856, entitled: "A BILL FOR AN ACT RELATING TO LICENSING FOR CONSULTANTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Chang, Kahikina and Kawakami being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 139-06) recommending that H.B. No. 2397, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2397, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in strong support of this measure. In my district, over the past couple of years we suffered with several grounded vessels that really are an eyesore and pollute our beaches. And sometimes the bureaucracy to get them removed off the beaches has been troubling. I would like to applaud Chair Kanoho and the WLO Committee for moving along this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2397, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Kahikina and Kawakami being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 140-06) recommending that H.B. No. 2518, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2518, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in strong support. This bill is a perfect example of what we as legislators need to do, which is to establish policy and release the law to the Administration to implement. And this dismisses the sunset that was imposed and I strongly support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2518, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Kahikina and Kawakami being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 141-06) recommending that H.B. No. 2271, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2271, entitled: "A BILL FOR AN ACT

RELATING TO NON-AGRICULTURAL PARK LANDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 142-06) recommending that H.B. No. 2286, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

At 12:43 o'clock p.m., Representative Halford requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 143-06) recommending that H.B. No. 462, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 462, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DAY POLL WATCHERS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 144-06) recommending that H.B. No. 2539, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2539, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 145-06) recommending that H.B. No. 2779, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2779, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 146-06) recommending that H.B. No. 1787, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1787, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"I believe 146, Relating to Child Endangerment. I believe this measure, and I'm speaking with strong reservations, Mr. Speaker. This would make it illegal actually to leave a child and a child is defined as under the age of 9 in the bill, unsupervised in a motor vehicle. We may open up certain circumstances where we really have to take a look at.

"What's going on in our schools today is that if you go to Waipahu Elementary, when the bell rings and it's time to go home, children that are 9 years old may walk home. This bill says that we can't leave them without supervision in a car and yet we're going to be allowing them to walk home. This may lead to a situation where shall we then lock up our kids in the school to ensure that they are safe.

"I think that there are a lot of concerns out there regarding or as a result of what has happened to a child that was accidentally abducted when this person tried to steal a car. I'm not sure if we're not just overreacting with legislation such as this. It did fix up at least a more concerning portion of it where it was actually at age 15, which I think is very unreasonable. That if you leave a child in a car supervised but by a person, another child that is age 15, it would be a criminal act. So although we did improve some, Mr. Speaker, I still think we really need to think about this some more and perhaps look at what other things are impacted by this bill. Thank you."

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

"Mr. Speaker, I like to speak in favor of the measure. Mr. Speaker, would you leave \$1 million in your car? Would you let your child play with a loaded gun? Of course not, not even for a minute. Lots of caring and responsible parents have left their children alone and around a car not realizing the risks involved. Some parents think it's okay to leave a child in a car alone while they run into a store, quickly drop off dry cleaning or drop off another child in school. The dangers are real.

"The results of leaving a child unattended in or around a vehicle can be deadly and in the hands of a child, a car is a lethal weapon. It's dangerous to leave children unattended in or around a vehicle because children are naturally curious, they like to pretend to drive and they can set the vehicle in motion. Young children are impulsive, unpredictable, and move very fast. I'm sure you know that, Mr. Speaker. They can quickly get into the path of a moving vehicle.

"Young children have very poor judgment and little understanding of danger, they're not aware of the hazards of motor vehicles. Children left in vehicle with keys in the ignition are at risk of being taken with the vehicle. Children can activate power accessories and become trapped in windows or sunroofs. The Center for Disease Control and Prevention reports that from July 1, 2000 through June 30, 2001, an estimated 9,160 children age 14 years and younger were treated in US hospital emergency departments for injuries caused by being left unattended in and around motor vehicles.

"A local merchant observed people are more concerned about taking their wallets and purses out of cars than about leaving their keiki alone in a car. The recent incident in Wahiawa on the day that this bill was passed I think illustrates my point. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1787, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 147-06) recommending that H.B. No.

1825, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1825, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 148-06) recommending that H.B. No. 1983, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1983, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 149-06) recommending that H.B. No. 2114, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2114, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 150-06) recommending that H.B. No. 2207, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2207, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 151-06) recommending that H.B. No. 2303, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2303, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang, Kahikina and Kawakami being excused.

At this time, the Chair stated:

"Members, please note the 48-hour notice for Standing Committee Reports Nos. 152-06 and 153-06, listed on page 14."

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 152-06) recommending that H.B. No. 439, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 152-06 on H.B. No. 439, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 439, HD 1, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 153-06) recommending that H.B. No. 440, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 153-06 on H.B. No. 440, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 440, HD 2, were made available to the members of the House.

SUSPENSION OF RULES

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

STANDING COMMITTEE REPORT

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 154-06) recommending that H.B. No. 649, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 649, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING OF REPEAT OFFENDERS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Chang, Kahikina and Kawakami being excused.

At 12:50 o'clock p.m., the Chair noted that H.B. No. 649, HD 1, passed Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 11 and 12) and concurrent resolutions (H.C.R. Nos. 19 and 20) were referred to Printing and further action was deferred:

H.R. No. 11, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO STUDY POTENTIAL USE OF WATERWAYS AND LANDS WITHIN PEARL HARBOR UNDER FEDERAL JURISDICTION FOR PUBLIC TRANSPORTATION," was jointly offered by Representatives Cabanilla, Arakaki, Green, Luke, Morita, Nishimoto, Shimabukuro, Souki, Stonebraker, Takamine, Takumi, Tanaka and Tsuji.

H.R. No. 12, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO COORDINATE EDUCATIONAL PRESENTATIONS TO ALL STUDENTS ENTERING THE NINTH GRADE ON THE ECONOMIC, ENVIRONMENTAL, CRIMINAL, AND SOCIAL COSTS OF GRAFFITI," was jointly offered by Representatives Cabanilla, Arakaki, Chong, Green, Nishimoto, Schatz, Shimabukuro, Souki, Stonebraker, Takumi, Tanaka, Tsuji and Yamane.

H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO STUDY POTENTIAL USE OF WATERWAYS AND LANDS WITHIN PEARL HARBOR UNDER FEDERAL JURISDICTION FOR PUBLIC TRANSPORTATION," was jointly offered by Representatives Cabanilla, Arakaki, Evans, Green, Luke, Morita, Nishimoto, Shimabukuro, Souki, Stonebraker, Takamine, Takumi, Tanaka and Tsuji.

H.C.R. No. 20, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO COORDINATE EDUCATIONAL PRESENTATIONS TO ALL STUDENTS ENTERING THE NINTH GRADE ON THE ECONOMIC, ENVIRONMENTAL, CRIMINAL, AND SOCIAL COSTS OF GRAFFITI," was jointly offered by Representatives Cabanilla, Arakaki, Chong, Evans, Green, Herkes, Ito, Nishimoto, Schatz, Shimabukuro, Sonson, Souki, Stonebraker, Takumi, Tanaka, Tsuji and Yamane.

ANNOUNCEMENT

Representative Arakaki for the Committee on Health requested a waiver of the 48-hour hearing notice requirement for decision making only on H.B. No. 3087, Relating to Procurement, to be held tomorrow, Thursday, February 9th at 9 o'clock a.m., and the Chair "so ordered."

ADJOURNMENT

At 12:51 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, February 9, 2006. (Representatives Cabanilla, Chang, Kahikina and Kawakami were excused.)

FIFTEENTH DAY

Thursday, February 9, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Father Marc Alexander of the Catholic Diocese of Honolulu, after which the Roll was called showing all members present with the exception of Representatives Caldwell, Kawakami, Saiki and Takamine, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Fourth, Fifth, Sixth and Seventh Days were approved. (Representatives Caldwell, Kawakami, Saiki and Takamine were excused.)

INTRODUCTIONS

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

Representative Pine, on behalf of Representative Cabanilla, introduced members of the Campbell High School Student Government, and their advisor, Ms. Kimura.

Representative Luke introduced Professor Junn-ming Wong, Vice Dean of the Ching-hwa University School of Law in Beijing. He was accompanied by Professor Alison Conner, Chinese law and society specialist at the University of Hawaii.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2746	Committee on Transportation, then to the Committee on Finance
2950	Committee on Labor & Public Employment, then to the Committee on Finance
2984	Jointly to the Committee on Energy & Environmental Protection and the Committee on Housing, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Hale and Morita, for the Committee on International Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 155-06) recommending that H.B. No. 1888, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1888, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL COOPERATION," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture

presented a report (Stand. Com. Rep. No. 156-06) recommending that H.B. No. 1928, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1928, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representatives Kanoho and Ito, for the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 157-06) recommending that H.B. No. 2442, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2442, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 158-06) recommending that H.B. No. 3144, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 3144, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. This was not one of my Committees. But just the review, I see in some of the testimony... First of all, I'm with reservation. I believe that not only does the bill create some duplicate of services that will cost the State money, but it moves some duties to DHS from other areas of our government. And it deletes the asset test from SPAP and actually creates a new benefit that even the federal government doesn't have. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 159-06) recommending that H.B. No. 2242, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representatives Hale and Karamatsu, for the Committee on International Affairs and the Committee on Economic Development

& Business Concerns presented a report (Stand. Com. Rep. No. 160-06) recommending that H.B. No. 1890, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1890, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 161-06) recommending that H.B. No. 2002, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2002, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 162-06) recommending that H.B. No. 2211, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2211, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 163-06) recommending that H.B. No. 1797, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1797, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 164-06) recommending that H.B. No. 1971, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1971, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 165-06) recommending that H.B. No. 1915, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1915, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 166-06) recommending that H.B. No. 1993, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1993, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEPSYCHIATRY," passed Second Reading and was referred to the Committee on Higher Education with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 167-06) recommending that H.B. No. 2415, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2415, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NET INCOME TAX CREDIT FOR FOOD, MEDICAL SERVICES, AND NONPRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 168-06) recommending that H.B. No. 2401, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 169-06) recommending that H.B. No. 3142, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3142, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 170-06) recommending that H.B. No. 2321, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2321, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representatives Hale and Karamatsu, for the Committee on International Affairs and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 171-06) recommending that H.B. No. 2199, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2199, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 172-06) recommending that H.B. No. 2370, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2370, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 173-06) recommending that H.B. No. 2362, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2362, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 174-06) recommending that H.B. No. 1892, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1892, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 175-06) recommending that H.B. No. 2310, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2310, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 176-06) recommending that H.B. No. 3046, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3046, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL DIVERSITY," passed Second Reading and was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 177-06) recommending that H.B. No. 2044, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2044, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POST-FOSTER CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Caldwell, Kawakami, Saiki and Takamine were excused.)

THIRD READING

H.B. No. 2286:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Third Reading by a vote of 47 ayes, with Representatives Caldwell, Kawakami, Saiki and Takamine being excused.

At 12:14 o'clock p.m., the Chair noted that H.B. No. 2286, passed Third Reading.

ANNOUNCEMENTS

Representative Kahikina: "Thank you, Mr. Speaker. Your Committee on Housing will hold decision-making on HB 2239 as announced at the Wednesday, the 8th hearings. HB 2239 Relates to the Kukui Gardens acquisition. Decision making will follow our 9 a.m. agenda, in Room 329 tomorrow, February 10th," and the Chair "so ordered."

Representative Evans: "Yes, Mr. Speaker. I'd like to announce that the Committee hearing for Energy & Environmental Protection did not finish this morning. We'd like to come back after session, for decision making on two agendas. The first one is the 8:00 agenda for HB 3049, HB 2848, HB 2314, HB 1913, HB 1945, HB 1948 and HB 3218. And also we had a second agenda, HB 2503 and HB 2508," and the Chair "so ordered."

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

The House of Representatives reconvened at 12:20 o'clock p.m.

Representative Kahikina for the Committee on Housing requested a waiver of the 48-hour hearing notice requirement for decision making only on HB No. 1886, Relating to Housing; and HB No.

2368, Relating to Public Housing, to be held tomorrow, Friday, February 10th after the 9:00 a.m. agenda in Conference Room 329, and the Chair "so ordered."

Representative Waters: "Thank you, Mr. Speaker. I'd like to announce that your Committee on Higher Education is having decision-making on all bills heard on February 2nd, 4th, and 6th, at 2:00 p.m. today," and the Chair "so ordered."

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

The House of Representatives reconvened at 12:22 o'clock p.m.

ADJOURNMENT

At 12:22 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, February 10, 2006. (Representatives Caldwell, Kawakami, Saiki and Takamine were excused.)

SIXTEENTH DAY

Friday, February 10, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representative Lynn Finnegan, after which the Roll was called showing all members present with the exception of Representatives Cabanilla, Herkes and Souki, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 224 through 227) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 224, dated January 31, 2006, transmitting the Aloha Tower Development Corporation's 2005 Annual Report.

Gov. Msg. No. 225, dated February 8, 2006, transmitting the Report Pursuant to House Concurrent Resolution 40, House Draft 1, Requesting the Hawaii State Council on Developmental Disabilities to Continue to Convene the Residential Settings Task Force to Identify Issues and Solutions Regarding Individuals with Developmental Disabilities and Their Choice of Residential Settings.

Gov. Msg. No. 226, dated February 9, 2006, requesting immediate passage of House Bill No. 2273 appropriating \$6,500,000 in general funds and special funds to the Department of Education for insurance premiums and anticipated expenditures relating to the Kalaheo Elementary School fire.

Gov. Msg. No. 227, dated February 9, 2006, requesting immediate passage of House Bill No. 2275 appropriating \$1,276,000 in general funds to the Department of Accounting and General Services for electricity payments.

INTRODUCTIONS

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

Representative Moses, on behalf of Representatives Pine and Cabanilla, introduced home schooled students and their mothers from the Calvary Chapel-Kapolei and Ewa Beach Home School Programs:

Ms. Heather Ulmen and her two children;
 Ms. Sharyl Cowan and her three children;
 Ms. Toni Langlitz and her two children;
 Ms. Regina Leonardi and her two children;
 Ms. Sheryll Kresnak and her two children;
 Ms. Melissa Ramirez and her two children;
 Ms. Victoria Tandberg and her six children;
 Ms. Denise Tory and her two children;
 Ms. Debbie Transiguracion and her three children;
 Ms. Susan Duffy and her two children;
 Ms. Yumiko Donathan and her child;
 The Franco family;
 The Sewell family; and
 The Tsukayama family.

Representative Stonebraker also recognized the home schooled students and their mothers from the Calvary Chapel-Kapolei and Ewa Beach Home School Programs.

Representative Tsuji introduced members of the HSTA from the Big Island.

Representative Morita introduced Mr. Leroy and Mrs. Avis Kaona, HSTA members from Anahola, Kauai.

At 12:15 o'clock p.m., Representative B. Oshiro requested a recess, and the Chair declared a recess subject to the call of the Chair.

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

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1975	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health
2164	Committee on Agriculture, then to the Committee on Finance
2842	Committee on Agriculture, then to the Committee on Finance
2870	Committee on Agriculture, then to the Committee on Finance
2952	Committee on Labor & Public Employment, then to the Committee on Finance
2953	Committee on Labor & Public Employment, then to the Committee on Finance
3068, HD1	Committee on Economic Development & Business Concerns, then to the Committee on Agriculture, then to the Committee on Finance
3142, HD1	Committee on Health, then to the Committee on Finance

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 152-06) recommending that H.B. No. 439, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 439, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Chang, Herkes, Kahikina, Saiki and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 153-06) recommending that H.B. No. 440, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 440, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OMBUDSMAN," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Chang, Herkes, Kahikina, Saiki and Takamine being excused.

At 12:43 o'clock p.m., the Chair noted that H.B. Nos. 439, HD 1, and 440, HD 2, passed Third Reading.

STANDING COMMITTEE REPORTS

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 178-06) recommending that H.B. No. 2240, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2240, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in strong support. The only reason that I'm standing is I just think this is part of the whole package that we're trying to push forward on affordable housing. What I'd like to see in this bill, if at all possible, is to construct teacher housing and student housing on or adjacent to the planned State facilities. If it's just a possibility to include that in there. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2240, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 179-06) recommending that H.B. No. 2237, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2237, HD 1, pass Second Reading and be referred to the Committee on Education, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support with some fairly strong reservations. This bill creates a collective bargaining unit for substitute teachers of the Department of the Education including, the way that it was amended, it also now includes part-time substitute teachers working less than one-half of a full-time equivalent. It also covers part-time employees working more than 20-hours. So this may be people doing janitorial work, cleaning rooms and things such as that.

"Substitute teachers are defined as casual employees. Establishing a collective bargaining unit for substitute teachers would set a precedent for other casual employees. Additional cost would incur such as medical and other employee benefits, the number of hours worked, and the benefits received would create an administrative challenge to determine cost-sharing arrangements. All substitute teachers would be required to be teacher trained and be subjected to

similar employment qualifications of high educational standards and be licensed, according to No Child Left Behind.

"Only 44% of the 4,100 substitute teachers are presently licensed. This would adversely impact the pool of substitute teachers. This bill will also extend bargaining rights to substitute teachers, but not to other half-time ... No, that's incorrect. That was the original bill.

"Another reason I was surprised that this bill came out is because there was a task force of substitute teachers and out of that, that was not of priority for them to join a union. They wanted medical insurance or a \$700 bonus if they worked 90 days out of the year. But as far as the union, the bargaining unit, that was not one of their priorities. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2237, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Education with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 180-06) recommending that H.B. No. 2450, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2450, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 181-06) recommending that H.B. No. 2629, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2629, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 182-06) recommending that H.B. No. 315, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 315, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I wanted to register reservations on Stand. Com. Report 182. This bill would have the State pay 50% of over-time cost for police officers who are subpoenaed to testify in various judicial situations. I just think that we should not be getting in the middle of what should be a collective bargaining situation, when you're talking about wages. So that's why I have strong reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 315, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO SUBPOENAS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 183-06) recommending that H.B. No. 2778, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2778, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 184-06) recommending that H.B. No. 1818, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1818, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 185-06) recommending that H.B. No. 2965, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2965, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION TO CELEBRATE 2008 AS THE YEAR OF THE FAMILY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 186-06) recommending that H.B. No. 2968, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2968, entitled: "A BILL FOR AN ACT RELATING TO INTEREST RATES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 187-06) recommending that H.B. No. 2256, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2256, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support of this Spyware Bill. First, I'd like to thank the Chair of CPC for moving this bill out. Mr. Speaker, the purpose of this bill is to protect Hawaii. The purpose of the bill is to protect Hawaii computer users from attacks by malicious software programs, oftentimes called "search and replace," which use

their system in order to gather confidential information or are designed to compromise the confidentiality, availability, or integrity of data on a user's computers.

"The bill allows the Attorney General or a prosecuting attorney to seek up to \$2,500 per violation, and includes a provision for private individuals to seek up to \$5,000, or three times the amount of actual damages caused by the malicious software, whichever is greater.

At present, Mr. Speaker, there are 12 States that already have laws similar to this measure. Hawaii needs to be defended against the onslaught electronic threats on the Internet. House Bill 2256 will deter companies that make a profit by exploiting the security vulnerabilities of consumers and malicious software programmers, known as 'hackers', from attacking Hawaii computer users with impunity. I strongly encourage my colleagues to support this measure.

"The companion bill in the Senate died, Mr. Speaker. The reason for that is that there was objection from the police department, seemingly because they said it would be difficult to enforce. I believe, Mr. Speaker, that because the bill provides for private enforcement also, I think we should keep it alive and keep it moving. It is important for computer users, such as you and me, to ensure that there is at least something on the books that hackers will look at which will in itself form a deterrent. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2256, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 188-06) recommending that H.B. No. 2293, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2293, entitled: "A BILL FOR AN ACT RELATING TO COURT ADVISEMENT CONCERNING ALIEN STATUS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 189-06) recommending that H.B. No. 2515, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2515, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 190-06) recommending that H.B. No. 1815, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1815, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 191-06) recommending that H.B. No. 1946, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1946, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERTILIZER," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 192-06) recommending that H.B. No. 2308, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2308, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Higher Education with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 193-06) recommending that H.B. No. 3218, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3218, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I am going to cast a no vote on House Bill 3218. Thank you. I do believe that we need to get more information about genetically modified organisms that are presently in Hawaii. I think it needs to be much more transparent. The bill needs some work. I look forward to supporting it later on. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3218, entitled: "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS," passed Second Reading and was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture with Representatives Kanoho and Thielen voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 194-06) recommending that H.B. No. 1807, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1807, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with reservations. This is talking about steel plates over ditches and such in the road. A very good idea, we should have them. Motorcycles are especially susceptible to hitting a steel plate. What they want is a warning before it. Good idea, but we already have standards for that. We have national standards that apply. Our State highways already comply with this. The county says they already do too. So I'm not sure if it's private people that are putting out steel plates without any signs. So signs are needed, but we have to make sure we don't go afoul of the federal guidelines for our roads. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1807, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 195-06) recommending that H.B. No. 1812, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1812, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. This is red light photo cameras. It may be a good idea. I'm speaking with reservations. Thank you. It may be a good idea. The problem is the camera takes a picture of the license plate and the intersection. It doesn't take a picture of the person, the driver. I know it talks about, well, it's expected that it's the registered driver unless you prove that somebody else is driving your car. That's all well and good. But I think when you get to court, it's going to require that you prove who was actually driving it. And the camera won't do that."

"The bill itself says: No summons or citation pursuant to the photo red light imaging detector systems program shall be issued unless it contains a clear and unobstructed photographic, digital, or other visual image of the driver of the motor vehicle."

"That's right in the bill itself. Yet in the other places in the bill, it says: picture of the license plate at the intersection. So, there's some conflict. Thank you."

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

"Thank you, Mr. Speaker. I rise in complete support of this measure. My Neighborhood Boards in my district, in Chinatown and the Keeaumoku area, we are trying so hard to protect our elders. I guess I'm one of them too, because I've almost gotten run over a couple of times. But we need to, we need to start implementing deterrents because it will make our drivers be a little bit more considerate of the people in the crosswalks. Thank you."

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

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

"Mr. Speaker, I'm opposed to this measure. I was here when we had that traffic cam debacle a couple of years ago. It actually is a

nice breather from the monotony that happens. A lot of people were here. There's a lot of things going on in the news.

"I think the general consensus from the people in the community was that the traffic cameras really weren't working to deter speeders or accidents. But really they were in place to generate income. I think that was the feeling of many people in the community. I felt the same thing.

"The problem with that program was that the cameras weren't set up in the rural neighborhood areas where they were needed the most. But they were set up in very large thoroughfares, Mr. Speaker, where the most amounts of tickets could be generated. And so what you had is people breaking the speed limit and receiving a ticket in the mail, when they had really only gone two or three ..."

Representative Souki rose to a point of order, stating:

"Mr. Speaker, point of order. I believe the Representative is speaking about a bill that has long since seen its demise. It doesn't have any relevance here to this bill. Thank you."

The Chair then stated:

"Representative Stonebraker, please proceed but confine your remarks to the bill dealing with the red lights."

Representative Stonebraker continued, stating:

"I appreciate my esteemed colleague's concern for the subject matter here. Thank you for interrupting me, Mr. Souki.

"Mr. Speaker, the issue is that it's generating money. The real problem is not that we don't have cameras. The problem is that we don't support our police officers. For years, this Body has refused to allow the adjudicated traffic fines to go directly to the police officers. Here is another example that since we have not supported the police officers directly, allowing them to keep the money that they worked for in giving tickets, in keeping law and order on the street. Now, my concern is that we're going to put up these traffic cameras that will be not designed to keep safety, not designed to protect pedestrians, but rather they'll be another way that we can generate income.

"The Standing Committee Report even says that this is to be administrated by the counties and the funds will go in a general fund. I haven't been able to see thoroughly the text of the bill itself, but I believe what's going to happen is the counties are going to administer and the State is going to reap a windfall. I don't think this is fair and I don't think this is the way we should go about protecting our citizens. Thank you."

Representative Souki rose, stating:

"Mr. Speaker, point of information. If I can for this Body here on this particular bill. I wish to speak in favor of this bill. The money is going to be deposited in the general fund only as it prepares to disburse the money to the counties. It goes into the general fund and then to the respective counties. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1812, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representative Stonebraker voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 196-06) recommending that H.B. No. 1901, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1901, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. This is another pedestrian safety measure. I'm in support but with reservations. And I'm all for protecting pedestrians whether they be *keiki*, the elderly, or any of us at any age. This one provides for red flags at the intersections. So you pick up a red flag, hold it out, cross the street, put it in a bucket. My reservation is not with protecting the safety of the people, but I just can't see this working. I can't see the flags remaining in the bucket. I think they'll end up walking across the street themselves. Thank you."

The Chair then stated:

"For the edification of the Members of this House, this particular measure has two more Committees to make the crossover. So it's going go to Judiciary, where the Committee Members on Judiciary will have another opportunity to address the concerns that are being voiced."

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

"Very briefly, Mr. Speaker, in opposition. This kind of regulation I think should raise a red flag for anyone of the legislators here. This is ridiculous."

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

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

"Mr. Speaker. I like to speak in favor of the measure that we just passed. Mr. Speaker, I'm well aware that we have a time crunch here, but I think that it's important to speak about this measure because it's another way to look at how we can cut down our dubious distinction of being the leader in the nation in pedestrian deaths.

"In 2005 we began to crack down on drivers who failed to yield to pedestrians. Media outlets ran stories warning drivers to yield to pedestrians. The police department focused their enforcement on drivers that fail to yield to pedestrians. And as a result drivers became more aware of pedestrian right-of-way laws, but in 2005 we have 33 pedestrians killed by cars so obviously something's not working. We're just about the worst in the nation.

"So a few years ago, Salt Lake City, Utah, faced the same problem. The National Transportation Agency ranked the city first in the nation in pedestrian deaths and as a result, Salt Lake City tried this unconventional method to protect pedestrians. They did have success. There've been a number of other cities in the nation that have tried this and have found it successful.

"The bill would establish a pilot flag program similar to the highly effective flag program of Salt Lake City. Several of Hawaii's most dangerous intersections as chosen by the Department of Transportation will be provided with containers and day-glow flags. Over the course of two years the data would be collected on the effectiveness of the flag program. Twenty days before the 2008 Legislative Session a report will be provided to the Legislature. At that time the Legislature will decide the fate of the program based on its effectiveness.

"The flag program is unconventional in many ways. For one, the use of a flag is completely voluntary. Secondly, unlike the majority

of pedestrian safety measures it approaches the problem of pedestrian safety from the pedestrian side. Clearly the most unusual aspect of the flag program is how well it has worked in other cities. Will it be as astoundingly effective here in Hawaii? Your vote in favor of this bill will allow us to find out. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1901, entitled: "A BILL FOR AN ACT RELATING TO PEDESTRIAN SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representative Stonebraker voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 197-06) recommending that H.B. No. 1904, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1904, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY AT PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 198-06) recommending that H.B. No. 1953, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1953, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 199-06) recommending that H.B. No. 2234, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2234, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. I agree with many of the premises here on the Standing Committee Report, Relating to Motor Scooters and I would like to add that a number of our other densely populated neighborhoods also suffer noise pollution. This an issue that while it perhaps has not gotten the proper coverage, it is a real quality-of-life issue for us. Especially our elderly who have spent their many years and their resources to purchase a home only to not be able to sleep at night, and to have it eroded by inconsiderate mopeds and motor scooters that are actually being altered at times, I believe by the stores themselves. So in strong support, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2234, entitled: "A BILL FOR AN ACT RELATING TO MOTOR SCOOTERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 200-06) recommending

that H.B. No. 2264, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2264, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STREET LIGHTING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 201-06) recommending that H.B. No. 2655, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2655, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2655, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT INVESTIGATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 202-06) recommending that H.B. No. 2214, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2214, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. This is relating to the Rental Motor Vehicles Surcharge Tax. If this Body remembers, we used to charge a \$2 tax for rental vehicles. I'm in support with reservations. And then we raised it to \$3 a few years ago, and it's due to sunset August 31, 2007. So it's good. I like the sunset. I like taking less tax from the people even if they're visitors.

"The problem with this is we're reverting it early back to \$2, and it's estimated by DOTAX that's it about \$17 million loss for the Highway Special Fund, where this money goes. Now the problem with that loss for the Highway Special Fund is that that money is already figured in to the plans for the construction of the roads and the repaves of the roads, and much of it is matched 4 to 1 by the federal government.

"So by taking this money out of the Highway Special Fund, we're going to drop some of the projects that have already been planned through the OMPO planning process and they're already in our constrained STIP, State Transportation Improvement Plan.

"So I don't know who is going to make up the money. I guess the Legislature could put some money from the general fund into the Highway Special Fund, but I'm not sure if we can or not. Thank you."

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

"Thank you, Mr. Speaker, with reservations as well. I wanted to reiterate the concerns of taking a \$17 million loss to CIP projects, a loss to supplements of the CIP projects as well. I think that we are already an attractive, I understand from the tourism industry, we're the most desirable place to visit. So I don't think that lowering taxes needs to be, in this particular case, to visitors, needs to be encouraged to make us more attractive. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2214, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 203-06) recommending that H.B. No. 2244, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2244, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 204-06) recommending that H.B. No. 2735, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2735, entitled: "A BILL FOR AN ACT APPROPRIATING FUNDS FOR BRIDGE SIGNS ON HANA HIGHWAY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 205-06) recommending that H.B. No. 3216, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Energy & Environmental Protection and the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3216, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOLAWE," passed Second Reading and was referred jointly to the Committee on Energy & Environmental Protection and the Committee on Legislative Management with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 206-06) recommending that H.B. No. 1884, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1884, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support with reservations. Thank you, Mr. Speaker. I surely support measures like these for programs and positions like the Hoa Aina O Makaha. The

reservations that I do have though is that we are going directly opposite in where we wanted to be with the weighted student formula and we should really try to resist so that we can build the weighted student formula to what its intent was supposed to be. So that's my reservations. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1884, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Ito and Chang, for the Committee on Public Safety & Military Affairs and the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 207-06) recommending that H.B. No. 2000, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2000, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker. I rise with reservations. I believe there's really good intentions in this bill because we always worry about people getting hurt from fireworks, but I really worry about government going too far in looking at the behavior of people. The best example I have is young people like to run around in playgrounds. And if you look at children you think, in my mind sometimes, they're just accidents waiting to happen, and it takes adults to teach them and educate them about you know the potential hazards. A good example in the parks is swing sets and swings. If you don't teach your children to be careful, you're going to get hit by a swing. So I really have concerns how far we're going to go with outlawing and restricting fireworks. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support with reservations. Yes, Mr. Speaker. This measure bans non-aerial common fireworks that means sparklers, snakes, those such of things that our children use. It bans them only in counties over 500,000. I guess that's us. And it bans the use of them on the Fourth of July. Only on the Fourth of July. I don't know what the intent of the measure is. If it's to stop fires, well then let's look at the fires that were started this last Fourth of July.

"There were a lot of fires where I live, out Leeward way especially. Most of them were by arsonists. They were not caused by the normal use of fireworks even the aerial fireworks. That's not what caused the fires. Ask the firemen. They were caused by arsonists. They were caused on purpose either by using flares or by setting brushfires.

"So it doesn't seem like this measure is for the purpose of stopping fires. It seems it's to punish the patriotic celebration of the Fourth of July. Thank you."

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

"Mr. Speaker, I rise with reservation on this measure. I think every now and then, or every year, we always look at fireworks and we always blame fires on fireworks. I think it's time for us to realize that every time we visit this topic we're visiting tradition. I've lived in Hawaii for 40 years and one of the things I look forward to is New Year's and July 4th because I get to enjoy myself and watch my children play.

"I think rather than looking at this fireworks bill in the way we are looking at it now, we should look at people's behavior and how they use it, rather than restrict sales. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support with reservations. I just don't feel that we should take one holiday and eliminate the celebration, the traditional type of celebration of that holiday and leave it for the others. If our intent is to ban all firework use, I think it should go across all holidays. Taking the Fourth of July out of all the other holidays that we traditionally celebrate with fireworks, I just think it's not achieving the purpose that we would set out. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. I feel that this is just an incremental way to have the Legislature eventually ban all fireworks of every kind, totally. I was born and raised in Hawaii. This was always an exciting time. In our neighborhood for the Fourth of July, New Year's, it is a cultural practice. It's something that is so much a part of Hawaii and I would hate to see that gone."

"The area that I represent has people of all ethnic persuasions. When I go door to door, I have people that say they have stopped voting when we banned fireworks, the aerials and put a restriction where you had to pay a permit to get the firecrackers. Last New Year's in Kahaluu it was pretty quiet actually, and I think the record will show that they had a record amount of permits that people bought to buy the fireworks."

"It's just it seems like there's a lot of people that just don't want to have fun. I think the few nights out of the year is not you know something that is not bad. I understand why the firemen would rather not have to put out fires, but I think we have to look at the whole picture and not just do away with the little pleasures in life that we still have. Thank you."

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

"Mr. Speaker, I rise in support of this measure. Thank you, Mr. Speaker. I just wanted to mention to you and the Members that when we take a look at State law governing fireworks, we're only taking a look at two holidays. New Year's Eve and the Fourth of July. So let's be very clear that we're not talking about just banning it for the Fourth of July. State law only allows fireworks on New Year's Eve and the Fourth of July. It also permits the use of fireworks for cultural and religious, or weddings and those types of things. But what we're looking at right now is restricting the use of fireworks during the Fourth of July."

"I think it's a good move on our part because if you take a look at the debate we had when we considered banning fireworks across the board, the one thing that resonated though all the debate was this: Hawaii's a very special place with a unique culture. People do celebrate New Year's and New Year's Eve in a special way. We understood that and we continue to appreciate that and that's why I think we continue to utilize fireworks during New Year's Eve. However I don't think you can use that same argument for the Fourth of July. In fact if you take a look at the Fourth of July as compared to New Year's Eve, most people, myself included, don't necessarily celebrate the Fourth of July as we do New Year's Eve. So I think this is a good attempt at addressing some of the concerns that the firefighters have and that we as a community have."

"My hope in the future, because I made this very clear years ago, is that we eventually ban all the use of fireworks and we go and enjoy fireworks from the standpoint of being spectators at these grand

million dollar events put on by General Growth Partners or whoever. That's what I hope to do, but in this case I think we should take a look at the Fourth of July as being an event where we can go and participate in firework shows and not necessarily create fires across the entire State. So I support this measure. Thank you."

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

"Thank you very much, Mr. Speaker, in support and request that the words of the prior speaker be inserted into the Journals as my own," and the Chair "so ordered."

Representative Sonson continued, stating:

"Two speakers ago, someone talked about those little things in life that we go through when we're young and we miss it. It brought to mind an incident when I was young when I was playing with firecrackers. I was very curious to see what would happen if I held one in my hand and let it blow up. These are little pleasures in life that I really want to forget, now that I'm old."

"It's stupid to blow your hand off, but those are the things that you do when you're a kid. Like I said I don't miss those little pleasures. Again as I grow up, Mr. Speaker, I realized that it costs money to buy these things, and there's a lot of poverty all over the world. We're lucky that only 10 to 14% of our children in Hawaii are living in poverty. But you know there are a lot of states that are way up high. We happen to be better than the national average. Every cent that I blew up when I was a child, if I had that right now, I could put it to better use."

Representative Meyer rose, stating:

"Mr. Speaker. The speaker is straying far from the bill as poverty and these kinds of data that he's bringing in have nothing to do with this bill."

Representative Sonson continued, stating:

"That's right, Mr. Speaker. I'm really going way out of hand and luckily, I still have my hand. So I'm really encouraging that we should limit the use of fireworks as the prior speaker said. And it is not to limit our the way we show our patriotism either. Anyway, Mr. Speaker, I support this bill. Thank you."

The Chair then stated:

"Members, let's proceed on because it is Second Reading and it's going to go to Judiciary where they will have another chance at it."

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

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

Representative Ching's written remarks are as follows:

"Mr. Speaker, I rise with strong reservations on H.B. 2000. While I agree with the Hawaii Police and Fire Departments that the increase in injuries and property damage from fireworks are serious concerns, this particular draft is problematic."

"First, this piece of legislation as drafted is not equally applied throughout the State of Hawaii. H.B. 2000 would ban the sale of non-aerial fireworks on the Fourth of July in counties with a population of more than 500,000 residents, ultimately affecting only those residing in Honolulu County."

"Second, there are better solutions. Studies report that bans such as those described in this bill would contribute to the promotion of

black markets. According to the State Department of Health, over 50% of the people treated for fireworks-related injuries during 2006's New Year's festivities were under the age of 15. We need to make sure vendors are enforcing the laws by checking the I.D.s of customers, and that parents are adequately supervising their children. Through public announcements the State can better educate people on firework safety.

"Lastly and perhaps most importantly, as public policy makers, it behooves us to be mindful of the power of the message legislation sends to the community. As currently drafted, H.B. 2000 is demeaning in its discrimination to the celebration of our country's birthday, which has been marked with fireworks celebrations from the first anniversary in 1777. The Fourth of July binds Hawaii to our fellow states and nation, and this draft is contrary to the values of civic spirit."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2000, entitled: "A BILL FOR AN ACT RELATED TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary with Representative Meyer voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 208-06) recommending that H.B. No. 1941, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1941, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 209-06) recommending that H.B. No. 2503, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2503, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Souki and Morita, for the Committee on Transportation and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 210-06) recommending that H.B. No. 3097, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3097, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM STORAGE FACILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 211-06) recommending that H.B. No. 1970, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1970, pass Second Reading and be

referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, I have strong reservations about House Bill 1970. The reservations relate to the fact that if this bill becomes law we're going to really slow down our efforts to create low and affordable housing for our people. I think we have to look at it in a much more comprehensive way. You put this requirement in and the housing just comes to a halt. It won't be able to go ahead. Maybe some day something like this will make sense, but not today when we have homeless on the street and other families that are desperately trying to find a place that they can live in whether it's rental or be able to buy. Thank you."

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

"Thank you, Mr. Speaker, I'm rising with some reservations on this bill. I'm concerned like the previous speaker about adding to the cost of housing. I believe that this bill sets up an artificial staffing requirement that is difficult to comply with and to enforce. It will also operate as an impediment to putting more practices and trainees on the work site. It's calling for more licensed people and that will automatically disqualify a premises. Thank you."

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

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

"Mr. Speaker, as your Chair of Housing I stand in support with reservations if this does affect affordable housing. It is getting my attention."

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

"Mr. Speaker, please note my reservations with similar concerns."

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

"Thank you, Mr. Speaker, my reservation on 211 and 212 with similar concerns."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1970, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 212-06) recommending that H.B. No. 1972, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1972, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, please note my reservations with similar concerns."

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

"Thank you, Mr. Speaker, my reservation on 211 and 212 with similar concerns."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1972, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 213-06) recommending that H.B. No. 3118, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3118, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I speak in favor of this measure. I do have reservations however. The purpose of the bill is to allow responsible corporations that will take into consideration the interest of its employees and the public in areas such as the environment, and allowing businesses to incorporate as responsible business corporations.

"I think the goals of these corporations are very idealistic and very noble but perhaps a little unrealistic. Testimony came from the Democratic Party of Maui and some other individuals. The part where I have serious reservations is that it exempts these corporations from the corporate income tax, and so I just wanted to point that out. Thank you."

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

"Mr. Speaker, reservations with similar concerns. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3118, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 214-06) recommending that H.B. No. 2524, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2524, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, this bill will disallow automatic permit approvals. A lot of people testified for this bill because they're philosophically against automatic approvals. But some agencies who are probably for it said they had problems dealing with it because when there was a vacancy or lack of quorum, there might have been automatic approval even though the number of people who were there voted against the measure. So rather than killing the entire automatic approval bill law, I think we should look to amending it, and perhaps making some leeway when there is a lack of quorum or when there are vacancies. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2524, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 215-06) recommending that H.B. No. 2594, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2594, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 216-06) recommending that H.B. No. 3067, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3067, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Karamatsu and Caldwell, for the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment presented two reports:

(Stand. Com. Rep. No. 217-06) recommending that H.B. No. 3074, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 218-06) recommending that H.B. No. 3073, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.B. No. 3074, pass Second Reading and be referred to the Committee on Finance, and H.B. No. 3073, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I believe this is a study to see if we should create a Hawaii Construction Authority. I believe that it's unnecessary and therefore I'll be voting no on this.

"The next measure is actually the creation of the Hawaii Construction Authority so we're doing a study and creating it at the same time. So I believe this is waste of money and we don't need it. So I'm going to be voting no on both of these. Thank you."

The Chair then stated:

"The Chair will entertain the motion that we address both of these measures at the same time. Standing Committee Report Nos. 217 and 218."

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

"I'm rising in support with strong reservations on both of them. On Stand. Com. Report 217, which creates a task force. I believe you got too many people on the task force, and I'm troubled by the fact that there's no representation from non-signatory contractors. Thank you."

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

"Mr. Speaker, I have reservations on these two measures. I believe that it would increase cost, cause delays, and this oversight committee will actually, when bringing complaints, will also bog-down the Department of Labor, who will be hard pressed to handle all the complaints. Thank you."

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

"Thank you, Mr. Speaker, I have reservations for this same reason expressed by the previous speaker. Mr. Speaker, we just have got to stop doing things that can slow down the delivery of low and affordable housing."

"Everything that we have on our desk today and everyday henceforth we should look at through that perspective and say what's going to hurt our delivery of the low income and affordable housing. If it's going to hurt it, or might hurt it, put it on the side. Deal with it in another three, four, five years. But right now the main focus has got to be streamline. This in no way streamlines. This just adds a whole nother overgloss of bureaucracy, and it will not help deliver those projects. Thank you."

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

"Mr. Speaker, I rise with very, very strong concerns about this bill. It also surprises and shocks me that it's being couched as an economic development tool for the success and growth of the Hawaii construction industry. The construction industry along with other industries in this State are so heavily, overly regulated, controlled, reports, you name it, that the administrative costs for the end product to the people that need it the most. And right now, the homeless and low income housing is very upfront on our agenda."

"But to add another layer of oversight that can create more havoc for our struggling businesses that are just trying to get their employees out there working without another authority, I find really, really not an economic development tool but, in fact, a tool of slowing growth."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.B. No. 3074, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Evans and Stonebraker voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused; and

H.B. No. 3073, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Evans and Stonebraker voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Karamatsu and Caldwell, for the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 219-06) recommending that H.B. No. 2335, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2335, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in support of HB 2335 with some reservations. The bill as written requires the public utility furnished telephone service, in our case that would be Hawaiian Telecom, to disconnect the telephone number of any person who has advertised as a licensed plumber or electrician when they are in fact not licensed."

This requirement puts the telephone company in a very compromising position. They could be found liable if a person died because they could not reach 911 due to the disconnected line. The utility could be found liable for wrongful termination of service. It is also possible that the Board of Electricians and Plumbers could provide the utility with an incorrect name or number causing an innocent person to lose phone service, which could negatively impact their business. I don't believe we should put the phone company in this position. Hopefully this bill will be amended as it moves through the process. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2335, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representative Meyer voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 220-06) recommending that H.B. No.

2991, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2991, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I am rising with reservations on this. Thank you. First of all, I want it to be known that housing is at the very forefront of what I believe in, and what I need, and what I personally need. But I just want to start bringing it to the attention of my fellow colleagues here as we move along trying to solve these problems, we have to make sure that we understand that we have some inherent problems in the existing system.

"For instance with the special revenue bond this is a very, very good vehicle for attempting to deliver a need that our people need through nonprofits and I support that totally. But until we come to grips with, and deal with, the encumbrances that come along with these special revenue bonds such as a very questionable ... We don't we haven't figured out yet whether or not Chapter 104 even applies to this. And if Chapter 104 does apply to these special revenue bonds for the low income housing, then what we've done is we taken a special project, given it special revenue bond capabilities, and then what we're doing is covering it with another 20% to 30% of increase of administrative cost to comply with these Chapters.

"So I think we need to really look at some of the underlying cost drivers and we maybe need to look at maybe revising, I believe it's Chapter 201G where we can increase the exemptions for nonprofits from the Chapter 104 requirements. I think it's at a half million now, and perhaps maybe we need to raise that substantially so that we can give them the true benefit of what we're trying to do with these SPRBs. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2991, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 221-06) recommending that H.B. No. 2992, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2992, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I would like to speak in favor of 221. I feel that a special purpose ... Changing the Constitution is not necessary to achieve low-income housing and all those noble goals. Also I feel that in the event we pass the Little Davis Bacon Law to cover special purpose revenue bonds, it would increase cost and defeat our purpose in trying to provide low and moderate income housing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2992, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 222-06) recommending that H.B. No. 1021, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1021, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 223-06) recommending that H.B. No. 1913, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1913, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 224-06) recommending that H.B. No. 2508, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2508, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 225-06) recommending that H.B. No. 2873, pass Second Reading and be referred to the Committee on Transportation.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2873, pass Second Reading and be referred to the Committee on Transportation, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support with reservations. I'm in support of the portion of the bill that talks about trying to deal with invasive species, and putting some money into a fund to do that. That's important to do, although I have problems with creating more and more special funds because they usually end up getting raided somewhere down the line.

"But it also takes a certain percentage and a disclosed percentage at this point from the Harbor Special Fund, which I don't think is a very good idea at all, and from Airport Revenue Fund. I think that may cause a lot of problems in the future too. We'll end up having to put the money back in from somewhere else. So let's just take money out of the general fund and pay for combating invasive species. Thank you."

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

"Mr. Speaker, I rise in support with reservations. I don't feel that money should be taken from the Harbor Special Fund. Our piers are deteriorating and we need that money to keep the piers and our harbors in working order. Although I do believe that fighting invasive species is a very, very good cause and we do get them through the ships that come to the harbors. I believe the Harbor Special Fund should be reserved for taking care of the harbor itself. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2873, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Transportation with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 226-06) recommending that H.B. No. 2263, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2263, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLING INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 227-06) recommending that H.B. No. 2950, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2950, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support with reservations. Last year we passed a bill that reinstated the Voluntary Employee's Beneficiary Association Trust for the HSTA. This bill will broaden it to cover all unions.

"I'm somewhat concerned because we did experience a lot of savings in the Employer Union Trust Fund, and I think most of us saw where we didn't have to make payments for a month because there were those savings. I think with broadening this to all unions it may have the effect that everyone's premiums on healthcare will go up. Thank you."

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

"I agree with the previous speaker and I'd like to voice my reservations as well."

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

"Mr. Speaker, I stand in strong support. Mr. Speaker, the previous two comments reminds me after you read *A Million Little Pieces*. It's hard to separate fact from fiction.

"The facts are that this bill does nothing to enlarge the VEBA coverage. Last year's bill actually did that. Last year's bill was not just limited to the HSTA. It was open to any bargaining unit. This bill is merely a housekeeping bill so that a union like the HGEA doesn't have to create a VEBA Trust for every single one of their bargaining units, but it can be done as a union in general. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2950, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 228-06) recommending that H.B. No. 2180, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2180, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Higher Education with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 229-06) recommending that H.B. No. 2646, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2646, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 230-06) recommending that H.B. No. 1867, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 231-06) recommending that H.B. No. 2647, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 232-06) recommending that H.B. No. 2694, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2694, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"I'm getting slow. I rise on 232. I'd like to state my very, very large, substantial reservation. The purpose of this bill if I can just recap it real quick, is to attempt to increase or tamper with the reimbursement rates for certain physicians, the medical providers. Then it goes on further to talk about the inordinate amount of paper work that the physician networks have.

"I'd really like to caution my fellow colleagues here in the House if you were not here back in the 90s when we attempted to tinker with the workers' comp system, and the only outcome was the capping of reimbursements to the physicians. It has had a horrible affect on our medical provider network, so I'm going to ask that we really, really proceed with caution as we start to do this and perhaps maybe we really need to look at having some type of a good working relationship with the providers, with the Department of Labor, before we take any radical steps as we did in the 90s. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2694, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 233-06) recommending that H.B. No. 2695, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2695, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 234-06) recommending that H.B. No. 2698, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2698, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Mr. Speaker. I'm at 234. Again with strong reservations on this bill. I think we're headed in the right direction. I think that this bill, the purpose of this bill is to try to establish some type of standardization of forms. This is one of the biggest problems we have in our work comp system.

"About three or four years ago when I was with the Chamber of Commerce, as a small business advocate, the Chamber strongly worked with the Department of Labor and with this Legislature and the then Governor to attempt to try to get some type of funding directed specifically to the DCD, which is the Disabilities Compensation Division of the Department of Labor. They are terribly, terribly under, not only understaffed, but they are under computerized.

"As of 6 months ago unless things have changed in my new capacity here, and not as a person out on the streets. The only way that you can submit forms was by a fax. The fax machine breaks you can't get your forms in. They need help. They need computerization before you can even start to standardize forms because the forms need to be standardized from the employer to the provider to the employees everywhere.

"We need this but, we need to enable that Department and we need to really look at some funding for them specially to get them online in this electronic world. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2698, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 235-06) recommending that H.B. No. 3222, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3222, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 236-06) recommending that H.B. No. 2175, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2175, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 237-06) recommending that H.B. No. 3029, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3029, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second

Reading and was referred to the Committee on Public Safety & Military Affairs with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Waters and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 238-06) recommending that H.B. No. 2440, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2440, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Saiki and Kanoho, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 239-06) recommending that H.B. No. 2113, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KULEANA LANDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 240-06) recommending that H.B. No. 3087, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3087, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm sorry I have to rise again with reservations and actually I may end up having to oppose these measures that are going to be coming before us that deal with procurement.

"I'll speak on 240 and what I'll do is stay seated on the rest of the procurement issues for today. I need to really, really, really, really get into the record my position on procurement. We have spent I think, the last two years trying to deal with: Do we want procurement? Do we want controlled procurement? Do we want to ... What do we want to do?

"I feel that we as policymakers, we need to make a decision. We're either going to be a State that has even-handed, across-the-board, uniform procurement. We cannot be allowing our tax dollars and the trust that our taxpayers put in us to be handed out to different agencies in different ways so that the providers of the services have no way of knowing what are the rules, what is the game plan for certain departments.

"This bill I think starts off correctly with the assumption of at least establishing a chief executive officer as the procurement officer. At least we can earmark someone that is responsible. But I think to raise the threshold amount before we have these people trained in how and what procurement is, I think is putting the cart before the horse and we really, really need to lay the bar of responsibility to not only this particular agency, but to all. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3087, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed

Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 241-06) recommending that H.B. No. 1992, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1992, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising with reservations on 241. I really like the part of the bill that looks to raising the cigarette tax by 2.5 cents per cigarette for dealing with Native Hawaiian programs that assist uninsured with focus on smoking cessation, prevention, education, and treatment of diseases caused by smoking. That makes sense to me.

"What I don't like about the bill is that we're trying to fund community health centers by taxing cigarettes. I think if we need money for community health centers then we should just say it and look on how we're going to do this. I don't believe we keep using cigarettes for a way to get money to fund programs.

"Like I said, I support the idea of the Hawaiian Program because it's the focus is smoking. But like I said, with community health centers, I think we should look at funding elsewhere. Thank you."

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

"Mr. Speaker, in support with reservations. Actually I'm not in support. I have to vote no on this, Mr. Speaker. The problem is, it is a tax increase. It doesn't matter whether it's from cigarettes or anything else. It's a tax increase.

"Once again, I'll say if we don't want to have the health problems that are associated with smoking, we ought to ban smoking in the State of Hawaii, but instead we keep taxing the cigarettes and we get more and more money from it. So we don't really want it to go away because if it went away, how would we fund these rural health centers? We also take money from the big settlement. We take a lot of money from that. So again if we want to fund rural health care let's do that. Let's not tax cigarettes to do it. Thank you."

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

"Thank you, Mr. Speaker. In support. I appreciate the comments from both of the previous speakers. They make good and correct points.

"The point of this bill is to do a couple of things. Very briefly as we increase the cost of tobacco, fewer people smoke and it has exactly double the effect on young people so for every dollar that a pack of cigarettes cost more, 5 to 7% of adults smoke less, and it's double the effect on children. So it has a very good effect.

"The less smoking we have in this State decreases overall health costs very, very dramatically. Without tobacco in the country we would save \$500 billion. Those are national health numbers. \$500 billion annually.

"And finally the purpose for giving the moneys to the federally qualified health centers, while I completely agree that we should essentially fund them well, because there are 13 health centers across the State, geographically well-placed to take care of our uninsured,

underinsured, and families that in general are more poor than other families. I was instructed directly by the Director of Health and other people in leadership positions in government that if I wanted to find money for new programs or expanding programs I liked, I had to go find it on my own. I'm not a rich guy so I couldn't fund them personally. We had to find a measure that would actually get money directly to go into these health centers.

"So this has a really nice coordinated effect. We'll have less in the way of chronic health and expensive health problems for the State and at the same time, moneys will go while we're preventing those illnesses into the places where we have our greatest need to take care of the uninsured. So I actually think this is a perfect mechanism. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. I have strong support for this measure, Mr. Speaker. I would like just like to ask that the remarks from the Representative from North Kona be entered in the Journal as if they were my own," and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1992, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE TAX," passed Second Reading and was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 242-06) recommending that H.B. No. 3123, as amended in HD 1, pass Second Reading and be referred to the Committee on Public Safety & Military Affairs.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3123, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HURRICANE PREPAREDNESS," passed Second Reading and was referred to the Committee on Public Safety & Military Affairs with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 243-06) recommending that H.B. No. 2941, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2941, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Caldwell, for the Committee on Health and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 244-06) recommending that H.B. No. 3128, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 3128, HD 1, pass Second Reading and

be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Mr. Speaker. On 244, I rise with strong reservations. I have real concerns about a universal healthcare system, and I won't go into all the details of that. But I am struck by something on page 2. Interesting, whoever authored this bill is really making some really interesting and strong statements that I don't believe reflect probably me and some other members of our Body, but I'm just going to read one paragraph. I haven't read the rest of it but, there must be other comments in there I wouldn't agree with, but this one particular.

"Let me frame it for you. The three biggest cost-drivers of healthcare in the United States and Hawaii today are associated with the following: a profit driven complex of payments; reluctant, multi-payer, health insurance bureaucracies competing to insure only the healthy; and the wealthy by leaving those who need healthcare the most to the taxpayers.

"There's a lot of editorial comments in this legislation right now and I just have some concerns about that. But also I have concerns about the whole concept of universal healthcare. So with reservations. Thank you."

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

"Thank you, Mr. Speaker, I'm rising with the same reservation as the Representative from Waimea. Thank you."

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

"Yes, Mr. Speaker, thank you. I strongly support this. Every major civilized nation of the world can take care of their people. We can't take care of them. We have to stop thinking about money and thinking about welfare. Thank you."

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

"I'll be voting no on this and I'll vote no on it till the very final Reading, with these brief comments. A study once said, and I agree with it, if you think healthcare is expensive now, wait until the government runs it.

"We've seen how the government runs the Department of Motor Vehicles, the education system. To put them in charge of health care, well one could argue on a philosophical level, why don't we make government run auto insurance? What's the difference? There's a lot of people that don't have auto insurance and they drive. Well the same argument is made to provide universal health care. Well, there's a lot of people that aren't insured. The problem is that there's so much evidence from around the world that people are waiting in lines and dying for treatments that they need to have done, procedures that they need to have taken care of immediately. And it's just not getting done.

"We have the best healthcare in the world. The medicine here is fantastic. As a matter of fact, Mr. Speaker, my father was diagnosed and is recovering remarkably from Guillain-Barre syndrome and my colleague from North Kona probably knows a lot about that. But what was amazing was going into the hospital, the emergency at Queen's. We found that the care was tremendous. It's hard to compare the amount of attention that one receives. Now if you made a universal healthcare system, what you would have is everybody down there just to get attention.

"Now when we were there, there was a woman and I don't want to make any personal judgment, but she was uncontrollable by the

security guards because she was flighty, she was wandering off, she talked about this, that and the other. And really all they wanted to do was provide for her but she wouldn't sit in one place and wait for the nurse to get her name and number. And my father appropriately leaned over to me and said, now could you imagine what would happen if there was a universal healthcare system. This place would look like Aala Park. Everybody would be here for this drug, that drug, this treatment, that treatment. And everybody else that might really need treatment, who is undergoing dialysis or other serious ailments, would be shutout. And that's exactly what happened in Canada and other parts of the world.

"The rate of death for prostate and breast cancer is doubled in Canada and England because of this system. This system doesn't help the people. It hurts them. And for that reason, I'll vote no. Thank you."

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

"Thank you, Mr. Speaker. Just brief comments in support of the concept. And I would remark that the first patient I ever saw had Guillain-Barre syndrome, in 1995. Conceptually, I think that we need to get healthcare for everyone in the United States of America. And I think that once universal healthcare becomes a reality, it will be an American form of universal healthcare. I cannot say what that will mean. I'm not advocating a new tax on the people of America or the State of Hawaii.

"What I'm trying to do when bills like these come forward is to say, we really have to have an honest and large dialogue that includes all of the players, the hospitals, the insurers but most importantly the consumers of health care which is every single one of us. So going forward, if the system worsens, if it becomes more expensive or excludes even more people from getting care, that we're prepared as Americans to take care of all of our own. So I hope people will keep their minds open. A lot of these bills are meant to keep discussion going because it's probably the most principle issue that will affect all of our constituents. Thank you, Mr. Speaker."

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

"Mr. Speaker, I stand in support of this measure. I believe that this bill has something to do with a single-payer system in which they take care of the billing for all the different companies because billing drives the cost by 30 percent. By funneling them to a single-payer system, that 30 percent becomes a savings. And let me just say that it doesn't have anything to do with the delivery of healthcare. It has something to do with billing. And we have to do something with our healthcare, Mr. Speaker. The cost of insurance is going so high that if we don't do any intervention, the system and all the insurance companies dealing with us will go bankrupt.

"It's nearing its demise. Everybody wants a lot of coverage, expanded coverage. And we now as a society believes that health care is a right as opposed to a privilege. And if you want a lot, you have got to be willing to pay a lot, and right now we're not willing to pay a lot. Thank you."

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

"Thank you, Mr. Speaker. In support at this point, at least with reservations. It creates another special fund which is one thing that I don't like right off the bat. But also, we have tremendous medicines here that cost a lot, and we're not allowing for that fact in all of our discussions. We're talking about healthcare being so costly. Well yeah, because it is good healthcare. Usually you pay for what you get.

"People from Canada, universal healthcare, they flock across the border to get treatment. In fact, our waiting list is very long for most

countries trying to come here. I don't see any Americans waiting in line to go to countries with universal healthcare just to get good health care. They want to get their healthcare here. So I think we ought to bear that in mind. Thank you, Mr. Speaker."

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

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

Representative Ching's written remarks are as follows:

"Mr. Speaker, I rise with strong reservations on this bill. Single payer systems have raised a quality and timeliness of care issues and may require complex and expensive financing arrangements. During the 2005 Legislative Session, HB 1304, HD1, SD2, CD1 was passed creating a temporary healthcare task force to investigate the different options available to provide health care to all of Hawaii's residents. The task force was appropriated \$200,000 with which to "contract for services and studies as necessary". Since the task force has not yet made recommendations regarding a single payer system, HB 3128 is premature. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3128, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representative Stonebraker voting no, and with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 245-06) recommending that H.B. No. 2819, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2819, entitled: "A BILL FOR AN ACT RELATING TO DECABROMODIPHENYLETHYER," passed Second Reading and was referred to the Committee on Energy & Environmental Protection with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 246-06) recommending that H.B. No. 1898, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1898, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VITAL STATISTICS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 247-06) recommending that H.B. No. 2902, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 248-06) recommending that H.B. No. 2154, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2154, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 249-06) recommending that H.B. No. 2185, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2185, entitled: "A BILL FOR AN ACT RELATING TO AGING IN PLACE TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 250-06) recommending that H.B. No. 2935, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2935, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY IDENTIFICATION," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 251-06) recommending that H.B. No. 2107, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2107, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII CAREGIVER GRANT PROGRAM," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 252-06) recommending that H.B. No. 3105, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed

Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Caldwell, for the Committee on Health and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 253-06) recommending that H.B. No. 3127, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3127, entitled: "A BILL FOR AN ACT RELATED TO HEALTH CARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Caldwell, for the Committee on Health and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 254-06) recommending that H.B. No. 3129, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3129, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 255-06) recommending that H.B. No. 2059, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2059, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

At 1:52 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:53 o'clock p.m.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 256-06) recommending that H.B. No. 1878, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1878, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 257-06) recommending that H.B. No. 2313, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2313, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second

Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 258-06) recommending that H.B. No. 2315, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2315, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 259-06) recommending that H.B. No. 2331, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2331, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 260-06) recommending that H.B. No. 2743, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2743, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was adopted, passed, and recommitted to the Committee on Education with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

THIRD READING

H.B. No. 462, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 462, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DAY POLL WATCHERS," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

H.B. No. 2539, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2539, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

H.B. No. 2779, HD 1:

Representative M. Oshiro moved that H.B. No. 2779, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. This is Third Reading, and if I may stand in strong support. Very briefly, Mr. Speaker, this is a bill that makes it a civil rights violation to unlawfully discriminate against

preventing an individual from city, State or county benefits, including financial assistance for the sole reason that the individual cannot use English proficiently.

"Mr. Speaker, passing this measure, I believe is a demonstration once again by the State that we are indeed a very compassionate State in extending our support for our people who are most in need of our support or help.

"Mr. Speaker, this issue is really very dear to my heart because at one point of my life, being an immigrant, I had experienced the same situation on many occasions. And at that time, I just didn't have any recourse, where to go.

"We also passed a measure Mr. Speaker, House Bill 2778 on Second Reading, and this is Relating to Language Access. As a result, this is going to create an office under that Department of Labor. And I would just like to speak more, hopefully, on this measure at the appropriate time. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, H.B. No. 2779, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

H.B. No. 1787, HD 1:

Representative M. Oshiro moved that H.B. No. 1787, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support. I have some written comments to submit to the Journal. But I just wanted to say one thing about this HD 1, that I hope that the Senate will restore a provision contained in the as introduced version, that requires driver license exams to have a question in this provision. Teenage parents and teenage babysitters are the most likely to be unaware of the dangers of leaving *keiki* in a vehicle unattended. For the majority who have children later in life, it's important for them to be made aware of the dangers of leaving unattended *keiki* in cars. After their initial driver's test, drivers generally do not take a written exam for many years. We need to take advantage of the opportunity to inform drivers of the dangers of leaving *keiki* unattended in vehicles. I ask that my colleagues support this measure and send it on to the Senate. Mahalo."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 1787, HD1, Relating to Child Endangerment. Many people do not realize how dangerous it is to leave small children in cars for even short periods of time. It is dangerous for the child and for those in close proximity to the car as well.

"In 2005, four vehicles on Oahu were stolen with *keiki* inside left there by their parents or babysitters while running quick errands. All four of these incidents ended without major tragedy, but unfortunately that is not always the case.

"Hundreds of these kinds of incidents happen every year in the United States and unfortunately we are not immune to them here in Hawaii. Most of us remember the tragic accident on the Windward side in late 2003 where a little girl died from hyperthermia after being left in the backseat of a car.

"To give two further examples, a 10-week old baby died in a car in North Carolina when the car caught on fire. The baby's mother had gone into the Lyle Creek Elementary School to pick up another of her children who was in kindergarten. She had only been away from the car for a few minutes.

"In Hamilton, Massachusetts a 2-year old was run over by a minivan (and fortunately survived) after he and his sister accidentally put the vehicle in neutral while they were playing in it. The sister jumped out, but the little boy got caught under the vehicle.

"HB 1787, HD1 would put parents on alert that leaving their *keiki* in cars for even short periods of time is very dangerous. The bill makes it a traffic infraction to leave a *keiki* unsupervised in a motor vehicle.

"While I hope my colleagues will support this HD 1, I also hope the Senate will restore a provision contained in the 'as introduced' version that requires driver's license exams to have a question about this issue. Teenage parents and teenage babysitters are the most likely to be unaware of the dangers of leaving *keiki* in a vehicle unattended. For the majority who have children later in life, it is important for them to be made aware of the dangers of leaving unattended *keiki* in cars. After their initial driver's test, drivers generally do not take a written exam for many years. We need to take advantage of the opportunity to inform drivers of the dangers of leaving *keiki* unattended in vehicles.

"I ask that my colleagues support this measure and send it on to the Senate. Mahalo."

The motion was put to vote by the Chair and carried, H.B. No. 1787, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ENDANGERMENT," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

H.B. No. 1825, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1825, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

H.B. No. 1983, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1983, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

H.B. No. 2114, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2114, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

H.B. No. 2207, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2207, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

H.B. No. 2303, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2303, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Cabanilla, Saiki, Schatz and Takamine being excused.

At 1:59 o'clock p.m., the Chair noted that H.B. Nos. 462, HD 1; 2539, HD 1; 2779, HD 1; 1787, HD 1; 1825, HD 1; 1983, HD 1; 2114, HD 1; 2207, HD 1; and 2303, HD 1, passed Third Reading.

ANNOUNCEMENTS

At 1:59 o'clock p.m., Representative Herkes requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:00 o'clock p.m.

Representative Sonson: "Mr. Speaker, it's an honor to stand up and say Happy Birthday to the doctor in the House. Josh Green will be 36 tomorrow. I also would like to stand up and say Happy Birthday to my daughter who is 10 years old today. Happy Birthday Marie."

Representative Takumi: "Mr. Speaker, just an announcement. We have a 2 o'clock hearing for Education, but we also have a joint decision making with the Labor Committee. And so in deference to the Labor Committee members, we'll do decision making on those bills first, and then we're going to the regular Education hearing. Thank you."

ADJOURNMENT

At 2:01 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, February 13, 2006. (Representatives Cabanilla, Saiki, Schatz, Takamine and Yamane were excused.)

SEVENTEENTH DAY

Monday, February 13, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representatives Hermina Morita, Dennis Arakaki, Ezra Kanoho and Bertha Kawakami, after which the Roll was called showing all members present with the exception of Representative Takai, who was excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 228) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 228, dated February 14, 2006, transmitting the Department of Business, Economic Development & Tourism's Annual Report for 2005.

INTRODUCTIONS

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

Representative Takamine, on behalf of the Big Island delegation, introduced the members of the Hilo High School Key Club: Kathryn Kawauchi, President; Melanie Dudley, Trevor Takamine, and CyVan Yamamoto; and their advisor, Ms. Charlene Masuhara.

Representative Takamine further introduced his son, Mr. Trevor Takamine.

Representative Finnegan introduced her office manager, Ms. Carrie Kealoha.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
591	Committee on Judiciary, then to the Committee on Finance
1966	Committee on Higher Education, then to the Committee on Finance
1975, HD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2121	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2174	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
3244	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

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

The House of Representatives reconvened at 12:13 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 261-06) recommending that H.B. No. 2672, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2672, entitled: "A BILL FOR AN ACT RELATING TO QUEST," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 262-06) recommending that H.B. No. 2215, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Hale and Karamatsu, for the Committee on International Affairs and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 263-06) recommending that H.B. No. 1889, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1889, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1889, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Chang and Ito, for the Committee on Tourism & Culture and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 264-06) recommending that H.B. No. 2688, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2688, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support with reservations. This measure regulates fireworks again, like the one we had the other day. This one talks about not only the definitions of fireworks. That's okay. But it also talks about when you can buy them. One of the limiting factors is no more than five days before New Years, Chinese New Years, or the Fourth of July.

"Another one though is not after 12:00 a.m. on New Years Day. So I'm thinking, okay I want to take my children out to use sparklers or snakes at the park because it's a holiday, and I can't buy any fireworks on that day. Then you look at Chinese New Years, not after 6:00 p.m., and 8:00 p.m. on the Fourth of July. So I'm just wondering about these time restrictions. I think next we'll regulate what color of fireworks we're able to buy. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2688, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 265-06) recommending that H.B. No. 2619, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2619, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Finance, with Representative Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 266-06) recommending that H.B. No. 2439, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2439, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A ONE CALL CENTER," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 267-06) recommending that H.B. No. 2969, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2969, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Strong reservations on this measure. There was no support from either the Insurance Commissioner or the Securities Commissioner on the portion which mandates the transfer of jurisdiction of variable annuities from the Securities Commissioner to the Insurance Commissioner. I know this is moving to Judiciary, Mr. Speaker, so I will limit my comments to that. Just strong reservations. Thank you."

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

"Mr. Speaker, I rise in opposition to this measure. For the same reason stated by the previous speaker, I am in opposition. But I would like to point out that the bill does more than affect seniors. It affects all consumers. I am on the subsequent Committee, so we'll discuss it there. Thank you very much."

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

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, this is just a policy call. With these types of annuities, one of the problems is that they're sold to seniors promising them a return in the period of time when they're not going to be alive. So this is a senior protection act. It's a model bill that was given to us by NCOIL. When I was at the NCOIL meeting in November, we spent a lot of time on this issue.

"So the question is, do variable annuities come under the securities administration or under the insurance division? The consensus from NCOIL was that they are an insurance product, basically, and should be under the insurance division. Then this bill really calls for protection of seniors being sold those variable annuities. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2969, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANNUITIES," passed Second Reading and was referred to the Committee on Judiciary with Representative Marumoto voting no, and with Representative Takai being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 268-06) recommending that H.B. No. 3238, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3238, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce, with Representative Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 269-06) recommending that H.B. No. 2637, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2637, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 270-06) recommending that H.B. No. 2058, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2058, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Takai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 271-06) recommending that H.B. No.

2105, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2105, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 272-06) recommending that H.B. No. 2526, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2526, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION AS A GRANT-IN-AID TO THE COUNTY OF HAWAII FOR EMERGENCY MEDICAL SERVICE PERSONNEL TO STAFF THE AEROMEDICAL HELICOPTER UNIT," passed Second Reading and was referred to the Committee on Finance, with Representative Takai being excused.

Representatives Herkes and Arakaki, for the Committee on Consumer Protection & Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 273-06) recommending that H.B. No. 1975, as amended in HD 1, be adopted, passed, and recommitted jointly to the Committee on Consumer Protection & Commerce and the Committee on Health.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1975, HD 1, be adopted, passed, and recommitted jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, seconded by Representative B. Oshiro.

The Chair then addressed Representative Stevens, stating:

"Representative Stevens, what is the motion before us this afternoon, on this particular measure?"

Representative Stevens responded, stating:

"To recommit."

The Chair responded, stating:

"Yes, absolutely right. Okay, you got it."

The motion was put to vote by the Chair, and the report of the Committees was adopted and H.B. No. 1975, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," was adopted, passed, and recommitted jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, with Representative Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 274-06) recommending that H.B. No. 2746, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Transportation.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2746, HD 1, be adopted, passed, and recommitted to the Committee on Transportation, seconded by Representative B. Oshiro.

Representative Berg rose to speak in support of the motion to recommit with reservations, stating:

"Thank you, Mr. Speaker. I'd just like to register a vote with reservations. Taxes are a methodology and avenue for us to enhance

quality of life. They're not intended to exacerbate problems of fuel prices. So I'm with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2746, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AVIATION FUEL TAXES," was adopted, passed, and recommitted to the Committee on Transportation, with Representative Takai being excused.

SUSPENSION OF RULES

Representative B. Oshiro moved that the rules be suspended to consider certain House Bills on Third Reading on the basis of a modified consent calendar, seconded by Representative Meyer.

The Chair then addressed Representative Tsuji, stating:

"Representative Tsuji what is the motion before this Body at this point in time? The motion before this House?"

Representative Tsuji responded, stating:

"I'm sorry, Mr. Speaker. To recommit?"

Speaker Say: "No. To suspend the Rules of the House, to consider certain bills for Third Reading by consent calendar. That's okay. You weren't paying attention Representative Tsuji."

Representative Tsuji: "Mr. Speaker, I wasn't paying attention. I apologize."

The motion was put to vote by the Chair and carried, and the rules were suspended for the purpose of considering certain House Bills on Third Reading on the basis of a modified consent calendar. (Representative Takai was excused.)

THIRD READING

H.B. No. 1878:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1878, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

H.B. No. 2313:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2313, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

H.B. No. 2315:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2315, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

H.B. No. 2331:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2331, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES," passed Third Reading by a vote of 50 ayes, with Representative Takai being excused.

At 12:21 o'clock p.m., the Chair noted that H.B. Nos. 1878; 2313; 2315; and 2331, passed Third Reading.

INTRODUCTION OF RESOLUTION

By unanimous consent, the following resolution (H.R. No. 13) was referred to Printing and further action was deferred:

H.R. No. 13, entitled: "HOUSE RESOLUTION URGING THE HAWAII YOUTH CORRECTIONAL FACILITY TO CONDUCT A STUDY ON THE FEASIBILITY OF PROVIDING A CONTINUUM OF ALCOHOL, SUBSTANCE ABUSE, SEX OFFENDER, SEX ABUSE VICTIM, AND MEDICAL AND MENTAL HEALTH SERVICES FOR INCARCERATED YOUTH," was jointly offered by Representatives Sonson, Abinsay, Arakaki, Berg, Cabanilla, Caldwell, Evans, Finnegan, Green, Harbin, Herkes, Kanoho, Karamatsu, Lee, Luke, Morita, Moses, B. Oshiro, M. Oshiro, Pine, Say, Schatz, Shimabukuro, Thielen, Tsuji, Yamane, Hale, Halford, Kahikina, Kawakami, Marumoto, Meyer, Nishimoto, Stevens, Stonebraker, Tanaka, Wakai and Yamashita.

ANNOUNCEMENTS

Representative Caldwell: "Mr. Speaker, in 1809 on this day, Abraham Lincoln was born – an outstanding man. You know when he read his Gettysburg Address, one comes to understand when he talked about, "We the people ..." For the first time, he defined it as all the people of our great country. And that legacy lives on. I think even though for us as Democrats, we may find that he was the first, I think, really great Republican President. We've all learned much from his legacy. I just wanted to bring that to the attention of the Members of this Body. Thank you."

Representative Souki for the Committee on Transportation requested a waiver of the 48-hour hearing notice requirement to hear H.B. No. 2746, HD 1, Relating to Aviation Fuel Taxes, to be held Wednesday, February 15th at 11 o'clock a.m., with decision making to follow, and the Chair "so ordered."

ADJOURNMENT

At 12:23 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Tuesday, February 14, 2006. (Representative Takai was excused.)

EIGHTEENTH DAY

Tuesday, February 14, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:03 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Jacce Mikulanec, office manager to Representative Schatz, after which the Roll was called showing all members present with the exception of Representatives Takai and Takamine, who were excused.

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

INTRODUCTION

The following introduction was made to the members of the House:

Representative Sonson introduced Mr. Jack Tweedie, Director of the Children and Families Program, National Conference of State Legislatures.

Representative Sonson also introduced Ms. Park Kaleiwahea, his office manager.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2556	Committee on Judiciary, then to the Committee on Finance
2572	Committee on Finance
2748	Committee on Finance
2770	Committee on Finance
2887	Committee on Finance
2934	Committee on Housing, then to the Committee on Finance
3071	Committee on Finance
3118	Committee on Economic Development & Business Concerns, then to the Committee on Finance
3123, HD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 275-06) recommending that H.B. No. 3113, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3113, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. Thank you. This measure seeks to introduce a concept and have a museum, which would honor all the various cultures here in Hawaii. Of course, including our native host culture. And tell the story of all of our cultures that have come here, the story of hard work, the story of success to inspire the children, our future of tomorrow to know that they too can *carpe diem* or seize the day. This museum seeks to connect with the different schools around the State and make sure that children know from where they come and who they are, and participate in history.

"Secondarily, this museum seeks to also capitalize on a new trend, a growing trend in tourism, which is heritage tourism. We have many reports that now state, that of all the profiles of tourists, it is the heritage tourists who stays longer and spends more money in Hawaii. And as we know, we cannot always accommodate every single person or else we would have hotels on every square inch of our islands. We have to look to those who also care about our island culture. So I see it a win-win for visitor and resident alike. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORY MUSEUM," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 276-06) recommending that H.B. No. 3235, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 277-06) recommending that H.B. No. 2400, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2400, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm in strong support on this bill. I ask my colleagues to support this bill. It's really a good endeavor, especially as you mentioned in your speech on Opening Day, about being stewards of the land. This is one of the *ainas* that we need to preserve. I had a bill that I introduced, but this bill is an Administration bill, but the money is going to be coming from this year's budget instead of next year. I think working together in partnership, we can preserve and be good stewards. So I recommend it to all of my colleagues for their support. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2400, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY,

OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 278-06) recommending that H.B. No. 1981, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1981, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 279-06) recommending that H.B. No. 3126, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3126, entitled: "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS," was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 280-06) recommending that S.B. No. 1223, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1223, SD 2, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 281-06) recommending that H.B. No. 2609, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2609, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING FOR EMPLOYEES IN NEW CENTURY CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 282-06) recommending that H.B. No. 2551, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2551, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Takumi and Abinsay, for the Committee on Education and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 283-06) recommending that H.B. No. 1843, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees

was adopted and H.B. No. 1843, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL AGRICULTURE EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 284-06) recommending that H.B. No. 3232, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3232, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support with reservations. All the testimony we got from the Civil Defense is that they already do this. This is just adding another delaying factor to them trying to plan as they do now. Thank you."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm rising in support of HB 3232, but with some strong reservations. This bill, as written, will appropriate funds to support the efforts of a newly created commission on disaster hazards. It will also pay for additional work, to be performed by the Civil Defense Division, to update information relating to disaster hazards and make that information accessible in electronic form. I believe this bill will divert the Civil Defense Division's efforts from its main purpose, which is preparing for and training volunteer members for Hawaii's next natural disaster.

"Mr. Speaker, in addition, the testimony from both the Civil Defense Division and Department of Defense was tepid and less than enthusiastic. Thank you, Mr. Speaker."

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

"Mr. Speaker, in support. Mr. Speaker, this bill will establish a Commission on Disaster Hazard Information to oversee the process of compiling information relating to disaster hazards across the State into a manageable and accessible electronic form and keep the information up-to-date. The University of Hawaii concurs with the necessity of making sure that this information is verified and valid. This will greatly enhance our State's ability to make comprehensive mitigation plans for the safety of the Hawaii people. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3232, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 285-06) recommending that H.B. No. 2444, HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2444, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. This bill, right in the bill itself it says, "no state or county agency, commission, corporation, department, or any other authority of the state or county, shall expend any federal funds provided by the United States Office for Domestic Preparedness under the State Homeland Security Program, unless the department of defense submits to the legislature." And then it goes through a bunch of things they have to submit.

"My contention is, Mr. Speaker, nowhere in the bill does it say what the Legislature will do with that. It goes on to say if the Legislature is not in Session, the reports will be submitted to yourself and the President of the Senate. Again, it doesn't say what the Legislature will do or that the Legislature must approve. So I don't understand why we're putting this burden on the Department of Defense for expending federal money on preparedness. Thank you."

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

"Thank you, Mr. Speaker. I'll be voting against this. I'm assuming that it's for the same reasons. I was reading on other bills when the previous speaker was speaking. But in a time where we need to be extra cautious with what we do regarding natural disaster and our emergency needs, I think most importantly, we've seen with some examples, especially in the Gulf Coast states, where the inflexibility of the government agencies has led to an exacerbation of much of the problems caused by natural disasters. So for those reasons, I believe that this bill goes in the opposite direction. I believe it makes it more rigid and more difficult to local agencies to spend the money that they need and to get the assistance that needs to be gotten to the residents in the area as quickly as possible. This will go in the opposite direction, making it more difficult to do that. So for those reasons, I'll be voting no. Thank you."

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

"Mr. Speaker, in support. Mr. Speaker, all this bill does is require the State to disclose a plan for homeland security. While it is important to ensure that Hawaii is safe from terrorists and threats of harm, the public should have a general idea of what the priorities are and how the taxpayer dollars are being spent. For example, Hawaii is 95% dependent on food and other goods being shipped in and through Hawaii harbors and Neighbor Island harbors. Protection of this transportation hub would be critical for homeland security.

"Furthermore, our hospitals and other industrial manufacturers use nuclear materials that could be used to build a nuclear weapon. We need to know if our homeland security plan addresses the safeguards of such materials. Mr. Speaker, we need to know what concerns are being addressed. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in support with some strong reservations. My concern is that as written now, this bill would limit the Department of Defense's ability to spend funds in a timely manner. It will restrict the expending of funds received by the Department of Transportation Port Security Grant of Health. It will delay implementation of federally mandated safety and security improvements to our transportation facilities. In this time of terrorists, as well as some of the concerns that the bill has, but my concern is for homeland security and any kinds of terrorist threat, that we don't want to tie the hands of the very people that we rely on to keep us as secure as possible. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Please note my strong reservations and that I'll be looking in the future to understand this bill a little bit more."

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

"Same request, Mr. Speaker."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2444, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Moses and Stonebraker voting no, and with Representatives Kanoho and Takai being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 286-06) recommending that H.B. No. 2448, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2448, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Saiki and Kanoho, for the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 287-06) recommending that H.B. No. 2930, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Herkes and Arakaki, for the Committee on Consumer Protection & Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 288-06) recommending that H.B. No. 1872, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1872, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in strong support of House Bill 1872. Thank you. Mr. Speaker, we all know that it's important to be able to provide prescriptive drugs, particularly to our seniors at a cost that is affordable. Unfortunately, that's not been the case in the

United States or particularly here in our island. Americans pay the world's highest drug prices. We paid more than 81% than buyers in Canada last year. And also at 81% higher than in six Western European countries. In 2000, the differential was 60%. So we're just on an upward scale with the high cost of prescriptive drugs. We pay 108% more than the French for the same drugs. 118% more than the Italians. 58% more than the Swiss. And that's the country with prices closest to those in the United States.

"This bill is an effort to increase access to affordable prescriptive drugs, Mr. Speaker, by allowing the consumers of this State to obtain an injunction or damages or other relief when a drug manufacture or its licensee sells drugs for an excessive price. That part of the bill may be changed as we go to Judiciary. And the Committee Report does indicate that the Judiciary Committee should look at the legal aspects of the bill. What it does is, which should not be changed or modified in any way, it will require the drug industry to justify why it's medications cannot be priced more reasonably when the prices are compared with four high income industrialized countries. And the prices here, locally, exceed 30% over those four highly industrialized countries. Then the drug industry has to justify why we should be paying these excessive prices.

"It's all in the best interests of the consumer, Mr. Speaker, that we have this information. And I think it's also telling to note that the only entities that testified against the bill are the drug manufacturers who are reaping in these huge profits. Thank you."

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

"Thank you, Mr. Speaker. In support. A very brief story. A constituent and patient called me the other day and said, 'Dr. Green, my medicine, I ordered it from Canada because it was 60% cheaper and it was seized.' She wanted to know why the medicine was seized. It was a federal thing. But she had this medicine called Plavix, which is meant to keep the blood a little thinner when aspirin is not enough. She had a heart attack and she needed to not have another heart attack. So she didn't have her medicine. And then she had to go rebuy the medicine that was taken from her.

"Now I'm not advocating or even broaching the subject of whether or not we should be able to get medicines from Canada or other countries. But it was so expensive that she then couldn't purchase the medicine when she went to rebuy it here. And had to wait once again for all the paperwork and processes to go by. So she went six or eight weeks without having that medicine that decreased her likelihood of having another heart attack. It's the same medicines used for strokes.

"So, it's such a conundrum for people that are on fixed incomes that we need a bill or some kind of bill that just provides for common fairness because it's absolutely a real situation. A lot of people can't afford their medications and are at increased risk for very, very serious complications. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in favor of this bill but I have some reservations. I can tell we're going to have an interesting time in Judiciary with this measure. This one, this bill would go into effect when the wholesale price of a patented prescription drug in the State is more than 30% higher than the comparable price in any high income country. These countries would be the United Kingdom, Germany, Canada, and Australia. And I'm kind of wondering whether we have somebody in the Department of Health who's checking these prices, or some Attorney General who maybe checking the prices in these countries. I think that sounds like a kind of a lot of work to chase down these prices in all these countries to determine whether there's a 30% differential.

"I do not like excessive prices. I wish our drug prices were lower. I'm not certain that this is the proper vehicle, the proper route to take in getting lower prices. But I think it's a little bit unwieldy to prove where the prices are 30% lower, and when, on what day. You've got a moving target here in Hawaii too. We have all different prices at all different points in our State. So I have my reservations. I'm looking forward to hearing testimony on this in the next Committee. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1872, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representatives Herkes and Arakaki, for the Committee on Consumer Protection & Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 289-06) recommending that H.B. No. 1873, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1873, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 290-06) recommending that H.B. No. 2076, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2076, HD 2, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"I have some reservations on this measure, Mr. Speaker. Currently, the law allows for the treatment of minors as far as in regards to medicine. Primarily, the concern of many people is the administration of abortions to minors without the consent of a parent. That's embarrassing."

The Chair stated:

"That's okay, just turn your phone off."

Representative Stonebraker continued, stating:

"You're not supposed to call me here. Just kidding. I'm sorry, Mr. Speaker. Please forgive me.

"This bill, what it does, Mr. Speaker, is it allows for parents to be involved in plastic surgery. To me, it just seems very awkward that parents don't have the right to be involved in any other forms of medication or surgery or treatment, except for plastic surgery. It seems to be illogical. It continues to violate the rights of parents to be involved with their children's medical treatment. Thank you."

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

"Thank you very much, Mr. Speaker. In support with the same reservations as the prior speaker. In addition to my reservations, Mr. Speaker, testimony was brought forward that this is actually a bill that's targeted towards minors, who are predominantly the clients of the Waikiki Health Center. The bill, though as promulgated, as stated in this measure, defines medical services too broadly. As I understand it, the Center does not provide anything more than

primary care. So I think that in order to address the issues of that particular entity, we should limit this bill indeed to just primary care.

"Right now, it does include major surgery, heart transplant, kidney transplant, whatever it may be because it's defined as any care treatment service or procedure. So as this bill moves forward, Mr. Speaker, we should take a look at this and try to limit it in order to not have the doctor substitute for parents' right to determine what happens to their 14-year old. Thank you so much."

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise to speak with reservation on HB 2076, HD2.

"This bill proposes to improve the provision of medical services to youth that do not have a parent or guardian to authorize medical procedures. Within the State of Hawaii, there are many teens that are either homeless, runaways, from Micronesia or other countries, with no parents in the State, or otherwise lacking adult supervision. The bill allows these teens the ability to receive seriously needed health services, while acknowledging a minor's right to privacy and control of their own health services. The bill also allows providers to accept the consent of a minor if a physician determines the minor understands the benefit and risk of medical care and the services are for the minor's benefit.

"As written, the bill appears much broader than its intent because the bill would allow all 14 year old minors in the State of Hawaii to have access to medical services without parental consent. Although this may not be the bill's intent, the bill may cause conflict for those children with parental guardians who cover the children under their health care plans, in situations such as pregnancy. Therefore, the bill should be narrowed to reflect the intended purpose.

"The wording of the bill also raises concerns as to how the bill may affect care to children who are not at risk described in section one of the bill. For children who are unable to carry out their care without assistance, as in the case with those children with chronic disease such as asthma and diabetes, the bill fails to account who would be responsible for covering the costs of long term care.

"In its current form, HB 2076, HD2, is the right step in providing much needed emergency medical services for those minors who are in serious need of medical care, but the bill still needs to be narrowed for its intended purpose. For these reasons, I am voting with reservations on HB 2076, HD2."

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

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

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, I just want to point out that we actually had this law in place several years ago. It was tied to the operations of the Youth Outreach Program in Waikiki. As the Chair of Human Services mentioned, this is primarily targeted to homeless youth. When we talk about parents, I would agree with the Representative from Hawaii Kai that I think in every case possible, we want parents to be involved in the decisions, especially when it comes to the healthcare of minors.

"But for these youths, there actually is no connection with their parents. I think we don't want to deny some needed healthcare that a lot of time is urgent for these street children. Therefore, what we're doing is we're just allowing for these decisions to be made. In terms of the family planning issues, we're told that these are rights that they already have given by law. So we're not extending anything beyond what is in the current law.

"I don't think there's any real cause for alarm because in most cases it's the very everyday decisions that have to be made, especially in primary care to make sure that these young people even if they're runaways and on the street, that they can have access to the care that they need. So I would urge everyone to support this measure. Thank you, Mr. Speaker.

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

"Just a very brief comments in support. I think that everyone needs to know that the tenor of this bill is to focus on basic primary healthcare services. Just to be up front, probably at the community health centers also. None of those centers do perform abortions. We don't have to have that whole debate now but we can work on the language together I'm sure. Just to make sure that for essential and necessary care, and it's almost always basic care, that the minors can get it rather than get no care. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2076, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 291-06) recommending that H.B. No. 2106, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2106, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 292-06) recommending that H.B. No. 1852, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1852, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONDEMNATION OF LAND IN NANAKULI, OAHU, FOR A PUBLIC HOUSING PROJECT," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 293-06) recommending that H.B. No. 1886, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1886, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 294-06) recommending that H.B. No. 2964, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2964, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with reservations. The intent of this bill is to transfer land to nonprofits for self-help building and affordable housing and I applaud that and I support that concept. However, I really feel that we need to take a very strong look at the implications and the possible underlying impacts by the requirements of Chapter 104 on the transfer of land to a nonprofit.

"Right now the exemption is at only a half a million dollars and if we want this to really work without the consequences of a 20% to 30% increase in expense that we need to address that issue simultaneous with any type of transfer. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2964, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 295-06) recommending that H.B. No. 1853, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1853, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 296-06) recommending that H.B. No. 2239, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2239, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Sonson and Luke, for the Committee on Human Services and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 297-06) recommending that H.B. No. 2371, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2371, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 298-06) recommending that H.B. No. 1822, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1822, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 299-06) recommending that H.B. No. 2910, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2910, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 300-06) recommending that H.B. No. 2097, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2097, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in support of this bill. The purpose of this bill is to provide caregivers with some financial relief by providing \$1,000 tax credit to every eligible caregiver providing care to one or more elderly relatives requiring such care. Mr. Speaker, I have some personal experience. I am a caregiver for my elderly mom and it's usually the wishes of an elderly person to stay at home as long as possible. This bill is a good start in recognizing the efforts and sometimes the sacrifices of caregivers who work really hard to allow their elderly loved ones to stay at home and enjoy the life that they have. Thank you."

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

"Mr. Speaker, I stand in strong support and I'd like the words of the Representative from Waikiki to be recorded into the Journal as if they were my own," and the Chair "so ordered."

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

"Thank you, Mr. Speaker. Also in strong support. Similarly I had recently experienced in what it is to be a caregiver and I appreciate this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2097, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 301-06) recommending that H.B. No. 2365, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2365, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 302-06) recommending

that H.B. No. 2566, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2566, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I once again rise with very strong reservations on this bill. I again am totally, 100% in support of dealing with our affordable housing crisis. However, I question two things. One again, transferring \$60 million for construction of housing makes it subject to Chapter 104 thereby increasing the cost 20% to 30%. And my second reservation is if we in fact, as policy makers, should be stepping in to micromanaging an authority that has overall planning of a distinct such as Kakaako. Thank you."

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

"I rise with strong reservations. I believe the intent of trying to get affordable housing in closer to the downtown core of Honolulu is a good idea, conceptually. But I actually believe this bill has some unintended consequence that I wanted to point out to my colleagues. That is so far, the Alexander and Baldwin residential property is still on the books. It has not been discontinued as an idea. And so if the Alexander and Baldwin, two residential, housing projects go up, what I see is actually the State ending up subsidizing those two buildings being built, because if you read the way it's written, it says subsidies and other assistance could come from this fund for qualifying multifamily ownership housing units for households with incomes at or below 140% of the median family income.

"So if you think about this you could build a high-rise. Alexander and Baldwin could build this high-rise on the backside of the buildings where it faces away from the ocean. They could take the less desirable properties. They could put them into qualifying for this. The State actually subsidizes and gives them money and then it pencils out for them because the houses or the condo units on the front side of the project that face the ocean, they could actually make a lot of money I suspect on those in this type of real estate market. So I think there's an unintended consequence, and in fact I don't believe the State wants to subsidize them. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2566, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representatives Kanoho and Souki, for the Committee on Water, Land, & Ocean Resources and the Committee on Transportation presented a report (Stand. Com. Rep. No. 303-06) recommending that H.B. No. 2875, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2875, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representatives Kanoho and Souki, for the Committee on Water, Land, & Ocean Resources and the Committee on Transportation presented a report (Stand. Com. Rep. No. 304-06) recommending that H.B. No. 2533, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2533, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support. I just wanted to ask my colleagues to consider this bill closely because what it does it allows the counties to look at using impact fees, the other counties that is, to use impact fees if they're significant infrastructure needs that have been unmet. Currently in our statutes only Oahu is able to deal with this if they choose to apply impact fees, which is my understanding because their population is 500,000 or greater. This bill simply removes that language for the State so that the other counties, if those county councils and individuals in the county think they need infrastructure dollars can use impact fees to help them.

"It's particularly important on my side of the Big Island where they feel there's some shortage of infrastructure and they're looking for ways to get it. From my dialogue with a lot of the development community, they've been very much in favor of working with the local areas to use some of this so-called, impact moneys to help out. So I think really we can work out language, but this is a bill I would like my Oahu colleagues to join our Neighbor Island colleagues to get passed. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support with some reservations. Thank you, Mr. Speaker. You and the Body remember I'm sure, the debate we had in this House a couple years ago about the impact fees to build the North South Road. Many considered it a tax on the developer. Basically we passed it because the developer was interested in paying the fees so that they could get the road built so that they could develop. So it was a win-win, and that we had no problem with and it's worked out well. But there's some problems in this bill I think that need to be straightened out and I'm sure they can be.

"One is Section 2 of the bill, and is supposedly redundant according to most of the people that have seen it. It defines public facility capital improvement costs as the cost of land acquisition, construction, planning, and engineering, etc., etc. So it should be looked at I think a little closer.

"Section 3 has several problems. It substantially alters the impact fee legislation that we passed earlier by removing the requirement that seven specific factors must be considered. So it leaves it a little more vague and it does not say what the percentage is. The impact fees are based on an objective and fair process in the current law, but now it looks like these decisions may be left up to the agency and it will create a problem and raise questions of fairness. Again the developer in the previous instance felt this was a good idea, they wanted to proceed. Now I'm concerned about, will they say, 'This is not fair. Don't do this to us.'

"It also removes the developer's ability to claim offset payments. So that will make it less desirable for the developers. Further the county, at least City and County of Honolulu says that they don't believe the wording in that section, Section 3 will stand judicial scrutiny. So, Mr. Speaker, I'm just pointing there are concerns that we need to work out as this bill moves forward. Thank you."

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

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, about eight years ago we passed an Act in this Legislature requiring counties to pass defensible impact fee ordinances, and we gave them a year to do it. That was about I think, eight years ago. The County of Hawaii is

just thinking about it. Trying to comply with that law. I used to work for Kamehameha Investment Corp., we were developers. And I would take projects into the County Council of Hawaii and they would say, "Oh boy, here comes Kamehameha Schools so we'll sock it to them." The quote, impact fees were out of line and we'd lose the project. And that's why I think the defensible impact fees are important. Developers should know up front what's happening. We require counties about eight years ago to adopt one. So that's why I'm opposed to this bill."

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

"Mr. Speaker, I rise in support with reservation on this measure. My reservation lies with full understanding of this bill, mainly because every resident on the Leeward side that's a member of a planned community, a certain amount of their payment goes to impact fees. It's with their understanding that this money collected for impact fees is for their infrastructure in our area. I don't understand if this money that we're collecting right now from the people on the Leeward side, will be shared by people on the other islands. I think that if it's put forward, the impact fees will serve specific area, then that should be it. But if it's otherwise, then I will welcome my colleagues from the other islands to take part of it. But as of now I believe that the impact fees we're collecting are for our particular region. Thank you, Mr. Speaker."

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

"I'd just like to register a no vote and I'll reserve my debate for this for Final Reading."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in support of HB 2533 but with some serious reservations. The bill as written substantially alters the existing impact fee statute. It all but removes the requirement that seven specific factors must be considered in determining the proportionate share of the public facility capital improvement costs a developer is required to pay by way of impact fees. This is a major shift away from determining impact fees based on an objective and fair process.

"Section 3 of the bill also removes a developer's ability to claim offset payments. Offset payments are defined as a reduction in impact fees designed to fairly reflect the value of non-site related public facility capital improvements provided by a developer pursuant to county land use provisions.

"If this bill were to pass in its present form, it would leave an agency to determine impact fees without having to justify them, which would surely raise questions of fairness for developers."

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

"Very strong reservations, Mr. Speaker."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2533, entitled: "A BILL FOR AN ACT RELATING TO IMPACT FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes and Stonebraker voting no, and with Representatives Kanoho and Takai being excused.

Representatives Souki and Arakaki, for the Committee on Transportation and the Committee on Health presented a report (Stand. Com. Rep. No. 305-06) recommending that H.B. No. 2640, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2640, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR DISABLED PERSONS," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 306-06) recommending that H.B. No. 2217, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2217, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 307-06) recommending that H.B. No. 2505, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2505, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 308-06) recommending that H.B. No. 2509, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2509, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 309-06) recommending that H.B. No. 3037, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3037, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 310-06) recommending that H.B. No. 3257, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3257, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 311-06) recommending that H.B. No. 1902, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1902, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, I rise in opposition. Thank you, Mr. Speaker. We already authorized the counties to assess an additional half percent GET Tax for mass transit. This measure now says that we want to take part of our GET on gasoline and give that to the counties basically for mass transit again. Thank you."

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

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

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

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

"Thank you, Mr. Speaker. I'd also like to register a no vote on this measure. This is another special fund, another place to squirrel money away. After all the funds that were taken out of the Highway Fund over the years, I think we need to keep that money for highway repairs. Thank you."

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

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

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

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

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

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

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

"Mr. Speaker, I'd like to speak in favor of the measure. Mr. Speaker, the nexus between gasoline sales and mass transit is obvious. All of us who buy gasoline for our private vehicles should support the increase funding this bill would provide for mass transit including purchasing buses and subsidizing bus fares. Similarly those who drive vehicles with poor fuel efficiency would contribute more to this special fund than those who drive fuel-efficient vehicles. The measure is intended to enable the poor and low income mass

transit riders and bus riders to have better access to transportation by allowing for fare subsidization programs to be established on a sliding scale based on income. I have further written comments to insert. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure. This bill will establish a mass transit special fund and directs the general excise tax revenues collected on gasoline sales to the new special fund. The funds would then be disbursed to the counties to assist them with mass transit issues.

"The nexus between gasoline sales and mass transit is obvious, and all of us who buy gasoline for our private vehicles should support the increased funding this bill would provide for mass transit, including purchasing buses and subsidizing bus passes. Similarly, those who drive vehicles with poor fuel efficiency will contribute more to the special fund than those who drive fuel-efficient vehicles.

"The measure is intended to enable the poor and low-income mass transit riders to have better access to transportation by allowing for fare subsidization programs to be established on a sliding scale based on income.

"I recognize the concerns raised by the testimony in opposition to this bill by the Department of Taxation, where they note the obvious, but hard-to-estimate, impact on general fund revenue this bill would involve. This is a cost that I think is worth paying. As for their argument that Honolulu County already has a GET surcharge to fund mass transit, I would counter that this bill would not supplant those monies but rather supplement them. Without this bill the City and County of Honolulu would receive their share (0.5%) of the 4.5% GET on gasoline sales, this bill would provide the remaining 4.0% on this particular product.

"I urge my colleagues to support this measure. Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. Just kind of a brief rebuttal. The taxpayers of this State and this County. Let's just start with this County. We already subsidize The Bus by about 75% to 80%. That's a direct benefit for people that are riding the bus. There's no question in my mind that if we go through with this mass transit we will be subsidizing that at a very high level. There is a point at which we have to look at what makes sense. Thank you, Mr. Speaker."

The Chair then stated:

"The bill is going to the Finance Committee and they will have a lively discussion on this."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1902, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan, Harbin, Marumoto, Meyer, Moses, Stevens, Stonebraker and Thielen voting no, and with Representatives Kanoho and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 312-06) recommending that H.B. No. 2736, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2736, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SIGNS," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 313-06) recommending that H.B. No. 2652, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2652, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE DEPARTMENT OF LAND AND NATURAL RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Kanoho and Takai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 314-06) recommending that H.B. No. 3093, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3093, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 315-06) recommending that H.B. No. 2057, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2057, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kanoho and Takai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 316-06) recommending that H.B. No. 3139, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Health.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was adopted, passed, and recommitted to the Committee on Health with Representatives Kanoho and Takai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 317-06) recommending that H.B. No. 3140, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Health.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was adopted, passed, and recommitted to the Committee on Health with Representatives Kanoho and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 318-06) recommending that H.B. No. 2605, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2605, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE," was adopted, passed, and recommitted to the Committee on Consumer Protection & Commerce with Representatives Kanoho and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 319-06) recommending that H.B. No. 2273, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2273, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Kanoho and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 320-06) recommending that H.B. No. 2275, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2275, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Kanoho and Takai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 321-06) recommending that H.B. No. 2626, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2626, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Kanoho and Takai being excused.

ANNOUNCEMENTS

Representative Herkes, for the Committee on Consumer Protection & Commerce, requested a waiver of the 48-hour advance notice requirement to hear H.B. No. 2605, HD 1, Relating to Cable, with decision making to follow, tomorrow, at 2:10 p.m., and the Chair "so ordered."

Representative Schatz, for the Committee Water, Land, & Ocean Resources, requested a waiver of the 48-hour advance notice requirement to hear two appropriation bills, H.B. No. 2748, Relating to the Ahihi-Kinau Natural Reserves Management Plan, and H.B. No. 2889, Making an Appropriation for Reconstruction of Historical Old Nahiku School, tomorrow, Wednesday, February 15, at 9:30 a.m. in Room 312, and the Chair "so ordered."

Representative Luke, for the Committee on Judiciary, requested a waiver of the 48-hour advance notice requirement for the purpose of decision making only on H.B. No. 2051, Relating to the Protection for Victims of Human Trafficking, following the 2:30 p.m. Agenda today, February 14, in Room 325, and the Chair "so ordered."

Representative Arakaki, for the Committee on Health, requested a waiver of the 48-hour advance notice requirement to hear two short form bills, H.B. No. 3139 and H.B. No. 3140, Thursday at 9:00 a.m., in Room 329, and the Chair "so ordered."

Representative Ching: "Mr. Speaker, thank you. I just wanted to announce that it is Valentine's Day. Americans and people throughout the entire world, especially in Japan, will be consuming huge amounts of now what is the newest connoisseur gourmet or what we call 'designer chocolate.' So as you may go out and purchase some for your loved ones, we wanted to just remind you

that Hawaii is the only State in the US that can grow chocolate, does grow chocolate, and some of the best in the world. What you have in your box today is from Hawaii, made in Hawaii from Peaberry Kona Coffee, and also apple banana from Hawaii. I believe it's the only place in the world you can find it. Thank you."

Representative Berg: "Thank you, Mr. Speaker. It is Valentine's Day and on behalf of our host culture and the children of Hawaii, each of you has a message to keep us positive and moving forward together. Thank you and aloha."

Speaker Say: "Thank you very much, Representative Berg and Representative Ching for the gifts of aloha and Valentines."

ADJOURNMENT

At 12:50 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, February 15, 2006. (Representatives Kanoho and Takai were excused.)

NINETEENTH DAY

Wednesday, February 15, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Edmond Suka, legislative aide to Representative Shimabukuro, after which the Roll was called showing all members present with the exception of Representatives Souki and Takai, who were excused.

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

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. Nos. 229 through 236) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 229, dated February 10, 2006, requesting immediate passage of House Bill No. 2370 appropriating \$416,718 in general funds to the Department of Human Services for General Assistance benefit payments to disabled individuals.

Gov. Msg. No. 230, dated February 10, 2006, requesting immediate passage of House Bill No. 2371 appropriating \$1,320,000 in general funds to the Department of Human Services for remedial measures at the Hawaii Youth Correctional Facility.

Gov. Msg. No. 231, dated February 9, 2006, requesting immediate passage of House Bill No. 2374 appropriating \$4,724,703 in general funds to the Department of Health for operations at the Hawaii State Hospital and community-based services.

Gov. Msg. No. 232, dated February 10, 2006, requesting immediate passage of House Bill No. 2375 appropriating \$6,807,562 in general funds to the Department of Health for the Medicaid Home and Community Based Service Waiver Program.

Gov. Msg. No. 233, dated February 10, 2006, requesting immediate passage of House Bill No. 2376 appropriating \$7,154,735 in general funds and special funds to the Department of Health for emergency medical services.

Gov. Msg. No. 234, dated February 10, 2006, requesting immediate passage of House Bill No. 2377 appropriating \$3,200,928 in general funds to the Department of Health for early intervention services for infants and children.

Gov. Msg. No. 235, dated February 10, 2006, requesting immediate passage of House Bill No. 2384 appropriating \$1,000,000 in special funds to the Department of Health for the Healthy Start program.

Gov. Msg. No. 236, dated February 10, 2006, requesting immediate passage of House Bill No. 2385 appropriating \$15,000,000 in general funds to the Department of Health for pandemic influenza preparedness.

INTRODUCTIONS

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

Representative Shimabukuro introduced Mr. Hiroshi Ashitomi representing the Council for Opposing Offshore Base Construction at Henoko Bay, Okinawa; and Mr. Yasukuni Enokawa, an activist for

the closure of a Marine air station in Okinawa. They were accompanied by Mr. Pete Doktopr and Mr. Kyle Kajihira.

Representative Arakaki, on behalf of the *Uchinanchu* Members: Representatives Nakasone, B. Oshiro, M. Oshiro, Takumi, Takamine, and Cabanilla-Arakawa, announced a briefing, press conference and reception with Mr. Ashitomi and Mr. Enokawa, today at 1:15 o'clock p.m. in Conference Room 423.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

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

H.B.
No.

Re-referred to:

1904 Committee on Transportation, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 322-06) recommending that H.B. No. 2761, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2761, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MAUI LAND AND PINEAPPLE COMPANY, INC," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 323-06) recommending that H.B. No. 2942, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FERAL PIGS," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 324-06) recommending that H.B. No. 3056, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3056, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Kanoho and Souki, for the Committee on Water, Land, & Ocean Resources and the Committee on Transportation presented a report (Stand. Com. Rep. No. 325-06) recommending that H.B. No. 2633, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees

was adopted and H.B. No. 2633, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Kanoho and Souki, for the Committee on Water, Land, & Ocean Resources and the Committee on Transportation presented a report (Stand. Com. Rep. No. 326-06) recommending that H.B. No. 2888, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2888, entitled: "A BILL FOR AN ACT RELATING TO GREENBELTS," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 327-06) recommending that H.B. No. 2174, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2174, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Halford, Takai and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 328-06) recommending that H.B. No. 2314, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2314, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS FOR ENERGY STAR RATED APPLIANCES," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 329-06) recommending that H.B. No. 2805, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 330-06) recommending that H.B. No. 2806, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2806, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 331-06) recommending that H.B. No. 2878, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2878, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in opposition to 331. The reason for my opposition is I really question using the SPRB process for a company that is not even registered to do business in the State of Hawaii, and has no place of residence or anything in the State of Hawaii. So I just raise that as a potential policy issue about what our policy should be as far as SPRBs. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2878, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," passed Second Reading and was referred to the Committee on Finance with Representative Harbin voting no, and with Representatives Halford, Takai and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 332-06) recommending that H.B. No. 3077, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3077, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ROSETTE STEEL HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 333-06) recommending that H.B. No. 3019, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 334-06) recommending that H.B. No. 3058, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3058, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on 334, I rise with reservations. In reading the Committee Report, it says that they can establish operational bank accounts of foreign denominations in out-of-state locations, which is fine. But if you take this in context with another bill that we're passing out today, that we're not going to audit the High Tech Innovation Corporation, that we're going to do some exemptions. When you put these two together, I have some real concerns on that. Thank you."

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

"Mr. Speaker, I rise to express some reservations. I have very similar reservations on this bill. This would provide an exemption from Chapter 40 and it would result in HTIC, the Innovation Center, not being subject to DAGS supervision and pre-audit. The Comptroller could no longer supervise their expenditure to ensure that their funds are properly spent and comply with the Executive Orders and rules. They would not be able to pre-audit the expenditures to make certain appropriations are proper. They also would be exempted from Chapter 36 and 38. That was a problem for me too. Testimony was in opposition from B&F. So I would just want to express these reservations as this bill goes forward. Thank you."

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

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

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

The Chair stated:

"Members, this is going to the Finance Committee so for those who are on the Finance Committee, please address the issues that were brought to our attention."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3058, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY INNOVATION CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 335-06) recommending that H.B. No. 2332, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2332, entitled: "A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Halford, Takai and Thielen being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 336-06) recommending that H.B. No. 3226, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3226, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support with some reservations. Thank you, Mr. Speaker."

The Chair stated:

"Representative Moses, you're on Finance, right? Do you want to address it in Finance since we have a time constraint? But I'll let you say a few words with reservations if you want."

Representative Moses continued, stating:

"Okay, I'll bring it up but there are several issues that need to be addressed. It's just that it only applies to certain high-rises, not to other facilities that could benefit from it, and it makes the Tax Department the expert in determining who benefits from this. I don't think they can do it. Thank you."

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

"Mr. Speaker, I'll be very brief. This bill has something to do with ... I have strong reservations. My reservation comes from the fact that I'm a taxpayer and I'm also a member of the Human Services Committee. I think that making a blanket policy on taking the initiative to retrofit these buildings, although I support the intent, I think these buildings should be safe. However, we're talking about a major high-ticket item here. Just imagine how many high-rise buildings we have in Honolulu. I would rather see these tax dollars spent on fixing our schools, building more homes for the needy, the disabled and the homeless. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3226, entitled: "A BILL FOR AN ACT RELATING TO BUILDING IMPROVEMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 337-06) recommending that H.B. No. 3231, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3231, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3231, entitled: "A BILL FOR AN ACT ESTABLISHING A STATE COMMISSION ON EMERGENCY RESPONSE," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 338-06) recommending that H.B. No. 2595, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2595, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

"Thank you, Mr. Speaker. I rise in support for this bill. Family visits are important aspects of the rehabilitation process. It is beneficial for inmates to have direct contact with their loved ones. I know personally how bad the situation is in Maui Correctional Center. At MCC, family visitations are routinely cancelled without notice, leaving family members, some of whom have flown in from Molokai and Lanai, alone in the parking lot unable to see their loved ones. And the reason often given by Maui Correctional Center is that they have a shortage of adult correction officers or ACOs. To me, this is not an excuse. MCC has known about the staff shortage for a while. Yet, nothing is done to improve moral or recruit new employees. This is not right. And the individuals who hurt the most are the inmates and their *ohana*.

"H.B. 2595 aims to ensure that pre-approved and prescheduled family visits are honored by the Department of Public Safety and that incarcerated inmates have the opportunity to visit with their children and families. Thank you, Mr. Speaker."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. In brief rebuttal. I agree with every word that the previous speaker said. The problem is there's not enough correctional officers. So we can't just direct that these visitations occur when we don't have enough officers. Also there could be an infraction by the inmate that precludes him from seeing visitors. And it doesn't allow for that. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2595, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VISITS," passed Second Reading and was referred to the Committee on Finance with Representative Moses voting no, and with Representatives Halford, Takai and Thielen being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 339-06) recommending that H.B. No. 3092, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.B. No. 3092, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

"Mr. Speaker, I stand in opposition of this measure. Although I support the intent of expanding the Halawa Correctional Facility, I think that we here as a Body wanted longer and harsh punishment for our criminals. However, we're short of prisons. And I think we need

both. As we go forth, for us to carry on our intent, we should also support it by doing the right thing to support more prisons. Thank you."

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

"Mr. Speaker, I rise with some reservations on this. I do support the actual initiative for us to take a look at what we're going to do with our prison systems. I don't think we've seen enough leadership in this area. As long as people are going to be asking for more mandatory sentences and for longer prison terms for all of the many crimes that we have on our statutes, we do need to make sure that there's a proper infrastructure. My reservations come around in the area of expanding the Halawa Community Prison, which is in my district. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3092, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Cabanilla and Moses voting no, and with Representatives Halford, Takai and Thielen being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 340-06) recommending that H.B. No. 2598, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2598, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of H.B. 2598. We need to support our *kupunas*, just as they took care of and taught each of us. They are linked to the past. Their knowledge and experience shapes future generations in society. I know that many of us, myself included, are over 55-years old and can relate to being raised on plantation-style housing. While I have no doubt that these homes are warm and loving, years of wear and tear have made them rickety and unsafe. Unfortunately, house renovation and repairs are not cheap, especially for elderly individuals trying to enjoy their retirement and golden years.

"This bill will aid those *kupunas* living in potentially hazardous and deteriorated housing by providing them with low-interest loans. Thank you to Housing Chair Kahikina and the members of the Housing Committee for supporting this measure. Thank you, Mr. Speaker.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 341-06) recommending that H.B. No. 2990, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2990, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE MORTGAGE CREDIT CERTIFICATES," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 342-06) recommending that H.B. No. 2943, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2943, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

The then Chair stated:

"Representative Caldwell, this may be your last chance so please say something."

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

"Actually, Mr. Speaker. It is a very good bill. And it is addressed towards the victims of Manoa flood although, I think it's something that could be expanded to victims of flooding anywhere in the State. Thank you very much."

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

"Thank you, Mr. Speaker. I'm rising in opposition although I sympathize with the flood victims. Mr. Speaker, my home was flooded twice up to the level of about two and a half feet. I think we need to consider very carefully, are we going to set up a State policy that in any event of a flood, we are going to help the victims of that flood? And do we have the funds to do that? Or is it better that the people are able to get National Flood Insurance Program flood insurance. I didn't have that for the first flood. And it was a sorry lesson I learned. I did have it for the second flood. I just don't think we should single out a small group of people, as much as I sympathize with them, because probably more than anyone else in this Chamber, I've been through it twice. But I don't think we should single them out to give them this tax credit. Thank you."

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

"Mr. Speaker, also in opposition and just similar comments as the Representative from Kailua, as well as, we have had flood victims in our area with Mapunapuna, as well as Moanalua and Foster Village. So I have the same comments. Thank you."

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

"With reservations. I also, in my district, have many flood victims. But the other comment that hasn't come up yet is also, maybe a needs assessment. I know this year we're looking at affordable housing and helping low-income. Maybe if we had a needs assessment for low-income people, that would be more in line with what we're trying to do this year. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2943, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELIEF OF MANOA FLOOD VICTIMS," passed Second Reading and was referred to the Committee on Finance with Representative Finnegan voting no, and with Representatives Halford, Takai and Thielen being excused.

Representatives Caldwell and Karamatsu, for the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 343-06) recommending that H.B. No. 2691, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2691, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm in opposition to H.B. 2691. Thank you. This would have to do with, the title is prevailing wages. It would form a very large joint Labor Management Committee to watch over construction projects in the event that there's any violation of the Little Davis-Bacon Act. I will just simply note that employees can now take civil action against employers for various violations. So I don't think we need a joint Labor Management Committee to watch over every individual project. This may extend it to non-governmental sponsored projects. That means private projects. So I think it's a big step toward a lot more paperwork and higher cost for construction. Thank you."

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

"Mr. Speaker, I rise in complete opposition to this measure. I will try to proceed in my usual delicate manner as I address this issue. I'm also going to request that I'd be able to sit in on the Finance Committee when and if this bill does come out. I really question a quasi-public, or I guess, a private committee which claims to possess experience and expertise in the construction industry, to have the right to sue private employers on the behalf of employees. We have an agency that's mandated to do this.

"During the interim, I sat in on many wage standards meetings and saw statistics. It's quite interesting that for a little minimal clerical errors, which happen quite a bit in completing certified payrolls, that there are these real *manini* errors that were corrected, employers made the employees whole. It was considered a big deal. It raised the number of citations for the employers. It was all types of employers. And I really question a policy of giving a Labor Management Committee, which has no statutory right to be going after private employers in any size, shape, or form. I look forward to some more in-depth discussion as to why we need something like this. Thank you."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in opposition to HB 2691. This bill would allow a federal Labor Management Committee established under 29 USC 175-a to bring an action for injunctive in other relief against contractors who fail to pay prevailing wages under Chapter 104 HRS on public works projects. These federal labor management committees are only formed when a collective bargaining agreement is in place. The problem here is this bill would give the committee the right to bring injunctive action against a contractor regardless of whether there is a collective bargaining agreement in place or not.

"I would question the legality of the committee to bring injunctive action since they are not the injured party. The injured party is the employee and they have a neutral advocate in the State Department of Labor and Industrial Relations Enforcement Division."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2691, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Second Reading and was referred to the Committee on Finance with Representatives Harbin, Marumoto, Meyer and Stonebraker voting no, and with Representatives Halford, Takai and Thielen being excused.

Representatives Caldwell and Karamatsu, for the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 344-06) recommending that H.B. No. 2692, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2692, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, I rise to say no to this bill. I, like many of us in this Chamber, we are here for one very specific reason, which is to try to, at least in this Session, to find some way to have, develop different means, mechanisms of funding our need for affordable housing. It is these types of bills that will interfere with controlling the cost of affordable housing. I really wish that we would pause, take a look at what it is that we're trying to do. Are we trying to deliver affordable housing to our people, or are we not? If we are not, then let's continue to pass these types of measures. If we are, let's stop and think about what we are doing to the cost of affordable housing. Thank you."

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

"Thank you, Mr. Speaker. Again, I'm in opposition to this measure. I think this would require that Little Davis-Bacon Act, the State prevailing wage law to cover a lot of private projects. Especially those that are financed by special purpose revenue bonds. I've said this many times on the Floor. We use these bonds to allow public utilities, medical centers, housing projects, industrial bonds, independent schools to get lower priced financing. So when you add this type of layer over these projects, it increases the cost. It causes delays. And time is money. So it certainly increase the cost of our affordable housing that we're so concentrated on this year.

"I question the title of this bill, and the previous bill. This was entitled "Public Works," and yet it really covers private projects. I would hope that the next Committee would take a serious look at it and not even hear this bill. Thank you very much."

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

"Thank you, Mr. Speaker. I'm voting no on this measure as well. Thank you. Mr. Speaker, I'd like to also have the remarks of the Representative of Kakaako entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Thielen continued, stating:

"Mr. Speaker, it's once again, we're not looking at how we're going to deliver low-income and affordable housing. That should be the primary focus of this Legislature this Session. That's the huge drastic need. Bills like this are going to hurt. And they're actually going to stop some of those projects. So I think we need to answer to those people who so desperately need housing if we go ahead with this bill. Thank you."

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

"Mr. Speaker, I rise in support of this measure. I believe this came up because we have a lot of contracts with the federal government here in town that mainly repair a lot of military projects. These contractors are bringing in people from California thereby affecting our local job market and the industries in town because as federal contractors, they don't have to abide with our rules. We would like them to hire our own people. So it's about protecting our own turf, Mr. Speaker. Thank you."

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

"Thank you, Mr. Speaker, I'll just go with reservations at this point. I wasn't going to say anything but the last speaker commented on hiring out-of-state worker, but the problem is we can't hire enough carpenters within the State to do the jobs that we have already. So that's why we have to go out-of-state. Thank you."

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

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

"Thank you, Mr. Speaker, I'm rising in opposition to this measure. This bill just creates a tremendous expansion of public works jobs. The body of law that created the public works rules and requirements, it seems very clear to me that this was to cover just public works. Jobs that were initiated by the State government, county governments. But because of an opinion by the Attorney General, the justification for this bill has come about. I would like to see this whole thing go to the Supreme Court of the State of Hawaii. I think one Deputy Director up at the Attorney General's Office could very possibly be wrong.

"The Department of Labor couldn't possibly have the staff and space to monitor all kinds of additional jobs that we're now going to call public works that we never called public works before. In this situation there is not governmental contract agency. If Hanalei School decides to build something with SPRBs, they are the contractors. Not a county or State department. So there's a whole lot of problems with this bill, but it seems very clear that the whole genesis of this is to expand almost, double, triple, the jobs that will now be considered public works and we don't have a department that could handle that. Thank you."

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

"Just one brief comment. In support, Mr. Speaker. We've heard both in Committee and now on the Floor about opinions of the Attorney General. I like to just point out that this same Attorney General in written opinions has given the Governor the basis for vetoing numerous bills in the three years I've been here. Those opinions of the Attorney General are valid for the Governor when she wants to veto something. And now when you get an opinion from the same Attorney General, not one but two, Mr. Speaker, somehow that opinion no longer counts. We're doing what the Attorney General has asked us to do. Thank you."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2692, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer and Stonebraker voting no, and with Representatives Halford, Takai and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 345-06) recommending that H.B. No. 3017, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3017, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Halford, Takai and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 346-06) recommending that H.B. No. 2376, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2376, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 347-06) recommending that H.B. No. 2187, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2187, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, on this Standing Committee Report 347, I stand in strong support. I'd like to thank the Chair of Health who pushed this out. It's really a critical matter for us on the North Shore, on the Windward and Leeward side, and also the island of Kauai. The service has been provided by DOD for the air ambulance. It's been provided to us. This will be going out as of March 31st of this year.

"Right now what we're trying to do is provide some kind of stopgap, hopefully a temporary measure, as the unit is deployed to Iraq. What we're looking at right now is that hopefully this is a tool for us to find a service, and not only looking on Oahu, maybe we can use it as a model to look at different islands like Kauai which doesn't have this service. So it goes to Finance and I ask my colleagues for their support as we look for a permanent solution. Hopefully it's temporary for us at the State, and hopefully the DOD takes over. Thank you."

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

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support on HB2187HD1.

"As all of us know that the 12 Black Hawk helicopters with Charlie Company of the 25th Infantry Division's combat aviation brigade who have over the past 31 years served as Hawaii's guardian angels in the sky are being deployed to Iraq in August for a yearlong mission to protect the United States from terrorism. These brave military men and women have transported over seven thousand patients and saved countless lives by transporting patients from rural areas of Oahu to downtown area hospitals. I wish them Godspeed during their mission.

"HB 2187, HD1 will appropriate funds (\$600,000) to the Department of Health to contract with a government agency or U.S. military branch to provide intra-island only roto-wing aeromedical services for rural Oahu.

"It is the duty of this Legislature to pass this bill. We have the duty to make sure that our citizens are protected and cared for. This important legislation guarantees that our rural communities will have access to aeromedical services.

"We all know how bad traffic can be here in Honolulu. Some of us have even been late to committee meetings because of the heavy traffic. Imagine a child on the Leeward Coast who is in need of immediate emergency attention. Without this bill, that child would have to be loaded into an emergency response vehicle and transported from the Leeward Coast to downtown Honolulu through heavy traffic.

"We owe it to that child and to all our citizens to make sure we have reliable aeromedical services on this island. That is why I am supporting HB 2187. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2187, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 348-06) recommending that H.B. No. 3116, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 3116, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In strong support of H.B. 3116. I just want to note this is probably a proud moment in our Legislature's history. I did want to thank the Majority Leader and my Vice Chair for their efforts in negotiating and crafting this public-private partnership. And I also want to note the Department of Human Services and Director Koller and the Health Committee agree that investing in children's health is probably one of the best things we could do for our future. So I'd like to ask everybody to remember this moment and hopefully we can celebrate this at the end of Session."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM," passed Second

Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Herkes and Arakaki, for the Committee on Consumer Protection & Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 349-06) recommending that H.B. No. 1869, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1869, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support of this bill. Thank you. Mr. Speaker, the bill deals with an aspect of pharmaceutical research that highlights the growing trend of drugs being rushed to the market without adequate trials and lack of input, and also with lack of information provided to physicians.

"The bill provides that a manufacturer or laborer of prescription drugs shall post on the Internet information concerning any clinical trial that the manufacture conducted or sponsored. Specifically it's supposed to post the name of the entity that conducted the clinical trial, summary of the purposes of the clinical trial, dates during which the trial is taking place, and information concerning the results of the clinical trial, including potential or actual adverse effects of the drug.

"That's important information for our consumers to have, Mr. Speaker. When you look at the Vioxx drug problem and the constant downplaying of any negative finding, or not answering the concerns raised by physicians, we see that this information is really important to our consumers. So I would urge my colleagues to vote in favor of this measure."

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

"Mr. Speaker, please cast a no vote for me on this measure. The pharmaceutical companies had no problem with disclosing some of the results of their later clinical trials, but they said earlier ones would be problematic. Also there's one feature in this measure that is retroactive and calls for clinical trials to be on the Internet if sponsored on or after October 2002. So I think we should take another look at this measure. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING BY DRUG MANUFACTURERS AND DISCLOSURE OF CLINICAL TRIALS," passed Second Reading and was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Halford, Takai and Thielen being excused.

Representatives Herkes and Caldwell, for the Committee on Consumer Protection & Commerce and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 350-06) recommending that H.B. No. 2320, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2320, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 351-06) recommending that H.B. No. 3244, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 3244, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, I'd like to just note my very strong support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 352-06) recommending that H.B. No. 1821, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1821, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 353-06) recommending that H.B. No. 2438, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2438, entitled: "A BILL FOR AN ACT RELATING TO LOANS FOR HEALTH PROFESSIONALS," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 354-06) recommending that H.B. No. 2743, HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2743, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 355-06) recommending that H.B. No. 2550, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2550, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 356-06) recommending that H.B. No. 3108, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3108, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Ching's written remarks are as follows:

"Thank you Mr. Speaker. I rise in strong support of House Bill 3108 - Relating to Education.

"The time has come to give teachers the choice of where and how they need to spend their allotted funds for classroom supplies. It is our responsibility as the State of Hawaii to prepare each child to succeed in today's society and work force, and being technology proficient and innovative are important in achieving this goal. The debit card program for public school teachers will enhance education.

"Firstly, teachers need creative curriculum. Every child is unique and has different learning skills and needs. One size doesn't fit all. Debit cards liberate teachers to be free in their way of reaching children. Elements of innovation are a must in a classroom.

"Secondly, teachers need flexibility. Debit cards give teachers the freedom to go to different providers of supplies, rather than the restricted options of vendors that appear on the supply list. Teachers come across situations in which they have limited tools and not all events can be foreseen. Flexibility in curriculum is essential.

"Lastly, debit cards encourage a relationship between businesses in a school's community and the school. As members of an island State, relationships help us succeed and contribute to the success of a community as a whole. When we reach out to the 'mom and pop' stores within a community, they will be more inclined to support and get involved with the school in the future. Community relationships will strengthen with a debit card program, as well as boost morale and serve as an appealing tool to recruit teachers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3108, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 357-06) recommending that H.B. No. 1862, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1862, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representatives Takumi and Hale, for the Committee on Education and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 358-06) recommending that H.B. No. 3258, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 359-06) recommending that H.B. No. 2423, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2423, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 360-06) recommending that H.B. No. 2520, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2520, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ROADS IN LIMBO PROGRAM FOR THE COUNTY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 361-06) recommending that H.B. No. 2504, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2504, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Halford, Takai and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 362-06) recommending that H.B. No. 2677, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2677, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, in support with reservations. I understand the need for regulating the noise of the mopeds. It's very bad, especially in Waikiki. There's maybe even concern that they're being used for drug deliveries. My problem with the bill is that the HRS already requires that mopeds be inspected and the laws actually broader than this current law that the bill we're looking, the bill that we're looking at. But HRS also allows police to issue the citations already. But bikers could just put on pipes to pass the test. It's very easy then they take the pipes back off. So there's not assurance. Thank you."

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

"Thank you, Mr. Speaker. In strong support. I wanted to also mention that I agree with the previous speaker on what he had to say. There've been reports to my office that moped drivers at 2:00 and 3:00 a.m. in the morning. A couple people have reported that they believe them to be drug dealers. But what we know is that fatalities have skyrocketed because of the retrofitting of mopeds. Also we know that our elders who spend all their money to have a nice home, it's affecting their quality of life. Something has to be done about mopeds. In strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2677, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Halford, Takai and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 363-06) recommending that H.B. No. 2305, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2305, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Halford, Takai and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 364-06) recommending that H.B. No. 2610, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2610, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 365-06) recommending that H.B. No. 2848, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2848, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Halford, Takai and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 366-06) recommending that H.B. No. 2121, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2121, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was adopted, passed, and recommitted to the Committee on Economic Development & Business Concerns with Representatives Halford, Takai and Thielen being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of

a modified consent calendar. (Representatives Halford, Takai and Thielen were excused.)

THIRD READING

H.B. No. 2273:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2273, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT," passed Third Reading by a vote of 48 ayes, with Representatives Halford, Takai and Thielen being excused.

H.B. No. 2275:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2275, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," passed Third Reading by a vote of 48 ayes, with Representatives Halford, Takai and Thielen being excused.

H.B. No. 2626:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2626, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 48 ayes, with Representatives Halford, Takai and Thielen being excused.

At 12:48 o'clock p.m., the Chair noted that H.B. Nos. 2273; 2275; and 2626, passed Third Reading.

INTRODUCTION OF RESOLUTION

By unanimous consent, the following concurrent resolution (H.C.R. No. 21) was referred to Printing and further action was deferred:

H.C.R. No. 21, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR CERTAIN TYPES OF RECONSTRUCTIVE SURGERY, INCLUDING CRANIOFACIAL SURGERY," was offered by Representative Waters.

ANNOUNCEMENT

Representative Ito, for the Committee on Public Safety & Military Affairs, requested a waiver of the 48-hour advance notice requirement to hear H.B. Nos. 173, Relating to the National Guard; and 2343, Relating to the Penal Code, with decision making to follow, tomorrow, February 16th, at 8:30 a.m. in Room 309, and the Chair "so ordered."

At 12:49 o'clock p.m., Representative Arakaki requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:50 o'clock p.m.

ADJOURNMENT

At 12:51 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, February 16, 2006. (Representatives Halford, Pine, Takai and Thielen were excused.)

TWENTIETH DAY

Thursday, February 16, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Joe Hunkin, Jr. of Lighthouse Outreach Center, after which the Roll was called showing all members present with the exception of Representative Souki, who was excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Days were approved. (Representative Souki was excused.)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 4 through 6) were received and announced by the Clerk:

Sen. Com. No. 4, transmitting S.B. No. 2049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," which passed Third Reading in the Senate on February 15, 2006.

Sen. Com. No. 5, transmitting S.B. No. 2055, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," which passed Third Reading in the Senate on February 15, 2006.

Sen. Com. No. 6, transmitting S.B. No. 2338, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION," which passed Third Reading in the Senate on February 15, 2006.

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

S.B. No. 2049, SD 1 S.B. No. 2338
S.B. No. 2055

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
1021, HD1	Committee on Energy & Environmental Protection, then to the Committee on Finance
3254	Committee on Judiciary

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

The following resolution (H.R. No. 16) was announced by the Clerk and the following action taken:

H.R. No. 16, entitled: "HOUSE RESOLUTION HONORING LAURA MANIS, ANTHONY LENZER, BRUCE MCCULLOUGH, AND ROSE NAKAMURA, LEADERS OF THE

FAMILY CAREGIVER SUPPORT MOVEMENT FOR THEIR DECADES OF COMMUNITY SERVICE," was jointly offered by Representatives Lee, Arakaki, Kahikina, B. Oshiro, M. Oshiro, Shimabukuro, Waters, Abinsay, Berg, Cabanilla, Chang, Ching, Evans, Green, Hale, Halford, Harbin, Ito, Karamatsu, Kawakami, Magaoay, Marumoto, Morita, Nishimoto, Pine, Saiki, Say, Schatz, Souki, Stevens, Takumi, Tanaka, Wakai, Yamane and Yamashita.

Representative Lee, moved that H.R. No. 16 be adopted, seconded by Representative Arakaki.

Representative Lee introduced the following honorees, who were seated on the floor of the House, Ms. Laura Manis and Mr. Anthony Lenzer. Representative Arakaki then introduced the following honorees, who were seated on the floor of the House, Mr. Bruce McCullough and Ms. Rose Nakamura.

Representative Lee also introduced the following guests, who were seated in the Gallery:

Guest of Ms. Laura Manis
Mr. Jerome Manis;
Mr. and Mrs. Roy Gridder;
Mr. and Mrs. Joe Singer;
Ms. Jan Sotherland; and
Ms. Arien Grabbe.

Guest of Mr. Bruce McCullough
Mrs. Sandra McCullough; and
Mr. John Hayakawa.

Guest of Ms. Rose Nakamura
Mr. Shim Kanazawa;
Dr. Mary Bitterman;
Ms. Makoto Kunimune;
Rev. Eric Matsumoto;
Ms. Michiko Motooka; and
Ms. Betty Koseki.

Na Tutu
Ms. Julia Duarte; and
Ms. Helen Wagner.

American Association of Retired People
Ms. Barbara Kim Stanton.

Representative Lee also recognized the members of FACE, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 16 was adopted with Representatives Nakasone and Souki being excused.

At 12:22 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:28 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 367-06) recommending that H.B. No. 2788, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2788, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE COMMISSION ON THE STATUS OF WOMEN," passed Second

Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 368-06) recommending that H.B. No. 2680, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2680, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 369-06) recommending that H.B. No. 1955, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1955, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 370-06) recommending that H.B. No. 2169, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 371-06) recommending that H.B. No. 2928, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2928, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 372-06) recommending that H.B. No. 2309, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2309, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 373-06) recommending that H.B. No. 2558, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2558, pass Second Reading and be

referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm rising in support with some pretty strong reservations on H.B. 2558, having to do with vocational rehabilitation. My concern is, the way this bill is changing the law, it could create an increase in the cost of workmen's comp insurance, which is already very high. I guess that's my main concern. Thank you."

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

"Mr. Speaker, I rise with a strong no on this provision. Vocational rehab is a tool that is used for our employees that have been permanently injured and are unable to return to their job. Voc rehab is a self-referral process to help our employees gain gainful employment in other areas. What this attempts to do is to expand it to those that are not permanent and give them the same benefit. I was under the assumption coming into this Session that we were on a quest for some type of work comp reform because of the brokenness of the system. These types of measures are the types of measures that will set us back tenfold. Vocational rehab is one of the most quickest growing expense cost drivers in the work comp system. It's a self-referral system. I think before we start making these expansions of benefits, we really need to stop and take a look at the whole system, which is horribly broken. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2558, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Finance with Representative Harbin voting no, and with Representative Kahikina being excused.

Representatives Caldwell and Herkes, for the Committee on Labor & Public Employment and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 374-06) recommending that H.B. No. 1802, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1802, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Herkes and Ito, for the Committee on Consumer Protection & Commerce and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 375-06) recommending that H.B. No. 2276, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2276, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 BOARD," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 376-06) recommending that H.B. No. 2078, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2078, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2078, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," was referred to the Committee on Finance with Representative Evans voting no, and with Representative Kahikina being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 377-06) recommending that H.B. No. 2211, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2211, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 378-06) recommending that H.B. No. 2325, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2325, entitled: "A BILL FOR AN ACT RELATING TO MONEYS FOR DISASTER PREPAREDNESS," was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 379-06) recommending that H.B. No. 2620, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2620, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm in favor of this measure. I'm in favor of fuel efficiency in motor vehicles. In fact, I'm probing the market now for a hybrid car. But very briefly, I think if this bill is enacted it would result in a very expensive and bureaucratic nightmare for the counties. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2620, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 380-06) recommending that H.B. No. 2670, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2670, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

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

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

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

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

"Thank you, Mr. Speaker. So many reservations. Just briefly in support. I do appreciate the reservations. I think we all need to have reservations about where we are in our healthcare system. The purpose of keeping these bills alive and working on them is to find out where at the end of the day, when we get a very good idea from the Lewin Group, which is a professional group hired by the Hawaii Healthcare Task Force that we, this Body, created; that the Governor supported; that she put money into; and that we appropriated. And to find out what the place of, even the consideration of single payer healthcare is. And goodness knows what that professional group will come to. So I'm appreciating that we're not voting these bills down. But instead, keeping our minds open so that by the end of the Session, if we need to act, we can. Thank you, Mr. Speaker."

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

"With reservations. Just one comment that if this moves forward, I do hope that they look at things like getting rid of the Certificate of Need and how to promote private and competitive healthcare in Hawaii also. Thank you."

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

"Thank you. With reservations. And just to point out that the bill as it is now certainly deserves reservations. The speaker from Kona made a good point about further deliberation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance with Representative Stonebraker voting no, and with Representative Kahikina being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 381-06) recommending that H.B. No. 2204, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 382-06) recommending that H.B. No. 2631, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2631, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 383-06) recommending that H.B. No. 2776, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2776, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 384-06) recommending that H.B. No. 2960, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2960, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 385-06) recommending that H.B. No. 2759, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2759, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 386-06) recommending that H.B. No. 2763, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2763, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm paying attention. Thank you very much. Mr. Speaker, I speak in strong support of H.B. 2763. During the last Session, we finally recognized the value and the importance of this invasive Coqui frog eradication. This bill really has embraced the

Big Island majority. This is one of the packages that we've made into the Legislative Session this Session. It talks about appropriation originally for the Island and the County of Hawaii. But in final realization, we realize that this is more than a County of Hawaii concern. We realize it's the continuing concern and effort of a statewide eradication program. It involves all counties throughout the State of Hawaii. The appropriations amount has been deleted and we urge continued support. Thank you very much."

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

"In support, Mr. Speaker. But you know, I have some reservations on this. I think we're going about this war on frogs in a very limited way. It's a band-aid approach. We're giving only a slight amount of money. Last year, we gave \$100,000, I think. Whereas this one calls for \$1 million. But when I was on the Big Island just two weeks ago, I was reading the paper about what the actual need is to eradicate. The war on frogs must escalate to a point of \$45 million. Either we commit to this war on frogs or we find other ways to eliminate the problem. Coqui mochi was suggested, but I don't know whether or not that's even appropriate for the Big Island.

"Mr. Speaker, prevention might be something we can do. Containment might be something we can do. But eradication for the Big Island is not going to happen with \$1 million. It's going to cost \$45 million according to the government official, I believe from BLNR. So more money for the war on frogs."

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

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

"I rise in strong support. Thank you. I hope that we continue moving this bill forward and do provide appropriations because the beauty of us getting involved is that we're actually empowering the local people to take charge of themselves, and what this problem is creating for them. What this money, I think, will do is give the ability to the counties to provide equipment, to provide some grant money and support to the local people that are coming together in these kind of Coqui frog patrols to educate their neighbors and to actually know how to solve the problem if in fact they bring plants home with Coqui frog on them. So I think the money that we give goes an awful long ways to fighting this battle.

"The other thing is in many areas of the Big Island, it's probably, some of the neighborhoods, there's thousands and thousands of them. So to totally eradicate, I think they've come to a point where they know that that probably won't happen. But what they can do is they contain it. And that's very important on the Big Island, to contain those areas. Thank you."

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

"Yes, all I can tell you, if any of you have 30,000 Coqui frogs all night long, you'd all be for all of this. Thank you."

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

"Yes. Thank you, Mr. Speaker. Also in strong support. But first, I would like to adopt the words of the Vice Chair of the Agricultural Committee as if they were my own," and the Chair "so ordered." (By reference only.)

"And now for the edification of our colleague from Waipahu, we would like to also mention that aside from the two million that we originally requested on this measure, with the work of the Hawaii Invasive Species Council, they were also given a certain amount of

dollars, we're talking about millions. And one of the components or responsibilities of this Council is to also address the Coqui frog problem. So I hope that will address the concern of our colleague. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2763, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 387-06) recommending that H.B. No. 2765, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2765, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 388-06) recommending that H.B. No. 2479, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2479, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in support but with some reservations. Thank you. The purpose of this bill is to provide for much needed parking space in Kakaako by authorizing the University of Hawaii in consultation with the HCDA, to enter into agreements with private developers to expedite construction of a parking structure at Kakaako Makai. As you know, Mr. Speaker, the medical school is very close to our harbors and our container yard. I would just like to urge that the location for this parking structure not interfere with our cargo operations down at the harbor. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2479, entitled: "A BILL FOR AN ACT RELATING TO THE CONSTRUCTION OF A PARKING STRUCTURE AT KAKAOKO MAKAI, OAHU," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 389-06) recommending that H.B. No. 3190, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3190, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENT PROJECTS PERTAINING TO WINDWARD COMMUNITY COLLEGE," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 390-06) recommending that H.B. No. 3196, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3196, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 391-06) recommending that H.B. No. 2040, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2040, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support. Thank you. Mr. Speaker, I rise in strong support of this bill that celebrates Senator Hiram Fong's legacy by naming a scholarship program at UH in his honor. Not only am I very proud to have had Senator Fong as a constituent, but I'm blessed to call him a friend and mentor. He was truly a kind and generous man who always made the time to help young people. This scholarship would honor his legacy.

"As an aside, might I note that it was a nice, remarkable find to see that when I taught at Maemae, that Senator Fong is in many of our national textbooks, and also that he is the first Asian to ever been nominated for the U.S. presidency. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2040, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SENATOR HIRAM L. FONG SCHOLARSHIP PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 392-06) recommending that H.B. No. 3163, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3163, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WAIKIKI AQUARIUM," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 393-06) recommending that H.B. No. 3165, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3165, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I wanted to express a potential conflict. I'm a graduate of the School of Social Work," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3165, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK,"

passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 394-06) recommending that H.B. No. 3167, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3167, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in strong support for H.B. 3167. If I may, I would like to include the rest of the leadership from the Leeward side to say thank you to all my colleagues on this Floor for this measure having made it this far. As we know, the population, there's a big population shift on the Leeward side. And this infrastructure has been long awaited in coming forth. This will bring economic boost to the area. We welcome this campus and I hope that this Body will continue to support it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3167, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII WEST OAHU," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 395-06) recommending that H.B. No. 3198, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3198, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 396-06) recommending that H.B. No. 3193, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3193, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 397-06) recommending that H.B. No. 2063, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A LONG-TERM CARE RESOURCE INITIATIVE," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 398-06) recommending that H.B. No. 3131, as

amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO YOUTH SUICIDE PREVENTION," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 399-06) recommending that H.B. No. 1965, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1965, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Stand. Com. Rep. 399, which is H.B. 1965, Relating to Drug Treatment, residential drug treatment and appropriations. I'm all for this bill. It was written to operate residential drug treatment facilities for adults and children in rural areas in the counties of Hawaii, Maui, and Kauai. I would hope that we would have some money in there for the rural areas of Oahu because our need is certainly as great, if not greater. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1965, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG TREATMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 400-06) recommending that H.B. No. 2074, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2074, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Yes, Mr. Speaker. I'd like to speak in support of the measure. And actually, I just wanted to give credit to a young lady. She's a 10-year old at Momilani Elementary School, who's really the driving force behind this measure. She suffers from juvenile diabetes, but in spite of that she's had the courage to come forward and advocate for others who also suffer the same condition. Her name is Natasha Garcia and because I'm not sure whether this bill is going to be heard in Finance, I just wanted to read her name into our Journal, so that we can credit her and also acknowledge her for her courage in advocating for research, and also to raise funds personally, and asking us to help her raise funds for the research of juvenile diabetes. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2074, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE DIABETES CURE RESEARCH," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 401-06) recommending that H.B. No.

2109, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 402-06) recommending that H.B. No. 2590, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2590, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure Relating to Health. The purpose of the measure is to appropriate funds for important emergency services at the Waianae Coast Comprehensive Health Center.

"To reiterate: this bill makes an appropriation to WCCHC to:

- (1) Provide vital health care services to an estimated population of 40,000 people; and
- (2) Ensure continued twenty-four-hour emergency room and ambulatory service to Leeward, O'ahu.

"The Waianae Coast Comprehensive Health Center is a vital part of our health care delivery system for the medically under-served in Waianae. Access to adequate emergency health care for all persons certainly is one of the most significant needs of our community. Thank you, Mr. Speaker"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2590, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 403-06) recommending that H.B. No. 2592, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2592, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 404-06) recommending that H.B. No. 3135, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIV/AIDS," passed Second Reading and was

referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 405-06) recommending that H.B. No. 2298, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2298, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS FOR CRIMINAL INVESTIGATIONS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 406-06) recommending that H.B. No. 2047, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2047, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker, I would like to declare a potential conflict. I am a member of the Corporate Board of the American Cancer Society," and the Chair ruled "no conflict."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm rising to support HB 2047 with some serious reservations. Personally I believe this bill goes way too far. It is one thing to prohibit smoking in State offices and buildings, but quite another to dictate to the counties and private employers what they must do on their premises. State government should not usurp the counties' home rule rights, nor should it interfere with private property rights. Business owners who own or lease their premises should be free to run them as they see fit. This bill as written is overbearing. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2047, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 407-06) recommending that H.B. No. 2048, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2048, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 408-06) recommending that H.B. No.

2148, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2148, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 409-06) recommending that H.B. No. 2589, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2589, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Mr. Speaker, can I not vote on this? I actually walked out of the room because I really didn't know what to do on this particular measure, but as I walked out and sat down ... Yes, I am in support with reservations and I want the discussion to go on. As I sat down I came up a memory of what was said, and I think it's worth noting of what the psychiatrist said. I have no objection of a psychologist prescribing psychotropics. However, he also then goes on to say that we have to balance the reason why we're pushing this forward, which

is access versus consumer protection. There was a issue whether or not the curriculum for the psychologist to take, because there's a curriculum that's been submitted and there's a question whether or not it was sufficient to address the whole array of psychotropics that a psychologist will have to prescribe in lieu of having a medically trained psychiatrist to prescribe.

"So as this bill moves forward, I hope that we all look at that. That there's an open mind at least in the psychiatrist side saying that, 'Yeah there's a way.' But however we must take a look at the safety, the safety of the consumers to see whether or not the curriculum is sufficient to address that. I would have a suggestion and I did suggest this to my good friend, the doctor, who is the introducer of this bill. I said, 'You know, this measure is limited to prescriptive authority only in the rural areas where there is an access problem. However maybe we should ask what kinds of psychotropics are being dispensed at those areas to see whether or not we need the whole array of psychotropics.' Because, Mr. Speaker, as he explained it to me. Most of the need out in the rural areas is really something that could be addressed by a much more limited prescriptive authority which is only for antidepressants.

"As you know we had a big debate last Session regarding what kinds of access consumers would have as to psychotropics and I think I was mistaken when I said that the whole array of psychotropics had to do with something like Mel Gibson going crazy in one of his movies. I was wrong. I think those kinds of psychotic behaviors like Mel Gibson displayed in the movie are addressed by psychotropics that are antipsychotic. I learned this as I go on. And actually the kinds of needs that are in the rural areas could be addressed by antidepressants. They are less dangerous, have less side effects, and etc. And I think that if the discussion would go along those lines I think more Members would probably consider prescriptive authority. Anyway, Mr. Speaker, that's my piece. Thank you very much."

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

"I would like to register a reservation with this measure and if I may briefly state why I have reservations. This prescriptive authority that's now written in this bill requires a psychologist to work with a medical doctor. I would much rather see this psychologist work collaboratively with a psychiatrist, because a lot of this psychotropic medication that they write are very potent and has a lot of side effects. Thank you, Mr. Speaker."

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

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

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

"I would just like to say that we just had a hot discussion on this and it was passed by the Committee and it will go to another Committee so that's enough right now."

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

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

"Thank you, Mr. Speaker. In support. So let me sum up the big dialogue for the group here. We're talking about giving psychologists the right to prescribe medications, but specifically medication for mental health issues, about 3% of all the medications that are prescribed by any health care professional. The reason we need this, and I'm convinced we need this is the following.

"A person stands on the edge of a cliff literally, and gets sunburned, for 5 hours, comes in with second degree burns, they see their primary care doctor. The doctor treats him for sunburn they think, and find out later that they were suicidal standing on the end of the cliff, literally. This is the kind of testimony we had about this. Now why on earth would we give psychologists the right to prescribe something that someone went through medical school and then residency for 4 years, and then additional 3, 4, or 5 years to prescribe? The reason is this, we don't have psychiatrists prescribing in the rural countryside areas, in the health profession shortage areas.

"This bill only allows, only allows for prescriptions in community health centers and others like the Hawaiian Health Center. Places that there are no psychiatrists and there aren't any other ways to get care. So the psychiatrists who have chosen not to go there over the past 20 years cannot deliver that care have left this vulnerable population. People from a socioeconomic standpoint, if they have mental health problems gravitate to areas where they can possibly afford to live. To Ocean View, to Ka'u, to the rural areas around the State. The psychiatrists don't go there.

"No one has more respect from me than the psychiatrist and their expertise. We don't want a second-tier system. What this bill is about is getting psychologists the right to prescribe when, number one, they're in a collaborative relationship with a doctor of medicine. That will not change. In fact, I'm sure that the compromises ultimately will go to a point where there will always be in a collaborative relationship because they will be doing it only at Community Health Centers where the doctors still don't have enough time to prescribe those medications. We won't do anything unsafe because we're not going to have some lack of supervision. We're completely prepared to negotiate the curriculum. That was set forth after a long discussion.

"I don't know if everyone is aware of this but last year we passed a resolution, which forced a task force of six people, two psychiatrists, two psychologists, Senator Baker, and myself to sit down and talk about these issues. The last thing I want to do is do something that's unsafe for people, but everyday that the majority of the poor don't get this kind of care, they remain subject to suicidal ideation, catastrophic problems. They can't get their medicines. It's not a perfect world.

"Every doctor should come to you and say they have reservations. There's no question, colleagues, that that's important. But the bottom line is every weekend I see three or four people that are suicidal. They couldn't get their medicines. These are rural ERs that I'm working in. They couldn't get them because there was no doctor available, there's no psychiatrist available. The solutions that you'll hear from the Psychiatry Association, again a well-respected organization with excellent professionals, would be we could do more tele-medicine. I also put in a bill for that. We can do other things such as provide residency coverage. All of these recommendations amount sadly to solutions that might, might account for less than 5% of the problem."

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

Representative Green continued, stating:

"Thank you. And I'll wrap up. But the bottom line is this. That these two groups, the psychiatrists and psychologists, are urged more by me than by anybody else to find negotiated ground on the curriculum, number one. The relationship with the professionals, number two. And number three, very possibly the formulary, the extent of the formulary because there's no question we don't want to make things more dangerous for a patient.

"But everyday that we don't do something which has sadly amounted to many years where we haven't taken definitive action. All the recommendations that came from the Psychiatry Association, we had years to take up. We actually got a task force together and

they still didn't come up with any substantive recommendation that would account for more than 5% of the problem.

"So we got to do something if not this year it's another year that poor mental health patients will go untreated. That's all you really need to remember. Now when people say there's controversy, it will be hammered out between the professionals on both sides. I've told them that. But we really can't afford any longer to neglect this group of people. Thank you, colleagues."

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

"Thank you, Mr. Speaker, a ruling out of a potential conflict of interests. I'm the Executive Director of a not-for-profit that provides psychiatric services to adults with mental illness," and the Chair ruled "no conflict."

Representative Schatz continued, stating:

"Thank you. I'd like to vote in favor of this and adopt the words of the Vice Chair of Health with the exception of the part about being an ER doctor," and the Chair "so ordered."

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

"Thank you, Mr. Speaker, I stand in support of this measure and ask that the words from my colleague from the Big Island be entered in the Journal of my own," and the Chair "so ordered." (By reference only.)

Representative Kahikina continued, stating:

"Mr. Speaker I fully agree with the doctor. Coming from Waianae and as I was going through trying to investigate the homeless crisis. We find that a lot of the homeless are mentally ill. It was sad for me to find out that many of them are turning to ice because they don't have the medical treatment that they need.

"Now I got elected, this is my 12th year. For 11 years we've been dealing with the same issues. And for 11 years these psychiatrists have been promising that they will go into this narrow, limited areas such as the community centers. Mr. Speaker, maybe they have gone there but that's not enough. We need more.

"Lastly Mr. Speaker, if I were to be sick and I would listen to advice, I would listen to a doctor before I would listen to any other professional. Thank you."

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

"Thank you, Mr. Speaker, I stand in strong support of this measure. And this is not the first time we're introducing this measure although this is the first time that the Health Committee has passed it out of Committee, and it was a rather narrow vote. But last year, we deferred the bill in order to study the matter further. You heard from the Vice Chair from Kona, and I think he was a perfect person to lead this task force because not only is he a prescribing doctor, but he also works in an underserved area.

"Actually, as he said, we need this bill to sort of force the parties to come to a compromise, because I mean there are arguments on both sides. I think there is a way to compromise and to craft a measure that may not satisfy everyone, but at least it will assure patient safety and at the same time address the access issue. For those who have reservations, especially those who come from a Neighbor Island and those who come from rural areas, I really want you to ask yourself, who are the psychiatrists that you have within your island and within your zip code? And if you can name them that's fine. But also, I want you to visit your community health centers because these are

people who really don't have access like you and I and most of us here on the Floor.

"We have access probably to the finest providers because we can afford it and because most of us, for those of us who live in Honolulu, we have access to psychiatrists or even psychologists. But we have to think about those who probably need the services the most and who needs the services critically. We have to think about them. And that's who it's directed to. It's not directed to the whole population. It's just directed to those that we feel are very vulnerable and don't have the kind of access that's needed for the needed services. So if you have reservations, then do some research and ask those questions. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm remaining with reservations. I heard all my colleagues, and I've heard our colleague from the Big Island, who is a doctor. One of the things I heard was that the psychologist would be doing this, at least in communications with a medical doctor. It wouldn't be in total isolation. My concern over this is maybe there's an underlying cause that's being missed. Maybe it's a tumor or some other disease and not just you know a mental condition. And that could be missed without a doctor."

"I understand the rural health centers don't have doctors and I think that our solution should be to ensure that they do have adequate medical care at those facilities, even if it's you know out in the Old West. Doctors hopped from town to town, I mean, at least have some visitation. But I'm just concerned about that they will be treating the symptoms and not the underlying cause. Thank you."

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

"Thank you, Mr. Speaker. In support but with reservations. Just want to clarify that it could have been a no except for the words of wisdom from the Chair of Health and the Vice Chair of the Health Committee. Thank you."

Representative Green rose to respond, stating:

"Just a brief clarification, Mr. Speaker, again in support. That the health centers will have doctors. They do have doctors. In fact, they're federally mandated to have a full-time physician. They'll also have other providers there."

"The expectation is these patients will be seen in a follow-up with a physician or in consultation with a psychiatrist, but the reality is that there's so much mental health need in this population that they can't get appointments. They never can get appointments with psychiatrists, virtually. Virtually never. With the doctors, the primary care doctors, they have a very difficult time getting consultation, maybe every six weeks. You've all been burdened by the phone person on the other end when you call and they'll say, 'Okay we can see you in eight weeks.' Well, if you're suicidal or depressed eight weeks won't do it."

"So what the plan is, is they will actually be able to see someone, who then can give them the definitive care, who then will speak to the doctor. And if they think it's desperate, they will get them in to see the doctor. But right door is closed and we have to open some door to these people. Thank you, Mr. Speaker."

The Chair then stated:

"Members, we've had a lot of discussion on this matter. You all realize it's going be referred to the Committee on Consumer Protection and Commerce. For those of you who are on the Committee, you've heard the discussion with reservations and in strong support. May we proceed on at this point?"

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2589, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Stevens, Stonebraker and Thielen voting no, and with Representative Kahikina being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 410-06) recommending that H.B. No. 2952, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2952, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"I stand in opposition and absolute no to 410. I did not hear you move on. I'm very sorry. This is going to be a very... I'm going to be speaking all Session on these bills of these types on this particular issue. Just so that some of us in this in this Chamber can understand why I am so concerned about this type of language."

"Chapter 104 is the Chapter that I have been repeatedly saying is going to have a very large, substantial impact on our ability to deliver affordable housing to our people."

"Chapter 104 and this particular measure in particular is attempting to 'jerry-rig' the statute by requiring that the Department of Labor become the collector of certified payrolls. And why do I say jerry-rigging? Because there was an innocuous, and very innocuous Attorney General's opinion on one section of Chapter 104, without looking at the entire Chapter. And what that did was it raised issues and questions about certified payrolls and government entities."

"So this measure like many others that are going to come before us are going to attempt to address this questionable AG's opinion on one section by appointing an agency to become a government contracting agency when in fact the government contracting agency has no control over the money, the funding, or the relationship between the employer and employee."

"So we need to look at this not just as little pieces of the statute. I think we need to step back and look at the entire statute and the impact that it is, will have on our ability to deliver affordable housing. Thank you."

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

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. No, I'm not going to speak on it right now. Thank you."

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

"Thank you, Mr. Speaker. I'm voting no also, Mr. Speaker. And as I've said a number of times on bills of this sort, we have to examine them with a magnifying glass to see what their impact will

be on our need - our absolute need to create low income and affordable housing.

"Every time we do something like this, we prevent this State from moving forward in delivering those needed units. I think it's really important, Mr. Speaker. I mean I wish that the Majority Leadership would sit down at a table, and I'll gladly provide magnifying glasses. But sit down at a table and just go over the legislation in total and pinpoint the ones that are going to stop affordable housing and low income housing, and housing for the homeless. And when those are going to prevent that, set them on the side and say maybe in two years maybe in three years, but not now. Because our primary focus, we're going to stay focused, we're going to deliver those housing units. This bill will hurt that effort. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2952, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no, and with Representative Kahikina being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 411-06) recommending that H.B. No. 2931, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2931, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERATED ELECTRICITY," was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 412-06) recommending that H.B. No. 2176, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2176, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise with strong reservations. This is another bill that I think has got wonderful intentions and I really want to support it. But I think it's a dream if we think we're going to accomplish until we resolve the issues that we discussed in Standing Committee Report 410. I encourage us to put these things together when we talk. Thanks."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed

Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 413-06) recommending that H.B. No. 2368, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2368, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I speak in support of this measure. And I want to start by thanking the Chair of the Housing Committee for considering the amendment that we made to this measure to exempt families with children, the disabled, and the elderly from this expedited, eviction process. And I guess my concern as a policy maker is we have a public housing program that essentially is a safety net for people without housing. And to think that we're going to expedite the process with that where we actually are cutting holes in that safety net, and allowing people to become homeless. People who have children, people who are disabled, people who are elderly.

"The question is if we take away public housing, what do they have left? Do we want put them in shelters or do we want to allow to be on the streets? We have few alternatives so in a way I'm hoping we can force a discussion on what do we do with people who can't afford rents even in low income rental housing. And what can we do perhaps in helping them to manage their finances because many times that's the problem, that they fall behind a rents and once they do, they can't really catch up.

"So I believe we need to hold people accountable to pay their rent, but I believe that our State agency shouldn't be thought of as landlords or even Simon Legree and be allowed to just toss people out, and for us to make it easier for them to do that. So, Mr. Speaker, I hope we can continue this discussion, but in the meantime I hope we can consider the most vulnerable in our population as an exemption. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. It's been a while since I actually visited this issue because I'm no longer on this Committee. However, I'm going to go by memory. I'm voting with reservations. One of the reasons why this bill came forward, I believe if I remember correctly is that there are situations where people take advantage of the eviction process. And many times we've discovered that there are areas where there's families that will go and you know spend for other things, other things that are not as priority as housing. And what's happening is in these situations there are other people that need this public housing, that they are living on the beach or don't have a home.

"And so what they wanted to do was not cut the eviction process short just to get them these people in public housing, just to get them out sooner. But it was basically to say stop manipulating the eviction process and take this seriously, and we'll help you through this process so that you can stay in public housing. But pay your rent first. And then from there you know if you're truly having a hard time, I think that there are those types of mechanisms in place where they can get help.

"So I'm like I said I need to revisit the situation a little bit better, but as it goes forward I'd just like to voice my reservation because of that."

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

"Reservations and the words of the prior speaker be inserted in the Journals as my own," and the Chair "so ordered."

Representative Sonson continued, stating:

"In addition, Mr. Speaker, it's not only rent that these people are being evicted for, it's also for breaking house rules like brining in people at all hours of the night, drug use, and what not.

"So as long as there are similarly situated people waiting in line. People with children, elderly, disabled that are waiting in line who have never had the chance to get into the housing yet, let's not make exceptions for the troublemakers. Thank you."

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

"I just wanted to rise with reservations and ask that the words of the Minority Leader be inserted in the Journal. But brief comment about the fact that when people are breaking the rules and are not paying their rent and the word gets around, it's demoralizing for the other people that are doing what they're supposed to do. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2368, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 414-06) recommending that H.B. No. 2996, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2996, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in opposition of this measure. This measure has something to do with repealing the prohibition against the manufacture, possession, sale, or acquisition of detachable ammunition magazines for pistols with capacity in excess of 10 rounds.

"Mr. Speaker, I believe that we have the constitutional right to bear arms. However allowing us to have high capacity magazines just because criminals have access to it is not right. Just because criminals can carry this that doesn't mean that those of us who are law abiding should do the same.

"We now live in civilized times. We're no longer in frontier times and besides if you can't defend yourself with 10 rounds, you might as well forget it. Thank you, Mr. Speaker"

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

"Thank you, Mr. Speaker. A no vote please for many of the same reasons."

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

"In support, Mr. Speaker. All we're doing here is complying with federal law. It's been repealed federally this prohibition, and we're just conforming. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2996, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla and Thielen voting no, and with Representative Kahikina being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 415-06) recommending that H.B. No. 2192, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2192, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, with Representative Kahikina being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 416-06) recommending that H.B. No. 2446, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2446, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I have reservations on this measure. This would allocate \$11 million from the Hurricane Relief Fund for increasing capacity at Queen's Medical Center. I appreciate Queen's Medical Center and I support what they're doing there, but my concerns have to do with the Hurricane Relief Fund."

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

"Thank you, Mr. Speaker, basically the same comments. I'm in opposition. In opposition, Mr. Speaker. This does take the money from the Hurricane Relief Fund. If we want to give it to a private hospital, do a grant-in-aid, do it out of the general fund. Don't use the Hurricane Relief Fund."

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

"Thank you, Mr. Speaker. A no vote for the same reasons please."

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

"Thank you, Mr. Speaker. I did have reservations on this and it's mainly before we get to the Hurricane Relief Fund part. Just doing it for one hospital kind of concerns me as well, so I'll be with reservations for now."

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

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

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

"Reservations, Mr. Speaker. I note that the original bill was for \$11 million. Thank you."

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

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

"Mr. Speaker, a potential conflict. My wife serves on the Board of Queen's," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2446, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING POWER GENERATING CAPACITY FOR THE QUEEN'S MEDICAL CENTER," passed Second Reading and was referred to the Committee on Finance with Representatives Moses and Thielen voting no, and with Representative Kahikina being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 417-06) recommending that H.B. No. 3121, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3121, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 418-06) recommending that H.B. No. 2552, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2552, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 419-06) recommending that H.B. No. 2962, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2962, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 420-06) recommending that H.B. No. 3098, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 421-06) recommending that H.B. No. 1924, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1924, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I stand in complete support and in total excitement that we actually have something to help the local and small business community.

"On Opening Day, I was really pleased that you invited and had on the Floor, I think it was four or five budding, growing, small, young, small businesses. This is great. Small businesses employ over 98% of all our workers are employed by the small business community and so often because we're so busy working they get lost in the shuffle here at the Legislature.

"I am happy to see that we are attempting to support them and help them with development and training because being in business is a constant, constant not only battle, but a need to learn and modernize and grow. I encourage that we move this bill out and I encourage that we all support this. And I believe there's another bill that hopefully will make it to the Floor soon, which will be a complement to this, which will enable DBED to reach out and assist these businesses with their business and retention and expansion.

"So let's keep this moving. Let's support our business community because these are the backbones of our economy and they're going to be here if and when our economy starts to cool down. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1924, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT," was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 422-06) recommending that H.B. No. 3160, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3160, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 423-06) recommending that H.B. No. 2443, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2443, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT," was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 424-06) recommending that H.B. No. 1468, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1468, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was

referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 425-06) recommending that H.B. No. 1833, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1833, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 426-06) recommending that H.B. No. 1819, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1819, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 281, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 427-06) recommending that H.B. No. 2277, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2277, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 428-06) recommending that H.B. No. 2291, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2291, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 429-06) recommending that H.B. No. 2417, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2417, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 430-06) recommending that H.B. No. 2823, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BILL OF RIGHTS DAY," passed Second

Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 431-06) recommending that H.B. No. 3217, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3217, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 432-06) recommending that H.B. No. 2819, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2819, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DECABROMODIPHENYLETHER," was referred to the Committee on Consumer Protection & Commerce, with Representative Kahikina being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 433-06) recommending that H.B. No. 2366, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2366, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING CAPACITY FOR HOME AND COMMUNITY-BASED LONG-TERM CARE SERVICES," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 434-06) recommending that H.B. No. 3133, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3133, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERALLY QUALIFIED HEALTH CENTERS," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 435-06) recommending that H.B. No. 1899, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1899, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 436-06) recommending that H.B. No. 2422, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2422, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 437-06) recommending that H.B. No. 2575, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2575, entitled: "A BILL FOR AN ACT RELATING TO NO FAULT INSURANCE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 438-06) recommending that H.B. No. 1805, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1805, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Just on SCR 438, I'm going to be opposition of this. Mr. Speaker, my first year in office I actually introduced a measure just like this, but I have changed my mind. This is a bill that would prohibit the use of cell phones while driving unless it has a hands-free system. I think it looks on the surface like a good idea, but the real problem is the dialing. The problem is the eating, and the problem is doing the fingernails. The problem is dealing with the kids. There's a lot of distractions. And I just am opposed to this for those reasons. Thank you."

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

"Thank you, Mr. Speaker, I also have reservations on this measure. You heard some of the problems from my colleague. The main problem is of course you still have to dial with this measure and we can outlaw that too and then you can't use cell phones at all. But I have seen people right behind me on the freeway putting on makeup and we're not outlawing that.

"When I ask the police isn't there a law against distracted driving and they said only if you get in an accident and they can say that that's the cause. It should be the same thing with cell phones. If you're weaving and bobbing and you end up hitting a car and you get stopped then and they say you were using a cell phone. Okay, then that should be a penalty for you but to just outlaw it completely I think is not good. Thank you."

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

The Chair then stated:

"Members, this measure will be going to the Judiciary Committee also to look into the legal aspects of it."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1805, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF MOBILE PHONES WHILE DRIVING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Meyer and Stonebraker voting no, and with Representative Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 439-06) recommending that H.B. No. 2639, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2639, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 440-06) recommending that H.B. No. 2747, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 441-06) recommending that H.B. No. 2075, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2075, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 442-06) recommending that H.B. No. 3081, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3081, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, Standing Committee Report 442, in support. I'd like to thank the Chair and Vice Chair of Transportation for being very innovated and also take a look at the needs we have on the North Shore for a Medivac. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3081, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STATE-OWNED AIRCRAFT," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representatives Souki and Kanoho, for the Committee on Transportation and the Committee on Water, Land, & Ocean

Resources presented a report (Stand. Com. Rep. No. 443-06) recommending that H.B. No. 2399, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2399, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 444-06) recommending that H.B. No. 2710, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2710, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2710, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Second Reading and was referred to the Committee on Judiciary, with Representative Kahikina being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 445-06) recommending that H.B. No. 1948, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1948, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I rise in support of House Bill 1948, Relating to Solid Waste Management. I do have one reservation about it. There was an addition put into the bill that I don't actually support and that's adding the 68 oz. bottles to Hawaii 5 Program. I would prefer that those not be included. Thank you."

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

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

"I also have reservations, Mr. Speaker, on 445. I do support recycling in Hawaii. I think we don't do enough of it. But the people in my district are really hurting financially. Half the people in my district are amongst the poorest in this State. And I see this as an additional tax, but I'm hoping we find another way to pay for this recycling of this 2-liter bottle. Thank you."

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

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

"Strong reservations, please."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 446-06) recommending that H.B. No. 2506, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2506, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Yes, Mr. Speaker. With reservations. In time, anyone can lessen their tax burden, I support that, Mr. Speaker. And this would be for the counties for the fuel tax. I do believe that they do need some help because of their rising cost of the gas. However, Mr. Speaker, we've traditionally taken monies out of the State Highway Fund to pay for other things. I believe that's a Fund that we should no longer touch as a Body. The reason is, Mr. Speaker, we get a one to four matching dollars for this particular Fund. So it doesn't make fiscal sense for us to take money out of this Fund. Although I do support the county to be relieved of this tax, I think we should perhaps look at another place to find the million dollars. Because in essence, we'll be losing a total between \$4 and \$5 million for that Fund. Thank you."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2506, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE FUEL TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 447-06) recommending that H.B. No. 2476, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2476, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 448-06) recommending that H.B. No. 2896, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2896, entitled: "A BILL FOR AN ACT RELATING TO EMOTIONAL DISTRESS," passed Second Reading and was placed on the calendar for Third Reading, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 449-06) recommending that H.B. No. 2900, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2900, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING," passed Second Reading and was placed on the calendar for Third Reading, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 450-06) recommending that H.B. No. 3242, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3242, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3242, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was placed on the calendar for Third Reading, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 451-06) recommending that H.B. No. 2287, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Kahikina being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 452-06) recommending that H.B. No. 3234, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3234, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO ELECTIONS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Kahikina being excused.

The Chair then stated:

"Members, please note the 48-hour notice for Standing Committee Report No. 453-06 as listed on page 22."

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 453-06) recommending that H.B. No. 2050, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 453-06 on H.B. No. 2050, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2050, HD 2, were made available to the members of the House.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 14 and 15) and concurrent resolution (H.C.R. No. 22) were referred to Printing and further action was deferred:

H.R. No. 14, entitled: "HOUSE RESOLUTION ENCOURAGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO LEASE THE ALA MOANA PUMP STATION TO FRIENDS OF THE LIBRARY OF HAWAII," was jointly offered by Representatives Waters, Arakaki, Shimabukuro, Cabanilla, Chang, Green and Takumi.

H.R. No. 15, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING AT THE UNIVERSITY OF HAWAII TO INVESTIGATE AND RECOMMEND WAYS TO ASSIST THE PUBLIC AND PRIVATE SECTORS TO RELIEVE THE NURSING SHORTAGE AND ENSURE A CONTINUOUS, ADEQUATE SUPPLY OF NURSES TO STAFF HOSPITALS AND OTHER MEDICAL FACILITIES IN THE STATE," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Chang, Green, Karamatsu, Lee, Magaoay, Shimabukuro, Tsuji, Waters and Carroll.

H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING AT THE UNIVERSITY OF HAWAII TO INVESTIGATE AND RECOMMEND WAYS TO ASSIST THE PUBLIC AND PRIVATE SECTORS TO RELIEVE THE NURSING SHORTAGE AND ENSURE A CONTINUOUS, ADEQUATE SUPPLY OF NURSES TO STAFF HOSPITALS AND OTHER MEDICAL FACILITIES IN THE STATE," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Chang, Green, Karamatsu, Lee, Magaoay, Shimabukuro, Tsuji, Waters and Carroll.

ANNOUNCEMENT

Representative Karamatsu: "Mr. Speaker, EDB will reconvene its hearing, the 9:00 a.m. Agenda in Room 309, following today's session, with decision making to follow."

ADJOURNMENT

At 1:27 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, February 17, 2006. (Representative Kahikina was excused.)

TWENTY-FIRST DAY

Friday, February 17, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 237 and 238) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 237, dated February 15, 2006, transmitting the Comprehensive Annual Financial Report of the State of Hawaii for fiscal year ended June 30, 2005, prepared by the Comptroller.

Gov. Msg. No. 238, dated February 8, 2006, transmitting the 2005 Report of the Commission to Promote Uniform Legislation of the Department of the Attorney General.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 7 and 8) were received and announced by the Clerk:

Sen. Com. No. 7, transmitting S.B. No. 2092, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," which passed Third Reading in the Senate on February 16, 2006.

Sen. Com. No. 8, transmitting S.B. No. 2193, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," which passed Third Reading in the Senate on February 16, 2006.

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

S.B. No. 2092, SD 1

S.B. No. 2193, SD 1

INTRODUCTIONS

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

Representative Harbin introduced Dr. Loretta Reid of Chicago, mother of Mr. Paul Reid of the House Sergeant-at-Arms Office. She was accompanied by her sister, Ms. Delores Crismon, and grand-niece Camile, also from Chicago, Illinois.

Representative Harbin also introduced students from McKinley High School: Janice, Odlast, Stanley, James and Richard. They were accompanied by their teacher, Ms. Joyce Tashiro.

Representative Meyer introduced her friend, Ms. Donna Kidner of Phoenix, Arizona. She was accompanied by her friends, Ms. Susan Fix and Ms. Suzanne Rogers of Denver, Colorado.

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

The House of Representatives reconvened at 1:33 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following concurrent resolutions (H.C.R. Nos. 3 through 22) and resolutions (H.R. Nos. 2 through 15) were referred to committee by the Speaker:

H.C.R.Nos.Referred to:

- | | |
|----|---|
| 3 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance |
| 4 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance |
| 5 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance |
| 6 | Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns, then to the Committee on Finance |
| 7 | Committee on Health |
| 8 | Committee on Human Services |
| 9 | Committee on Education |
| 10 | Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources |
| 11 | Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance |
| 12 | Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture |
| 13 | Committee on Water, Land, & Ocean Resources, then to the Committee on Finance |
| 14 | Committee on Water, Land, & Ocean Resources, then to the Committee on Finance |
| 15 | Committee on Public Safety & Military Affairs |
| 16 | Committee on Labor & Public Employment |
| 17 | Committee on Health |
| 18 | Committee on Finance |
| 19 | Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs |
| 20 | Committee on Education, then to the Committee on Finance |

- 21 Committee on Consumer Protection & Commerce,
then to the Committee on Finance
- 22 Committee on Health, then to the Committee on
Higher Education

At this time, the Chair announced:

"Members, at this time, which is 1:35, we will start the discussion by taking up Standing Committee Report No. 630-06 on page 30. Once more, at this time, we will be taking up Standing Committee Report No. 630-06 on page 30, so that Members of our house will be able to leave for their trips home."

H.R.
Nos.

Referred to:

- 2 Jointly to the Committee on Hawaiian Affairs and the
Committee on Housing, then to the Committee on
Finance
- 3 Jointly to the Committee on Hawaiian Affairs and the
Committee on Housing, then to the Committee on
Finance
- 4 Jointly to the Committee on Hawaiian Affairs and the
Committee on Housing, then to the Committee on
Finance
- 5 Jointly to the Committee on Hawaiian Affairs and the
Committee on Housing, then to the Committee on
Finance
- 6 Committee on Health
- 7 Committee on Water, Land, & Ocean Resources
- 8 Jointly to the Committee on Energy & Environmental
Protection and the Committee on Agriculture
- 9 Committee on Public Safety & Military Affairs
- 10 Committee on Finance
- 11 Jointly to the Committee on Transportation and the
Committee on Public Safety & Military Affairs
- 12 Committee on Education, then to the Committee on
Finance
- 13 Committee on Human Services
- 14 Committee on Water, Land, & Ocean Resources
- 15 Committee on Health, then to the Committee on
Higher Education

STANDING COMMITTEE REPORTS

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 630-06) recommending that H.B. No. 1368, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1368, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak against this bill and to cast a very definite no against this bill. Thank you. Mr. Speaker, this bill has been called the 'Hokulia fix'. It is extremely unfortunate that the proponents of fixing the Hokulia development have incited hysteria within this Chamber. Some of the people, some of the Members in the Chamber have bought into this hysteria, that unless we go ahead with the 'Hokulia fix', people such as Mayor Kim will be booted off the land or be forced to plant an agricultural crop on his property. Nothing could be further from the truth.

"And what the bill does, obviously it was drafted by the lawyers or at least with input from the lawyers and lobbyists for the 'Hokulia fix'. The bill sets up this scenario that invites Members in this Chamber to buy into this bill. It starts out: 'The purpose of this Act is to end damaging controversy over the legality of thousands of homes and lots located on agricultural lands throughout this State.' Well that's flatly wrong, Mr. Speaker.

"And then the bill goes on: 'This Act is necessary to protect the substantial investments of the owners of these homes and lots; these thousands of homes and lots ... to protect the counties and others against legal claims that may be asserted if those investments are devalued or lost.' That's absolutely false too, Mr. Speaker.

"And then it goes on to talk about the court decision in the Hokulia case. And it says: 'The reasoning of the decision if applied throughout the agricultural district would invalidate thousands of lots and subdivisions and make it illegal for people to live in thousands of homes already built.' Mr. Speaker, this is called 'setting up a straw man'. And then you go shoot it down. Then you go draft a bill that legalizes these thousands of homes. But the real fix is to legalize the Hokulia development.

"Mr. Speaker, the existing homes that are there are not at risk. There's absolutely no evidence that anyone is going to sue the Harry Kims on the Big Island. Buyers in mature subdivisions did not have notice. They bought without actual knowledge of the law, and they have multiple defenses. That would mean any lawsuit that would be brought against the Harry Kims would be thrown out on its ear. Any plaintiff or plaintiff group that tried that would be wasting their time and wasting their money. Laches would apply.

"With the plaintiffs, alleged plaintiffs, that might appear, if they knew about it, they should have sued decades ago. And they didn't. These were *bona fide* purchasers in equity. Equity would not allow a

COMMITTEE REASSIGNMENT

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

H.B.
No.

Re-referred to:

- 1930 Committee on Water, Land, & Ocean Resources

At 1:33 o'clock p.m., Representative M. Oshiro requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:34 o'clock p.m.

At 1:34 o'clock p.m., Representative Takai requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:35 o'clock p.m.

judge to take the Harry Kims out of their homes in a mature subdivision.

"Now let's contrast it with the Hokulia. Let's contrast it with what the developers actually knew. Let's contrast it with what the buyers knew, when they knew from the HUD disclosure statement in the CC&Rs. According to the Court's ruling, Oceanside had express notice in 1994 that its proposed development, the Hokulia, did not comply with governing State land use laws which preempted any apparent County authority for residential residences on agricultural land. What we're talking here is this State law that preempted what the County did and what those developers did. What we're talking about today is overturning our State law to satisfy these scofflaw developers, the Hokulia developers. This is not about the Harry Kims. They are not at risk. And anyone that bought in to that hysteria should really go back and talk to the people that know about the legal ..."

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

Representative Thielen continued, stating:

"Thank you, Representative. Go back and talk to the lawyers that know this case inside and out. We're talking simply about the Hokulia. And the trial court did not rule that a subdivision creating one-acre agricultural lots had to go to the Land Use Commission for reclassification to urban. Instead, what the trial court ruled was that a gated luxury resort residential subdivision consisting of 730 residential lots surrounded by a golf course, clubhouse, dining facilities, beach clubs, spa, and a hotel, which is supposedly a guest lodge, is not agricultural. You know that. I know that. And anyone that has looked at this case and looked at the record knows that. The court said, it is not agricultural and such a project can only proceed in the urban district. Who in their right mind sitting in this Chamber can argue that this is agricultural?"

"So what are you asking today, by proposing that this bill be passed? You're asking for us to fix the Hokulia problem, claiming that we must do it to help the Harry Kims. Well you know in your hearts that's wrong. The Harry Kims are not at risk and you know that. The Hokulia is and it deserves to be, because its developers were told by their attorneys that they needed to go to the Land Use Commission. So what this Body is doing today with your vote, anyone that votes in favor, or with a wimpy yes with a WR, what you're doing is to say, okay we'll fix the Hokulia and we'll ignore what our long-standing law has provided to protect our agricultural lands. I would hope you'd have the guts to stand up and vote no. And I would hope certainly, on the other side of this aisle, that we would have a majority of you standing up to vote no on this bill, Mr. Speaker. It's a travesty. And it's an embarrassment. And it's wrong. Thank you."

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

"I have the guts to stand up and say, yes. You want to talk about Hokulia. Let's talk about Hokulia. The former Director of the State Land Use Commission, under oath, at the trial said that she advised the developers, not once but twice, that they did not need LUC approval for this development.

"But let me talk about it. This is my district. I've lived and worked in Kona since 1955. These are my people and I know them. They want this settled. I listen to the *kupuna* in my district. I listen to the Billy Parises, who can trace his ancestry back to the ruling Chiefs of Manukaa, and he wants this settled. He wants this development. I listened to Herb Kane, who's pretty upset about it and he wants this settled. He wants this development. I listened to Henry Cho. I listened to Tommy Hickok. I listened to the people in my district. They want it settled.

"Look at my district. My district has over 500,000 acres of conservation land. My district has over 440,000 acres of agricultural land. 98% of my people live on ag land, whether they're farmers or not, and most of them are not. It's because as a government, whether it's State or county, we've never had the guts to change our land use laws. Get some rural classifications. Get some urban classifications.

"In this district of mine that is bigger than Oahu, I don't have a single spot on here that's rural. If you can imagine, if you can imagine that South Kona and Ka'u has no rural land. We have a couple of dots of urban. Fortunately I live on one of them. My purpose for supporting this really is to support the people that sent me here. Thank you."

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

"Mr. Speaker. Mr. Speaker, I would like to strong vote of no. I would like to say that I'm probably the only one here that was on the County Council when that development was first developed. And at that time to me, if they were going to do all of the things that they promised to do, they should have done them first. But all this time, they have not finished the road they promised. They have desecrated the ocean, and the Hawaiian artifacts.

"I'm sorry this makes me so excited that it really makes it very difficult for me to speak. But I would like the words of the Representative from Kaneohe [Kailua], or where are you from? I would like to strongly support her arguments. I also would like to have things added to the Journal. But I will tell you that all these people ever had to do was, in the beginning, was to go to ... The judge told them go to the Land Use Commission and get it zoned properly.

"I have my home on an agricultural one acre non-ag, except for what I have in my yard. I may lose, but to me the importance is not to let Hawaii become the millionaires' and billionaires' gated communities that have now gone into the South Kona area. And although I do not represent that area any longer, I did live in South Kona for the first 15 years before I moved to Hilo, and now I represent another area. I don't want to see this kind of development.

"This is a judicial problem. It's not something we should be solving here. We have the three divisions, Executive, Legislative, and Judicial. And the Judicial has said you have got to go to the Land Use Commission. And right now it's before the Supreme Court, if that is the right position. But we have no business going in to try to have special bills to help one developer. Thank you."

Representative Hale's written remarks are as follows:

"Mr. Speaker, I stand in firm opposition to HB 1368, HD1.

"Two-week Men

When I was the Executive Officer of Hawaii County back in the '50's, there would always be these suave Mainlanders with suede shoes and big ideas for developments out deep in the country. In those days, no sane local would go and live out there, without electricity and water. But these were big ideas and big projects with big promises of needed infrastructure improvements: roads, water lines, you name it. They were enticing offers for a County then ravaged by a tsunami with an economy teetering on collapse.

"But before they would begin, they always wanted something first. Tax breaks, fast-tracked approval, assurances. They always wanted something big from the local taxpayers in return. I wouldn't give any promises and they would tell me that they would be back in "two weeks." They never returned and from those days on, I always referred to them as the "two-week men."

"Yamashiro and Hokulia

Going forward several decades, I was on the County Council when the "two-week men" of Hokulia came to the Big Island with their big

ideas and big projects and big promises. They called themselves Red Hill 1250 then. It was the same game. They promised to build a needed by-pass road, but only with assurances from the County government. I asked them why not build the road first and then we will follow through. I wanted no empty promises like all the other "two-week men" before them. But they would not agree because they needed to sell the land first before they could build.

"Call it like it is; Hokulia is land speculation. It's a scheme. And they needed the assistance of the County government to pull it off. Unfortunately, the mayor then, Steve Yamashiro, was a willing accomplice and fast-tracked the development through the County.

"We Need the LUC"

Of course, that is why we have a two-tiered land-use approval process with the County governments on one hand, and the Land Use Commission on the other. The number one reason why we have this two-tiered system is to keep our open spaces, open. We don't want suburban sprawl. Why? Because we value open spaces; because we value the rural lifestyle that accompanies it; because we value Hawaii agriculture; because we value sacred Hawaiian lands; because tourist don't come here out to the neighbor islands from Waikiki to see suburban sprawl! If they wanted to see suburban sprawl, they could just drive a couple miles out of Chicago or San Antonio or San Francisco.

"That is why we have State laws and a State Land Use Commission. We have it so that when we decide to irreversibly develop our open agricultural lands, we do it with much thought and we do it right.

"Suing Puna Homesteaders?"

Now the Hokulia "two-week men" have a media campaign scaring everyone living out in the countryside like myself and my neighbors and friends in Puna of imminent lawsuits for improper land use. To this I say:

-We are not big business land speculators bent on getting rich selling hundreds of multi-million dollar snow-bird homes;

-We do not get our County to hold our hand and fast-track our permits and assure us that they will take care of all the government red tape for us;

-We do not knowingly and viciously desecrate ancient Hawaiian burials;

-We do not disregard conservation officials and dismember ancient Hawaiian trails;

-We do not allow millions of tons of run-off to blanket a pristine State marine life conservation district and historical park, killing the coral reefs;

-We do not try to bribe government officials to get our way;

-And we do not think that we are above the Law.

"Eroding the Law"

With this bill we are allowing some stubborn "two-week men" to knowingly and maliciously circumvent State Law. All Judge Ibarra said was that there is State Law and the Land Use Commission and that the "two-week men" just needed to follow the State Law and get the final approval from the Commission. But we are going to happily allow them to not follow our own Laws and processes? In essence, we are happily eroding our own authority.

"Acting as a Court onto Ourselves"

Furthermore, we are taking a case that is currently before our State Supreme Court and acting as a court onto ourselves. Article I, Section 10 of our United States Constitution explicitly forbids this stating: "No State shall...pass any Bill of Attainder." This Bill of Attainder clause is the precise implementation of the separation of

powers, a general safeguard against legislative exercise of the judicial function or more simply- trial by legislature.

"James Madison once wrote a Federalist paper on this matter. "Bills of Attainder..." he wrote. "are contrary to the first principles of the social contract, and to every principle of sound legislation... The sober people of America are weary of the fluctuating policy which has directed the public councils. They have seen with regret and indignation that sudden changes and legislative interferences (*sic*), in cases affecting personal rights, become jobs in the hands of enterprising and influential speculators, and snares to the more-industrious and less-informed part of the community."

"Vote for Inequality"

Mr. Speaker, what we are saying by voting for this measure is that we are in the hands of enterprising and influential speculators, "two-week men!" We are ourselves circumventing Constitutional mandate and precedence to give them the nod to disobey a permitting process set forth in State Law. We have taken a good bill and messed it up by inserting this bad bill, and I think that this is wrong.

"And most unfortunately, we are sending a message out to everyone in the State of Hawaii that if you have enough money, you can cajole the government to allow you to exist above the Law. In essence, we are voting for Inequality in our society. Most unfortunately, indeed."

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

"Thank you, Mr. Speaker, rise in opposition to this bill. Mr. Speaker, let's be real clear on the purpose of this bill. The motivation for this bill is the desire of a developer who wishes to avoid a court's order. Prior to development, the developer could have complied with the law and was advised to do so by his attorneys and government agencies, and that is going to the Land Use Commission. But he didn't.

"Now a judge has ordered the developer to follow the law and land use process. Instead the developer is asking us to change the law for him. This is not a state of emergency and the thousand of homes described in this bill will not be declared illegal.

"Our good citizens and law-abiding developers can rely on the doctrine of equitable estoppel to protect their investment and simply put this developer cannot.

"In the County of Kauai v. Pacific Standard Life Insurance Company with the Committee to Save Nukoli as an appellant, finding in favor of the appellant, the Hawaii Supreme Court said and I quote, "When a property owner has actually proceeded towards development pursuant to an existing zoning the initial inquiry in determining whether his development rights have been vested is whether his actions constituting irrevocable commitments were reasonably made or were merely speculative business risk."

"I believe the developer in this instance proceeded on a speculative business risk when he ignored the advice of his counsel and government agencies and failed to obtain the Land Use Commission's necessary approval. Judge Ibarra affirmed this in his findings.

"The most important testimony yesterday was from the Executive Officer of the Land Use Commission, Anthony Ching. He said, 'I believe Section 1 of this proposal contains inaccuracies and is ill-advised. I believe that Section 2 of this proposal is technically flawed, confused, and ultimately counterproductive. In lieu of trying to address a multi-faceted need for update and reform of the land use law by considering a very narrow proposal such as this before you today, I would propose that emphasis is instead placed on proposals arising from Act 183 Session Laws of 2005, Act 205 Session Laws of 2005, and as described in House Bill 1938, House Draft 1.'

"He says, 'Section 1 notes the wide application of a recent trial court decision is suppose to, quote, 'invalidate thousands of lots in agricultural districts.' And he quotes, '... make it illegal for people to live in thousands of homes already built.' As the trial court rulings only applies to specific lots in that action, I believe it is premature for anyone to assert that lots in subdivision outside of the scope of the trial action are automatically invalidated solely on the basis of that it involves one acre lots.'

"I mean, I urge my colleagues, in the interest of time, to read the LUC's testimony in this case. I also believe what we're doing is premature. You know if this, after the court's decision, after the court's the judicial process is finalized and we see that a problem has occurred, then I think it's right for us to take action. But anything we do now is premature. Thank you. And Mr. Speaker, I'd like to submit the LUC testimony for the record," and the Chair "so ordered."

Representative Morita submitted the following testimony:



Statement of
ANTHONY J. H. CHING
 Executive Officer
 LAND USE COMMISSION
 Department of Business, Economic Development, and Tourism
 before the
Committee on Economic Development & Business Concerns
 February 16, 2006
 9:00 a.m.
 State Capitol, Conference Room 325
 in consideration of
HB 1368 HD 1
RELATING TO LAND USE.

- 1 **Purpose.** Address the legality of homes and lots approved for development by the
- 2 county and/or constructed on lands within the State Land Use (SLU) Agricultural
- 3 District.
- 4 **LUC Position.** I believe that section 1 of this proposal contains inaccuracies and is ill
- 5 advised. I believe that section 2 of the proposal is technically flawed, confused and
- 6 ultimately counter productive. In lieu of trying to address a multi-faceted need for
- 7 update and reform of the Land Use Law by considering a very narrow proposal such as
- 8 before you today, I would propose that emphasis is instead placed on proposals arising
- 9 from Act 183 SLH 2005, Act 205 SLH 2005 and as described in HB 1938 HD1.
- 10 **Section 1 Inaccuracies.** Section 1 notes that wide application of a recent trial court
- 11 decision is supposed to "invalidate thousands of lots in agricultural subdivisions" and

HB 1368 HD 1
RELATING TO LAND USE
 Statement of Anthony J. H. Ching
 Page 2

- 1 "make it illegal for people to live in thousands of homes already built". As the trial
- 2 court's ruling only applies to specific lots in that action, I believe that it is premature for
- 3 anyone to assert that lots and subdivision outside of the scope of that trial action are
- 4 automatically invalidated solely on the basis of that it involves a one acre lot.

- 5 I also believe that notwithstanding narrative contained in section 1 of this
- 6 proposal, individual counties have routinely required that applicants for building
- 7 permits within the SLU Agricultural District acknowledge the farm dwelling
- 8 requirement contained in the State Land Use Law. Except where individuals
- 9 purposefully choose to ignore this county-enforceable requirement, I again do not
- 10 believe that the trial court's ruling would automatically deprive agricultural lot owners
- 11 of the right to occupy homes which have already been constructed.

- 12 Section 1 also asserts that the "trial court decision also brings into question the
- 13 counties' authority under section 205-5(b), Hawaii Revised Statutes, to define allowable
- 14 accessory agricultural uses". However, as the definitions section of the Land Use Law
- 15 clearly distinguishes between farm dwelling and single family dwellings, I do not
- 16 believe that the county authority to define accessory uses would allow individual
- 17 counties to establish single family dwellings as an allowed accessory use.

HB 1368 HD 1
RELATING TO LAND USE
 Statement of Anthony J. H. Ching
 Page 3

- 1 I also believe that it is ill advised and likely inaccurate for the Legislature to
- 2 assert that individual counties might have historically been engaged in an illegal
- 3 activity (e.g., county allowance of construction of many homes in the agricultural
- 4 district with little or no agricultural activity connected to those homes).
- 5 **Technically Flawed, Confused and Counter-Productive.** Section 2 amends §205-4.5(c)
- 6 by listing as an "or" condition that under certain conditions, lots or single family
- 7 dwellings in the SLU Agricultural District as of the effective date of the act shall be
- 8 deemed to be an approved use, provided that no more than 10% of the project area
- 9 consists of soils classified as A or B."

- 10 The proposal is flawed in that it does not propose any other changes to the Land
- 11 Use Law. Applicable sections of §205-2(d), §205-4.5(a) and §205-4.5(b) and §205-8
- 12 (which speak in some way to the proposed new category of approved use) have not
- 13 been amended. Absent a comprehensive review and amendment of Chapter 205, it is
- 14 my belief that if this proposal is adopted as is, at best a non-conforming class of use
- 15 would have been established within the SLU Agricultural District.

- 16 The proposal also begs the question as to what status would any other similar
- 17 lots created after the effective date have. This underscores my personal objection to any

HB 1368 HD 1
RELATING TO LAND USE
 Statement of Anthony J. H. Ching
 Page 4

1 proposal which seeks to retroactively "fix" lots or homes in a very specific
 2 circumstance. I believe that you confuse more than you clarify.
 3 The proposal's restriction that not more than 10% of the project area can consist
 4 of soils classified as A or B is also technically flawed. I believe that the "A or B"
 5 language needs to be amended and consistently reflect the description used elsewhere
 6 in the chapter. However, I believe that this restriction allowing as an approved use
 7 single family dwellings on land which are classified by the land study bureau's detailed
 8 land classification system as overall (master) productivity rating class A or B is in direct
 9 contradiction to the inherent specifications of §205-4.5(a) and (b).
 10 The proposed amendment of §205-4.5(c) is also flawed in that the section
 11 currently restricts the uses of qualifying lands (i.e., Land Study Bureau C,D,E or U) to
 12 those uses specified in §205-5(b) or specifying that qualifying lots or homes shall be
 13 approved uses. As the amendment does not clearly specify when the provision is
 14 applicable, I believe that the amendment only confuses the issue.
 15 It is also my belief that given a lack of clarity, uses which are qualified under this
 16 proposal will fall into the non-conforming use category. Existing administrative rules
 17 of the Commission covering non-conforming uses (§15-15-31 and 32) explicitly state that

HB 1368 HD 1
RELATING TO LAND USE
 Statement of Anthony J. H. Ching
 Page 5

1 illegal use lands or buildings shall not be sufficient to establish a non-conforming use
 2 and that whether a nonconforming use exists shall be a question of fact and shall be
 3 decided by the Commission.
 4 Given the inaccuracies, flaws and anticipated confusion, which would result
 5 from adoption of a proposal such as this, I urge the Committee to reject the proposed
 6 amendment to §205-4.5(c). If adopted as proposed, at best, this proposal would create
 7 an uncertain class of use within the SLU Agricultural District and no small opportunity
 8 for continued controversy, litigation and harm.
 9 **Alternative.** I would suggest that what is needed besides thoughtful update and
 10 reform of the State Land Use Law is a fair, consistent and transparent process for
 11 reclassifying lots or subdivisions seeking relief from current and future requirements of
 12 the SLU Agricultural District. Comprehensive update and reform of the State Land Use
 13 Law requires action on multiple fronts. These multiple fronts include, but are not
 14 limited to:
 15 • The initiatives, elements and implementation of Act 183, SLH 2005 regarding
 16 Important Agricultural Lands (IAL);

HB 1368 HD 1
RELATING TO LAND USE
 Statement of Anthony J. H. Ching
 Page 6

1 • The findings of the community dialogue and study; implementation of the
 2 subsequent legislative proposals carried out as a function of Act 205, SLH 2005;
 3 • Much community and legislative dialogue; and
 4 • The clarification provided within HB 1938 HD1 as to the permissible uses within
 5 the SLU Agricultural District.
 6 **A Solution For The Issue At Hand.** I believe that the fair, consistent and transparent
 7 process for reclassifying lots or subdivisions seeking relief from current and future
 8 requirements of the SLU Agricultural District would involve a quasi-legislative
 9 proceeding which would allow individual counties and/or the State Office of Planning
 10 to pursue boundary review and amendment of SLU district boundaries in a manner
 11 which is consistent with approved community and county general plans. I believe that
 12 establishing such a State or County proceeding is necessary to ensure fairness and
 13 consistency in resolving and reclassifying uses, which are in conflict with the district
 14 standards under which they currently exist.
 15 This process would be enduring and not one-time as proposed in this measure.
 16 The process would also seek to ensure that any relief or reclassification given would be

HB 1368 HD 1
RELATING TO LAND USE
 Statement of Anthony J. H. Ching
 Page 7

1 in concert with established and accepted patterns of human settlement as expressed in
 2 county community or general plans.
 3 Such a process allowing State and/or County agencies to apply for district
 4 boundary amendments would require that a new section of the State Land Use Law be
 5 established which would prescribe:
 6 • Application requirements and qualifications for state and county agencies;
 7 • Specific periods within which such applications could be entertained by the
 8 Commission (e.g., every 5 years);
 9 • That all references to such proceedings conducted by the Commission be that of
 10 a "public meeting" versus "public hearing" to ensure consistency with the
 11 defined terms contained in Chapter 92, Hawaii Revised Statutes;
 12 • General or specific requirements that notice be given consistent with the
 13 requirements set forth in Chapter 92, Hawaii Revised Statutes;
 14 • The maximum processing time frame for the Commission to review such
 15 applications;

HB 1368 HD 1
RELATING TO LAND USE
Statement of Anthony J. H. Ching
Page 8

- 1 • The general requirement that the submission and acceptance of testimony be
- 2 consistent with the requirements set forth in Chapter 92, Hawaii Revised
- 3 Statutes;
- 4 • The decision making criteria that the Commission is obliged to utilize;
- 5 • A specification that requirements for Chapter 343, Hawaii Revised Statutes as
- 6 they pertain to individual parcels be satisfied at the time of rezoning before the
- 7 appropriate county authority;
- 8 • The provision that individual lot owners affected by such a reclassification action
- 9 could seek a contested case administrative review before the Commission;
- 10 • That upon the issuance of any order by the Commission, that order might be
- 11 appealed to the Circuit Court (as allowed for in applicable sections of state law);
- 12 and
- 13 • Other appropriate specifications as might be deemed necessary.
- 14 It is my belief that such a process is more appropriately responsive to situations
- 15 such as described in this proposal.
- 16 I apologize for the length of my testimony and not being available to present
- 17 these comments in person, however the business of the Commission takes me elsewhere

HB 1368 HD 1
RELATING TO LAND USE
Statement of Anthony J. H. Ching
Page 9

- 1 today. I note that the comments and opinions reflected in this testimony reflect my own
- 2 opinion and should not be taken to speak individually and/or as a group, members of
- 3 the State Land Use Commission.
- 4 Thank you for the opportunity to provide testimony on this proposal.
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Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. This issue is controversial. This is in support however of the measure. This is Representative Herkes' district and my district. It's something that I've worried about and thought about for the last 18 months. The bottom line on this issue for me is, I've spent time with the people of Kona, in the last say three years, walking up and down the streets of Royal Poinciana and Lako and Kapuna Street. And there's an unbelievable majority of those people that want this situation resolved.

"This may not be the most ideal forum. This is an evolution for sure. This is February 17th, in a very significant session. It's going to have to go and it has to evolve, this bill. But I can tell you from the standpoint of my district, the people have great concern. They wonder who is going to help them resolve these major issues in their district and they look to us to resolve problems. They may not understand or recognize at this time the nuance of the Judiciary system versus our powers here at the Legislature, or even the Executive Branch. But when they go up and down the road, they say why are we 20 years later going round and round about this issue with Hokulia when we've had our plans on hold.

"I have to say it's a very poignant argument that those people make over and over to me. I'm speaking about liberal Democrats, conservative Republicans, people who have no party affiliation. They come to me one after another and say, 'Can you please help us?' They look to this road. They look to us to steward the land. There's no question. And they don't want it to be overrun as a major urban area. But I really have to say the majority of the people, which is really what we're here for, certainly I'm here to represent Kailua-Kona. Those people are telling me, 'Please help us with a solution. Don't stick your head in the sand.' I have hundreds and hundreds of letters asking me to help them with a solution. It's difficult for me to say to them let's wait a few more years until the Supreme Court makes a ruling."

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

Representative Green continued, stating:

"Thank you. I will try to sum up. I personally believe that is a rural piece of land. I personally believe it would be best if we didn't have to have a law, that if it was settled by the plaintiffs. And I'll hope they'll do that. I've been pleading with them to do that because I think that is the best way to get through this problem. But that road right now goes past the hospital, and people have been waiting for 15 or 20 years to have other finances to get a road in. They've been building their houses and coming to the area with certain expectations of what Kona is like.

"So I do think this is an incredibly important issue. I do not think we should compromise land use laws. But I do hope that my colleagues will see the wisdom in trying to help the people of West Hawaii who seem to be in favor of some kind of resolution. Get to it. Because this really affects every single person that lives in that area. I welcome everyone to come and spend time in the community. But from my perspective, which has been a person-to-person perspective, they want this resolved somehow. So I will vote yes on this measure, Mr. Speaker."

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

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

"Thank you, Mr. Speaker, in opposition. I don't come from Kona, but I would ask if I lived there: Why didn't the developer go to the Land Use Commission? Why did they go to trial? And why are they

appealing this? Because had they gone to the Land Use Commission from day one, this would have been resolved. Thank you."

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

"Mr. Speaker, I'd like to request a ruling on a potential conflict. The law firm that I work for is involved in two lawsuits, in federal and State court, involving the Hokulia lot owners. And I have worked on that case."

The Chair then ruled:

"You are excused from this vote."

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

"Mr. Speaker, I also may have a potential conflict. The firm that I am a partner in represents the County of Hawaii in the Hokulia lawsuit. And I think there's a direct conflict."

The Chair then stated:

"Are you a part of the lawsuit itself?"

Representative Caldwell responded, stating:

"I'm an owner in the firm that's part of the lawsuit and I believe that this legislation, should it become law, will resolve the problem that our firm was hired to fight for. We're hired to defend the County. This legislation, if it becomes law, will relieve the County of liability. I think there's a direct relationship."

The Chair ruled:

"You are excused."

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

"Mr. Speaker, I rise in opposition to the measure for the precedent that I fear that this bill could set. I would like to read testimony submitted by my boyfriend at yesterday's hearing.

"I reside in both Puna and Anapuka on the Big Island. Both areas are far from each other. Both are agriculture. And both so-called, 'bad soil', yet I farm both areas. Soil quality should not be used to determine whether or not someone can grow things on agricultural land. You should determine whether or not land can be farmed based on the farmer and the crop. For example, protea, coffee, papaya and other diversified agriculture is all grown on these so-called, bad soil areas.

"If soil quality is used to determine what land should be developed for single-family homes, most of the Big Island, because of potential financial economic gains could be developed under these types of bills. This is because you can either make thousand of dollars selling or renting houses, or you can work hard at farming your land.

"If people want to develop they should buy lands already zoned for that. Developers must stop trying to encroach on our precious agriculture lands which is absolutely so critical to sustain the face and identity of Hawaii.

"And if this bill is referring to the Hokulia project we can look at it like this. Oceanside bought a desert zone for agricultural purposes and now they're trying to sell it to people who thought they bought it free and clear. This should be settled in litigation, and the courts serve their purpose in these kinds of issue.

"When you buy agricultural land you're supposed to farm. I live amongst more gentlemen's farms than farms. There's too many buyers coming in looking to buy at agricultural prices in order to build luxury residences, and this is wrong.

"And it's signed by Ianuali Kaonohiokalanikoholua. In addition, Daniel Anthony and Kaonohiokalani Jeremiah. Thank you."

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

"Thank you, Mr. Speaker, I rise in strong opposition to this bill as well. Thank you. And urge my colleagues to look beyond the Committee Report to look at the content of HD 1 and the process by which HD 1 is before us. I think we need to ask ourselves as a governing body, what's the real issue and what are the questions that are underlining this measure.

"Notwithstanding that this proposed measure is specifically designed to rescue Hokulia and Big Island County from their current circumstances, and that there are many differing perspectives on this situation, I believe that this bill is one of those measures that has the potential of defining us as a governing body. The role we play individually and collectively in the future of Hawaii. Mr. Speaker, the values upon which we rest, and upon why I ran for election, are inherent in the passing of this bill to the next Committee.

"In light of our evolving efforts to move Hawaii towards a sustainable future, we're undergoing discussions as to what constitutes important ag land. I wish to register my opposition in three major areas. One, from the perspective as some of my colleagues have shared, that the bill is flawed. There are details, and I understand that the process that we're involved in at the moment, allows us to continue the dialogue. But when we look at the testimony from the County Council of Maui, the Chairperson, saying that the proposed bill has broad land implications and may conflict with the policies in the Maui Country General Plan and Community Plans. Individual counties have been following the law and have been doing their best to interpret what the law means in terms of their county plans. If the County of Maui is concerned about this, and maybe it doesn't involve the City and County of Honolulu, I think we need to look more specifically at the pieces that some of my Representative colleagues have said about the bill being flawed.

"The second reason that I believe we need to be not only cautious, but we need to vote no on this particular measure moving forward is that, in addition to the separation of powers discussion, I think there is an incongruity from the Committee Report and what the bill actually says. The Committee Report says that the purpose of this bill is to end controversy over the legality of thousands of homes, etc., by authorizing each county to establish an advisory group to assist the Country Planning Department to identify land use policies and develop standards. This is what the bill was when it left our Committee. Water, Land, and Ag last Session. I don't see anywhere in the bill where it establishes an advisory group to help the County in planning. So I have concerns that the process is somehow confused there.

"And more importantly, Mr. Speaker, to me democracy matters. And if what we're doing at this moment is deciding that we as a Body are more knowledgeable than land use people, than planning people, than the community, and we're going to fix something that we weren't even part of creating. We can talk about this particular Hokulia issue until we're all blue in the face, and we won't agree with that. But I think we have an opportunity at this moment to decide what is our role as a State legislative body. Honoring our colleagues, who are representing their constituents who are upset about this. But Mr. Speaker, we have come so far in the last few years, in the many years. 20 years ago I wouldn't have run to be a part of this Body, but I believe deeply in the process. I hope my colleagues also will vote no at this particular time, and let's go back and work on this. Work on a solution, not through legislation, but let's enable the counties to help themselves. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support of this bill. Mr. Speaker, I don't believe that this is about travesty or mass hysteria. I don't believe that this is about the Harry Kims or the Hokulia. But I do believe that this is about what is wrong. And we as legislators are in a position to right the wrong, or maybe really the vagueness that has lead the counties in the past years to approve the creation of several thousand of these agricultural lots in the districts.

"It is easy for me to say that I do not belong in the district, or that is the other Representative's district. It is true, a lot of us are not in these two respective districts. But we all collectively are part of this one community, one State. We as legislators, Mr. Speaker, I truly believe feel the responsibility. This is why we are here today and this is why we can share in such a dialogue. That we truly want to right this vagueness that has created this. Mr. Speaker, I request and rise in support of this bill. Thank you very much."

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

"Mr. Speaker, I rise with reservations. I've been concerned about how this gets framed as the Hokulia fix, and then also hearing that it's about all these thousands of homes that are in jeopardy if we don't do something.

"So what it does is I think it really creates confusion for the public, and also for the people on the Big Island where I represent, West Hawaii. All my residents are confused. They can't figure out if it is a Hokulia fix, or if in fact, like up in Waimea, are their lands in jeopardy because that's where they live and so they worry about it.

"So I think they look at us for that kind of leadership. I think this is one of these ... It's a moment in time where we have to step up. We have to at least talk about it. That's why I'm with reservations because I want it to continue. I want the discussion to be continued. I think it should be moved forward. I have some reservations though. I don't like the idea that it's just quote, 'going to be a Hokulia fix.'

"What I'd like to think is this is an opportunity to address things like important agricultural lands. Things like, why aren't we more defining about what a rural district looks like, and passing some laws on that. Another bill that I've introduced that says that we've got to stop the loophole, right now, in law. We allow the counties to actually have variances and they can, what I call, 'spot zone.' But they don't have to follow the permitted uses that has been passed by State law. So we have given a hole to the counties to kind of do what they want.

"And sometimes I wonder, people say this is a 'Hokulia fix'. I'm wondering why the other counties aren't at the table screaming as loud as Harry Kim saying that we have got to stop and think about our agricultural lands, and we need to fix the laws because there are some nonconforming uses in ag. And so why isn't everybody at the plate saying things have got to change? That confuses me.

"I'd like to think that if we keep this bill moving forward that we can really get the discussion going. Get all the mayors and the county councilmen. Maybe some of the lawyers that work for the mayors to start weighing on this. I'd like to see more testimony come from them to really tell us where a lot of the laws that maybe should be fixed. And maybe from this whole discussion, this topic might be able to help us deal with some of those issues about important ag lands. Thank you."

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

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

"Thank you, Mr. Speaker, in support. I think the fix is always going to be in our hands. These interpretations of laws are a product of the way we do our job here. It seems to me that the problem arises from business decisions from these businesses, interpretations from lawyers that are hired, interpretations of county officials in how to implement the laws that we create. We have to take some responsibility. And this is a way that we step back in when things go wrong.

"I don't think it's unusual that when there's a court ruling, be it at the circuit level or at the Supreme Court level, that our constituencies will come to us for help. And we do it. We do it not quite as often, but yes we do it.

"This business regarding whether or not a land use process had to be followed before building starts, it's done. It's over. The court has ruled they have not done it properly. That they should go to the land use process. Change from ag to urban. Yes that's an interpretation of what has happened. I wasn't there. We were not there. We can only listen or read about what has happened there.

"But the problem is before us. The bill says, let's provide a solution. When I look at the parties in this case. There are those that may push this and say, 'You didn't do it right. You did not follow the law. It's a matter of principle.' Indeed. If it is a matter of principle, then the only way to fix it, Mr. Speaker, would be to follow the law, but the law has not been decided because it has been appealed. But yet I question the fact of whether or not this is a matter of principle. If it is a matter of principle, then there is no value that can pay for it. There should be nothing that can change the people's mind who are pushing this. 'Developer, you go and do this. If you don't do this, we're going to push you to the limit. You have to follow the law no matter what it costs you.' But I don't think so. If that was the case, Mr. Speaker, my vote would be probably different today.

"But given the new developments provided by the evidence that was taken by the Chair of EDB. The answers to questions posed by the Chair of Water, Land to the zealous attorneys who are representing the plaintiffs and also those who are supposedly doing this as a matter of principle. I changed my mind because it is already a matter of money. I am convinced that it is not a matter of principle, because we can easily fix that. This would be just a matter of money and that has a middle ground.

"Let us provide this vehicle to encourage the parties to come closer to whatever it is that is reasonable to fix this problem. We cannot undo what has been done. And shall we let the community bleed in the wait for the judicial process to take place? It may take years.

"I feel and empathize with the question posed by the Chair of Higher Ed. He says, why didn't they just go to the LUC afterwards? Well again, we cannot second-guess at this point where we stand today, and where we discuss this today. We don't know why. What we have before us is we have a bill, a vehicle that can be used as a means to resolve the issues. I think, Mr. Speaker, that this bill deserves further scrutinizing, further discussion, and I think that we should let it go and proceed as though. And so, Mr. Speaker, I urge you and my colleagues to please support this bill as it goes through the process. It is not over. Far from over. Thank you."

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

"Mr. Speaker. In support. Mr. Speaker, let's go to the law. The reason why these developments have happened is because the law allowed it to happen. The law allowed one-acre lots to be developed. If you look at the statutes we defined what A and B lands are. C, D, E and U lands, what they are as well. Under A and B, you see a laundry list of restrictions. And under C, D, E and U, we gave

authority to the counties. We also gave the authority to the counties to define accessory agricultural uses.

"The Land Use Commission created some rules which conflict with what the restrictions are for A and B. They tried to apply some of the A and B restrictions to C, D, E and U which is not stated in the law. And law supersedes ruling. So I think there might be a conflict in rulemaking versus what the law is stating.

"I think for this issue, there's language that allows this. If you look at 205-2, it's not limited to farm dwellings. You can also build buildings and not grow agriculture on that same lot. You can grow agriculture in other lots. So the law doesn't restrict C, D, E and U the way some attorneys are trying to make it restricted. So who's right or wrong depends on who interprets the law. And in this case the counties were given authority so they did what they did in permitting these developments. They didn't have to go to LUC. So maybe we need to clarify even better because the law doesn't state that the A and B restrictions should be applied to C, D, E and U. People are saying it should, but the law doesn't say that. So I'll just stand by the law. Thank you."

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

"Mr. Speaker, I rise in support of this measure. We talk about leaving this issue up to the courts to decide and separation of power, and I believe that is why we are here. We are here to make the statement of policy. There are inconsistencies in the law. People are being damaged and there is potential damage because of these inconsistencies. I think we have a responsibility to continue to discuss them, and find those inconsistencies and fix them.

"These are the types of things that continue to make Hawaii a joke in the world of the business community because of our inconsistencies and inability to face them. We need to fix this. We need to make corrections and not just sit back and say, 'Oh, let's just leave it to the boys at the Supreme Court.' Thank you."

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

"With strong reservations, Mr. Speaker. I heard a lot of conflicting information today and I think the most important thing that will come out of this legislation is it's really forced all to look within ourselves to decide what kind of Hawaii we want in the future. I believe I want to continue that discussion so that we can provide better policies and better laws that prevent these gray areas. Thank you."

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

Representative Thielen rose to respond, stating:

"Thank you. Mr. Speaker, I know this is my second time. I would just like to enter the remarks of the Chair of the Sierra Club, the Executive Director of the Sierra Club. I'm going to quote it because it's brief. I like to enter them into the Journal.

"This is nothing more than special interest legislation for an irresponsible developer who was nailed by the 3rd Circuit Court for polluting the water and desecrating burials and avoiding our land use law, and now the Legislature is going to bail him out at the expense of our agricultural land. Those are the words of Jeff Mikulina, Executive Director of the Sierra Club.

"Mr. Speaker, after the debate is concluded I would like to call for a roll call vote, please."

The Chair then stated:

"I believe at this point Representative Thielen, the Chair was going to recommend to this Chamber that you record your vote now because this is a voice vote on Second Reading."

Representative Thielen continued, stating:

"Mr. Speaker, I'd like to call for a roll call vote, please."

The Chair then stated:

"You cannot call for a roll call vote when the motion is to take up from pages 1 through 30, and then we will have the voice vote."

At 2:19 o'clock p.m., Representative Thielen requested a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:20 o'clock p.m.

The Chair then stated:

"We've had a lot of discussion on this measure at this point. It's going to right now, be referred to the Committee on Finance. Any of you who would like to cast a no vote or an aye with reservations, you're allowed to do so at this time because it is a voice vote for all 176 bills, from pages 1 through 30."

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

"Thank you, Mr. Speaker. I'm going to vote with reservations. And I have just really short comments. I was planning on just fully supporting this piece of legislation, but now I do have very strong reservations. Thank you."

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

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

"Thank you, Mr. Speaker. First of all I've got to say, well I'll tell you, I have reservations. Support with reservations. I'm just so proud of this Body. This is the first time in 10 years I've really honest debate on the Floor among both parties regardless of political persuasions. This is a vote on issues. This is a debate on issues.

The Chair addressed Representative Moses, stating:

"Representative Moses, your remarks are not tied to the measure before us."

Representative Moses continued, stating:

"Exactly, but it was a compelling debate and that's why I have with reservations because I have not been involved in the Committees. It's going on to Finance and I'm ready to hear the testimony there. Thank you."

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

Representative Ching's written remarks are as follows:

"Mr. Speaker, in view of the testimony supplied by the testifier from the Land Use Commission, other agencies, as well as my colleagues' debate on the floor, I cannot support this measure.

"It appears that Oceanside ignored letters regarding Hokulia's project consistency with HRS Chapter 205 as well as advice from their own attorneys. The State Department of Agriculture, the Office of State Planning, and the Land Use Commission sent letters raising

concerns over Hokulia's project consistency with HRS 205. Oceanside had express notice in 1994 that its proposed development did not comply with governing State land use laws, which preempted any apparent county authority for residential residences on agricultural land.

"Aside from other points brought up, testifiers stated that the bill as written is flawed. There were also objections pointing to the fact that the bill was not referred to; or heard by the Committee on Agriculture.

"My concerns rest with the statement from the testifier from the Land Use Commission, that: 'If adopted as proposed, at best, this proposal would create an uncertain class of use within the State Land Use Agricultural District and no small opportunity for continued controversy, litigation and harm. Thank you.'

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

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

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

"Thank you very much, Mr. Speaker. I rise in strong support of this measure."

The Chair addressed Representative Kanoho, stating:

"Would you like to submit written testimony because I'm just asking Members to record their vote at this point. We've had close to 45 minutes of debate. If you would like to submit your comments to the Journal at this point in time."

Representative Kanoho continued, stating:

"In strong support. Thank you."

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

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

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

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

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

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 1368, House Draft 1, Relating to Land Use.

"This bill would provide a remedy to the ongoing controversy surrounding settlements in agricultural subdivisions by grandfathering as an authorized use within the State land use agricultural district:

- (1) Existing single-family dwellings; and
- (2) Single-family dwellings that were initiated pursuant to county ordinance that are currently pending completion, provided that not more than ten percent of the pending project consists of soils classified as A or B.

"I. House Bill No. 1368, House Draft 1, Would Provide Relief For Thousands Of Property Owners Throughout The State.

"Opponents of this measure have called this a 'special interest bill', but that argument is misplaced and meaningless. All measures have constituencies and by definition and purpose all measures are for 'special interest'. Moreover, critics ignore the simple truth that this legislation may be necessary to protect and preserve thousands of single-family homes and the thousands of Hawaii residents that currently exist within the agricultural district. Let me be perfectly clear to the public and community. I am not providing my support for this bill to help any particular developer, or investor. I do not have any pecuniary interests in the disposition of the lawsuit. On the contrary, I lend my support to this bill because in my measured judgment that it is the right thing to do for our Kamaaina and long-time Hawaii residents.

"The Mayor of the County of Hawaii put it best when he testified that:

"... We can all agree that our laws should be clear and understandable by the public. This is especially true for laws that affect what people can do with their land. Unfortunately, our present state land use law... does not give sufficiently clear standards for what is allowed and not allowed in the agricultural district.

Example: Single-family homes. In 1976, the Legislature amended [the law] to say that on A and B soils (the best quality) in subdivisions created after that date, homes had to be 'farm dwellings' rather than 'single-family dwellings'. The Land Use Commission extended that by administrative rule to all soil types. This rule affects thousands of lots created in the agricultural district since 1976 on all islands, yet few lot owners know this, and the law give no precise standard for what should be considered a 'farm dwelling'. In the County of Hawaii, we have more than 2,500 such lots, many of them on rocky lava lands unsuitable for agriculture. Maui County has more than 1,600. A law that lacks precision on what the landowner can or cannot build must be fixed.

Example: Projects that consist of 1-2 acre lots along golf courses. [The law] expressly allowed golf courses, except on A and B soils, and one-acre lots. At various times in the 1980's and 1990's, the Land Use Commission, the executive director of the Land Use Commission, our county planning director, our county corporation counsel, and our county council, all believed such projects could be legal in the agricultural district. But a circuit court judge has ruled that they are not. Whether you agree or disagree, a law that leads people to such different conclusions must be fixed."

"It should also be noted that contrary to testimony by the Sierra Club of Hawaii and counsel for one of the Plaintiffs in the Hokulia controversy, a contested case proceeding currently before the Land Use Commission places another legal cloud over nonconforming structures situated in the agricultural district -- this time, for County of Maui. In Docket No. DR04-30, In The Matter Of The Petition For Declaratory Order By Kuleana Kuikahi, LLC, the petitioner, Kuleana Kuikahi, has argued that the developers of lands situated in the agricultural district are developing agriculturally-zoned land into luxury home sites and using them for non-agricultural purposes in violation of the requirements of the State Land Use Law.

"Similar to the Hokulia situation, many of the lots in this Maui subdivision have been sold and many of the new owners are building homes and other buildings which the petitioner contends should not be allowed on lands situated within the agricultural district. The petitioner has alleged that the County of Maui has not enforced compliance with State and County rules, and has thus filed a petition with the LUC to obtain declaratory rulings to obtain protection for the agricultural lands in question.

"In light of Judge Ibarra's decision in Walter John Kelly et al. v. 1250 Oceanside Partners, et al., Civil Action No. 00-1-0192K (2003), or more commonly referred to as "the Hokulia" Decision, a ruling in favor of the petitioner by the LUC might conceivably result in future class action suits by the owners of the Maui subdivision lots and subject the County of Maui to the same problem that is currently being experienced by the County of Hawaii -- potential civil liability in the magnitude of tens to hundreds of millions of dollars that could possibly bankrupt the county.

"In addition to its impacts on government finances, this problem also has a huge impact on individual landowners and their families. Rodney Watanabe, Executive Vice President of Member Services for the Hawaii Community Federal Credit Union, and member of the Hawaii County Planning Commission, testified that:

"... [A] fundamental aspect of lending is assessing and mitigating risk. Within mortgage lending this necessitates a reliable determination of the value of the real property being secured. A significant factor in determining the proper valuation of real property is whether or not the secured property was properly subdivided and that the lot and any dwelling constructed on that lot was legally built and may continue to be used in compliance with the applicable State and County land use laws. The legality and attendant value of such secured property directly impacts not only the ability of a financial institution to make such loans, but also to be assured of the continued value of any security, once a loan has been made..."

"... [The] recent Land Use Order and the uncertainty it creates is a greater risk than eminent domain and condemnation for the greater public good. At least condemnation provides for remuneration. This decision simply removes property rights, thereby devaluing the property and completely[ignoring] any loss utility."

"The solution posed by this bill has vast potential to remedy an enormous problem. Yet, this bill would only impact a relatively small amount of land within the agricultural district. The Hawaii County Planning Director testified that:

"... Since 1976, the counties have allowed several thousand lots to be created in the agricultural district. Most owners of these lots expect to build a home. In some cases, the zoning laws supported this expectation. Hawaii County, for example, listed 'single-family dwelling' as a permitted use in agricultural zones, with no mention of a 'farm dwelling' requirement, until 1996, and Kauai's zoning ordinance still says that single-family dwellings are allowed in agricultural zones."

"This bill simply allows these lot owners to build homes, as long as they are not on A or B class soils. It applies only to areas that have already been subdivided, and a few projects where subdivisions have begun but are not finished. While this bill helps thousands of people, it affects less than 1% of the land on the island of Hawaii that is in the agricultural district. It affects a similarly small percentage of the ag district land on other islands." [Emphasis added.]

"In my opinion, the idea proposed in the bill before us is just that -- an idea. It may not be the best idea, nor may it be the worst. But I commend the Chair of your Committee on Economic Development and Business Concerns, as well as the Chairs of your Committees on Water, Land and Ocean Resources, and Agriculture for at least proposing a solution for this body to discuss and to work on this session. Let me emphasize. We must not lose sight that there is a huge problem before us, and to not even discuss this issue would truly be a disservice to the people we are sworn to represent.

"II. The Legislative Process Was Not Circumvented.

"Opponents have also argued that the legislative process was circumvented when your Committee on Economic Development and

Business Concerns amended the original substance of House Bill No. 1368, and in its place, held a public hearing on a proposed House Draft 1, containing the substance presently before us.

"First, let us be honest with each other and acknowledge that the scheduling of proposed drafts for public hearing is not an uncommon practice. I personally drafted, held public hearings, and passed proposed drafts when I served this House as the Chair of your Committee on Labor and Public Employment during the Regular Sessions of 2003 and 2004. Given the time constraints placed on standing committees by the Hawaii State Constitution and the legislative timetable, the practice of hearing proposed drafts is a vital tool to ensure that the people's work gets done. Using proposed drafts is not an extraordinary procedure, and I would bet that all of your present standing committee chairs have used this legislative tool to advance measures.

"In the instant case, the public was notified of the public hearing at 8:30 a.m. on Tuesday, February 13, 2006, more than forty-eight hours prior to the start of the public hearing in accordance with Rule 11.5, of the Rules of the House of Representatives, State of Hawaii, The Twenty-third State Legislature (2005-2006).

"In addition, copies of the proposed House Draft 1 were available to the public and the members from the afternoon of Monday, February 12, 2006 from Offices of the Vice-Chair and Chair of your Committee on Economic Development and Business Concerns. These accommodations were made not only to ensure that the public would have ample opportunity to review the proposed draft and participate in the hearing process, but equally important to notify all House members of the Chair's intention of taking up this issue at that time in the form of the proposed House Draft 1. It is my understanding that no member of this House raised an objection to the bill referral at that time and no member objected to the proposed Draft 1 although several public advocacy groups contacted several House members expressing both dismay and opposition.

"But, it should also be noted that the issue of resolving the controversy surrounding agricultural subdivisions is not new and last year this Legislature attempted to address this issue. In fact, a measure which was heard and approved by this body -- House Bill No. 109, Conference Draft 1, which was enacted as Act 205, Session Laws of Hawaii 2005, is noteworthy from both procedural and substantive perspectives.

"House Bill No. 109 was originally referred to the Joint Committees on Water Land and Ocean Resources and Agriculture (WLO/AGR), then to the Committee on Economic Development and Business Concerns (EDB), and then to the Committee on Finance (FIN). This is the same referral that was given to House Bill No. 1368.

"When House Bill No. 109 was reported out of WLO/AGR, in the form House Draft 1, it contained a provision that would have grandfathered the nonconforming uses of land or buildings existing within all State land use districts, including agricultural districts, on the date of the enactment of the bill. Moreover, this provision sought to address the same situation that House Bill No. 1368, House Draft 1, seeks to address -- to remedy the controversy surrounding single-family dwellings within the agricultural district.

"WLO/AGR reported Standing Committee Report No. 373 on House Bill No. 109, House Draft 1, and was subsequently overwhelmingly approved on Second Reading on February 16, 2005. February 16th was just two days prior to the First Lateral Deadline, which occurred on February 18, 2005. In addition, to ensure the timely processing and filing of bills, pursuant to my directive to the Chairs of all Standing Committees, all measures had to have been filed with the Chief Clerk's Office on Thursday, February 17, 2005, and be placed on the Order of the Day for February 18th in order the meeting the First Lateral Deadline.

"At the time, our colleague from North and South Kona served as the Chair of EDB. He demonstrated his intention to address this issue when he scheduled the bill for hearing prior to it being reported from WLO/AGR Committee and approved on Second Reading. A notice was filed for EDB to hear House Bill No. 109 on February 10, 2005. However, because the measure was not reported from WLO/AGR and approved on Second Reading prior to the scheduled hearing, EDB was forced to delete the measure from its February 10th agenda.

"Ultimately, because the measure was reported so close to the February 18, 2005, First Lateral Deadline, EDB was precluded from hearing, reviewing, and reporting the measure in time to meet this deadline without obtaining a waiver of the forty-eight hour rule. Because of the sensitive nature of this issue, the Chair of EDB chose not to hear the measure, but instead waived referral on the measure to facilitate continued discussion on the bill.

"Had he obtained the waiver, heard the bill, and reported the measure to the floor, would he and this body have not been criticized by the public?"

"It should be noted that this House approved this version of the bill on both Second and Third Readings unanimously.

"When the House Bill No. 109, House Draft 1, returned from the Senate, the bill was given its original referral of WLO/AGR, EDB, FIN to ensure that the EDB Committee would be represented during the Conference negotiations on the measure. The rest is history and today we have Act 205, SLH 2005.

"So why do I bring this up? My point is this: the issue of resolving the controversy surrounding homes on agricultural subdivisions is just as much an economic development issue as it is a water land and agricultural issue or a finance issue. Last year's House Bill 109 referral of WLO/AGR, EDB, FIN was approved by this House and all Chairs because it made sense and was consistent with the House Rules pertaining to Committee jurisdiction.

"Because of this, I believe it was well within the EDB's jurisdiction to offer a proposed House Draft 1 on House Bill No. 1368, solicit public testimony, and report the bill to the floor. It was done so in an open and transparent manner where both supporters and opponents were able to voice their opinions on the issue. It was done so in a manner that facilitated constructive discussion by all members of this House. And most importantly, it was done to facilitate further discussion on this issue during this legislative session.

"III. It Is The Role Of The Legislature To Occasionally Resolve Controversies That Are Pending Further Litigation."

"Opponents have also objected that this measure seeks to resolve a controversy that is currently before the courts. They have correctly asserted that the role of interpreting our laws and deciding the constitutionality of laws rests solely with the Judiciary. However, it is the role of the Legislature to establish public policy and to clarify public policy whenever these policies are unclear or conflict with one another. It is also the prerogative of the Legislative branch to correct or restrain the Judiciary from misapplying legislative policy or embarking on judicial lawmaking. It is this dynamic tension that seeks to keep the three co-equal branches of government vital and relevant.

"Moreover critics are conveniently overlooking that numerous examples of this Legislature clarifying public policy in this fashion. Just the other day, this body approved Standing Committee Report No. 466-06 on House Bill No. 3241, House Draft 1, which was reported from your Committee on Water, Land, and Ocean Resources.

"House Bill No. 3241, House Draft 1, seeks to prohibit private owners of oceanfront property from claiming accreted lands caused by the private landowner's planting and maintaining or otherwise

encouraging vegetation on the seaward boundary of the property. As we are well aware, the issue of using the vegetation line as the demarcation between private property and publicly-owned beach areas has been contentious in recent years leading to numerous lawsuits that are currently pending further action by the courts.

"This bill will have a material affect upon the pending lawsuit, Maunaloa Bay Beach Ohana 28 v. State of Hawaii, Civil No. 05-1-0904-05. This case is pending in the First Circuit Court, wherein plaintiff oceanfront owners are alleging that Act 73, Session Laws of Hawaii 2003, effected a taking of their pre-existing rights to claim accreted land. They also claim that the Act did not provide for just compensation and is, therefore, unconstitutional and void.

"Likewise, that same day, we also approved Standing Committee Report No. 527-06 on House Bill No. 2372, House Draft 1, which was reported from your Committee on Labor and Public Employment. This is an Administration bill that seeks to address a recent lower court decision invalidating a law prohibiting non-Hawaii residents from applying for government jobs by removing the requirement that applicants must be a resident of Hawaii at the time of application. The bill would also allow the director of a jurisdiction to waive the "residency during employment" requirements for positions within that jurisdiction.

"According to the Justification Sheet attached to this Administration bill, House Bill No. 2372, would adopt the common law domiciliary-based definition of "resident" to simplify the application process. The text further clarifies that:

"... It also needs to be noted that the constitutionality of the resident-at-time-of-application requirement in section 78-1(c) is presently being challenged in the federal court. See, Walsh v. City and County of Honolulu, et al., Civil No. 05-00378 DAE/LEK. Amending that section in the manner proposed by this bill ought to moot the plaintiffs' claim...." [Emphasis added.]

"Also, last year, this House approved on Third Reading House Bill No. 875, House Draft 2, which would appropriate funds to be used, if necessary, by the Department of Education to settle two pending lawsuits brought by substitute teachers against the Department of Education for unpaid wages.

"The record will show that all of us here today voted in support of House Bill No. 875, House Draft 2, thereby bringing ourselves into "live" cases pending in court. The cases are entitled Garner v. Department of Education and Kliternick v. Hamamoto, and they are still in court. House Bill No. 875, House Draft 2, is still alive and currently pending further action in Conference.

"Finally, for me, the most notable example of the Legislature getting involved with a matter under review by the courts was the issue of same-sex marriage during my second term in office. During the Regular Session of 1997, we approved House Bill No. 117, a bill proposing an amendment to the Hawaii State Constitution that sought to clarify that the Legislature has the power to reserve marriage to opposite-sex couples. It was a one of the most contentious issues of the day and today's current controversy pales in comparison.

"I vividly recall the Chief Justice's State of the Judiciary Address of 1997, where he acknowledged that it was the Legislature and not the Judiciary that had the final say on issues:

"Although the phrase 'separate, independent, and equal branches of government' may suggest to some that there are no limits as to what each branch can do, such perception is, of course, inaccurate. The system of checks and balances, built into our system of government, has, at its core, the purpose and intent of protecting our citizens against one branch becoming too powerful and of guarding against the potential for excesses and abuses of power. Therefore, as each branch asserts its

constitutional independence, discord and tension may arise as a natural consequence.

"For example, the courts are sometimes characterized as legislating from the bench, that is, making or remaking the law. When deciding cases, judges often apply common law, statutory law, or constitutional law to new facts and circumstances. In so doing, we do not intend to usurp the legislative function. However, under our system of checks and balances, if we stray into legislative prerogative, the Legislature has the ability to cure the trespass. As you know, in our legal system, statutes trump common law, and constitutions trump statutes. We are ever mindful that the Legislature -- the peoples' representatives -- hold the highest trumps. That is, the peoples' representatives have the authority, within constitutional limits, to write or rewrite statutes and to propose amendments to our Constitution." [Emphasis added.]

"From the context of the Supreme Court's ruling in Baehr v. Lewin, 74 Haw. 530, 852 P.2d 44 (1993), and the subsequent furor this decision caused within the community, the Chief Justice's statement is that much more telling.

"He made it very clear during a time of great confusion and uproar caused by an unpopular court decision that it was the Legislature -- "the peoples' representatives" -- and not the Judiciary that makes the final call on public policy. He reminded all of us then that we had the responsibility and authority to use our constitutionally derived "trump" as public policymakers.

"It is my opinion that our actions today do not conflict with the separation of powers doctrine and that our approval of this measure is fully within our prerogative as "the peoples' representatives".

"IV. Your Majority Caucus Will Continue To Address This Issue In A Civil And Orderly Manner.

"In closing, let me make it perfectly clear that additional discussion and debate is needed on this extremely complex and contentious issue. There are no silver bullets. And, there are well-intentioned people on all sides of this issue. For what this bill speaks to and forces us to take notice of is how we are to resolve a multi-faceted and multi-layered problem that has been with us for generations -- a problem that appears so intractable that our predecessors could not or chose not to resolve it.

"The landmark land use laws passed in 1962 began the process. The laws passed in 1976 further refined the policy, but did not finish the task. Perhaps, in 2006, this generation of legislative leaders will add its own imprimatur to address the issues of the day. I hope so for there are at least two very important public policies that are seemingly in conflict with one another:

- The need to protect and preserve our agricultural lands and the natural and cultural resources for future generations; and
- The need to promote economic stability and the productive uses of our limited land and water resources.

"These are both very important policies and equally vital for the health, welfare, and safety of our citizenry and future generations. I am confident that the Legislature can use its democratic forum to engage the community of stakeholders and assist in shaping public policy that addresses the needs and desires of both contemporary settlements and future communities.

"We, the House Majority, have addressed other contentious issues before and will continue to do so as we pursue the common good for all concerned. It will not be easy or it would have been done years ago. And, it will probably not be without flare ups or friction, but good public policy -- like a priceless gem -- is often the product of great pressure and friction.

"Mr. Speaker, perhaps there may never be total consensus on this issue, but, your Majority members have debated this issue with the utmost respect and courtesy toward one another. We all realize that we need to work with one another in order to get the people's work done. And we pledge to continue to conduct ourselves in a civil and orderly manner as this issue progresses through the legislative process.

"Finally, as your Majority Leader, I am very proud of the way your Majority Caucus has handled this issue. All of us have held our tongues and restrained our passions and tendencies. The respect shown to each other, despite strong disagreement, reveals traits of statesmanship befitting our office and honoring ourselves and our constituents. We have set a high standard for decorum and debate for Majority Caucus and thereby elevated and honored the legislative institution and traditions that we only temporarily occupy. We are committed to respecting each others views and to work through our differences for the common good. In the final analysis, we are all here to do an important job, and together we can do more than what we could do by ourselves.

"I urge my esteemed colleagues to support this measure as their conscience dictates. Thank you."

Representative Herkes rose, stating:

"May I submit written comments and some documents," and the Chair "so ordered."

Representative Herkes submitted the following written remarks and documents:

"Mr. Speaker, I rise in support

"Mr. Speaker, I have listened with some astonishment to the discussions concerning the Hokulia development and the bill that attempts to fix the thousands and thousands of non-conforming agricultural lots in the State.

"Hokulia went through years and years of public hearings before they received their permits and a development agreement with the County of Hawaii. During the trial in Judge Ibarra's court, the former Executive Director of the Land Use Commission testified, under oath, that she advised the developer, not once but twice, that they did not need LUC approval.

"At question is the Farm Dwelling law which is the basis for the Ibarra decision. I spoke with former State Senator Richard Henderson who was in office when the Farm Dwelling law passed. He is emphatic when he says that the Legislature was clear in its intent that this condition would apply only to ag lands classified A and B. The law also recognized the importance of specialty crops such as Hanalei taro, Puna papaya and the Kona coffee belt where the Farm Dwelling condition could be applied. Hokulia is not any of the above. The other ag lands could be developed because of the scarcity of lands not classified ag or conservation. This was the legislative intent. The LUC, through rule making, turned this on its ear. Under rules they subjected all ag lands to the Farm Dwelling condition. They made law under rule making which is not unusual.

"Let's look at Sunrise Ridge in Hilo, a non-conforming ag subdivision. The County of Hawaii will issue you a building permit if you say that you are going to build a farm dwelling. There is no ag in Sunrise Ridge. Where is the outcry over taking ag lands for a residential subdivision in Hilo? Just silence. What about Kohala Estates? No outcry.

"Mr. Speaker, I would like to submit into the record the land classification for my district. The population in my district is a little over 20,000. Over 444,000 acres in my district are designated ag land, and 98% of that is in C, D, E or U. There are over 500,000 acres in conservation and a tiny speck that is urban, and none in rural.

"46% of the population in the counties of Hawaii, Kauai and Maui live in an ag district. 75% of these are on lands classified C, D, E, or U. Non-conforming ag use.

"Mr. Speaker I think that I know the people of Kona. I started going to Kona to fish with my grandfather in the late 1930s and early 40s. I have lived and worked in Kona off and on since 1955. I brought to Kona the Ironman, many golf tournaments, and the San Diego Chargers as fundraisers for Junior Golf.

"The people in Kona that I know work hard and pretty much keep to themselves. Over the years I have worked with them, grieved with them, partied with them, and played golf with them. People like Sweetie and Lance Ako, Donna and Melvine Kualii, dozens of Keanaainas, Billy Paris, Henry Cho and Herb Kane. They tell me that they have finally had enough. They are tired of people telling them how Kona should look. They are angry. They want to know why Kupuna like Billy Paris, who traces his ancestors to the ruling Chiefs of South Kona, or Henry Cho who served on the Hawaiian Homes Commission, or artist, historian Herb Kane are ignored. These people support Hokulia, as do many thousands of Mauka Kona people.

"After the Ibarra decision, the Judge asked the parties to try to mediate their differences. Hokulia came in with an \$80 million offer of community benefits. This was in addition to about \$80 million that they had already committed to. The plaintiffs responded with a \$50 million offer with \$14 million going into their pockets. Mr. Speaker, I would like to submit these documents into the record. So Mr. Speaker, if you clear away all of the rhetoric, the Hokulia controversy comes down to one thing. It is not principle. It is who is going to get paid off and the record shows that. Mr. Speaker, this sort of demand for payoffs has been going on for years in Kona and Kohala, targeting developers. In Hokulia's case, there were just too many of them at the trough.

"Finally, Mr. Speaker, most of Hokulia is in my district. I know the problems that this project has caused: loss of jobs, community anger and much more. But Mr. Speaker, it is my district. If there is a problem in Waimanalo, I will defer to the Representative from that District for his *manao*. The people of the district elected him and he should know how they feel. If there is a problem with the Haiku stairs, I will defer to the Representative from that district for his *manao*. Mr. Speaker, this is my district, I know how my people feel about this issue. And Mr. Speaker, that is what I am doing, representing the people of my district. Thank you."

CONFIDENTIAL COMMUNICATION

April 13, 2004

John DeFries
Rollin Chippey
Bob Rice
1250 Oceanside Partners

Gentlemen:

Aloha. As promised, enclosed is the monetary component of Plaintiffs' proposal. We believe the categories are self-explanatory. However, should you have any questions that relate to the parameters of each, we will be happy to address those concerns during tomorrow evening's session.

The proposal is based in part upon financial information obtained during trial and contemplates that construction will commence immediately after court approval of the terms of an agreement. As such, please understand that, before we can in good faith begin to negotiate the figures proposed, we will require convincing, uncontested proof of your client's inability to absorb these costs. We look forward to discussing these issues in depth tomorrow and in the days to come.

Sincerely,

Alan T. Murakami
Moses K. N. Hain II

Robert D. S. Kim

Attorneys for Plaintiff PKO

Attorney for Plaintiffs Kelly, et al.

Enclosure

Hokuli'a Mediation (Confidential) Monetary Component to Plaintiffs' Proposal April 12, 2004

<u>Category</u>	<u>Amount</u>
Cultural Preservation	\$8,000,000.00
Affordable Housing	\$10,000,000.00
Water Monitoring	\$2,000,000.00
Sustainable Community Economic Development (Inclusive of Agricultural Preserves)	\$8,000,000.00
Schools/Infrastructure/Scholarships	\$8,000,000.00

In addition to the above, Oceanside shall commit 15% of its gross revenues from future lot sales for its Hokuli'a and Keopuka projects up through full build out to supplement cash flow for the above causes. These funds shall be disbursed evenly among the above categories and/or in a manner that best serves the above interests. Oceanside shall cause payments to be made in a timely manner and upon a date certain each and every year until full build out of both developments.

<u>Damages</u>	
Protect Keopuka 'Ohana	\$2,000,000.00
Individual Plaintiffs	\$2,000,000.00
<u>Attorneys' Fees and Costs</u>	
Oceanside to NHLC	\$5,000,000.00
County to NHLC	\$2,000,000.00
Oceanside to Kim	\$3,000,000.00

HOKULIA | PROTECT KEOPUKA OHANA

Proposal goes public

PKO SOUGHT \$50M, CONTROL OF CULTURAL CONCERNS

[illegible]

...the checks are written and the future undertakings are made," according to a June 18 letter from Honolulu to court-appointed mediator Patrick Yim. "I did not expect this," said Morikami, who represents PKO through the Native Hawaiian Legal Corporation. "I

► **HOKULIA:** PKO surprised by announcement

posed to reconfirm commitments to complete the bypass highway and shoreline park, and offered to retire many employees laid off after the project was halted. Hoku also offered to confirm the dedication of 130 acres at Keopuka to conservation.

1000

Op the Hel
 I've had a lot of fun
 co-writing this letter to you.
 The delayed author's note
 is because I'm so busy
 working and so close to
 the end of the year.
 Sorry from Dave K. 1/1/99

- 5.1 Guiding Principles
- 5.2 Formation of the

SETTLEMENT AGREEMENT

KELLY, ET AL. V. 1250 OCEANSIDE PARTNERS

June 18, 2004

TABLE OF CONTENTS

	Page
INTRODUCTION	1
1. Oceanside Would Agree to Complete the Bypass Highway, to Eliminate the Hōkūli'i Members' Lodge and to Reduce Density at Hōkūli'i	1
1.1 Background: Community Concerns About Roadway Infrastructure and Density	1
1.2 Completion of Bypass Highway	1
1.3 Elimination of Hōkūli'i's Members' Lodge	2
1.4 Limitation on Combined Density of Hōkūli'i's and Keōpuka	2
1.5 No Golf Course or Lodge at Keōpuka	2
1.6 Donation of 130 Acres at Keōpuka to Conservation, With Limited Use Permitted	2
1.7 Limitation on Density at Keōpuka Below the Old Government Road	3
2. Oceanside Would Make a Significant New Commitment to Affordable Housing	3
2.1 Oceanside is Already Providing Significant Public Benefits, but Oceanside is Also Prepared to Contribute Toward Affordable Housing	3
2.2 A New Affordable Housing Entity Would be Established, Dedicated to Increasing the Supply of Affordable Housing in the Kona Area	3
2.3 Funding of Affordable Housing Entity	4
2.4 Disbursement of Funds by the Affordable Housing Entity	5
2.5 Oceanside Would Offer to Cause 50 Affordable Housing Units to be Constructed in the Kona Area Within Five Years	5
3. Oceanside Would Cause the Owner of Keōpuka to Agree that Keōpuka Would Not Become a Gated Community	5
3.1 Keōpuka Would Not Become a Gated Community, if Low-Density Development Were Permitted	5
4. Oceanside Would Agree to Add More Facilities to the Kona Scenic Park	6
4.1 Oceanside Would Add an Additional Three Acres to the Kona Scenic Park	6
4.2 Oceanside Would Construct Two Pavilions, Public Restrooms and Additional Parking Within the Additional Acreage	6
5. Oceanside and Hōkūli'i's Residents Would Continue to be Responsible for Most of the Public and Cultural Resources at Hōkūli'i, with Guidance Provided by a Community-Based Advisory Board	6
5.1 Guiding Principles and Objectives	6
5.2 Formation of New Entity	8

(Typographical errors in the original version of this document have been corrected. Exhibits attached to original are not attached to this copy.)

TABLE OF CONTENTS
(continued)

	Page
5.3 Formation of Advisory Board.....	8
5.4 Purposes of the Park and Cultural Sites Entity.....	9
5.5 Oceanside Would Cause Pacific Star to Commit to a Similar Approach to Managing the Shoreline Area and Cultural Resources at Keōpuka.....	9
6. The Parties Would Agree that the Court's Land-Use Rulings Would Stay in Place insofar as Potential Future Projects are Concerned, but that an Improved Hōkūli'a Could Proceed, for the Benefit of the Kona Community, the County and the State.....	10
6.1 The Court's Land Use Decision Creates Tremendous Risks for the County and State.....	10
6.2 All Parties Would Ask the Court to Enter an Amended Decision.....	11
6.3 Commitment to Rehire Hōkūli'a Employees.....	11
6.4 Application to LUC to Move Hōkūli'a Generally into the Rural District.....	11
6.5 Confirmation of Continuing Implementation of Agricultural Plan.....	12
7. The Hōkūli'a Foundation Would be Established, Devoted to Addressing Needs of the Larger Kona Community.....	13
7.1 Background.....	13
7.2 Formation of Foundation.....	13
7.3 Commitment to Cause Certain Funds to be Provided to Foundation; Use of Such Funds to Support Affordable Housing.....	13
7.4 Other Funds Provided to Hōkūli'a Foundation.....	13
8. A Portion of Hōkūli'a and Keōpuka Sale and Resale Proceeds Would be Dedicated in Perpetuity to Community Needs, Including Cultural Preservation.....	13
8.1 Background.....	13
8.2 Hōkūli'a Transfer Fee Fund.....	14
8.3 Exception for Existing Lot Owners.....	14
8.4 Keōpuka Participation.....	14
9. Areas at Hōkūli'a of Particular Concern to Plaintiffs Would be Added to the Pu'u Ohau Preserve.....	14
9.1 Background.....	14
9.2 Conservation Easement on the Bench Area North of Pu'u Ohau's Summit.....	15
9.3 Addition of Still More Acreage to Pu'u Preserve.....	15
9.4 Conservation Easement on Bench Area and Pu'u Ohau Cultural Area.....	15
9.5 Oceanside Would not be Required to Modify the Golf Course.....	16

ii

TABLE OF CONTENTS
(continued)

	Page
9.6 Oceanside Would Commit to Plaintiff PKO to Build the Pu'u Wall at a Specified Location.....	16
9.7 Use of Conservation Areas.....	16
9.8 Maintenance of Vegetation Affecting Burial Site of Kāma'eokalani.....	16
9.9 Removal of Non-Indigenous Plants.....	16
10. Oceanside Would Convey the Contested Trail at Hōkūli'a to the State.....	16
10.1 Background.....	16
10.2 The State Would Own the Trail.....	17
10.3 Oceanside Would Restore Trail Segments.....	17
10.4 Oceanside Would Create A Trail Buffer.....	17
10.5 Oceanside Would Create and Maintain Two Interpretive Sites Close to the Trail.....	17
10.6 Oceanside Would Maintain the Trail and Trail Area.....	18
10.7 Oceanside Would Install Signs Warning Golfers and Trail Users of One Another's Presence.....	18
10.8 Oceanside Would be Granted Reasonable Trail Crossings, Consistent With Practices Followed Elsewhere on the West Coast of the Island of Hawaii.....	18
10.9 Oceanside Would Dismiss its Trail Appeal.....	18
10.10 Old Cart Road.....	18
11. Oceanside Would Take Additional Steps to Protect Native Hawaiian Burial Sites at Hōkūli'a.....	19
11.1 Background.....	19
11.2 The Unfinished Block Reports and Lava Tube Resurveys Would be Subjected to Peer Review.....	20
11.3 Treatment of Burial Sites Discovered in the Future.....	20
11.4 Oceanside Would Extend the Time Allowed for DLNR to Determine the Appropriate Treatment of Inadvertently Discovered Burial Sites.....	20
11.5 Oceanside Would Continue to Fund DLNR Staff Positions.....	21
11.6 DLNR Would be Allowed to Make Decisions on Applications Pending With Respect to Particular Sites.....	21
12. Oceanside Would Take All Practical Steps to Preserve the Entirety of any Lava Tubes That Contain Burials.....	22
12.1 Background.....	22

iii

TABLE OF CONTENTS
(continued)

	Page
12.2 Oceanside Would Agree With the Plaintiffs Not to Request Any Additional Variances Over Burial Lava Tubes Correctly Mapped by Early 2000.....	22
12.3 Oceanside Would Also Attempt to Minimize Any Variances With Respect to Burial Lava Tubes First Discovered After Early 2000 or Incorrectly Mapped as of Early 2000.....	22
13. Descendants Would Have Extensive Access to Cultural Sites at Hōkūli'a.....	23
13.1 Background.....	23
13.2 Descendant Access Plan.....	23
14. Oceanside Would Establish Specified Agricultural Preserves and Cultural Practice and Preservation Sites Within Hōkūli'a.....	24
14.1 Agricultural Preserves.....	24
14.2 Use of Agricultural Preserves.....	25
14.3 Cultural Practice and Preservation Sites.....	25
14.4 Access.....	25
14.5 Provision of Water.....	25
14.6 Proposed Re-interment Site for 21833.....	25
15. Oceanside Would Deal With Artifacts and Relics in Accordance With Plaintiffs' Requests.....	25
15.1 Background.....	25
15.2 Artifact Inventory Database.....	26
15.3 Management of Artifacts.....	26
15.4 Delivery of Certain Artifacts to Mr. Medeiros.....	26
16. Oceanside Would Implement a Perpetual Water Monitoring Program and Commit to Bear the Cost of Studies Designed to Establish a Base-Line for Water Quality Along the Kona Coast.....	26
16.1 Background.....	26
16.2 Stipulated Permanent Injunction.....	27
16.3 Modified County-Driven Monitoring Program.....	27
16.4 Base-Line Study.....	27
16.5 Canoe Landing.....	27
16.6 Administrative Penalty.....	27
16.7 Best Management Practices.....	27

iv

TABLE OF CONTENTS
(continued)

	Page
17. The County Administration Would Enhance the County's Cultural Resource Protection and Preservation Policies.....	27
17.1 Background.....	27
17.2 Legislation to Amend County Grading and Grubbing Ordinance to Increase Protection for Cultural Resources.....	28
17.3 Codification of County Practice of Cooperating with DLNR on Grading and Grubbing Activities.....	28
17.4 Adoption of Related County Administrative Policies to Enhance Knowledge of Potential Impact of Grading and Grubbing on Cultural Resources.....	28
17.5 Support for State and County Legislation Strengthening and Extending Laws Intended to Protect Cultural Resources.....	29
17.6 Support for Rulemaking by DLNR.....	29
18. Oceanside Would Work With Plaintiffs and Others to Develop Educational Materials Intended to Protect Cultural Resources.....	29
18.1 Educational Materials.....	29
19. Oceanside Would Pay Reasonable Attorneys' Fees.....	29
19.1 Payment by Oceanside of Individual Plaintiffs' Attorneys' Fees.....	29
19.2 Payment by Oceanside of PKO Attorneys' Fees.....	29
19.3 Payment by County of PKO Attorneys' Fees.....	29
20. Oceanside Would Join Others in Making Appropriate Apologies.....	30
20.1 In the spirit of ho'oponopono, Plaintiffs, Oceanside, Lyle Anderson, John De Fries and the County would convene a meeting with Hōkūli'a descendants and other members of the Kona community as a forum for conveying appropriate apologies.....	30
21. Future Challenges to Hōkūli'a Would be Barred.....	30
22. The Parties Would Agree to Remedies, in the Event of Future Disputes.....	30
22.1 Available Remedies in the Event of Breach.....	30
23. The Parties Would Agree to Resolve Future Disputes Through Alternative Dispute Resolution.....	30
23.1 Enforcement Procedure.....	30
23.2 Unavailability of Judge Yim.....	31
23.3 Resolution of Claims Involving Non-Dispute Parties.....	31
24. Miscellaneous Provisions.....	32

v

TABLE OF CONTENTS
(continued)

	Page
24.1 Extension of Time For Performance of Oceanside's Commitments to the County	32
24.2 Possible Application to LUC to Place Keōpuka into a Different State Land Use District	32
24.3 Joint Press Release	32
24.4 Organizational Documents of New Entities	32
25. The Settlement Would Require Court Approval	32
25.1 Court Approval	32

1.3 Elimination of Hōkūli'a Members' Lodge. During the 1990's, the County of Hawaii (the "County") approved ordinances and took other actions intended to allow Oceanside to develop an 80-unit Members' Lodge within the Hōkūli'a site. Oceanside would agree to forego the development of the Members' Lodge within Hōkūli'a, which would eliminate a significant facility/amenity from the project site and cause Hōkūli'a's character to be more agricultural/rural.

1.4 Limitation on Combined Density of Hōkūli'a and Keōpuka. Under existing zoning, ordinances and/or agreements in effect prior to the County's recent rulings, approximately 730 agricultural lots and 80 lodge units could be developed at Hōkūli'a and approximately 125 agricultural lots could be developed at Keōpuka, representing a combined total of 935 units at the two sites. In recognition of community concerns about density, traffic and the agricultural/rural character of South Kona, Oceanside would agree that not more than a total of 790 homes or homesites would be built at Hōkūli'a and Keōpuka combined (any affordable housing units built at either site would not count against the foregoing total). This provision would insure that the total number of dwellings (excluding any affordable housing) established at Hōkūli'a and Keōpuka would be less than the number of dwellings and lodge units authorized by the County at Hōkūli'a alone.

In order to document these commitments, Pacific Star would record a restrictive covenant (the "Keōpuka Density Covenant") permanently limiting the number of units at Keōpuka to not more than 125, and Oceanside would record a document (the "Hōkūli'a Density Covenant") permanently limiting the number of units at Hōkūli'a to not more than 665, subject to the following provision. In the event that Pacific Star were to elect to modify the Keōpuka Density Covenant to reduce the number of units allowed at Keōpuka, which Pacific Star would have a unilateral right to do, then Oceanside could unilaterally amend the Hōkūli'a Density Covenant to increase the number of units allowed at Hōkūli'a by the same amount as the reduction at Keōpuka. Oceanside would not be permitted, however, to increase the number of units at Hōkūli'a to more than 730. Plaintiffs would have a right to enforce these recorded density limitations.

1.5 No Golf Course or Lodge at Keōpuka. Oceanside is also mindful that some members of the Kona community do not want to see certain uses developed on the Keōpuka property. In order to address these concerns, Oceanside is prepared to cause Pacific Star, and its successors, to forego permanently the development of any golf course or lodge on the Keōpuka property. These limitations on development would be evidenced by a recorded restrictive covenant, which Plaintiffs would have an express right to enforce.

1.6 Donation of 130 Acres at Keōpuka to Conservation, With Limited Use Permitted. Pacific Star, a company owned by Lyle H. Anderson, has already committed to donate, for the benefit of the people of Hawaii, 130 acres of property at Keōpuka (the "Keōpuka Donation Parcel") to an appropriate entity for conservation, on terms that will allow use of the donated property for purposes similar to those contemplated for the shoreline park area at Hōkūli'a. The Keōpuka Donation Parcel is contiguous to the approximately 30 acres of shoreline at Keōpuka that is already in the State land use Conservation District. Oceanside would agree to cause Pacific Star to provide appropriate confirmation of this donation. Given that the Keōpuka Donation Parcel is currently in the State land use Agricultural District and zoned Ag-5, this donation will eliminate the possibility that the Keōpuka Donation Parcel might be developed for

vi

2

PROPOSED TERMS SHEET FOR

SETTLEMENT AGREEMENT

KELLY, ET AL V. 1250 OCEANSIDE PARTNERS

INTRODUCTION

This Terms Sheet is submitted by 1250 Oceanside Partners ("Oceanside") to the parties in the Hōkūli'a litigation ("Parties"), as a statement of the terms on which Oceanside would resolve all pending litigation.

This Terms Sheet carries forward most of Oceanside's May 8, 2004 proposal. It also modifies that proposal in certain areas, based upon recent mediation communications.

By way of overview, this Terms Sheet deals first with issues of widespread concern to the Kona community, then speaks to issues of particular concern to Native Hawaiians, particularly descendants of the approximately 1550 acres included within Hōkūli'a, and finally addresses other matters of concern primarily to the Parties. The Terms Sheet is not an agreement. It is Oceanside's earnest hope that the Terms Sheet will assist the Parties in reaching a comprehensive written settlement agreement (a "Mediated Settlement Agreement") that will be acceptable to the Court and beneficial for the Kona community and all of the Parties.

1. Oceanside Would Agree to Complete the Bypass Highway, to Eliminate the Hōkūli'a Members' Lodge and to Reduce Density at Hōkūli'a. Oceanside Would Also Commit to Cause the Owner of Keōpuka to Agree to Limit Overall Density at Keōpuka, to Agree that Keōpuka Would Have no Members' Lodge or Golf Course, to Confirm Donation of the Keōpuka Shoreline Area to Conservation and to Limit Density at Keōpuka Makai of the Old Government Road.

1.1 Background: Community Concerns About Roadway Infrastructure and Density. Plaintiffs and others have emphasized two concerns widely shared within the Kona community: the lack of infrastructure, particularly roadways; and the possibility that future developments in Kona, especially South Kona, may be too dense. In response to these concerns, Oceanside (the developer of Hōkūli'a) would be prepared to agree to do the following, as part of a comprehensive settlement: (i) complete promptly the approximately five and one-half miles of public highway (the "Bypass Highway") that Oceanside was building before the Hōkūli'a project was effectively shut down last September; (ii) eliminate the Members' Lodge at Hōkūli'a; (iii) reduce the permitted density at Hōkūli'a; and (iv) cause Pacific Star LLC ("Pacific Star"), the owner of the Keōpuka property, to agree both that no golf course or members' lodge would be developed at Keōpuka and that not more than 125 dwelling units would be constructed at Keōpuka. Keōpuka, which is located a short distance south of Hōkūli'a, contains about 660 acres. Accordingly, this provision would limit the number of homes at Keōpuka to roughly one home for each five acres.

1.2 Completion of Bypass Highway. Subject to obtaining all of the necessary right-of-way and governmental agency approvals, Oceanside would agree to complete the Bypass Highway promptly, by a date to be established pursuant to Section 24.1.

residential use at some time in the future, as well as create a shoreline parcel at Keōpuka, consisting of 160 acres in total, which will be accessible to the public.

1.7 Limitation on Density at Keōpuka Below the Old Government Road. The area at Keōpuka located makai of the Old Government Road and mauka of the Keōpuka Donation Parcel contains approximately 130 acres. Oceanside would agree to cause Pacific Star to include in the Keōpuka Density Covenant a permanent agreement that not more than 20 home sites would be created at Keōpuka below the Old Government Road, provided that Pacific Star is able to obtain approval for one or more subdivisions at Keōpuka containing a total of 125 residential units.

2. Oceanside Would Make a Significant New Commitment to Affordable Housing.

2.1 Oceanside is Already Providing Significant Public Benefits, but Oceanside is Also Prepared to Contribute Toward Affordable Housing. When the County granted permits and approvals for Hōkūli'a in the 1990's, the County did not require developers of projects like Hōkūli'a to agree to build affordable housing units or to pay in-lieu impact fees. Instead, Oceanside was asked to agree, and did agree, to provide other public benefits. Among other things, Oceanside agreed to build the Bypass Highway, at a cost now expected to approach \$55,000,000 (some of which may be reimbursed in the future), to dedicate to public use a two and one-half mile stretch of historically private coastline, valued at roughly \$11,000,000, to install park improvements (expected to cost about \$5,000,000) in the dedicated area and to maintain and operate the public park and associated improvements in perpetuity. Thus, while Oceanside was not required to make contributions toward affordable housing, Oceanside did agree to devote significant resources to what were considered at the time, and are still considered today, to be pressing community needs.

Plaintiffs and Mayor Harry Kim have noted persuasively that there is a critical need for more affordable housing in the Kona area. Notwithstanding the fact that Oceanside has already committed to make substantial contributions to the Kona community, Oceanside is prepared, at the request of Plaintiffs and Mayor Kim and as part of a comprehensive settlement, to agree to make meaningful contributions toward addressing this important community need as well.

Under the provisions set forth below, Oceanside, Pacific Star and the new Hōkūli'a Foundation would contribute as much as \$23,000,000 or more to a newly formed entity that will be dedicated to providing affordable housing in the Kona area. Various community members, including Plaintiffs, would be invited to serve on the board of directors of this new entity. And because there are not a large number of companies currently building affordable housing in the Kona area, Oceanside would agree to put together a plan, for consideration by the new entity, to build at least 50 affordable housing units in the Kona area.

2.2 A New Affordable Housing Entity Would be Established, Dedicated to Increasing the Supply of Affordable Housing in the Kona Area. Under the Mediated Settlement Agreement, Oceanside would form a new entity (the "Affordable Housing Entity"), the sole purpose of which would be to increase the supply of affordable housing available in the Kona area. The governing documents of the Affordable Housing Entity would provide that the entity's board of directors would consist of nine or more members, including three individuals designated by Plaintiffs, three individuals designated by the County and three individuals designated by

Oceanside. The Affordable Housing Entity would be formed, at Oceanside's expense, and its board of directors would be appointed, within 6 months after the effective date of the Mediated Settlement Agreement. Upon its formation, Oceanside would contribute \$25,000 to the Affordable Housing Entity, to defray its initial general overhead and operating expenses.

2.3 Funding of Affordable Housing Entity. Under the Mediated Settlement Agreement, monies would be contributed to the Affordable Housing Entity from time to time as follows:

2.3.1 Oceanside Would Contribute One-Half of Certain Bypass Highway Reimbursements to Affordable Housing. In 1998, Oceanside entered into a Development Agreement with the County. Under the terms of that agreement, Oceanside is entitled under certain circumstances to receive payments from the County (to be funded from roadway impact fees charged to other developers who benefit from the Bypass Highway) reimbursing a portion of the approximately \$55,000,000 that Oceanside now expects to spend on the Bypass Highway. As part of a comprehensive settlement, Oceanside would agree to contribute to the Affordable Housing Entity one-half of any such reimbursements that Oceanside receives relating to Keōpuka or to any lands located north of Keōpuka. Oceanside might recover as much as \$34,000,000 pursuant to the reimbursement provisions of the Development Agreement, in which event a significant amount, which on certain assumptions could be as much as \$17,000,000, would be contributed to the Affordable Housing Entity pursuant to this provision.

2.3.2 Oceanside Would Contribute at Least \$4,350 Toward Affordable Housing for each Hōkūlū'a Lot Sold After the Effective Date of the Mediated Settlement Agreement. Oceanside would agree, upon the sale by Oceanside of any Hōkūlū'a lot after the effective date of the Mediated Settlement Agreement, to contribute to the Affordable Housing Entity a sum equal to the amount, if any, by which \$4,350 exceeds any sum(s) that Oceanside may otherwise be required (as a result of proceedings before the LUC pursuant to Section 5.4 below) to contribute toward affordable housing in connection with such Hōkūlū'a lot.

Oceanside has already sold approximately 195 Hōkūlū'a lots. If Oceanside were to sell a total of 460 additional lots at Hōkūlū'a, this provision would result in total contributions to affordable housing of at least \$2,000,000.

2.3.3 Pacific Star Would Contribute at Least \$8,000 Toward Affordable Housing for each Keōpuka Lot. Oceanside would cause Pacific Star to agree that, if Pacific Star were able to subdivide the Keōpuka property to include 125 lots (or such lesser number of lots as Pacific Star may approve), then upon the sale by Pacific Star of any Keōpuka lot, Pacific Star would contribute to the Affordable Housing Entity a sum equal to the amount, if any, by which \$8,000 exceeds any sum(s) that Pacific Star may otherwise be required to contribute toward affordable housing in connection with such Keōpuka lot. If Pacific Star were to sell a total of 125 homesites at Keōpuka, this provision would result in total contributions to affordable housing of at least \$1,000,000.

2.3.4 Further Deposits into the Affordable Housing Account. As provided in Section 7 below, Oceanside would establish the Hōkūlū'a Foundation, one purpose of which would be to promote the development, maintenance and use of affordable housing in the Kona area. The Hōkūlū'a Foundation would be entitled to receive certain funds pursuant to the

4

provisions described in Section 8 below. The Hōkūlū'a Foundation would be required to contribute at least one-half of any funds thus received to the Affordable Housing Entity, until such time as \$2,000,000 has been contributed to the Affordable Housing Entity from such funding source. After \$2,000,000 has been contributed to the Affordable Housing Entity from such funding source, the Hōkūlū'a Foundation would be required to contribute at least one-fourth of any funds thus received to the Affordable Housing Entity, unless the Affordable Housing Entity agreed that any such funds otherwise to be donated to the Affordable Housing Entity could instead be applied toward other purposes of the Hōkūlū'a Foundation.

2.4 Disbursement of Funds by the Affordable Housing Entity. The Affordable Housing Entity would be permitted to disburse funds to support the development, maintenance or use of affordable housing in the Kona area. The Affordable Housing Entity could not spend on general overhead and office expenses, in any year, more than 10% of the amounts received by the Affordable Housing Entity in such year (for this purpose, the \$25,000 provided for in Section 2.2 would not be treated as an amount received by the Affordable Housing Entity).

2.5 Oceanside Would Offer to Cause 50 Affordable Housing Units to be Constructed in the Kona Area Within Five Years. Within two years after the effective date of the Mediated Settlement Agreement, Oceanside would develop, in consultation with the Affordable Housing Entity, a plan to cause at least 50 units of affordable housing to be constructed within the Kona area. The business plan would be prepared on the premises (i) that the Affordable Housing Entity would use its funds, and as when received, to pay when due or to reimburse any costs incurred in connection with the planned affordable housing units and not recovered from the sale, leasing or financing of such units, (ii) that any revenue from the sale, leasing or financing of such units, in excess of costs of such enterprise not otherwise recovered, would be contributed to the Affordable Housing Entity and (iii) that the housing units would be sold or leased on terms which would cause them to qualify as low income housing under the applicable County standards. If the Affordable Housing Entity approves such business plan, then Oceanside would cause the affordable housing units contemplated by such plan to be built within three years after the date of such approval, subject to obtaining the necessary entitlements and approvals, even if the Affordable Housing Entity did not have funds available at the time to pay (or to reimburse immediately) the associated costs. At Oceanside's election, the business plan submitted to the Affordable Housing Entity may provide that the proposed units would be located adjacent to the Kona Scenic Park or elsewhere. In the event that the Affordable Housing Entity were to object to portions of the plan, Oceanside would be obligated to make a good faith effort to address the objections and to submit a modified plan. If Oceanside is not able in good faith to modify the proposed plan to address such objections, or if the Affordable Housing Entity does not approve the modified plan prepared by Oceanside in good faith, Oceanside would have no obligation to implement the plan. In that event, the Affordable Housing Entity would be free to invest all of its receipts in affordable housing projects in which Oceanside is not involved.

3. Oceanside Would Cause the Owner of Keōpuka to Agree that Keōpuka Would Not Become a Gated Community.

3.1 Keōpuka Would Not Become a Gated Community, if Low-Density Development Were Permitted. Plaintiffs and Mayor Kim have expressed a desire that additional "gated communities" be established only on a highly limited basis. In response, Oceanside is prepared to cause Pacific Star to agree that, if Pacific Star is able to obtain the entitlements needed to

5

subdivide the Keōpuka property to include 125 lots (or such lesser number of lots as Pacific Star may approve), the public would have access to all roads developed within Keōpuka. This commitment would not, however, prevent any Keōpuka lot owner from erecting a gate on any private driveway within the boundaries of his/her lot, nor would it prevent Pacific Star or others from erecting any gates as may be required by law or any governmental agency (such as a gate securing any water or wastewater facilities which may be developed at Keōpuka) or any gates that may be intended to help secure specific improvements (such as a public facility located in the shoreline area and open only during certain hours or a private common area facility). Pacific Star's commitment would be set forth in a recorded document, which by its terms would be enforceable by Plaintiffs against Pacific Star and all of its successors in perpetuity.

4. Oceanside Would Agree to Add More Facilities to the Kona Scenic Park.

4.1 Oceanside Would Add an Additional Three Acres to the Kona Scenic Park. In the 1990's, Oceanside agreed to contribute to the County two acres adjacent to the existing Kona Scenic Park, to give the County an opportunity to add additional off-street parking at the Park. As part of a comprehensive settlement, Oceanside would agree, subject to obtaining the necessary permits and approvals, to donate approximately three more acres to the Kona Scenic Park (the "Park Addition") in addition to the two acres previously committed.

4.2 Oceanside Would Construct Two Pavilions, Public Restrooms and Additional Parking Within the Additional Acreage. Subject to obtaining the necessary permits and approvals, Oceanside would construct, within the Park Addition, two pavilions (roughly 1,000 square feet in one case and 500 square feet in the other), public restrooms and additional parking. Once built, these facilities would be dedicated to the County for use by the public, including Native Hawaiians and others.

5. Oceanside and Hōkūlū'a's Residents Would Continue to be Responsible for Most of the Public and Cultural Resources at Hōkūlū'a, with Guidance Provided by a Community-Based Advisory Board.

5.1 Guiding Principles and Objectives. The Hōkūlū'a site includes a parcel in the State land use Conservation District. This parcel (the "Hōkūlū'a Shoreline Parcel") contains approximately 140 acres, which include Pu'u Oahu, near one summit of which Kama'eokalani's burial site is located. Oceanside owns the Shoreline Park Parcel, subject to an agreement with the County, pursuant to which Oceanside covenanted (i) to commit the parcel in perpetuity for use as a public park, (ii) to improve the parcel as a passive park open to the general public and (iii) to convey the parcel (subject to the park agreement) to the Hōkūlū'a Owners Association, obligating that association to maintain and operate the park and related improvements at its sole cost in perpetuity.

The Hōkūlū'a site also includes a number of other significant archaeological and cultural resources, including about 137 identified burial or possible burial sites. In addition, the State owns a 15-acre parcel, called the "Villages at Hōkūkano," located along the Hōkūlū'a shoreline and surrounded by the Shoreline Park. The Villages at Hōkūkano parcel is rich with archaeological sites. Hōkūlū'a thus includes significant cultural resources and is planned for

6

public use of the shoreline area, which would nonetheless continue to be privately owned and funded.

In addition, before the development of Hōkūlū'a began, there were few if any certified descendants of the lands within Hōkūlū'a. Today there are over 180 certified descendants, and the number is still growing. Given the number of descendants who are now reestablishing their formal ties to the Hōkūlū'a lands, and given the tradition of dealing with key cultural resources in consultation with descendants of the pertinent lands, Oceanside agrees with the criticism made by some that Oceanside made a mistake in the past when it asked a small group of individuals to shoulder responsibility for guiding Oceanside's stewardship of these important cultural resources. Oceanside now understands that there are significant differences of opinion within the group of Hōkūlū'a descendants, and that it is important to allow the various viewpoints to be expressed in a way which invites compromise and the reaching of a broad-based consensus.

With this background, the Parties have discussed alternatives for the long-term ownership and management of the public and cultural resources at Hōkūlū'a. Mr. James Medeiros, Sr., one of the leaders of Plaintiff PKO, proposed that the Parties agree to designate an independent, highly respected Native Hawaiian trust to own – and, in consultation with Hōkūlū'a descendants, Oceanside and others, to manage – some if not all of these public and cultural resources. The Parties subsequently learned that the trust which Mr. Medeiros had in mind is not prepared today to accept the role envisioned by Mr. Medeiros. It also appears that, due to the law applicable to such entities and to those who serve as their trustees, and due to the limited purposes for which such entities are typically formed, other similar entities are unlikely to want to own the pertinent assets, particularly as a result of the related significant responsibilities, obligations and potential liabilities (particularly the Shoreline Park at Hōkūlū'a, portions of which are already open to the public and the balance of which must be improved and opened to the public in the future).

The Parties have also explored the creation of a new trust, to own and/or manage these assets. Oceanside would be comfortable with this approach, but only if the newly formed trust included broad-based representation of Hōkūlū'a descendants and residents, the Kona community and respected statewide leaders in culture and commerce. In Oceanside's opinion, Plaintiff PKO is seeking more authority in these areas than is consistent with such a broad-based leadership structure for any new trust entity. Oceanside also believes that it will be possible to attract respected statewide leaders to a new trust entity only after the Hōkūlū'a controversies have been resolved and the future of Hōkūlū'a, upon which the perpetual funding for any new trust would depend, has been further solidified.

Given these circumstances, Oceanside is proposing that Oceanside, and in the future the residents of Hōkūlū'a, retain the normal responsibilities of a landowner to manage properly any public and cultural resources on the owner's property. On the other hand, Oceanside understands it is critical that Oceanside and Hōkūlū'a's residents consult with, and be guided by, the descendants of the lands and other community leaders. As a result, Oceanside is also proposing to form an advisory committee, with a significant although not exclusive cultural focus. Over time, Oceanside and the residents of Hōkūlū'a would work, in consultation with this advisory committee, to establish additional relationships with partners throughout the educational and cultural communities, including particularly trusts and associations affiliated with the legacy of Queen Lili'uokalani. For many years, Oceanside has been planning to open up meaningful shoreline areas to environmentally and culturally responsible public use. The Hōkūlū'a property,

7

including approximately two and one-half miles of shoreline, was closed to the public, before Oceanside began, together with the County, to plan for use of the shoreline area as a public park. The same was true of Keōpuka, and its one-mile or so of shoreline, before Keōpuka was purchased by a company controlled by Lyle Anderson.

Oceanside and Pacific Star have since developed a long-term plan to open all of the shoreline within the two properties to public access, subject to reasonable limitations. At Hōkūliʻa, Oceanside agreed in the 1990's to convert the 140-acre shoreline area into a public park and to maintain the park in perpetuity, pursuant to a plan approved by the County.

Some time ago, the owners of Keōpuka committed to donate 130 acres of property to conservation. This property is contiguous to the 30 or so Keōpuka shoreline acres already in the Conservation District. The terms of the donation would also permit public access generally to this 160 acres as well, again on reasonable terms.

At Hōkūliʻa and Keōpuka, a total of 300 acres of shoreline property, previously closed to the public, will now be open to all, when the necessary access, sanitation and cultural preservation facilities are designed, permitted and installed and the necessary resource management plans are finalized. These extraordinary coastal areas are also historically significant, and contain a number of cultural sites of great importance.

Oceanside and Pacific Star want to continue to learn from and be guided by the advice of descendants of these properties and other recognized community leaders. If community members work together, these extraordinary coastal resources can support and sustain Native Hawaiian practices and traditions, serve as places for others not steeped in the history of Hawaii to learn more about Hawaii's ancient and more recent customs and offer all who venture there an unparalleled opportunity to experience the extraordinary variety, beauty and richness of coastal Hawaii.

With these goals in mind, the following provisions of this Terms Sheet propose the immediate creation of a new entity (comprised of Hōkūliʻa land owners) to own the Shoreline Park Parcel and the formation of a community-based advisory board to help guide the new entity in its stewardship of public and cultural resources at Hōkūliʻa. The advisory board would include recognized leaders in Native Hawaiian culture and tradition, including descendants of the Hōkūliʻa lands. The new entity would be charged with responsibility, over time, to establish relationships with partners throughout the community, including particularly trusts and associations associated with the legacy of Queen Liliʻuokalani.

5.2 Formation of New Entity. Oceanside would form a new non-profit entity. This new entity (the "Park and Cultural Sites Entity") would be responsible for the preservation, operation, and maintenance of the Shoreline Park and other cultural sites within Hōkūliʻa. Because the Hōkūliʻa lot owners would continue to bear legal and financial responsibility for the Shoreline Park Parcel, they would also be the owners of the Park and Cultural Sites Entity and would select its board of directors.

5.3 Formation of Advisory Board. Oceanside would cause the Park and Cultural Sites Entity to establish an advisory board (the "Advisory Board") whose purpose would be to provide advice and guidance to the Park and Cultural Sites Entity regarding the preservation, operation, and maintenance of the Shoreline Park and cultural sites within Hōkūliʻa. The

8

Advisory Board, which would have 20 members, would be comprised of representatives designated by Oceanside, the Hōkūliʻa Community Association, Plaintiffs, other descendants, the kupuna, the County, kuleana owners and other appropriate groups. Oceanside, the Hōkūliʻa Community Association and the Park and Cultural Sites Entity would each agree to provide to the Advisory Board, on a frequent basis, information relating to the status, operation, maintenance and preservation of the Shoreline Park and cultural sites within Hōkūliʻa. Oceanside and the board of directors of the Park and Cultural Sites Entity would be required to consult with the Advisory Board:

5.3.1.1 On all plans, policies and practices relating to the improvement, operation or use of any part or all of the Shoreline Park. In the case of plans, policies and practices to be adopted in the future, and any changes to existing plans, policies and practices, this consultation would occur before such plans, policies, practices or modifications are submitted to any County or State agencies or otherwise finally adopted;

5.3.1.2 On all plans, policies and practices regarding the treatment of cultural, historic and burial sites at Hōkūliʻa. In the case of plans, policies and practices to be adopted in the future, and any changes to existing plans, policies and practices, this consultation would occur before such plans, policies, practices or modifications are submitted to any County or State agencies or otherwise finally adopted;

5.3.1.3 On the choice of any firm or individual retained by Oceanside to conduct archaeological work, or to monitor construction work, at Hōkūliʻa in the future; and

5.3.1.4 On the roles of, and the resources being devoted by, the State and County in the management of cultural, historic and burial sites at Hōkūliʻa.

5.4 Purposes of the Park and Cultural Sites Entity. As set forth in its organizational documents, the permitted purposes of the Park and Cultural Sites Entity would include the following:

5.4.1 Preservation, operation, and maintenance of the Shoreline Park and cultural, historical and burial sites located elsewhere within Hōkūliʻa, in a manner consistent with the provisions of the Shoreline Park Management and Access Plan and the Project Preservation Plan; and

5.4.2 Developing educational materials and programs designed to encourage a deep understanding of and appreciation for the importance of the cultural resources at Hōkūliʻa and developing standards for the proper maintenance of and care for such resources. In particular, these efforts would include the development of an educational package and acclimation program for the benefit of people new to Hawaii or to Kona. Oceanside and Pacific Star would agree to include such materials in the information provided to buyers of homes or home sites at Hōkūliʻa and/or Keōpuka.

5.5 Oceanside Would Cause Pacific Star to Commit to a Similar Approach to Managing the Shoreline Area and Cultural Resources at Keōpuka. Oceanside would cause Pacific Star to agree to establish an advisory board to provide advice and guidance to Pacific Star with respect to the shoreline area and cultural sites within Keōpuka. Pacific Star (and any

9

successor owners of Keōpuka or lots within Keōpuka) would be required to consult with this advisory board:

5.5.1.1 On all plans, policies and practices relating to the improvement, operation or use of any part or all of the Keōpuka Donation Parcel or the Keōpuka land now in the State land use Conservation District. In the case of plans, policies and practices to be adopted in the future, and any changes to existing plans, policies and practices, this consultation would occur before such plans, policies, practices or modifications are submitted to any County or State agencies or otherwise finally adopted;

5.5.1.2 On all plans, policies and practices regarding the treatment of cultural, historic and burial sites at Keōpuka. In the case of plans, policies and practices to be adopted in the future, and any changes to existing plans, policies and practices, this consultation would occur before such plans, policies, practices or modifications are submitted to any County or State agencies or otherwise finally adopted; and

5.5.1.3 On the choice of any firm or individual retained by Pacific Star to conduct archaeological work, or to monitor construction work, at Keōpuka in the future.

6. The Parties Would Agree that the Court's Land-Use Rulings Would Stay in Place Insofar as Potential Future Projects are Concerned, but that an Improved Hōkūliʻa Could Proceed, for the Benefit of the Kona Community, the County and the State. Oceanside Would Commit to Rehire Hōkūliʻa Employees and to Apply to the LUC for the Hōkūliʻa Site Generally to be Moved into the Rural District.

6.1 The Court's Land Use Decision Creates Tremendous Risks for the County and State. The Court determined that the Hōkūliʻa project was fundamentally non-agricultural and therefore could not be approved by the County for development primarily in the State land use Agricultural District. The Court then applied this conclusion generally to enjoin further development at Hōkūliʻa, notwithstanding the fact that the County approved the development of Hōkūliʻa through a protracted public process during the 1990's, which resulted (among other things) in the execution of a development agreement; development was well underway (with expenditures totaling approximately \$300 million, including roughly \$30,000,000 on the Bypass Highway); about 195 lots had already been sold; three homes were under construction and approximately 40 additional homes were in design review; and extensive lender financing and title insurance was in place. Given the Court's decision, the validity of similar entitlements granted by the County to other substantial projects during the 1990's is also in doubt.

If the Court's land use rulings stand, the County and State face tremendous risks. In particular, the owners of the roughly 195 Hōkūliʻa lots that have been sold, and their lenders, will no doubt seek relief from the County, the State, Oceanside, title insurers and real estate brokers. As a result, if the land use rulings are not revisited, the County, the State and Oceanside are likely to become embroiled in litigation that clearly has the potential to distract, debilitate and perhaps even bankrupt some of the parties.

Plaintiffs recognize these risks, but they also believe that the Court's interpretation of the State's land use law is fundamentally correct. While the County and Oceanside do not agree with that assessment, all Parties are prepared to stipulate to an Amended Decision, which would

10

retain the core land use law analysis, but not apply it to Hōkūliʻa. With this approach, the Stipulated Amended Decision would still be a meaningful precedent in the event that Plaintiffs or others wish to challenge promptly any similar projects approved in the same manner in the future, but the stipulated Amended Decision would effectively bar challenges against the adequacy of the approvals granted by the County to Oceanside. Plaintiffs thus would retain the benefit of the Court's rulings on a prospective basis and obtain for the community the tremendous benefits available through settlement, while also eliminating the risks to the County, the State and others arising out of the application of those rulings to Oceanside – risks that benefit no one.

As part of a comprehensive settlement, Plaintiffs would also obtain concessions and commitments from the defendants, for the benefit of the Kona community and for the advancement of other goals of Plaintiffs. One commitment that would be especially meaningful to all Parties would be a commitment by Oceanside to offer renewed employment to many of the people who were terminated following the Court's land use decision. Oceanside has offered to make such a commitment.

6.2 All Parties Would Ask the Court to Enter an Amended Decision. As part of a comprehensive settlement, the Parties would all agree to ask the Court to enter a Stipulated Amended Decision (in a form approved by the Parties and the Court), which would retain core elements of the Court's analysis of State land use law, but determine that it is too late (based on the legal doctrine of *laches*, equitable estoppel or another recognized doctrine acceptable to the Parties and the Court) to challenge the Hōkūliʻa project based on that analysis. In an appropriate manner, the Stipulated Amended Decision would carry forward the Court's determination that the ordinances authorizing a Members Lodge at Hōkūliʻa—Ordinances No. 97-34, 97-35 and 97-36—are invalid, the legal effect of which the Parties agree would be to cause the site previously designated for the Members' Lodge to revert to Ag-1 zoning and to the General Plan designation that existed prior to the passage of such ordinances. Under the Stipulated Amended Decision, Oceanside would be allowed to move forward with development of Hōkūliʻa, other than the Members' Lodge, in a manner consistent with the Mediated Settlement Agreement.

6.3 Commitment to Rehire Hōkūliʻa Employees. After further development at Hōkūliʻa was generally enjoined last September, Oceanside sadly concluded that it had to terminate approximately 110 employees. The Parties regret deeply this unfortunate consequence of the litigation. As part of a comprehensive settlement, Oceanside would agree, as it remobilizes, to rehire as many of its prior employees as possible to fill positions reestablished at Oceanside.

6.4 Application to LUC to Move Hōkūliʻa Generally into the Rural District. In order to give the State Land Use Commission ("LUC") an opportunity to make statements about (i) the manner in which projects like Hōkūliʻa should be entitled in the future and (ii) the circumstances in which the LUC may be prepared to move marginal agricultural lands (like those at Hōkūliʻa) into the Rural District, Oceanside would agree to file an application with the LUC, on or before December 31, 2005, to change the State land use designation for those portions of the Hōkūliʻa site which are not currently in the Conservation District. The application would request that the portion of the Hōkūliʻa site currently not in the Conservation District, with the exception of the Bench Area (defined below in Section 9.2) and the Pu'u Ohau Cultural Area (defined below in Section 9.3), be moved into the Rural District, and that the Bench Area and Pu'u Ohau Cultural

11

Area be moved into the Conservation District. The application would also limit the uses of, and the density at, the Hōkūliʻa site, in a manner consistent with the terms of the Mediated Settlement Agreement. The County would agree to support Oceanside's application.

The Parties understand that the LUC often imposes certain conditions upon amendments of the type that Oceanside would be seeking pursuant to the provisions described in this Section 6.4. In particular, the LUC often conditions the approval of any proposed redistricting upon the applicant agreeing to make contributions to regional traffic needs, to affordable housing and to local education needs. The Parties would agree that Oceanside's existing commitment to construct the Bypass Highway entails a regional traffic contribution substantially in excess of that typically required by the LUC, and that Oceanside's contributions to affordable housing pursuant to the provisions described in Section 2.2 and 2.4 above would also exceed those typically required by the LUC. Oceanside nonetheless agrees that, in the event the LUC were prepared to approve the redistricting application, but only on the condition that Oceanside agree to make the contribution to local education needs typically required as of the date of this Terms Sheet (about \$4,000 per unit), Oceanside would accept the additional condition. The Parties would also agree, however, that Oceanside could withdraw its redistricting application (and would nonetheless have the right to continue developing Hōkūliʻa in the Agricultural District) if the LUC were to propose any other material condition or if LUC approval would result in any other material condition under applicable law, including any density restriction, condition, or exaction, that is not authorized by or consistent with this Terms Sheet. The LUC could, however, impose conditions requiring Oceanside to satisfy any unsatisfied conditions heretofore imposed by the County or any commitments made by Oceanside in the Mediated Settlement Agreement, and Oceanside would agree not to withdraw its redistricting application based on the imposition of any such conditions. If the LUC were to grant the requested redistricting on terms and conditions accepted by Oceanside, the County Administration would agree to take such actions as may be required to allow the County Council to vote upon an ordinance amendment and/or such other appropriate documents as may be required to remove the agricultural requirements from any ordinances and other approvals relating to Hōkūliʻa, including without limitation Hawaii County Ordinance 96-8.

6.5 Confirmation of Continuing Implementation of Agricultural Plan. Oceanside is also prepared to offer additional assurances that the Hōkūliʻa agricultural plan will continue to be implemented, for so long as Hōkūliʻa remains within the Agricultural District. To that end, the Mediated Settlement Agreement would require: (i) that agricultural activities be conducted on certain Hōkūliʻa common areas and on each Hōkūliʻa lot; (ii) that Oceanside continue to install the improvements needed to provide non-potable irrigation water to each Hōkūliʻa lot for agricultural use; (iii) that the aggregate area to be utilized for agriculture in each Hōkūliʻa lot phase be at least 20% of total lot area in such phase; (iv) that agriculture be planted on each Hōkūliʻa lot prior to occupancy of any home on such lot; and (v) that, when it applies for approval of any future Hōkūliʻa subdivision, Oceanside submit to the County a specific plan identifying the area to be cultivated in such subdivision and the plant materials to be grown in such areas. The foregoing notwithstanding, the obligations described in this Section 6.5 would terminate if (i) the LUC were to grant and Oceanside were to accept the land use boundary amendments contemplated by Section 6.4 above or (ii) if Hawaii State law were to be amended in such a manner that homes on lands like those present at Hōkūliʻa were no longer required to be "farm dwellings."

12

7. The Hōkūliʻa Foundation Would be Established, Devoted to Addressing Needs of the Larger Kona Community

7.1 Background. In communities developed elsewhere by affiliates of Oceanside, the residents have become active, contributing members of the host community. That is proving to be especially true at Hōkūliʻa, where early owners have demonstrated they are anxious to make meaningful contributions to the community.

In recognition not only of this existing desire to contribute, but also of Oceanside's willingness to make certain additional contributions, Oceanside would form the Hōkūliʻa Foundation as part of a comprehensive settlement. The Foundation's purposes would be broad, in order to create a vehicle for Hōkūliʻa residents and others to pool their contributions and direct them toward a variety of community needs. The Foundation would also be obligated to make a meaningful contribution to affordable housing in Kona.

7.2 Formation of Foundation. Oceanside would establish a tax-exempt foundation whose purposes would include: advancement within the Kona community of affordable housing, health care, education and Native Hawaiian culture. The Board of Directors of the Foundation would consist of a diverse group of approximately 15 community-minded individuals, including individuals designated by the Hōkūliʻa Community Association, any owners association formed for Keōpuka, Plaintiffs, and the County Administration.

7.3 Commitment to Cause Certain Funds to be Provided to Foundation; Use of Such Funds to Support Affordable Housing. The Hōkūliʻa Foundation would receive certain funds pursuant to the provisions described in Section 8 below. A portion of those funds would be dedicated to supporting the development, ownership and use of affordable housing in Kona.

7.4 Other Funds Provided to Hōkūliʻa Foundation. Based on the experience of its affiliates elsewhere and the past practice of Hōkūliʻa's initial lot owners, Oceanside expects that additional funds, beyond those contemplated by Section 8 below, would be contributed to the Hōkūliʻa Foundation from time to time. The Hōkūliʻa Foundation could use any such funds for any purpose described in Section 7.2 above.

8. A Portion of Hōkūliʻa and Keōpuka Sale and Resale Proceeds Would be Dedicated In Perpetuity to Community Needs, Including Cultural Preservation.

8.1 Background. As part of a comprehensive settlement, Oceanside would be prepared to commit, for use in support of community causes, a portion of any proceeds from future sales and resales of lots and homes at Hōkūliʻa. In addition, Oceanside would be prepared to cause Pacific Star to make a similar commitment with respect to future sales and resales of any lots and homes developed at Keōpuka.

Half of these funds would go to the Hōkūliʻa Foundation, and the other half would go to the Park and Cultural Sites Entity (or its Keōpuka counterpart), to be used by them to pursue their different but complementary purposes. As Hōkūliʻa and Keōpuka began to mature (assuming that Keōpuka were to be developed to include 125 homesites), the funding sources described below might be expected to produce as much as \$1,000,000 a year or more in perpetuity to support these important community goals.

13

8.2 Hōkūliʻa Transfer Fee Fund. The Hōkūliʻa CC&R's would be amended to provide that one-half of one percent of the proceeds from the future sale or resale at any time of any Hōkūliʻa lot and any improvements thereon would be contributed to a fund (the "Hōkūliʻa Transfer Fee Fund") from which disbursements would be made as follows:

8.2.1 Fifty percent of any amounts deposited in the Hōkūliʻa Transfer Fee Fund would be paid to the Park and Cultural Sites Entity, to be used by such entity in pursuit of the purposes described in Section 5.4 above.

Fifty percent of any amounts deposited in the Hōkūliʻa Transfer Fee Fund would be paid to the Hōkūliʻa Foundation, for use as described in Section 2.4.4.

8.3 Exception for Existing Lot Owners. The Parties recognize that there would be one exception to the general rule stated in Section 8.2; no amount would be contributed to the Hōkūliʻa Transfer Fee Fund upon the next resale of any Hōkūliʻa lot owned by an independent third party as of the effective date of the Mediated Settlement Agreement, unless such third party were to elect to make such a payment. This exception would recognize the fact that Oceanside is not in a position to make a commitment on behalf of individuals who buy lots before the Hōkūliʻa CC&R's are modified to provide notice that such payments will be required in the future.

8.4 Keōpuka Participation. Prior to the sale of agricultural lots or other homesites at Keōpuka, Oceanside would cause Pacific Star to adopt CC&R's containing provisions providing that, upon the sale or resale at any time of any home site or home at Keōpuka, one-half of one percent of the proceeds would be contributed to another transfer fee fund (the "Keōpuka Transfer Fee Fund"). The Keōpuka CC&R's would further provide that fifty percent of any amounts deposited in the Keōpuka Transfer Fee Fund from time to time would be paid to the Hōkūliʻa Foundation and the other fifty percent would be paid to the Park and Cultural Sites Entity or to any entity performing a similar function with respect to the shoreline area and cultural sites at Keōpuka.

9. Areas at Hōkūliʻa of Particular Concern to Plaintiffs Would be Added to the Puʻu Ohau Preserve.

9.1 Background. The Hōkūliʻa site includes Puʻu Ohau, located adjacent to the shoreline. The summit of Puʻu Ohau is in both the State land use Conservation District and in the 140-acre area that Oceanside has agreed to set aside and develop as the public Shoreline Park. The burial site of Kāmaʻeokalani is located near the summit of Puʻu Ohau, within the Conservation District.

On the north side of Puʻu Ohau, located about 120 feet below the summit, there is a relatively flat area, or bench, which is in the State land use Agricultural District. The preliminary archaeological evidence indicates that at least some of this area was used historically for habitation purposes.

Throughout the public planning process for Hōkūliʻa, this bench area was shown as part of the area available for development. In 2000, the County approved Oceanside's phase two plat, which includes five lots on this bench.

14

The green for the second hole of the Hōkūliʻa golf course is built on a relatively flat area located north of, and at a somewhat lower elevation than, the bench. The grassed area south of the green covers a portion of the slope between the green and the bench; there are also sand traps and a cart path on this slope. These golf course areas are in the State land use Agricultural District, and no archaeological or burial sites were found in these areas prior to (or during the course of) construction of the golf course.

Puʻu Ohau, the lots on the bench on the north side of Puʻu Ohau and the second hole of the golf course, are depicted on Exhibit 1 attached hereto.

In 1999, members of the Keohokālole Ohana approached Oceanside, and asked that special measures be taken to honor and protect the burial site of Kāmaʻeokalani. In response, Oceanside included in its proposed Burial Treatment Plan a commitment to build a six-foot wall around the base of Puʻu Ohau. Oceanside and members of the Keohokālole Ohana understood that the wall would be constructed at an elevation of between 100 and 110 feet (close to the lowest elevation of the mauka side of Puʻu Ohau's summit), generally in the location depicted on Exhibit 1. Some members of the Hawaii Island Burial Council, which recommended to the Department of Land & Natural Resources ("DLNR") that DLNR approve the proposed Burial Treatment Plan, understood that the wall would be located at a lower elevation.

In connection with the Court proceedings, DLNR was called upon to interpret the relevant Burial Treatment Plan provisions and determine where the wall should be located. DLNR issued its decision in 2003, finding that the intent of the parties, and the meaning of the Burial Treatment Plan, was that the wall should be constructed in the location shown on Exhibit 1. Plaintiffs PKO and Kelly have since filed a separate lawsuit, challenging that determination. Plaintiffs are asking that, on the north side of Puʻu Ohau, the wall be constructed at the 30-foot elevation, which would eliminate the lots on the bench as well as the cart path, sand traps and a portion of the grassed area on the south side of the second green.

In order to resolve these disagreements, Oceanside is prepared to abandon the five bench lots and add them, along with an additional area containing approximately six acres mauka of Puʻu Ohau, to the Puʻu Ohau preserve. Oceanside is not prepared, however, to relocate any portion of the second hole.

9.2 Conservation Easement on the Bench Area North of Puʻu Ohau's Summit. Oceanside recognizes that Plaintiffs and some other community members believe strongly that it would not be appropriate to develop lots in the area (the "Bench Area") included within Lots 26-30 (the "Bench Lots") as depicted on Oceanside's Phase 2 lot plat. In response to these sentiments, Oceanside is prepared to agree to forego development of the Bench Lots, as part of a comprehensive settlement.

9.3 Addition of Still More Acreage to Puʻu Ohau Preserve. Oceanside would also be prepared to agree to forego development of an area comprised of approximately 6 acres, contiguous to, and on the mauka side of, the Puʻu Ohau preserve (the "Puʻu Ohau Cultural Area"). The Puʻu Ohau Cultural Area is generally depicted on Exhibit 2 attached hereto.

9.4 Conservation Easement on Bench Area and Puʻu Ohau Cultural Area. As part of a comprehensive settlement, a conservation easement would be recorded over the Bench Area and the Puʻu Ohau Cultural Area, allowing improvements to be installed in the affected areas

15

only as may be agreed by Oceanside and Plaintiffs. Recordation of the conservation easement would be a condition precedent to the effectiveness of the Mediated Settlement Agreement.

9.5 Oceanside Would not be Required to Modify the Golf Course. In recognition that Oceanside is prepared to accept Plaintiffs' preference that the Bench Area not be developed as home sites, the Parties would agree that the golf course, including particularly the second hole and the related cart paths and sand traps, may remain intact, as it exists today.

9.6 Oceanside Would Commit to Plaintiff PKO to Build the Pu'u Wall at a Specified Location. Oceanside would also agree with Plaintiff PKO, as part of the Mediated Settlement Agreement, to erect a six-foot wall on a new alignment, shown on Exhibit 1 attached hereto, which would include approximately 22.8 more acres in the area enclosed by the wall (as compared to the wall location approved by DLNR). Oceanside and PKO acknowledge that questions have been raised as to whether a six-foot wall is culturally the most appropriate way to honor the burial site of Kāma'eokalani, whether the footings needed to support a six-foot wall can be installed without causing damage to, and disfiguring, the area around the base of the wall and whether such a wall would result in erosion in the event of heavy rains. Given these concerns, Oceanside and Plaintiff PKO intend to continue a dialogue with other interested individuals, to determine if there is a better alternative to such a wall, which would achieve the same objective in perhaps a more appropriate manner.

9.7 Use of Conservation Areas. The Parties would agree that activities within the Bench Area, the Pu'u Ohau Cultural Area and areas now in the Conservation District would be consistent with all applicable laws, including but not limited to, the requirements of Hawaii Revised Statute Chapter 183C.

9.8 Maintenance of Vegetation Affecting Burial Site of Kāma'eokalani. As the owner of the Shoreline Park, Oceanside would agree to apply to DLNR for any amendment to the Conservation District Use Agreement which may be needed to permit the owner of such lands and such owner's designees to trim or remove from time to time any vegetation overhanging, or preventing appropriate access to, Kāma'eokalani's burial site. Oceanside agrees to develop, in consultation with Hōkūli'i's descendants, a culturally appropriate protocol for trimming or removing from time to time any vegetation overhanging, or preventing appropriate access to, such burial site.

9.9 Removal of Non-Indigenous Plants. Oceanside would also agree to consult with certified lineal descendants about removing the non-indigenous plants located on Pu'u Ohau and replacing them with native plants. In the event that there is a consensus among the descendants in favor of such a plan, and any required permits and approvals can be obtained, Oceanside would implement the plan.

10. Oceanside Would Convey the Contested Trail at Hōkūli'i to the State.

10.1 Background. The Hōkūli'i site includes remnant segments of a trail comprised of rounded stones. Plaintiffs contend that the remnants were part of the Ala Loa Trail, which encircled the island of Hawaii, and that the trail is owned by the State. The Court entered a decision agreeing with Plaintiffs, and Oceanside appealed that decision.

16

DLNR takes the position that there is insufficient evidence to determine whether the trail remnants at Hōkūli'i were part of the ancient Ala Loa. Oceanside agrees with DLNR, and also believes that there is insufficient evidence to support the legal conclusion that the State owns the trail.

Oceanside is nonetheless prepared to convey the trail to the State, based on the trail alignment specified by DLNR, which includes all intact trail segments. Oceanside is also prepared to agree to restore segments of the trail, as requested by Plaintiffs, and to bear in perpetuity the cost of maintaining the trail, through the Hōkūli'i site, again as requested by Plaintiffs. In return, Oceanside would need to obtain reasonable trail crossings, on the same terms as have been applied to other similar trail crossings in other areas of west Hawaii. Without such crossings, significant parts of the Hōkūli'i site would be inaccessible and/or unusable.

10.2 The State Would Own the Trail. As part of a comprehensive settlement, Oceanside would agree to convey to the State title to the trail that is the subject of a pending appeal (the "Trail") based on the alignment previously submitted to the Court by DLNR. The area that would be conveyed to the State is depicted on Exhibit 3 attached hereto (the "Trail Area"). DLNR would designate the Trail Area as a preservation site on terms permitting only pedestrian use of the Trail Area, except for any crossings of the types contemplated by Section 10.7 below.

10.3 Oceanside Would Restore Trail Segments. In some portions of the Trail Area, there are no rounded stones, indicating that historic trail stones may have been removed at some time in the past. Oceanside would apply to DLNR for authority to place new rounded stones, shaped to resemble the remnant stones, in the areas depicted on Exhibit 4, in order to create a continuous trail segment, varying in width from three to five feet, through the area depicted on Exhibit 4, which runs generally from a tee box on the second hole of the Hōkūli'i golf course to the southern end of the Hōkūli'i site. As part of its application, Oceanside would submit to DLNR a set of proposed plans for such work, a copy of which proposed plans Oceanside would also provide to Plaintiff PKO. Before DLNR takes any action with respect to such plans, PKO would be allowed a period of at least 30 days to comment upon such plans.

10.4 Oceanside Would Create A Trail Buffer. Oceanside would establish as a buffer zone an area five feet in width on each side of the Trail Area centerline. Except as provided in the following sentence, no improvements would be placed within the buffer zone, other than the Trail segments to be created by Oceanside pursuant to Section 10.3, any trail crossings approved by DLNR and landscaping which does not interfere with use of the Trail. In the event that any existing tee boxes or other golf course improvements are located within the buffer zone, those improvements would be allowed to stay in place.

10.5 Oceanside Would Create and Maintain Two Interpretive Sites Close to the Trail. In addition, Oceanside would establish, and agree to maintain in perpetuity, two interpretive areas alongside existing remnant trail segments located in the southern third of the Trail Area, available for public access from the Shoreline Park. The proposed locations of these interpretive sites are depicted on Exhibit 4 attached hereto. Oceanside would prepare a set of proposed plans for the interpretive areas. Before Oceanside begins any construction of the interpretive areas, Oceanside would provide a set of such plans to Plaintiff PKO and give Plaintiff PKO a period of at least 30 days to comment on such plans.

17

10.6 Oceanside Would Maintain the Trail and Trail Area. Oceanside would cause the Park and Cultural Sites Entity to enter into an agreement with DLNR to be responsible, under supervision by DLNR, for maintenance/preservation of the Trail and of the Trail Area.

10.7 Oceanside Would Install Signs Warning Golfers and Trail Users of One Another's Presence. Oceanside would install signs on the Hōkūli'i golf course advising golfers that others may be present in the area in connection with the Trail, that their presence is to be respected and that care should be taken not to put such people at risk by virtue of golf play. Oceanside would also post signs along the Trail Area, and in the adjoining interpretive areas, advising persons in those areas that golf is being played in the vicinity and that they should be aware of the associated risks.

10.8 Oceanside Would be Granted Reasonable Trail Crossings, Consistent With Practices Followed Elsewhere on the West Coast of the Island of Hawaii.

10.8.1 Reasonable Crossings. Plaintiffs would agree that Oceanside would be permitted easements for at-grade ingress and egress over, and easements for underground utilities beneath, specified portions of the Trail Area, on terms consistent with standard practices evidenced by similar crossings at other locations along the west coast of the Island of Hawaii.

10.8.2 DLNR to Process Applications Expeditiously. DLNR would agree to process expeditiously, and in accordance with applicable law, Oceanside's application for access and utility easements on the terms described in Section 10.8.1, in the locations specified in Exhibit 5 attached hereto and at such other locations as may reasonably be required in the future.

10.8.3 PKO May Review and Comment on Oceanside Applications. Oceanside would provide Plaintiff PKO with all current and future applications for easements pertaining to the Trail Area and allow Plaintiff PKO a thirty-day period to comment on such applications. To the extent feasible and reasonable, Oceanside would endeavor to modify Oceanside's applications to incorporate any comments and recommendations submitted by Plaintiff PKO. Plaintiff PKO could also submit its comments and recommendations to DLNR. Plaintiffs would agree, however, not to initiate, request, file, fund, support or participate in any challenge to Oceanside's applications for access and utility easements or DLNR's determinations with respect to such applications.

10.9 Oceanside Would Dismiss its Trail Appeal. Oceanside would dismiss with prejudice its appeal of the Court's Trail decision.

10.10 Old Cart Road. Oceanside and DLNR would agree that the State owns the Old Cart Road and that the Old Cart Road alignment at Hōkūli'i runs from the southern boundary of the Hōkūli'i site to Pu'u Ohau along the alignment identified as Site No. 17189, as depicted on Exhibit 5 attached hereto. Oceanside would cause the Park and Cultural Sites Entity to enter into an agreement with DLNR to be responsible, under supervision by DLNR, for maintenance/preservation of the Old Cart Road within Hōkūli'i as a public pedestrian access trail. Oceanside would grant an easement to DLNR for a pedestrian connector between the Old Cart Road and the Old Government Road in the vicinity of Pu'u Ohau/Road I-3.

18

11. Oceanside Would Take Additional Steps to Protect Native Hawaiian Burial Sites at Hōkūli'i.

11.1 Background. Today, there are a total of approximately 137 identified burial sites or possible burial sites within the 1550-acre Hōkūli'i property. All of the burials located at these identified sites are to be maintained in place, with one pending potential exception. Oceanside has filed an application to relocate one burial, discovered during the course of construction. This burial is located in the alignment of the Bypass Highway.

The Hōkūli'i site was used for cattle ranching before development planning and related pre-development fieldwork began. Much of the property was chain-drag during the cattle-ranching era, which may have adversely impacted archaeological and burial sites on the property. As required by law, Oceanside retained an archaeology firm to do an archaeology inventory survey, before any development work began. The property's past uses, together with the dense vegetation on the site, made it especially challenging to identify and properly assess archaeological and burial sites on the property. For his work, Oceanside selected a firm recommended by DLNR. The work, and the related review by DLNR, took four years to complete.

The archaeology inventory survey identified most of the burial or possible burial sites known to exist today, and it identified a number of potential burial sites which, upon testing, have turned out not to be burial sites. As is typical with surveys of large areas, some additional burial sites and potential burial sites have been discovered during follow-up archaeological work, clearing and construction.

As is normal and required in such cases, Oceanside continued, after the initial archaeological inventory survey was completed, to engage in further archaeological fieldwork. In order to facilitate review and use of the resulting data, DLNR directed Oceanside to present the additional information in a series of "block reports," based upon a division of the Hōkūli'i site into several separate areas or "blocks." While many of the block reports have been finished, a few are still in process. The unfinished block reports cover virtually all of the land which is to be included in future Hōkūli'i subdivisions.

Plaintiff PKO has indicated that it believes pre-development archaeological work should not be done under the direction of private land owners, but should instead be done under the direction of the State, with heavy participation by Native Hawaiians. Plaintiff PKO requested that Oceanside agree to allow PKO to undertake a comprehensive new archaeological survey of the entire Hōkūli'i property owned by Oceanside and that Mr. Medeiros be given the authority to determine that particular sites are burial sites, even if his conclusion was not shared by the archaeologist selected by PKO to participate in the new survey. Oceanside respectfully believes that no developer could agree to such a proposal, particularly with respect to a development which is already underway.

Plaintiff PKO has asked Oceanside to agree that no burials will ever be relocated at Hōkūli'i, including burials discovered during the course of construction. Oceanside respectfully believes that no developer, and no governmental authority responsible for the development of any substantial project or facility, could make such a commitment.

19

Plaintiffs have also been critical of the monitoring efforts made by Oceanside, to detect quickly any previously unknown burial sites that might be uncovered during the course of construction. In addition, Plaintiffs have asserted that DLNR is understaffed to monitor compliance with State burial laws on a 1550-acre project like Hōkūli'i. In order to address these concerns, Oceanside was bearing the cost of two DLNR staff persons, assigned full-time to Hōkūli'i, and employing a number of construction monitors, when further development was generally enjoined last September. As part of a comprehensive settlement, Oceanside has offered to continue to support DLNR in this fashion.

While Oceanside is not in a position to do some of the things requested by Plaintiffs, there a number of other things that Oceanside is prepared to do in a good faith effort to address Plaintiff PKO's concerns. First, the unfinished block reports cover virtually all of the areas to be included in future subdivisions at Hōkūli'i. Oceanside is prepared to agree that the unfinished block reports, and the lava tube resurveys which Oceanside is also conducting, would be reviewed by a second archaeologist selected by Oceanside, after consultation with the Advisory Board as contemplated by Section 5.3 above. Oceanside is also prepared to agree that any burials identified in the unfinished block reports or unfinished lava tube resurveys would be treated as "previously known," and thus be subject to the jurisdiction of the Hawaii Island Burial Council.

11.2 The Unfinished Block Reports and Lava Tube Resurveys Would be Subjected to Peer Review. As part of a comprehensive settlement, Oceanside would agree to consult with the Advisory Board on the selection of one or more archaeologists and/or cultural specialists to review any unfinished block reports and lava tube resurveys. After this consultation, Oceanside would retain an archaeologist and/or cultural specialist to review and comment upon the unfinished block reports and lava tube resurveys. Before such reports are submitted to DLNR for review, Oceanside would cause the individuals preparing the block reports or lava tube resurveys to address any concerns or criticisms made in such reviews.

11.3 Treatment of Burial Sites Discovered in the Future. As part of a comprehensive settlement, Oceanside would agree that:

11.3.1 All burial sites identified in the block reports and lava tube resurveys yet to be completed would be treated as previously identified.

11.3.2 With the exception of those burials identified in the block reports and lava tube resurveys described in Section 11.3.1, all burial sites identified after the effective date of the Mediated Settlement Agreement on the Hōkūli'i site, and all burial sites located in the existing alignment for the Bypass Highway, would constitute inadvertent discoveries within the meaning of HRS § 6E-43.6 and Haw. Admin. R. § 13-300-2 and would be treated in accordance with HRS § 6E-43.6 and Haw. Admin. R. § 13-300-2.

11.4 Oceanside Would Extend the Time Allowed for DLNR to Determine the Appropriate Treatment of Inadvertently Discovered Burial Sites. In the case of any inadvertent discovery of a burial on any portion of the Hōkūli'i site owned by Oceanside, or in the current alignment for the Bypass Highway, Oceanside would automatically grant DLNR a 60-day extension of time in which to gather sufficient information, including oral tradition, to document the nature of the burial context and to determine appropriate treatment of the remains.

20

11.5 Oceanside Would Continue to Fund DLNR Staff Positions. In order to assist DLNR, Oceanside would continue to fund in full two DLNR staff positions: one burial staff position and one position for reviewing archeological reports and performing various compliance oversight tasks. The job descriptions for such positions are attached hereto as **Exhibit 6**. The persons assigned by DLNR to these positions would focus primarily on Hōkūli'i, but could work on other matters and projects as time and circumstances permit. Funds for each position would be paid on a quarterly basis. Funding of the burial staff position would terminate upon Oceanside's completion of the Bypass Highway and construction of all Hōkūli'i infrastructure. Funding of the archeological staff position would terminate on December 31, 2006.

11.6 DLNR Would be Allowed to Make Decisions on Applications Pending With Respect to Particular Sites.

11.6.1 Site No. 21833. The burial located at Site No. 21833 is located in the alignment of the Bypass Highway and was discovered during the course of construction. After the burial at Site No. 21833 was discovered, and at the request of DLNR, Oceanside consulted with the descendants of the lands within Hōkūli'i. A majority of the descendant-respondents favor relocating this burial to a contiguous site, just makai of the Bypass Highway alignment. Plaintiffs, on the other hand, have requested that Oceanside redesign and rebuild the Bypass Highway, so as to avoid the burial site. Oceanside has concluded that, given the topography of the area, the Bypass Highway could not be realigned in a manner that would comply with applicable safety standards. Oceanside is also concerned that, in building any realigned Bypass Highway, one or more additional unknown burials might be discovered, giving rise to the same issues presented by Site No. 21833. Taking these facts into account, Oceanside proposes that, as part of a comprehensive settlement, the Parties agree that Site No. 21833 would be treated as an inadvertent burial site, and that DLNR has the authority to approve Oceanside's pending application to relocate such burial to an area immediately makai of the existing Bypass Highway alignment. In the event that DLNR were to approve Oceanside's application, Plaintiffs would agree not to contest such decision.

11.6.2 Site No. 16478. Site No. 16478 is a lengthy lava tube, which contains burial remains in one area. Under the approved Burial Treatment Plan, Oceanside is to install and maintain a twenty-foot buffer around this entire lava tube.

Oceanside has applied for a variance from the Burial Treatment Plan, to allow Oceanside to install infrastructure above this lava tube, at a location approximately 400 feet from the burial remains. This crossing would not intrude upon any area within twenty feet of the surface area above the burial, and thus would be outside the buffer that would be installed, if the burial in question were located on or just below the surface. As part of a comprehensive settlement, Oceanside proposes that the Parties would agree that DLNR has the jurisdiction and authority to modify the buffer for and permit Oceanside to traverse Site No. 16478 for infrastructure purposes, in accordance with the written request previously filed by Oceanside. Plaintiffs would agree not to contest any decision that DLNR might make in response to Oceanside's application.

21

12. Oceanside Would Take All Practical Steps to Preserve the Entirety of any Lava Tubes That Contain Burials.

12.1 Background. The Hōkūli'i site contains a number of lava tubes, some of which contain burial sites. In early 2000, Oceanside agreed to a Burial Treatment Plan which states that Oceanside (i) will preserve the entirety of any lava tube which contained a burial and (ii) install and maintain a surface buffer encompassing an area twenty feet on all sides of each burial lava tube.

When the Burial Treatment Plan was finalized, Oceanside believed that it was aware of all significant lava tubes on the Hōkūli'i site and that it knew the location and extent of those tubes, based on the surveying and mapping work that had been done at that time. With that understanding, Oceanside believed it was in a position to go beyond the requirements of law, and agree to preserve the entirety of lava tubes known to contain burials.

Oceanside has since learned that some of the known lava tubes were not mapped accurately. In addition to learning that known chambers were not mapped correctly, Oceanside has also determined that some known lava tubes contain chambers that were not identified in the early mapping and that the Hōkūli'i site contains lava tubes which were not identified when the Burial Treatment Plan was approved.

Under these circumstances, Oceanside has asked DLNR to approve a limited number of exceptions to the Burial Treatment Plan, in order to allow Oceanside to cross or breach specific burial lava tubes at points a considerable distance away from any known burials. Oceanside also understands, however, that the commitment made in early 2000 was meaningful to members of the Hawaii Island Burial Council, which it considered the proposed Burial Treatment Plan. As a result, Oceanside would like to propose a compromise, which would give weight to the commitment made in early 2000 but also recognize both DLNR's authority to grant variances from Burial Treatment Plans and the practical necessity of being allowed to cross lava tubes in certain circumstances, so long as actual burial remains, and their immediate environs, are not impacted.

12.2 Oceanside Would Agree With the Plaintiffs Not to Request Any Additional Variances Over Burial Lava Tubes Correctly Mapped by Early 2000. As part of a comprehensive settlement, Oceanside would agree not to apply to DLNR for any additional variances that would allow Oceanside to cross or breach any portion of any burial lava tube identified by the date of the Burial Treatment Plan, as such lava tube was mapped at the time. In other words, Oceanside would not apply for any additional variances from conditions known when the Burial Treatment Plan was approved. **Exhibit 7** attached hereto is a map, showing the location of the lava tubes known in early 2000 to contain burials, as well as the extent of such tubes as mapped in early 2000.

12.3 Oceanside Would Also Attempt to Minimize Any Variances With Respect to Burial Lava Tubes First Discovered After Early 2000 or Incorrectly Mapped as of Early 2000. With respect to burial lava tubes discovered after March of 2000, and portions of burial lava tubes missed or incorrectly mapped before March of 2000, Oceanside would agree to use all practical efforts to avoid applying for any further variances from the Burial Treatment Plan. In the event that Oceanside applies for any variances in the future, Oceanside would provide a copy

22

of the application to Plaintiff PKO, at the same time that the application is filed with DLNR. Plaintiffs would agree not to initiate, request, file, fund, support or participate in any administrative appeal, litigation or legal action relating to any application which Oceanside has filed or may file seeking waiver or amendment of the provisions of the March 2000 Burial Treatment Plan relating to the protection of the entirety of previously known lava tubes containing burial sites, provided that Oceanside's proposed treatment of any lava tube that is subject to the application or amendment is consistent with the statutory definition of "burial site" in HRS § 6E-2, as interpreted in the Attorney General's opinion regarding the protection of lava tube burial sites dated May 9, 2001.

13. Descendants Would Have Extensive Access to Cultural Sites at Hōkūli'i

13.1 Background. Oceanside wants descendants to have extensive access to burial and other important cultural sights within Hōkūli'i, as well as the opportunity to engage in religious and cultural ceremonies at those sites. Oceanside also wants the owners of homes in Hōkūli'i to enjoy an appropriate level of privacy and control over the grounds around their homes. Over time, particular homeowners and descendants will no doubt come to know and respect each other and to extend hospitality and courtesies to one another, but as a starting point mutually accommodative procedures need to be agreed to and put into operation.

13.2 Descendant Access Plan. As part of an overall settlement, Oceanside would propose that lineal and cultural descendants have access to burial and other cultural sites within Hōkūli'i, and to other specified areas within Hōkūli'i, based on the following principles:

13.2.1 With respect to burial sites located within a subdivision and within 100 feet of a finished home, descendants would have access on any day, from sunrise to sunset, for the purposes of caring for and worshipping the burial remains.

13.2.2 With respect to burial sites located within a subdivision but not within 100 feet of a finished home, descendants would have access at all times, for the purposes of caring for and worshipping the burial remains.

13.2.3 With respect to burial sites located outside of the subdivisions, descendants would have access at all times, for the purposes of caring for and worshipping the burial remains, subject to any limitations on access set forth in the Shoreline Park Management and Access Plan and the Project Preservation Plan.

13.2.4 Descendants would have access to the Hōkūli'i Cultural Area and the Agricultural Preserves from sunrise to sunset, but descendants would not be entitled to engage in any agricultural activities within the Agricultural Preserves unless expressly authorized to do so by the Hōkūli'i Owners Association.

13.2.5 Descendants would have access to the Shoreline Park, the Pu'u Ohau Cultural Area and the Bench Area on the terms stated in the Shoreline Park Management and Access Plan and the Project Preservation Plan.

13.2.6 Visits to any authorized site, including a burial site located outside the Shoreline Park (which has capacity and use limitations, as set forth in the Shoreline Park and

23

Management Access Plan), involving ten or more individuals, would require a special permit issued by the Park and Cultural Sites Entity.

13.2.7 Cultural activities, including caring for and worshipping burial remains, to be performed at night at any location within 100 feet of a completed home, including midnight ceremonies, and cultural activities to be conducted at any location which involve significant noise, artificial light or other conditions which may disturb or (absent warning) alarm others in the area, would require a special permit, issued by the Park and Cultural Sites Entity. In considering applications for such permits, and for permits required pursuant to Section 13.2.6, the Park and Cultural Sites Entity would seek to insure that reasonable accommodations were made with respect to the interests of the applicants and any homeowners who might be affected by the proposed activity, in an effort to achieve an environment of respect and understanding. If Plaintiffs wish to do so, Oceanside would be prepared to enter into a Memorandum of Understanding that would identify the dates, terms and/or conditions for particular events or activities, so that those events and activities would be pre-approved.

13.2.8 The main roads in Hōkūliʻa, including those leading to the Shoreline Park, will be open to the public, but there will be unmanned gates on some side streets. In the event that gates need to be opened in order for descendants to gain access to any area to which access is authorized, the Park and Cultural Sites Entity would be required to provide a Cultural Liaison, available during normal business hours generally at a location within the Hōkūliʻa site, to provide the descendants an access pass which will open the pertinent gate. Descendant families who wish to plan ahead may reserve use of an access pass. If the access pass is not returned within a designated period, it will be deactivated.

13.2.9 If asked to do so, the Park and Cultural Sites Entity would also be required to provide a general access pass to any requesting descendant, in order to allow such descendant to enter any gates at Hōkūliʻa. If any such pass is used to gain access in violation of the rules described above, the Park and Cultural Sites Entity could revoke the pass.

14. Oceanside Would Establish Specified Agricultural Preserves and Cultural Practice and Preservation Sites Within Hōkūliʻa

14.1 Agricultural Preserves. As part of a comprehensive settlement, Oceanside would agree to include in the Project Preservation Plan at least three specified areas, to be set aside and maintained as Agricultural Preserves. The three Agricultural Preserves and their minimum acreage would be:

14.1.1 Ke'ekē'e Agricultural Preserve (approximately 2.50 acres).

14.1.2 Kanāueue Agricultural Preserve (approximately 3.50 acres).

14.1.3 Hōkūkano Agricultural Preserve (approximately 3.50 acres).

These Agricultural Preserves are generally depicted in Exhibit 8 attached hereto. The Project Preservation Plan is still in progress and Oceanside, after consultation with DLNR, may expand the identified preserves and may set aside additional acreage for the creation of additional Agricultural Preserves.

24

14.2 Use of Agricultural Preserves. The Agricultural Preserves would provide areas where traditional Native Hawaiian agricultural crops could be cultivated by Hōkūliʻa residents and by others authorized by the Hōkūliʻa Owners Association to engage in such activities. The Ke'ekē'e Agricultural Preserve would be an active agricultural preserve, with crops planted and cultivated; the Kanāueue Agricultural Preserve would be a non-active preserve designed primarily for the preservation of remnants of the Kona Field System located therein; and the Hōkūkano Agricultural Preserve would consist of an active area, except as needed to protect and preserve remnants of the Kona Field System located there. Oceanside and DLNR would consult with Plaintiff PKO before determining the types of traditional agricultural activities that will be permitted within the Agricultural Preserves.

14.3 Cultural Practice and Preservation Sites. Oceanside would also establish and, to the extent provided in the Mediated Settlement Agreement, improve two cultural practice and preservation sites ("Cultural Preserves") consisting of the following:

14.3.1 An area near site 21833 ("Hōkūliʻa Cultural Area") (approximately 6 acres); and

14.3.2 The Po'u Ohau Cultural Area (approximately 6 acres, and contiguous to the current Conservation District area).

The Cultural Preserves would provide areas where lineal and cultural descendants could engage in certain traditional cultural practices. The Cultural Preserves are generally depicted on Exhibit 2 attached hereto.

14.4 Access. Lineal and cultural descendants would have access to the Agricultural Preserves and the Cultural Preserves in accordance with the provisions described in Section 13.

14.5 Provision of Water. Oceanside would provide non-potable water to the Agricultural Preserves and Cultural Preserves in which crops and/or plants may be grown.

14.6 Proposed Re-interment Site for 21833. A portion of the Hōkūliʻa Cultural Area, to be given a name in consultation with the descendants of the Hōkūliʻa lands, would be improved by Oceanside in the manner illustrated conceptually on Exhibit 9 attached hereto. If allowed to do so by DLNR, Oceanside would re-inter the burial located at Site No. 21833 in this location. Oceanside would also commit to make this area available as a re-interment site for other burials located within the Hōkūliʻa site, if the relocation of such other burials to this area were to be approved by the entities or agencies with authority to approve any such burial relocations.

15. Oceanside Would Deal With Artifacts and Relics in Accordance With Plaintiffs' Requests

15.1 Background. Plaintiffs have requested that Oceanside develop a comprehensive catalogue of information relating to artifacts and relics found at the Hōkūliʻa site. Plaintiffs have also asked that Oceanside assemble all such artifacts and relics now under Oceanside's control, store such items in a secure location and dispose of some or all of such items as provided below. Oceanside is prepared, as part of a comprehensive settlement, to do as requested.

25

15.2 Artifact Inventory Database. Oceanside would create and maintain a comprehensive inventory of the Native Hawaiian artifacts and relics discovered by Oceanside or its agents on the Hōkūliʻa site or in connection with Hōkūliʻa. This inventory would include a description of the artifact or relic, the location where it was found (specific burial site or area on property), its present location, the date of removal, if it has been removed, and the identity of the person or entity believed to have removed it. Oceanside would create and maintain a computerized database containing the data set forth in the inventory. The Parties would have access to the database. To the extent feasible, the database would be adapted to include certain data recovery material for future research, field notes, documented oral histories, and maps.

15.3 Management of Artifacts. The Hōkūliʻa Owners Association would take possession of and store all such artifacts and relics now under the control of Oceanside. In consultation with descendants, the Hōkūliʻa Owners Association would develop a protocol providing for the care and disposition of such artifacts and relics. The protocol may include returning artifacts and/or relics to the site where found, particularly if the artifacts or relics were found in the vicinity of a burial or possible burial site. If requested by a majority of the descendants, the protocol shall include transferring possession, ownership and management of some or all such artifacts and/or relics to an entity owned by, and under the control of, the descendants or designated by the descendants.

15.4 Delivery of Certain Artifacts to Mr. Medeiros. Notwithstanding the foregoing, Oceanside would agree to deliver to Mr. Medeiros the artifacts listed on Exhibit 10.

16. Oceanside Would Implement a Perpetual Water Monitoring Program and Commit to Bear the Cost of Studies Designed to Establish a Base-Line for Water Quality Along the Kona Coast. Oceanside Would Also Help to Develop Best Management Practices for Golf Course and Landscape Management.

16.1 Background. As part of the County entitlements for Hōkūliʻa, Oceanside agreed to provide for monitoring of the ocean waters off Hōkūliʻa. The required monitoring is ongoing today.

Construction at Hōkūliʻa began in 1999. In late 2000, before the golf course turf was established, heavy storms caused surface water runoff and associated sediments to reach the ocean. This resulted in litigation, which was settled upon entry of a stipulated permanent injunction, enjoining Oceanside from polluting the coastal waters. The stipulated permanent injunction also provides for court-supervised monitoring of the impact on ocean water quality of construction at Hōkūliʻa. Since the storms of late 2000, Oceanside has completed the Hōkūliʻa golf course and invested approximately \$6,000,000 in additional drainage improvements, which have successfully prevented any recurrence of the unfortunate runoffs.

The Parties have agreed that, as part of a comprehensive settlement, the County-required ocean water monitoring program would be continued, on terms which would require the monitoring to be performed quarterly and in conformance with certain state water quality testing standards. In addition, Oceanside would agree to fund a more encompassing program to determine water quality along a much broader coastal area in Kona. The injunction against polluting would continue, but the court-supervised water monitoring would be discontinued,

26

given the fact that it would duplicate the monitoring to be conducted pursuant to the modified County program.

16.2 Stipulated Permanent Injunction. The Stipulated Permanent Injunction would continue, insofar as it enjoins Oceanside from polluting the ocean waters.

16.3 Modified County-Driven Monitoring Program. The water monitoring program required by the County would be continued, on terms which would require that the water monitor be approved by the County; DOH, Plaintiffs (for 20 years after the effective date of the Mediated Settlement Agreement) and Oceanside and that the water monitoring be conducted quarterly, in accordance with State ocean water monitoring protocols of general application.

16.4 Baseline Study. Oceanside would retain a qualified consultant, acceptable to Plaintiffs and DOH, to undertake a comprehensive baseline study of the near offshore waters for the area from Ho'okena Beach Park to Kahalu'u Bay. The baseline study would contain the elements set forth in Exhibit 11. To insure the creation of an appropriate baseline study, Oceanside would require the consultant to seek the advice of DOH with respect to the protocols and elements of the study. Oceanside would also require the consultant to conduct the study within an approved budget, in an amount to be set forth in the Mediated Settlement Agreement. The study would begin within six months after the effective date of the Mediated Settlement Agreement. All data and reports resulting from the study would be provided promptly to all Parties.

16.5 Canoe Landing. Oceanside would redesign the silt containment measures at Nawawa Bay so that, if and to the extent possible, the canoe landing may be reopened, and Oceanside would seek DOH and DLNR approval of said redesign and to undertake the work. Maintenance of the canoe landing would be the responsibility of the Park and Cultural Sites Entity.

16.6 Administrative Penalty. DOH would agree to continue to pursue the November 2000 Notice of Violation regarding violations of the Clean Water Act by Oceanside and assess a fine deemed appropriate by DOH. In its proposal to DOH as to the manner in which any fine may be used, Oceanside will ask that 75% or more of the fine be used on special environmental projects in, or of particular relevance to, Kona.

16.7 Best Management Practices. Oceanside would work with Plaintiffs, the County and DOH to prepare proposed best management practices for golf courses and landscape maintenance.

17. The County Administration Would Enhance the County's Cultural Resource Protection and Preservation Policies.

17.1 Background. As part of a comprehensive settlement, Plaintiffs have asked the Mayor of Hawaii County and his staff (the "County Administration") to reexamine certain rules and procedures relating to grading and grubbing permits, which the County Administration is willing to do.

17.2 Legislation to Amend County Grading and Grubbing Ordinance to Increase Protection for Cultural Resources. In an effort to provide greater protection for cultural, historic

27

and burial sites, the County Administration would work with Plaintiffs to draft, introduce and support before the County Council legislation that would amend Chapter 10 of the Hawaii County Code, consistent with the public interest. The focus of these cooperative efforts would be to amend Chapter 10 in a manner that would increase the level of education and enforcement regarding protection of cultural, historic and burial sites. Such amendments could include:

17.2.1 The implementation of educational processes as a part of the permitting process; and

17.2.2 Adding to Chapter 10 detailed definitions of activities falling under the categories of grubbing, removal of surface vegetation, and grading to provide better notice to the permit holder of permitted activities.

17.3 Codification of County Practice of Cooperating with DLNR on Grading and Grubbing Activities. The County Administration would codify its current practices of cooperation with DLNR for implementing Chapter 6E-42, HRS, by adopting written internal work rules or procedures. At a minimum, the new work rules or procedures would embrace the following principles:

17.3.1 An applicant would have to secure recommendations from DLNR before the County Administration would accept a grading or grubbing permit application;

17.3.2 The application would be required to include, by attachment, any conditions recommended by DLNR;

17.3.3 The County Department of Public Works would suspend any grading or grubbing permit as may be requested or required by DLNR; and

17.3.4 The County would be required to report immediately, telephonically or by facsimile, any evidence of historic/burial sites to the State Historic Preservation Department ("SHPD"), should such evidence become known to County personnel in the course of granting, monitoring or closing grading/grubbing permits.

In connection with these codification efforts, union consultation might be required. Should any such work rules or procedures require HRS Chapter 91 rulemaking, the County Administration would agree to pursue such rulemaking.

17.4 Adoption of Related County Administrative Policies to Enhance Knowledge of Potential Impact of Grading and Grubbing on Cultural Resources. The County Administration would agree to adopt an administrative policy requiring persons or entities seeking grading or grubbing permits with respect to lands known to contain cultural, historic or burial sites to review the educational materials described in Section 18 prior to the issuance of any such permit. The County Administration would also adopt an administrative policy requiring the grantee of a grading or grubbing permit to affirm that he/she/it has read, reviewed and understands the applicable State and County laws and regulations regarding the protection of cultural, historic and burial sites. Should any such administrative policies require HRS Chapter 91 rulemaking, the County Administration would agree to pursue such rulemaking.

28

17.5 Support for State and County Legislation Strengthening and Extending Laws Intended to Protect Cultural Resources. The County Administration would agree to work with Plaintiffs and Oceanside to draft, introduce and support legislation in the State Legislature that would provide additional protection for documented and undocumented cultural, historic and burial sites together with appropriate funding to implement the new requirements. Such legislative efforts would include, but not be limited to, seeking additional staff and funding for the Burial Sites Program. Nothing in the Mediated Settlement Agreement would require DLNR to endorse such legislation or prevent DLNR from expressing its independent view as to any such proposed legislation. In the event that the State Legislature were not to pass such legislation within two years of the effective date of the Mediated Settlement Agreement, the County Administration would agree to work with Plaintiffs and Oceanside to draft, introduce and support before the County Council a new ordinance which would give greater protection to cultural, historic and burial sites, to the extent the County is authorized to adopt such an ordinance under HRS Chapter 6E. Among other things, such an ordinance might provide for the creation of a County Historic Preservation Commission established under the Certified Local Government program under the auspices of the National Park Service and procedures for identifying and preserving cultural, historic and burial sites.

17.6 Support for Rulemaking by DLNR. The County Administration would agree to work with Plaintiffs and Oceanside to urge DLNR to establish appropriate standards and inclusive procedures relating to the consideration of any requests for variances from, or amendments to, approved burial treatment plans.

18. Oceanside Would Work With Plaintiffs and Others to Develop Educational Materials Intended to Protect Cultural Resources.

18.1 Educational Materials. In consultation and cooperation with Plaintiffs, the County, and DLNR, Oceanside would agree to produce at Oceanside's expense a videotape and a brochure, each of which would be available for viewing by developers on the Island of Hawaii, purchasers of undeveloped lots, and machinery operators to be employed by such persons, outlining the legal, practical and community considerations relating to the protection of cultural and historic resources.

19. Oceanside Would Pay Reasonable Attorneys' Fees.

19.1 Payment by Oceanside of Individual Plaintiffs' Attorneys' Fees. As part of a comprehensive settlement, Oceanside would pay \$1,002,435.01 as attorneys' fees and costs to Robert D.S. Kim.

19.2 Payment by Oceanside of PKO Attorneys' Fees. As part of a comprehensive settlement, Oceanside would pay \$2,037,732.74 as attorneys' fees and costs to Native Hawaiian Legal Corporation.

19.3 Payment by County of PKO Attorneys' Fees. As part of a comprehensive settlement, the County would pay Native Hawaiian Legal Corporation the fees and costs awarded by the Trial Court against the County and in favor of Native Hawaiian Legal Corporation.

29

20. Oceanside Would Join Others in Making Appropriate Apologies

20.1 In the spirit of ho'oponopono, Plaintiffs, Oceanside, Lyle Anderson, John De Fries and the County would convene a meeting with Hōkūli'a descendants and other members of the Kona community as a forum for conveying appropriate apologies.

21. Future Challenges to Hōkūli'a Would be Barred

21.1 Except for the rights, obligations and covenants set forth in the Mediated Settlement Agreement, the Individual Plaintiffs and PKO, including its officers and directors, would agree and covenant that they would not themselves, nor counsel others to, directly or indirectly, initiate, aid, request, file, fund, support or participate in any administrative hearing, litigation or other legal action specifically directed to any aspect of the approval, permitting, entitlement, development, construction or operation of Hōkūli'a, except as it relates to Oceanside's compliance after the effective date of the Mediated Settlement Agreement with the law regarding the treatment of burials. The Individual Plaintiffs and PKO, including its officers and directors, would further agree and covenant that they would not themselves, nor counsel others to, directly or indirectly, initiate, aid, request, file, fund, support or participate in any administrative hearing, litigation or other legal action specifically directed at the density or components of the Keopuka project so long as those elements and density are consistent with the Mediated Settlement Agreement.

21.2 Plaintiffs Kelly and PKO would agree to dismiss with prejudice all of their claims in *Fries and the County v. Oceanside, Lyle Anderson, John De Fries, et al.*, Civil No. 03-1-0117K.

21.3 As part of the Mediated Settlement Agreement, the parties would each agree to waive and release any claims they have against one another. These releases would not, of course, (i) amend any of the permits and approvals obtained by Oceanside or (ii) amend, alter or waive any future obligations of Oceanside or the County under their development agreement or of any party under the Mediated Settlement Agreement.

22. The Parties Would Agree to Remedies, in the Event of Future Disputes.

22.1 Available Remedies in the Event of Breach. The parties would agree that, in the event of a default under the Mediated Settlement Agreement by any party, the sole and exclusive remedies available to the other parties would be: (i) to enforce by specific performance the obligations hereunder of the defaulting party; or (ii) to exercise any other remedies specifically set forth therein. No party would be required or compelled as the result of any proceeding to take any action, or refrain from taking any action, other than those actions expressly identified in the Mediated Settlement Agreement. In connection with any demand or cause of action related to a matter released, the Mediated Settlement Agreement could be pleaded as a defense by the parties hereto and would operate to effect a dismissal of such demand or cause of action.

23. The Parties Would Agree to Resolve Future Disputes Through Alternative Dispute Resolution.

23.1 Enforcement Procedure. The Honorable Patrick Yim would resolve any disputes between the County, Plaintiffs and Oceanside (hereinafter referred to in the singular as a

30

"Dispute Party" or in the plural as "Dispute Parties") as to the enforcement or interpretation of the Mediated Settlement Agreement. The Dispute Parties would resolve any dispute regarding the enforcement or interpretation of the Mediated Settlement Agreement pursuant to the following procedure:

23.1.1 Notice of Breach. Within ten business days of its determination that another Dispute Party has breached the provisions of the Mediated Settlement Agreement, a Dispute Party would notify all other Dispute Parties and their counsel of this determination in writing and provide a written explanation of the basis of its determination.

23.1.2 Response to Notice of Breach. Within ten business days of their receipt of the notice described in Section 23.1.2, above, the Dispute Parties receiving said notice would be required to provide a written response to the notifying Dispute Party indicating its concurrence with, or rejection of, the determination of breach, or indicating that the alleged breach has no bearing on that party's rights or obligations under the Mediated Settlement Agreement, as the case may be.

23.1.3 Meet and Confer Obligation. Should the Dispute Parties disagree with respect to the determination of breach of the Mediated Settlement Agreement, or the remedy necessary to cure any alleged breach, then within fifteen business days of the receipt by the Dispute Party claiming the breach of all responses by the other Dispute Parties, or other mutually agreeable date, the Dispute Parties who claim an interest in the subject matter would meet and confer in good faith in an attempt to resolve any differences.

23.1.4 Resolution of Breaches. In the event that the dispute were not resolved within fifteen business days of the meeting described in Section 23.1.3 above, then the Dispute Party claiming the breach would be entitled immediately to seek relief exclusively from Judge Yim. Any action taken to resolve a dispute between the parties with respect to the enforcement or interpretation of the Mediated Settlement Agreement would be determined through binding and final arbitration (with no right of appeal). The arbitration would be conducted in accordance with the commercial arbitration rules of Dispute Prevention & Resolution, Inc. then in effect. All proper costs of the arbitration including, without limitation, witness fees, attorneys' fees, and fees of the arbitrator, would be charged to the party or parties in such amounts as might be determined by Judge Yim. Any such award would be subject to the provisions of Chapter 658A, Hawaii Revised Statutes, as the same may be amended from time to time.

23.2 Unavailability of Judge Yim. In the event that Judge Yim were unable to serve in the capacity set forth above, then the Dispute Parties would ask the presiding judge of the Third Circuit Court to appoint an individual to act as the arbitrator.

23.3 Resolution of Claims Involving Non-Dispute Parties. To the extent the resolution of any disputes as to the enforcement or interpretation of the Mediated Settlement Agreement involves parties other than the Dispute Parties, the resolution of the dispute would not be in accordance with this Section 23, but would be as permitted by law, subject to Section 22 above.

31

24. Miscellaneous Provisions.

24.1 Extension of Time For Performance of Oceanside's Commitments to the County. As a result of the delay created by the pending Hōkūli'i litigation, the County Administration would grant to Oceanside, as permitted by the Zoning Code and other applicable law, such reasonable extensions of time as may be required to complete Oceanside's obligations, including but not limited to the construction of the Bypass Highway, and to satisfy pertinent conditions under the Hōkūli'i Project approvals.

24.2 Possible Application to LUC to Place Keōpuka into a Different State Land Use District. At its election, Pacific Star could make, and could thereafter withdraw at any time and for any reason, an application to the LUC to change the State land use designation for Keōpuka, as to any Keōpuka a land (other than the Keōpuka Shoreline Area) currently in the Agricultural District. The County would agree to support Oceanside's application, and Plaintiffs, to include Mr. Medeiros, would agree not to object to any such application and not to challenge any decision which the LUC might make in response to any such application, if the application and any resulting decision limit the permitted uses of, and the permitted density at, Keōpuka, in a manner consistent with Sections 1.4, 1.5, 1.6 and 1.7 above.

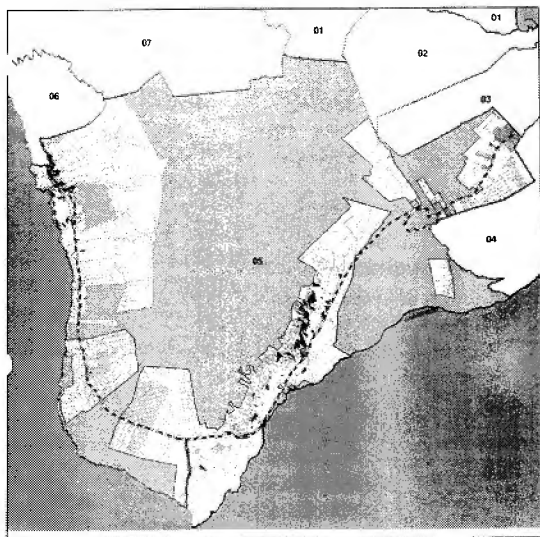
24.3 Joint Press Release. The Parties shall work together to develop joint press releases, to be available for distribution when the Parties notify the Court that a settlement has been reached, subject to Court approval (or as soon thereafter as the fact of such agreement becomes public) and when the Court approves the Mediated Settlement Agreement.

24.4 Organizational Documents of New Entities. The organizational documents of the Hōkūli'i Foundation and of the Park and Cultural Sites Entity would be written to release from liability all individuals serving as directors or officers of such entities and to provide indemnities from such entities for all such directors and officers, in each case to the fullest extent permitted by law. In the event of any claims against directors or officers of the Hōkūli'i Foundation or of the Park and Cultural Sites Entity, or against the entities themselves, the claims shall be submitted wherever possible to arbitration pursuant to the provisions of Section 23.

25. The Settlement Would Require Court Approval.

25.1 Court Approval. As a condition precedent to the effectiveness of any Mediated Settlement Agreement, the Court would need to approve the settlement and enter the form of Amended Decision contemplated by the Mediated Settlement Agreement. The parties would agree jointly to submit the settlement set forth in the Mediated Settlement Agreement to the Court for approval.

32



House of Representative District 5

Legend:
Land Use Classes:
Agriculture
Residential
Commercial
Industrial
Public Use
Other

Contact Information:
Legislative Contact (Person)
Phone Number of Contact
Mail Address of Contact
District Number (Representing)

Summary:
Total Population in Legislative District
Population Living in S.U. Ag District
Population Living in S.U. Ag District on Class C, D, E or U Ag Land
Percentage of Population Living in S.U. Ag District on Class C, D, E or U Ag Land
Total Acreage in Legislative District Within S.U. Ag District
Percentage of Total Acreage Within Class C, D, E or U
Total Number of Parcels in Legislative District and in S.U. Ag District

Result:
201-540
91-524
12-517
62.69
444,002.23
97.88
30,818

Scale: 0 1.25 2.5 5 7.5 10 Miles
1" = 1.25 miles
1" = 1.25 miles

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

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

Representative Thielen rose, stating:

"You do know that I voted no. Thank you."

The Chair responded stating:

"Yes, we have you recorded as voting no since you were the first orator voting no on the Floor this afternoon."

Representative Meyer rose in support of the measure, stating:

"I'm rising in support."

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

"Yes, Mr. Speaker, with strong support."

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

"Mr. Speaker, I am in support."

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

The Chair then stated:

"Has everyone's vote been recorded? Members, let's go back to page one."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1368, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was referred to the Committee on Finance with Representatives Berg, Ching, Morita, Saiki, Schatz, Shimabukuro, Stevens, Thielen and Waters voting no, and with Representatives Caldwell, Green, Hale, B. Oshiro, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 454-06) recommending that H.B. No. 2857, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2857, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 455-06) recommending that H.B. No. 2974, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2974, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 456-06)

recommending that H.B. No. 3114, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3114, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 457-06) recommending that H.B. No. 2803, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2803, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 458-06) recommending that H.B. No. 1929, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1929, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 459-06) recommending that H.B. No. 2396, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2396, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOREST STEWARDSHIP," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 460-06) recommending that H.B. No. 2926, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2926, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 461-06) recommending that H.B. No. 2709, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2709, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Finance with

Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 462-06) recommending that H.B. No. 2867, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2867, entitled: "A BILL FOR AN ACT RELATING TO CULTURAL AND HISTORIC SITES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 463-06) recommending that H.B. No. 3030, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3030, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 464-06) recommending that H.B. No. 3106, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3106, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 465-06) recommending that H.B. No. 2858, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2858, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF CAVES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 466-06) recommending that H.B. No. 3241, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3241, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, with reservations on 466. I hope as it moves along we look some more clarifying language. This is about accreted lands. Thank you."

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

"Thank you, Mr. Speaker. I'm voting no on the same measure, Mr. Speaker. The title is Relating to the Land Court and yet the bill speaks to accreted lands, and of course, the accreted lands can occur in the regular system at the Bureau of Conveyances, not just at the land court.

"In addition to a defect in the title, the bill attempts to muddy the waters for ongoing litigation. The Deputy Attorney General came in and said do not pass this bill because it could impact this State's defense in the case that was brought by landowners that want to claim our newly accreted beach land to be their own property.

"The frightening thing in the bill that they wanted to see go, that was before our Committee, it would have taken that newly accreted land out of the conservation district, put it in the open district, and then those beachfront owners could have built on it.

"It's a very serious issue, Mr. Speaker. You'll remember in 2003 that we passed a law stating that all newly accreted lands that was not part of a formerly eroded away parcel, all newly accreted land belonged to the State. These are our beaches for the people of the State of Hawaii.

"The plaintiff, beachfront owners have filed a lawsuit and I believe that one of our Members will ask for a conflict of interest because I believe his law firm is involved in representing those beach front owners. The thing that's very difficult about it is that we shouldn't meddle now. That case is before the court. If we go in and pass this bill, even though it is dealing with don't plant vegetation, if we do that the Deputy Attorney General said it's going to negatively affect the State's position. Why would we want to do that when we want to preserve the newly accreted beach land for our people? Thank you."

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

"Thank you, Mr. Speaker. With strong reservations. I'd like to submit written comments on this measure. But simply put, this section, this area dealing with planting shouldn't be addressed in this section of the law. It's a shoreline issue so I believe this bill is technically flawed, but I would like to submit written comments. Thank you."

Representative Morita's written remarks are as follows:

"Mr. Speaker, I rise in support but have strong reservations about this bill.

"House Bill 3241, House Draft 1 prohibits private owners of oceanfront property from claiming accreted lands caused by the private landowner's planting and maintaining or otherwise encouraging vegetation on the seaward boundary of the property. While on its face this bill may seem innocuous, no one, during the public hearing process, could really flesh-out the intent of this measure.

"First of all, the planting and maintaining of all vegetation should only be done after a shoreline certification process has been completed on properties along the coast. A prohibition of such plantings seaward of a property should not be limited to just accreted lands, but part of the broader public policy of maintaining as much of the beach as possible as a public resource.

"In In Re Application of Ashford, 50 Haw.314 (1968), the Hawaii Supreme Court explained the majority of titles were conveyed in the 1850's even though the government had no knowledge of tidal datums or benchmark elevations. Hence, there is no intention to use elevation in establishing coastal deed boundaries. In most cases, the government relied, instead, on the high water mark of the waves. In Ashford, the State of Hawaii successfully argued that traditional

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

"Without knowing of the true intent of this measure, I do not know how it can enhance this long-standing public policy. I urge my colleagues to proceed cautiously."

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

"Mr. Speaker, I like to ask for another ruling on a potential conflict. The law firm that I work for is also involved in the litigation over accreted lands, but I have not worked on that case," and the Chair ruled "no conflict."

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

"Same for me Mr. Speaker. I don't know if the Representative from Kailua is talking about my firm, but we from time to time do represent landowners who have accreted land issues. I have not worked on any of those cases," and the Chair ruled "no conflict."

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

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

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

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

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

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

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

"Mr. Speaker, I'm in strong support of this measure. I recall the debate in 2003. There were, I don't believe any, property owners who had shoreline property there. And it's sort of the nature of the Legislature. We're part time and we have so much business moving through the process that people who are affected oftentimes don't know what kind of laws we're considering. So I think that this is appropriate to take another look at this. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3241, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND COURT," passed Second Reading and was referred to the Committee on Judiciary with Representative Thielen voting no, and with

Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 467-06) recommending that H.B. No. 2223, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2223, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 468-06) recommending that H.B. No. 2257, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2257, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This bill deals with the Department of Human Services. It adds a new section to the law, and the gist of it is that the Department will not be able to decide how to spend federal funds without legislative approval. It's like the Legislature will have to do the appropriating of any of those federal funds.

"As amended, they've added a measure that the Governor may authorize the Department to receive federal funds, but I just feel this is another example of micromanaging the Executive Branch. We are only a part-time Legislature. We are not here all the time. I don't think it's appropriate to pass a bill like this. Thank you."

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

"Thank you, Mr. Speaker, in support. That last discussion or last comment, Mr. Speaker, was based on nothing, because it has nothing to do with what is going on in this bill. This bill merely states what is already federal law. This bill is dealing with federal funds in the way that it has to be appropriated. Federal law says that the Legislature appropriates this.

"Unfortunately when your Chair of Human Services speaks to the Department, the Executive Department about this, they look at me as if I was speaking like the previous speaker, coming out of nowhere. But you see I'm coming from somewhere. I'm following the law, and I'd like the State law to reflect the federal law in order to ensure that your Chair, whoever will chair Human Services will have the authority written in our own law, the HRS. Maybe that will be something clearer than a little sliver of law from the federal government.

"So, Mr. Speaker, this law that's contained in Stand. Com. Rep. No. 468-06 will ensure that the Executive Department respects the right of the Legislature to appropriate funds. That is our job. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 469-06) recommending that H.B. No. 2258, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2258, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Reservations and we'll talk about it more in Finance."

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

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

"With reservations and brief comments. The speaker on SCR 468 said that the concerns that the Legislature was seeking to micromanage the Executive was coming from nowhere. This bill indicates otherwise. This is a direct attempt by the Legislature to micromanage the Executive Branch when we speak about TANF funds.

"Mr. Speaker, I don't think anybody can debate that this Legislature over the past number of years has sought desperately to limit the power of the Executive Branch. We don't expect any different, that's the nature of politics and this is the embodiment of that sort of action. And so for those reason I have reservations until the Final Reading."

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Pine voting no, and with

Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 470-06) recommending that H.B. No. 3237, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3237, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Morita and Karamatsu, for the Committee on Energy & Environmental Protection and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 471-06) recommending that H.B. No. 2863, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2863, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY INNOVATION CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 472-06) recommending that H.B. No. 2311, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2311, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 473-06) recommending that H.B. No. 2693, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2693, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on 473, I'll be voting no on this measure. It appropriates \$250 million to address the unfunded liability of the Retirement Fund. I believe we should address the problem because we have a huge unfunded liability. We should not be taking money out of it to put into our general fund, but I think \$250 million is a bit excessive. I would hope that the Finance Committee would address all the needs of our State. We should look at spending some of the surplus for tax credits, for education, for housing, for health, and high tech and other needs. Thank you."

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

"Thank you, Mr. Speaker. I'm rising with very strong reservations and would ask that the words of the Representative from Kahala be inserted in the Journal as my own," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2693, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 474-06) recommending that H.B. No. 2697, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2697, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 475-06) recommending that H.B. No. 2641, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2641, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, again a no vote on this. This one creates a new animal. Something called an indirect public works. And I think its newspeak. It's really private works and, where did my bill go? Nevertheless, I don't know what a construction project owner is, and this would pertain to a construction project owner."

"I was hoping that the author of the bill could perhaps clarify who this pertains to that has to turn over their payroll to the Labor Department. I don't know whether a construction project owner is a landowner, or a building owner, or a contractor, or a developer, but in any case it would be very difficult for a landowner to turn over payroll records to the Department of Labor. Thank you."

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

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This is just a series of bills that are like this that are broadening the scope of prevailing wage types of jobs. This would affect a public-private partnership. In the past, I think we had some schools built. The schools were built more quickly. There was a savings. This law would take away the savings that you would have. It's just another bill that is broadening the prevailing wage type jobs. Thank you."

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

"Mr. Chair, I rise in opposition, against this bill. We have found ourselves in a kind of mess with Chapter 104. This is another bill to try to undo the mess by creating more of a mess. And that mess would be having DAGS be the recipient of certified payrolls. As I have said many, many times in the past, prevailing wage and employees are a very important part of our economy and I respect them. It's the public works and the administrative expenses that go along with it. And the fact that these indirect or bonding type of

funding for many of our projects, such as affordable housing. We don't have a home for the certified payrolls because there isn't any required. So we need to look at Chapter 104 in totality. Not in little piecemeal fixes, which is basically not going to work, and add more cost of expense, and expense to creating affordable housing. Thank you."

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

"In opposition, Mr. Speaker. Again, I agree with many of the speakers today. It adds another layer of complexity on all the projects we're trying to build. Some of the private partnerships have worked very well. Not only for the schools, but like the upcoming UH West Oahu. I don't want to see any of those jeopardized. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Harbin, Marumoto, Meyer, Moses and Stonebraker voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 476-06) recommending that H.B. No. 2947, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2947, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 477-06) recommending that H.B. No. 2951, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2951, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on 477. This has to do with collective bargaining, but as the bill is written, it looks like ... I'm against the bill. I'm concerned about it because the way the bill is written now, the language is so broad that it will open the door for employers to be challenged on any task assignment to a public employee as a subject of negotiation. The employer should have the ability to transfer people. And it's just taking the power away from the employer and will make it a far more lengthy process than it is now. Thank you."

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

"In opposition. Yes, Mr. Speaker. I'm very concerned. We've had bills like this before. We always talked about them. This is making everything subject to negotiation. We just can't operate anything like that, whether it is government or a private business. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2951, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Finance with Representative Meyer, Moses and Stonebraker voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 478-06) recommending that H.B. No. 2953, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2953, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I would like to cast a no vote on this, Mr. Speaker. My concern is, it's going to affect, if I'm reading the bill correctly, my concern is it will affect SPRBs. And I believe that SPRBs are going to be used for a multitude of purposes. Mr. Speaker, some of those purposes, I believe will be addressing our housing crisis. And I would like to have permission to have today's article by Lee Cataluna that appeared in the *Advertiser* be inserted into the Journal."

The Chair responded, stating:

"For what purpose?"

Representative Thielen responded, stating:

"The purpose of this is she's talking about the crisis in housing and she's talking about a walk-in closet that was advertised for rent on the internet and it had something like I think 40 responses immediately from people looking for a place to live. The walk-in closet was evidently quite a large closet. It had room for a bed and a night chest and could be secured. And then the tenant ..."

Speaker Say: "Representative Thielen, the question that the Chair has posed is, for what purpose do you want to insert that?"

Representative Thielen: "SPRBs, that would be addressing the housing crisis."

Speaker Say: "There's nothing in the article that addresses SPRBs at this point in time."

Representative Thielen: "No, there's only the talking about the housing crisis that ..."

Speaker Say: "The Chair will deny you the right to insert that in the Journal."

Representative Thielen: "All right then. I'll save it, Mr. Speaker, until we come to a housing bill. And then we can have it inserted then to show the crisis that we have. Thank you."

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

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

"Mr. Speaker, the OD mentions that 478 deals with, Relating to Labor, prevailing wages, public works, which has to do with, well it may cover special purpose revenue bonds in eventuality. But I will rise against this measure. I will vote no in opposition, because it would cover any public work in excess of \$2,000, which is a very small amount. And I think it would be very onerous to comply with all the laws required under prevailing wage for such a small contract. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2953, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Stonebraker and Thielen voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 479-06) recommending that H.B. No. 3089, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3089, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 480-06) recommending that H.B. No. 3018, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3018, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 481-06) recommending

that H.B. No. 2052, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2052, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2052 relating to the establishment of a Foster Children's Bill of Rights.

"House Bill 2052 reaffirms society's responsibility along with parents for the well-being of children in foster care. We as lawmakers are responsible for acting to insure their welfare.

"Every child in foster care is endowed with the rights inherently belonging to all children. In addition, because of the temporary or permanent separation from and loss of parents and other family members, the child requires special safeguards, resources, and care.

"Thank you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2052, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 482-06) recommending that H.B. No. 2963, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2963, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2963, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 483-06) recommending that H.B. No. 2986, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2986, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 484-06) recommending that H.B. No.

2994, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2994, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to register reservations on this vote. This has to do with eminent domain. I don't have much to say about it except that I'd like to consider it further and mark it for my notice. Thank you."

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of Standing Committee Report 484-06, HB 2994, HD1.

"Mr. Speaker, the Kulana Nani Apartments is a City owned, HUD financed, low-income housing project on land owned by Kamehameha Schools. Presently the City has a long-term lease with Kamehameha Schools.

"Mr. Speaker, recently Kamehameha Schools stated that they were selling the land under the Kulana Nani Apartments and the City stated that they wanted to get out of the housing business. Fearing that the residents of Kulana Nani Apartments might be losing their affordable housing, Ms. Dorothea Pale, President of the Kulana Nani Residents Association, and two other residents came to see me asking for help. They feared that should the City get out of the housing business, the new landowner might convert the apartment units into condominium units, or demolish the apartment complex entirely. Should this occur the residents of Kulana Nani Apartments would have no place to go for affordable housing and many will become homeless.

"Mr. Speaker, there is already a large number of Kaneohe residents, due to the real estate market boom, who cannot afford the increase in their rents and have become homeless or are close to becoming homeless.

"Mr. Speaker, we can help prevent an increase in the number of homeless residents in Kaneohe by purchasing the land under the Kulana Nani Apartments from Kamehameha Schools. This will ensure that this land will always be used for the purpose of providing affordable housing.

"Mr. Speaker, for this purpose I ask my colleagues to support Standing Committee Report 484-06, HB 2994, HD1. Thank you."

Representative Chong in support of the measure, stating:

"Mr. Speaker, I am in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2994, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 485-06) recommending that H.B. No. 1931, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1931, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker. I would like an aye with reservations. I really think that this should be handled by rules in the department."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1931, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was referred to the Committee on Finance with Representative Thielen voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Kanoho and Kahikina, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 486-06) recommending that H.B. No. 2666, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2666, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. With reservations. I'm concerned that there's no rational basis to punish the seller when the seller has no control over whether the buyer will be subject to an exemption. But also that the conveyance tax is just not a worthy source of funding because it fluctuates so much. Thank you."

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

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

"With reservations. This bill, I thought it was kind of clever to come up with an idea to get some money to address homeless. But what concerns me is it's trying to tax people who may be speculators and they call it 'flipping' in the marketplace. But I do believe that we may be impacting our own local people that happen to buy into an area where the market gets really hot. They see what it is, and they sell it and move to another part of the State. So inadvertently, I think we may harm people that live here locally. Thank you."

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

"Thank you, Mr. Speaker. With reservations. And adding on to the previous speaker, I think you know whenever you're selling property, or selling property and your cost are most, that that means the next buyer's cost will be more as well. I mean it works hand in hand, being from that industry. Thank you very much."

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2666, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Marumoto, Pine and Stonebraker voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Kanoho and Kahikina, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 487-06) recommending that H.B. No. 3149, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3149, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRANSFER," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 488-06) recommending that H.B. No. 2003, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2003, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 489-06) recommending that H.B. No. 2381, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2381, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Morita, Herkes and Luke, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 490-06) recommending that H.B. No. 3115, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 3115, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like a ruling on a potential conflict. I'm part owner of a gas station," and the Chair ruled "no conflict."

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

"Thank you, Mr. Speaker. I rise in opposition to this measure. However, before I proceed to explain my logic, or illogic, I'd like to have a little housekeeping measure here. I noticed that on the Committee vote, it indicated that I voted yes, when in fact, I was not at the table. I still consider myself resigned. Therefore, the yes vote is an inappropriate vote. And I'm going to quote from our *Mason's Manual*."

The Chair then stated:

"Representative Harbin, you are out of order at this point. If you would like to address this issue, you can address it at the end of the calendar."

Representative Harbin continued, stating:

"Mr. Speaker, I want to make sure that my vote isn't inconsistent because it shows a yes in the Committee, which I am now voting no. And I just want to make sure that there's no inconsistency because of the inability of our Committee Chairs to follow *Mason's* rules of the legislative procedure. So with that being said, let me now explain why I'm voting no. Thank you.

"This particular measure is to repeal, which alludes to repeal in 2008, the gas cap that we have presently in action. I very much support the past legislative actions, which implemented the gas cap. I think as with anything that's new, we may have stumbled and may be put a little bit too high of a market amount on the gas cap. And I think a lot of it was because of the inability to get the correct information from our monopolistic oil industry.

"I think that we're stepping in the right direction as far as asking for more information, so that we can make the right decisions so that we can stop money coming out of the pockets of our local people. But to do that, we have got to get to the bottom of what is the right information. And as long as we keep tying ourselves to this confidentiality request on the part of the monopolistic oil companies. And with them knowing that in 2008, this thing goes 'poof,' and it goes away. We have no impetus or any hammer over their heads. We are committing a full surrender to the oil companies. We have got to stop them from taking our money back to Texas. Keep the gas cap in effect. If the information works, then fine let's repeal it. But let's not repeal it or even indicate we're going to repeal it ahead of time."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3115, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Second Reading and was referred to the Committee on Finance with Representative Harbin voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Morita and Magaoay, for the Committee on Energy & Environmental Protection and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 491-06) recommending that H.B. No. 3216, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3216, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHOLAWE," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 492-06) recommending that H.B. No. 2214, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2214, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 493-06) recommending that H.B. No. 2698, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2698, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 494-06) recommending that H.B. No. 3053, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3053, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 495-06) recommending that H.B. No. 2073, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2073, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 496-06) recommending that H.B. No. 2153, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2153, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 497-06) recommending that H.B. No. 3154, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3154, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. Rep. 497, I'd just like to express some reservations on this measure. I attended the CSG Healthcare Task Force this year and this subject came up. It came up in a very lively discussion. I think the concern with prohibiting mercury-containing vaccines is that there may be some people who then become afraid of having their child immunized. Immunization is one great weapon we have against childhood diseases. So I think we should proceed very carefully with this measure and listen to our medical experts. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3154, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 498-06) recommending that H.B. No. 2064, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2064, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FAMILY CAREGIVER SUPPORT SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 499-06) recommending that H.B. No. 3259, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3259, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Kanoho and Kahikina, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 500-06) recommending that H.B. No. 3119, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3119, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 501-06) recommending that H.B. No. 2889, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2889, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support. I'd like to share with the Members regarding the historical Nahiku School. This measure is before us because the community there and most of the members who live there, it's like a village. It's part of the Hana District, but it's a small village with a lot of our *kupunas* too, who went to this school.

"Unfortunately in December of last year, the school burned down and as a result of that, the community has come forward and asked if they could do a replica of the school so that they could use it as a facility for gathering, and also for sharing some of their cultural practices. So with that, I'd just like to ask for support from our colleagues. Thank you."

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

"Thank you. In strong support and written comments," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this bill. This measure provides the funding to replicate an essential structure of the Nahiku community and restore the original architecture previously intended for the school. The bill seeks to construct a replica of the old Nahiku School and make it available to the existing community to gather and share Hawaiian historical and cultural activities. However, there exists concerns raised by the DLNR due to the fact that the original property was destroyed by fire, any new structure is ineligible to be listed on the State or National Registers of Historic Places and will not meet existing guidelines. This section of the bill may need to be reconsidered. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2889, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR RECONSTRUCTION OF HISTORIC OLD NAHIKU SCHOOL," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 502-06) recommending that H.B. No. 1829, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1829, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Yes, in strong support of this measure for the University in terms of the social workers having some kind of a case management that will be part of the curriculum. Thank you very much. And I would like to have some comments in the Journal," and the Chair "so ordered."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I rise in strong support of HB 1829 relating to an appropriations for the University of Hawaii's School of Social Work. Mr. Speaker this measure will establish a long-term case management program at the UH School of Social Work.

"Hurricane Katrina has brought to light some very hard learned lessons, one of those being the lack of an established system for the provision of long-term case management services. We all know that Hawaii is no stranger to natural disasters and the next hurricane is not a matter of if, but when. This measure would aid victims of major

natural disasters by identifying and assisting the on-going, long-term needs of affected communities wherever they may be needed.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1829, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 503-06) recommending that H.B. No. 2041, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2041, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you very much. I'm rising with some reservations on Stand. Com. Rep. 503. This is a bill that would create a scholarship program in the name of Oren E. Long by using general funds. I think we had another similar bill, which created the scholarship program in the name of Senator Fong. I think this sets kind of a dangerous precedent. Our University is pretty highly subsidized with State tax dollars. And I think it's more appropriate that these scholarship programs be created by foundations and individuals. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2041, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SENATOR OREN E. LONG SCHOLARSHIP PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 504-06) recommending that H.B. No. 3158, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3158, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 505-06) recommending that H.B. No. 3166, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3166, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 506-06) recommending that H.B. No. 2573, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2573, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2573.

"Mr. Speaker, I believe that the passage of HB2573 will provide substantial land, water and ocean resource management. Currently, in the Kaiaka Bay Watershed, there are extensive life threatening flood erosion, sedimentation, waste and other resource management concerns.

"This bill will enable UH Manoa's College of Tropical Agriculture and Human Resources to collaborate with various agencies, businesses and community members, such as Haleiwa Community Gardens Association, Waialua High & Intermediate School, Waialua and Haleiwa Elementary Schools, and the North Shore Neighborhood Board.

"HB 2573 will allow the above-mentioned parties to conduct joint efforts to assess and take action on environmental issues and other concerns in this economically important watershed on Oahu's North Shore.

"This measure would allow for a pilot project to potentially exemplify proper management of our valuable natural resources, and in so doing allow Kaiaka Bay to heal, regenerate and be a resource for future generations to explore and enjoy.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2573, entitled: "A BILL FOR AN ACT RELATING TO NATURAL RESOURCE MANAGEMENT," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 507-06) recommending that H.B. No. 1993, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1993, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 1993 – Relating to Telepsychiatry. The one-year pilot project would be a beneficial and economical tool for the State of Hawaii:

"First, it is essential that all citizens of Hawaii have access to specialty medical care. The one-year pilot telepsychiatry project at the University of Hawaii would be an informative tool in determining Hawaii's needs, particularly those of rural residents who are currently lacking the resources and access to mental health treatment. Studies show telepsychiatry offers effective treatment with a high patient satisfaction rate.

"Last, telepsychiatry is cost-efficient in reaching patients in rural areas and neighboring islands. With today's technology we're

capable of providing mental health care to all of those in need through videoconferencing at a stable expense. In fact, many clinics already possess the required equipment. 95% of graduates from the University of Hawaii Psychiatry Residency Program choose to reside in Hawaii post graduation. H.B. 1993 will not only make mental health care easily accessible at a cost-efficient level, but also expose and help retain these graduates in rural areas for long-term service in the mental health field."

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

"Thank you, Mr. Speaker. Very briefly in support. I think this is another important adjunct to get healthcare into our rural communities in the area of mental health. I think it's a good idea. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1993, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELEPSYCHIATRY," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 508-06) recommending that H.B. No. 2045, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2045, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I stand in strong support of this Women's Caucus measure and I would like to submit written comments into the Journal," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2045 HD1, Relating to Perinatal Care.

"Perinatal' is defined as relating to the period before and after childbirth usually the five months before and one month after birth. Obviously this is a critical time for mother and baby. Good health habits during that period can set a *keiki* on the course for a happy and healthy life. Maternal drug, alcohol and tobacco use, however, can have a very negative effect on the health of a fetus.

"In 2000, Child Welfare Services received reports of 208 drug-exposed infants. Most of them had been exposed to methamphetamine. In addition, about 20% of pregnant women in Hawaii drink and about the same percentage smoke. All of these practices can have serious consequences for the *keiki's* health.

"Unfortunately, women who use illegal drugs are the least likely to seek perinatal care many for fear that their children will be taken from them. HB 2045 would establish a pilot perinatal clinic at the John A. Burns School of Medicine. The clinic will provide care for women with a history of substance abuse including substance use counseling and psychiatric care. The clinic will also provide case management coordinating its efforts with CWS and social service providers.

"We must do what we can to protect the innocent victims of maternal drug, alcohol and tobacco abuse. This pilot program is an important step in protecting the next generation for as we all know, the children are our future.

"I ask my colleagues to support this measure. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2045, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 509-06) recommending that H.B. No. 2162, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2162, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RURAL HEALTH CARE," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 510-06) recommending that H.B. No. 2180, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2180, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 511-06) recommending that H.B. No. 563, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 563, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MICROORGANISM IMPORT," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 512-06) recommending that H.B. No. 1923, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1923, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1923, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," was referred to the Committee on Finance with Representative Thielen voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 513-06) recommending that H.B. No. 2212, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2212, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 514-06) recommending that H.B. No. 2213, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2213, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE ASSESSMENTS FOR UNINSURED STUDENTS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 515-06) recommending that H.B. No. 1706, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1706, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 516-06) recommending that H.B. No. 2039, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2039, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in strong support of this measure which is part of the package of bills that's supported by Mililani Drug Free. And I'd like to insert written comments in the Journal," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"With the popularity of synthetic drugs like crystal methamphetamine, clean up of illegal drug production facilities has become a major problem.

"Many of the chemicals used in the production of crystal meth are toxic, especially to children. These chemicals include: volatile organic chemicals like toluene, acetone, methanol, petroleum distillates and ethers, lead (depending on the manufacturing method) and mercury (also depending on the manufacturing method).

"When illegal labs are discovered, human habitation of the premises is often unsafe. To determine whether living in the building is safe and to conduct necessary clean up, it is important to adopt regulations for the testing and decontamination of property used for the production of illegal drugs.

"Hawaii is currently experiencing a severe housing shortage. We need to ensure that every available property is habitable especially for our *keiki*. We also need to give landlords and law enforcement officials guidance on what constitutes a thorough decontamination.

"HB 2039 would require the Department of Health to adopt rules establishing standards for the decontamination of property used for manufacturing of illegal drugs. This will help ensure that subsequent residents of a property are not harmed and will give landowners guidance on the goals and methods of a decontamination effort.

"I respectfully urge my colleagues to support this measure. Mahalo."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2039, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 517-06) recommending that H.B. No. 2107, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2107, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A HAWAII CAREGIVER GRANT PROGRAM," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 518-06) recommending that H.B. No. 2264, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2264, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STREET LIGHTING," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 519-06) recommending that H.B. No. 2442, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2442, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 520-06) recommending that H.B. No. 3097, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3097, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM STORAGE FACILITIES," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 521-06) recommending that H.B. No. 1867, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1867, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'll be voting no on this measure. I believe that this measure represents the wrong direction that we need to go in workers' compensation. Thank you."

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

"Mr. Speaker, I'd like to register a no vote. I'm worried about this bill that it will add to the cost of workers' compensation premiums. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance with Representatives Meyer and Stonebraker voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 522-06) recommending that H.B. No. 1975, HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1975, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 523-06) recommending that H.B. No. 2605, HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2605, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CABLE," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 524-06) recommending that H.B. No. 2621, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2621, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER ADVOCATE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 525-06) recommending that H.B. No. 1876, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1876, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Mr. Speaker, may I request once again, a ruling on a potential conflict. I'm a part owner of a gasoline station," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1876, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 526-06) recommending that H.B. No. 3099, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3099, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm rising in support of HB 3099 with strong reservations. This bill allows a plaintiff in an antitrust case against an oil refiner not be required to present evidence that tends to exclude the possibility that the alleged conspirators acted independently. Singling out the petroleum industry for different treatment under the State's antitrust law and depriving it of evidentiary rights appears to raise serious constitutional issues. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3099, entitled: "A BILL FOR AN ACT RELATING TO ANTITRUST VIOLATIONS BY THE PETROLEUM INDUSTRY," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representative Thielen voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 527-06) recommending that H.B. No. 2372, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2372, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 528-06) recommending that H.B. No. 2696, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2696, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I'd like to register a no vote. Sick leave is a very important benefit that employers need to be able to give to their employees. To start mandating what you can and cannot do with sick leave, I think is going to start discouraging employers from providing this very wonderful tool for their employees. So please register my no."

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

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

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

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

"Thank you. Reservations, Mr. Speaker. There's one of these bills on sick leave that I'm actually for and I haven't had the chance to take a look at this one, so I'm going to go with reservations."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2696, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Finance with Representatives Harbin and Meyer voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Caldwell and Karamatsu, for the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 529-06) recommending that H.B. No. 3209, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 3209, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm going to rise with reservations on this. The Restaurant Association has been trying for many, many years to try to get some type of equitable relief with tip credits. I think this is an attempt towards assisting them. But I think trying to mandate what they do with the tip credits, such as taking care of what they call the back room folks, I think is sticking our nose into the operations of a business on the assumption that they're going to take the tip credit and go out and buy a Porsche or something for themselves, which I can tell you they're not.

"With that being said, I think as this proceeds to Finance, I would like to ask Finance to perhaps take a look at maybe we're not treading into federal law by sharing tips from the front end to the back end, and I'm sure we don't want to do that. Thank you."

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

"Mr. Speaker, I stand to say loud and clear that I'm voting no on this measure. This bill asks to lower the wages of the lowest paid people in this State. It lowers the minimum wage by \$1.25, and then 75 cents, and then \$1.25 in a couple of years. Granted that there are places of employment wherein the waiters and waitresses receive a substantial amount of tips, but that is not across the board. How about the waitresses at Likelike Drive Inn that go home with a \$5 tip at the end of the day?

"Furthermore what are tipped employees? Hotel maids, porters, the lei employers, as well as some others are called tipped employees. Restaurant revenues go up and down, and sometimes tourists don't come. What will happen to these people? The minimum wage law was implemented to protect our people from 'Scrooge' employers. It is wrong for us to circumvent this law.

"Furthermore to make matters worse, the bill was amended to give the savings of the tipped employee to the non-tipped employees. We are now 'robbing Peter to pay Paul'. Most of us in here in this House claim we ran for office to represent the working people. Why is this bill on the table? Our clergy today at noon, at the beginning of the session, asked us to reflect within ourselves on why we are here. I urge you to do it again. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I stand in support with reservations, I guess. It's very interesting how this bill came out. I'm taking a look at what we're trying to do and I agree with Representative from Kakaako/Downtown that we should not be trying to micromanage businesses. There are many reasons why I think that we would be asking for the tip credit, and sometimes it might be reinvesting in the business so that they can produce more jobs within the restaurants or wherever. But also I find it's going to be quite difficult to, I would think, to enforce something like this. So I'm just trying to see ... I'm in support of the tip credit, but we're taking a very interesting approach to this."

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

"Thank you, Mr. Speaker. I rise in support with reservations. I'm in strong support of tip credits because I think what this measure's talking about in the restaurant community numerous times said this in Committee, that the reality is we're talking about the restaurant business and very few of them are the ones, with all due respect, with what the former speaker was talking about. We're talking about the young student that comes fresh out of college and they're making a lot of money. And the dishwasher in the back who is maybe a little older, is not making much money.

"And so the fact is that, I think I brought this up on the Floor before. There are a number of young people capable, talented, etc. who instead of going on to business fields or going into any other industry, unlike maybe their parents or grandparents did, they're going into the serving business because of the money, and the money is so lucrative. So what the restaurants are asking for is a little bit of fairness, I believe.

"My reservation comes as a result of the amendment that was made in Committee which is dictating to the businesses how that money should be used. Thank you."

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

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

"Thank you, Mr. Speaker. In support of tip credits, and with reservations on the redistribution of the funds."

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

"I have strong reservations, Mr. Speaker. I'll retain my comments for Third Reading."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3209, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MINIMUM WAGE," passed Second Reading and was referred to the Committee on Finance with Representatives Cabanilla and Sonson voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Caldwell and Sonson, for the Committee on Labor & Public Employment and the Committee on Human Services presented a report (Stand. Com. Rep. No. 530-06) recommending that H.B. No. 2367, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2367, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 531-06) recommending that H.B. No. 2938, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2938, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG TERM CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 532-06) recommending that H.B. No. 2333, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2333, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was

referred to the Committee on Consumer Protection & Commerce with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 533-06) recommending that H.B. No. 3223, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3223, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm going to vote against this bill. This is a bill that can make you fighting mad. I'm furious. No, I'm just kidding, Mr. Speaker. But it just seems we want to regulate every thing in the books. Mixed martial arts is a beautiful sport. A combination of many sports. I just think that we should leave it alone and allow the Boxing Commission to do its job. Let's not micromanage everything that comes across our table."

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

"Mr. Speaker, in support of the martial arts bill. I just wanted to let the previous speaker know that the Boxing Commission does not regulate mixed martial arts."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3223, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representative Stonebraker voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 534-06) recommending that H.B. No. 2175, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2175, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 535-06) recommending that H.B. No. 2401, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 536-06) recommending that H.B. No. 2694, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2694, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I rise with reservations on this, Mr. Speaker. The last time the Legislature decided to insert itself into stating or determining what physicians should be paid for work comp services, we ended up being warned that we're going to get ourselves into a mess, and here we are. We're in a horrible mess.

"Doctors are not taking work comp, other types of providers are not taking work comp, and a lot of it is because they say the medical reimbursement is too low. First to take up to where the medical reimbursement is high enough, it will further bankrupt our system. Our doctors need to be paid the right amount for what they do, but I think as you talk to doctors, it's not just the pay. It's the hassle factor and there's no way to put the dollar value on that.

"So we can't just look at this as trying to come up with some unknown amount, which apparently even the second Committee hasn't come up with an amount yet, but we need to look at this together with establishing set medical algorithms. Standardization of our forms, and getting our doctors more efficient and easier so that workers' comp becomes a desirable commodity and not try to set some type of unknown repayment amount. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2694, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 537-06) recommending that H.B. No. 2695, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2695, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 538-06) recommending that H.B. No. 3129, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3129, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 539-06) recommending that H.B. No. 2244, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE RENTAL INDUSTRY," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 540-06) recommending that H.B. No. 2717, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2717, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

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

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

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

"A no vote, Mr. Speaker, and a couple of comments. I just believe that this Body has done so much to try to get into the business of the Governor. I think we have so many responsibilities as it is right now. We should focus on our legislative job and allow the Governor to do hers. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2717, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 541-06) recommending that H.B. No. 1836, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1836, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARIANS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 542-06) recommending that H.B. No. 2323, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2323, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO INSURANCE FRAUD," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Kahikina and Sonson, for the Committee on Housing and the Committee on Human Services presented a report (Stand. Com. Rep. No. 543-06) recommending that H.B. No. 2065, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2065, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 544-06) recommending that H.B. No. 2066, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2066, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 545-06) recommending that H.B. No. 2248, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 546-06) recommending that H.B. No. 2989, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2989, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, I'm standing in strong support of House Bill 2989, and this is a tax credit for low income housing development. Thank you, Mr. Speaker. Now I would like to ask that the article by Lee Cataluna be inserted into the Journal because it shows how desperate our housing need is when a closet, a large walk-in closet was advertised for rent for \$100 a month. There were 33 replies, and the closet rented within one day. It just shows that people are desperate. Thank you." and the Chair "so ordered."

Representative Thielen submitted the following:

"A renter hangs out in a closet

By Lee Cataluna
Advertiser Columnist

There are more and more examples of just how tight the local housing market is, from tales of simple homes in regular neighborhoods going for close to a million dollars to stories of families tripling up in shoebox apartments.

But the one making the rounds this week is a high-water mark.

Among listings of rooms for rent was a closet — a closet! — in a Kailua house, for \$100 a month. There were 33 replies and the closet was rented immediately.

The walk-in was advertised on the Web site Craigslist.org.

The posting, dated Feb. 10, made it clear that this closet was intended for living space:

"We are 4 professionals living in a very spacious house. We have a huge walk-in closet downstairs outside living areas that is being used for storage. You can fit a twin bed in there and probably a small nightstand. We can power your closet with some extension cord.

"This space is best for someone who doesn't stay at home much, and literally just needs a bed to crash. We did some tests with a metal bar so you can definitely 'lock' your door for full privacy. Obviously there is limited storage space.

"You will share a bathroom with 4 other people. Utilities are included. Fifteen minute walking distance to Kailua Beach Park, safe neighborhood, plenty of street parking."

This brings up so many questions about who would live this way, how you make it work, who came up with the idea and so on. Three days after the ad was posted, the e-mail contact for the rental unit was no longer active (the closet was scooped up that fast), so further questions about the arrangement couldn't be answered.

There apparently was also a laundry room for rent in the same household that was spoken for immediately.

The posting later picked up this anonymous commentary: "It is no crime to rent out very small places. The crime is when they are way over priced. I hope you guys that placed the ad feel good. You made it work out better for everyone."

Clearly, there are people who find this arrangement acceptable, even desirable. The landlords came up with a workable idea and people lined up for a chance to have a bed and a hot plate and a place to get their mail.

Why not? There are hot, noisy hollow-tile hovels in town that are 10 times the price and only two or three times the space. There are wait lists for public housing and Section 8. Even the beach encampments are full.

This is the plain truth of Hawaii's housing crisis. People are willing to sleep in a closet.

Lee Cataluna's column runs Tuesdays, Fridays and Sundays. Reach her at 535-8172 or lcataluna@honoluluadvertiser.com."

*The Honolulu Advertiser
Posted on: Friday, February 17, 2006*

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

"Thank you, Mr. Speaker, I want to register a no vote on this measure. I would like to say that I support construction of low-income housing, and I support tax credits when it's given to the right people, on the right occasion, for the right purpose.

"Tax credits destroy our tax base, and my opposition for this bill is that it's a blanket award of tax credits. I would like them, these developers, to come to our Body and ask for this tax credit so we can

determine whether we're giving the tax credit to the right people, for the right occasion, and at the right time. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2989, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representative Cabanilla voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 547-06) recommending that H.B. No. 1342, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1342, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLE AND MOTOR SCOOTER SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 548-06) recommending that H.B. No. 2452, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2452, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Reservations at this time. This is about seatbelts in school buses. Our testimony was that the buses are constructed such that it makes it more dangerous for students to wear seatbelts than not, and they'll be providing more information I hope, on the subject. When it gets to Judiciary, I hope that the Committee does ask for that data. Thank you."

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

"Mr. Speaker, I stand in support of this measure. If society believes seatbelts are desirable and necessary, then it's a grave oversight for schools not to offer our children that choice. This life-saving habit comes to a halt every September when the school year begins as we send our children off to school on belt-less buses. The arguments against seatbelts on school buses are finally beginning to fade and the truly valid reasons for their installation are starting to surface.

"Opponents say seatbelts are harmful to small children. If this is true then why is there a child restraint law in every state? Although none of these groups submitted testimony at our Transportation Hearing, seatbelts on school buses have been endorsed by the American Medical Association, the American Academy of Pediatrics, the American Academy of Orthopedic Surgeons, the American College of Preventive Medicine, Physicians for Automotive Safety, and the Center for Auto Safety.

"Opponents claim that seatbelts on school buses are not cost effective and that school districts should weigh cost versus their school system safety record. Yet they ignore the fact that seatbelts would cost most districts a few dollars per child each year for the added protection. Even districts with proper driver screening and the best safety records cannot predict the performance of the other driver. Do we base our actions regarding safety of children on the cost? I have additional written comments to insert in the Journal. Thank you," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure. I would like to refer members to the National Coalition for School Bus Safety. At their website they make a strong case to support school bus seatbelts which I would like to share with you.

"If society believes seatbelts are desirable and necessary, then it's a grave oversight for schools not to offer our children that choice. This lifesaving habit comes to a halt every September when the school year begins, as we send our children off to school on beltless buses. The arguments against seatbelts on school buses are finally beginning to fade and the truly valid reasons for their installation are starting to surface.

"Opponents say seatbelts are harmful to small children. If this is true then why is there a child restraint law in every state? Although none of these groups submitted testimony at our Transportation hearing, seatbelts on school buses have been endorsed by the American Medical Association, American Academy of Pediatrics, American Academy of Orthopedic Surgeons, American College of Preventative Medicine, Physicians for Automotive Safety, and Center for Auto Safety.

"Opponents claim that seatbelts on school buses are not cost effective and that school districts should weigh costs vs. their school systems safety record. Yet they ignore the fact that seatbelts would cost most districts a few dollars per child per year for this added protection. Even districts with proper driver screening and the best safety records, cannot predict the performance of the "other driver". Do we base our actions regarding safety on the cost?

"Opponents ignore the fact that by not providing seatbelts, a school district is demonstrating a form of negative education. This negative training carries over to the family car, leaving children defenseless against their number one killer, the automobile collision. Our teens are killed in drastic numbers each year because they haven't learned the importance of wearing a seatbelt. What a great opportunity we have before us to educate and condition a new generation of children with this life saving belt.

"Opponents state that 'compartmentalization' (protection between high-back padded seats) provides sufficient protection, yet they ignore the effects of rear-end, lateral and rollover collisions. During a crash, children become human missiles as they are thrown from their seats, into one another or into aisles, blocking quick evacuation.

"Opponents suggest that seatbelts are more trouble than they're worth and that children won't wear them. Wearing seatbelts twice a day, 180 days a year will make wearing seatbelts a routine and not an ordeal. Over 200 school districts across the nation have adopted seatbelts as an added safety feature and report usage rates from 80% to 100%. Districts must encourage, if not demand their usage and support must come from parents, administrators and school bus drivers.

"There are also valid concerns about liability, Mr. Speaker. The School Board, in its capacity as provider of transportation for students, could be considered as a 'common carrier.' Common carriers are required to use the utmost care consistent with the nature of its business to guard its passengers against all dangers which might reasonably and naturally be expected to occur, in view of all the circumstances. A legal argument could be made that this includes the duty to protect passengers who are unable to protect themselves. Thus, at some point in the near future it may be the case that a common carrier fails to meet its duty by not installing seat belts in its buses.

"I urge my colleagues to support this measure. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations on this measure. We did hear some compelling testimony in Committee that actually wearing seatbelts would be more dangerous for the children in the school buses, so that why's I like to note my reservations. Thank you."

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

"Thank you, Mr. Speaker. I'm rising with in support with strong reservations."

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

"Thank you. I rise with reservations, Mr. Speaker. I had the pleasure of sitting in on that specific Committee hearing though I not be on the Committee, and I heard firsthand the testimony about how seatbelts in buses because buses don't work the way that cars do, are actually much more dangerous than without seatbelts. If that's the case then I don't see why we need to add this to what schools need to do."

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

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

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

"I am in strong support and I ask that the words of the Vice Chair of Transportation be adopted as my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2452, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 549-06) recommending that H.B. No. 2737, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2737, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 550-06) recommending that H.B. No. 2873, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2873, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to register a no vote on this measure. Thank you. This measure is very important to stop invasive species coming into our islands but I believe that the Harbor Special Fund is not the correct way to fund this. I believe that there are better methods of funding the location and the detection of invasive species especially

on ships. I believe that there are federal grants available for this. We've had those in Hawaii before. Or, I believe that the general fund is a more appropriate funding mechanism. Thank you."

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

"Thank you, Mr. Speaker, I'll go with reservations at this time because we'll see it in Finance, but it does take money from the Harbor Special Fund and the Airport Revenue Fund to fund invasive species battles. I think that it's broader than just the ports of entry. I think it's a serious problem and we should dedicate some general fund money to the eradication of the invasive species. Thank you."

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

"Mr. Speaker, with reservations. And I'd like to point out that I believe one of our earlier measures was to increase moorage fees. If there is a surplus in the Harbor Special Fund, why are we increasing fees, and why are we raiding that Fund. I just think it's something to consider."

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

"Thank you, Mr. Speaker, reservations because of all the other things that have been said."

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

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

"Yes, Mr. Speaker, very quickly. And Members. I just wanted to make mention that ... I'm speaking in favor, of course. The entryways through the harbors and through the airports, and rightfully so, should be coming out the respective Funds of those respective areas."

"I'm generally opposed to raiding the Highway Funds. I'm spoken against that in the past, but there is a surplus in the Highway Fund when you look at all the expenses that are going to be considered for the year, less the surplus, there are sufficient dollars in the Highway Fund to take care of this."

"Furthermore, I am very disturbed that, and I use this in a positive sense, that not only this Administration but past Administrations, have refused to raise the fees for both the landing fees and harbor fees. In fact, there won't be any increase until 2007, and in the meantime we have all these needs. So if we want to point the finger somewhere, I think we should be looking in that direction, as to the disrepair of the airports and harbors. Thank you very much, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support. This measure seeks to find a funding source and to address the issue of invasive species. As we have known from many bills in the past and many speakers here, that invasive species are something that not only affects our lifestyle, our ecosystem, and our environment, but also our economy."

"This is going to Finance where more work can be tended to this bill, but it's time to do something. Invasive species, again not only the environment, but just on the economy, probably costs us in the tens of millions of dollars. I think this is a good first step in addressing that issue and protecting our economy. Thank you."

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

"Thank you, Mr. Speaker, I rise in support. Mr. Speaker this is another very important measure regarding the detection and prosecution of invasive species, especially in our port of entry areas. The purpose of this bill is to provide funding for inspection and eradication; a very important goal in our continuing effort of detection and eradication of invasive species. Thank you very much."

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

"Thank you, Mr. Speaker. I'm rising in support with some pretty serious reservations. I realize that we are always looking for funding for important programs, but I am concerned that this bill creates a new special fund, the Hawaii Invasive Species Special Fund. And also, I don't believe it's appropriate."

"The revenues of the airport and harbor divisions are pledged for the use of operations, maintenance, and repair of the airports and harbors systems. So I don't think it's something that we should be doing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2873, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," was referred to the Committee on Finance with Representative Stevens voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 551-06) recommending that H.B. No. 418, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 418, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ALLEVIATE TRAFFIC CONGESTION ON FARRINGTON HIGHWAY IN MAILI AND NANAKULI, OAHU BY ADDING AND OPERATING A CONTRA-FLOW TRAFFIC LANE," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 552-06) recommending that H.B. No. 2267, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2267, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. With reservations. Thank you, Mr. Speaker. This bill allows DAGS, or authorizes DAGS to implement payroll deductions for State employees who wish to buy City and County of Honolulu bus passes. Well, Mr. Speaker, they already have that authority, and in fact they're already doing it. Right now DAGS, DHRD, and DOT have already gotten together and they agreed to implement this thing and they're reprogramming the computers to do it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2267, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 553-06) recommending that H.B. No. 1835, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1835, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 554-06) recommending that H.B. No. 1880, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1880, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I'm sorry I didn't move fast enough, but I'm looking at 554. I'd like to offer my support with reservations. Prior to my becoming a member of this Body, I spent a very good part of my life trying to stop the transfer of Piers 1 and 2 from the HCDA to the Department of Transportation, and I had sort of a quick lesson through the Water, Land, Ocean that our harbors are in such disrepair and we need to have some one agency looking at it. So I'm kind of right now, tending towards liking this idea of Piers 1 and 2 being moved.

"However the next step of moving the Foreign Trade Zone and another piece from HCDA over to DBEDT, now raises another issue with me, bifurcating what I think is a very good statute, which is for establishing the HCDA so that we can look at Kakaako in its totality, not in pieces. It looks to me like now what we're doing is maybe trying to piece it up. I have some real concerns with that because it is such a valuable asset for the State of Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1880, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 555-06) recommending that H.B. No. 2130, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2130, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker, at the appropriate time if we can go back to 552. On 555 I'm in support with reservations. This adds a commission to the Harbor Land Commission, which would just add another layer of bureaucracy. It'll slow down what we're trying to do with our harbors. It should be pointed out that a certain amount of non-critical lands at the harbors need to be available for non-direct

maritime use. That doesn't mean reducing the actual usable harbor space. Thank you, Mr. Speaker."

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

"Mr. Speaker, I'm going to vote no on this at this time. I have a real issue of creating governments within a government. We have agencies, we have the Administration, we have this Body and we have a responsibility and accountability. I truly feel that when we start developing commissions to be in charge of this and commissions to be in charge of that, we lose the ability to have one-on-one control. I just deplore 'passing the buck' to a commission of appointees. Thank you."

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

"Mr. Speaker, standing in strong support. I wanted to address the concerns regarding H.B. 2130, and to highlight the fact that the Commission which is written in the bill, part of the bill in establishment of the Land Commission is that they shall identify and designate important harbor lands, Mr. Speaker.

"One of the other issues that this bill would do beside identifying the current lands now, not dictating its use by saying the need and the impacts on our State. The other issue that this would do is also map our current harbor lands so that this Body, and Department of Transportation, have a full understanding of what is available, and what the lands are currently being used for, Mr. Speaker.

"Also we have to realize that 98% of all our goods and food come through our harbors. We need to address this issue now. Part of addressing it in the most timely and most efficient way is to first identify what are our current conditions, what areas can be used, and what are important harbor lands. And that's what this bill is identifying, trying to do. Not to add another layer of bureaucracy, but actually condense it and make it more user friendly. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, I just want to vote with strong reservations. Support with reservations."

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

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

"Mr. Speaker, just one quick comment in support of Standing Committee Report 555. This is Relating to Harbors. I want to say, 'You go,' to the Chair of Transportation because, I think this is a great idea and what I'd really like to hope is that they add the small boat harbors to it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance with Representative Harbin voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 556-06) recommending that H.B. No. 2160, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2160, HD 1, pass Second Reading and

be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In support with reservations. This has to do with Kapalama and actually talking about issuing Special Facilities Revenue Bonds to assist Horizon Lines in constructing and equipping new facilities at Kapalama Military Reservation.

"That's being studied and the Kapalama plan isn't ready yet, so this would be quite premature. But there's also the problem with, are we going to, by law, issue Special Revenue Bonds per each individual entity? I don't know if we want to get into that. Thank you."

The Chair then stated:

"You can address that, Representative Moses, on the Finance Committee."

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

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

"Yes, with reservations. And I look forward to more discussion in Finance. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2160, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 557-06) recommending that H.B. No. 2746, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2746, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2746, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AVIATION FUEL TAXES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Souki and Luke, for the Committee on Transportation and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 558-06) recommending that H.B. No. 1882, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1882, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker, I'm in support with reservations. This has to do with allowing the Department of Transportation to issue permits to businesses that have five or more commercial vehicles, to utilize the HOV lanes and charge a fee.

"Problem is, the HOV lanes were not designed for that. HOV lanes are quite narrow. Some of these commercial vehicles will be too wide and get stuck in the HOV lanes without a lot of money spent to redesign the freeways. So I don't think this is a good idea. Thank you."

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

"Short comments in opposition. The testimony in Committee in support of this was that if you allow these trucks, these slower trucks to go in the HOV lane, then it will free up some of the other lanes. I don't think that makes a lot of sense."

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

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

"Mr. Speaker, a no vote on this measure. As someone who takes an hour and a half to get into town, and I work really hard to get people to ride with me so that I can take the HOV lane, which is already full and backed up, I just cannot support this measure."

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

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

"Mr. Speaker, with reservations. My community out in Mililani, Waipio Gentry, we have a far drive into town and we struggle daily, sometimes taking upwards of two hours to get to our destination both to work as well as home.

"I understand some of the intent to encourage businesses to get to their destination quicker, that's why I'm going with reservation rather than a no vote, but I think we owe it to those who are trying to carpool to give them the right of way. Thank you."

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

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

"Thank you, Mr. Speaker, in support with reservations. I think letting commercial vehicles use the HOV lanes contradict the purpose of these lanes. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1882, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE LANES," passed Second Reading and was referred to the Committee on Finance with Representatives Cabanilla, Pine and Sonson voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 559-06) recommending that H.B. No. 2624, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2624, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 560-06) recommending that H.B. No. 2678, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2678, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 561-06) recommending that H.B. No. 3202, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3202, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 562-06) recommending that H.B. No. 2374, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2374, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2374, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 563-06) recommending that H.B. No. 2384, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2384, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION," passed Second Reading and was referred to

the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 564-06) recommending that H.B. No. 2126, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2126, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, standing up on Stand. Com. Report 564. I'm standing in strong support. I would like to also state to this Body that the passing of this, getting an emergency medical vehicle in the area of Central Oahu will impact communities as far as the North Shore, and as far as Waianae, and I ask for your support. Thank you."

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

"Mr. Speaker, I rise in strong support. I think especially with the fact that we will be losing the aerovac services of the military coming up in April that this is a very important measure to serve the people, not only of Mililani, but of the whole Central Oahu and Leeward areas. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2126, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 565-06) recommending that H.B. No. 2884, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2884, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, I'm speaking in strong support of 565, requesting for ambulance service in the Haiku region. Because the nearest ambulance is in Makawao and it takes between 26 minutes to even up to an hour, depending on in the area of Haiku, where the call is coming from. Haiku residents have expressed some deep concern because of the response time. And coming from the other side, Hana is the next closest area where it's 37 miles. So I ask my colleagues for support on this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2884, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AMBULANCE SERVICE FOR THE HAIKU REGION OF MAUI," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 566-06) recommending that H.B. No. 3035, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3035, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MOLOKAI GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 567-06) recommending that H.B. No. 3105, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3105, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 568-06) recommending that H.B. No. 2647, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2647, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 569-06) recommending that H.B. No. 2606, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2606, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 570-06) recommending that H.B. No. 3230, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3230, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING CODES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Kanoho and Saiki, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 571-06) recommending that H.B. No. 3047, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3047, entitled: "A BILL FOR AN ACT RELATING TO BURIAL SITES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 572-06)

recommending that H.B. No. 2555, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2555, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I rise with strong reservations on 572. This is known as the Kakaako Development Bill, I think. We can call it that. I have really strong reservations because we had a really productive hearing on this in our Committee but I really believe that we could have gone a lot farther than we did in really giving direction to the Hawaii Community Development Authority on it. As it stands now, what we have said in this bill is they cannot sell land on the *makai* side. We've also said that we're going to put in this bill for the issuance of revenue bonds, and we limited it at that.

"I was at the hearing that we had on the original bill, and of course this is a House Draft 1, and we had the public show up. What I learned from that hearing is that inadvertently the Legislature had passed laws that basically treated the *mauka* side of Kakaako different from the *makai* side of Kakaako, and as a result HCDA does not plan the whole area as one huge master plan. They treat each one separately. When I asked them what they felt their guidance was in terms of planning it, the discussion got into kind of what was the overall theme of what they were trying to accomplish.

"If you wanted to make it an area that was recreational, had open space. Was that the direction you thought you had? What I got out of it was they felt that they were told to look at a mixed use, and it kept coming up in the Director's testimony. We thought we were supposed to do mixed use.

"What I'd like to see is this legislative body giving direction to HCDA to go back to the drawing board. Look at the whole Kakaako area as one big area, *mauka* and *makai*, and really look on the *makai* side as no residential. Whatever uses that go in there are really for recreational, and play, and for supporting the development that's going on the *mauka* side of Ala Moana Boulevard.

"In the testimony they said that by 2020 they expect the population in the Kakaako area to go from 6,000 to 25,000 people. One of the things I said to the Director is, in addition to that, there are 12 high-rise condominiums being constructed right now between Downtown Honolulu and Waikiki. And until they come on board and we understand the impacts to the quality of life in that neighborhood, why would we want to build residential housing at this time on the *makai* side? Why is there a sense of urgency? And I do not believe that we should be so urgent and rush this.

"I think we can wait. I think State government has the ability to hold onto land. One of the beauties of State land, is that we can hold onto it. Not like private developers. So I really hope that as this goes forward that we give a much stronger direction to HCDA. Thank you."

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

"Mr. Speaker, I rise in support of this measure. And I'm just delighted that this Body has taken up this issue because it's of great importance to the constituents of my district. It relates to one of the very, very last open pieces of land that you actually can see the ocean from Ala Moana Boulevard. I just think it's so important that we continue this discussion and try to reach a good conclusion on this issue. I do believe that HCDA needs some further guidance in their operations and the way they do business. Thank you very much."

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

"Thank you, Mr. Speaker, I rise with reservations. Thank you. The portion of the original bill which calls for a public hearing has been deleted in this version, and so I hope that the next Committee will consider that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 573-06) recommending that H.B. No. 3036, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3036, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 574-06) recommending that H.B. No. 3084, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3084, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 575-06) recommending that H.B. No. 2885, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2885, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of SCR 575. The purpose of this bill is to protect youth and the general public from exposure to products of an indecent nature by requiring individuals and businesses who sell adult entertainment products to display the products separately and obscurely.

"I'd just like to say that it was a 9 year old boy and his mother who came before me, and the 9 year old boy said to me, 'I think that teddy bear that was displayed in this one business, is not right.' And because of that discussion, this is how this measure came to be. Because he was concerned that other children who go into this business will see this paraphernalia that are not for viewing for the youth. I just ask for everyone's support on this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2885, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT ENTERTAINMENT PRODUCTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 576-06) recommending that H.B. No. 1866, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1866, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 577-06) recommending that H.B. No. 3063, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 578-06) recommending that H.B. No. 2751, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2751, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Sorry, I was asleep on the job. I would like to go back to 578. I'm sorry. I'm a little confused today. I'm standing in support of this particular measure. This is one of the two that I feel send a very strong signal to the small business community that this Legislature does in fact, respect their needs and includes them as part of our march into the future with economic stability.

"I think business retention and expansion is a relatively new term in economic development. In economic development there are two ways to do it. You can go out and you try to attract new businesses to come into the State. But the new way of maintaining your economic stability is to continually nurture and continually work with your existing business because they are the ones that produce over 80% of all new jobs.

"As I said a couple of days ago, I was really pleased to see on Opening Day, five or six new, young businesses that have stepped into, that are growing in Hawaii. It's businesses like this that need to be continually nurtured so we can see what their needs are, be it workforce, or regulatory, or other things. That's what this business retention program is about. And I really would like to encourage my fellow Members to really look at this as a tool to go along with all of the new industries that we are developing in Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2751, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS RETENTION

AND EXPANSION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 579-06) recommending that H.B. No. 2925, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2925, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Karamatsu and Waters, for the Committee on Economic Development & Business Concerns and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 580-06) recommending that H.B. No. 3261, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3261, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 581-06) recommending that H.B. No. 1817, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 582-06) recommending that H.B. No. 2278, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2278, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in support with some reservations. Basically, while I do feel that the funding for these programs is important and something we should consider, I don't think it rises to the level of being an emergency."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2278, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 583-06) recommending that H.B. No. 3034, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3034, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN ENVIRONMENTAL COURT," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 584-06) recommending that H.B. No. 2395, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2395, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 585-06) recommending that H.B. No. 2524, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2524, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 586-06) recommending that H.B. No. 2594, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2594, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 587-06) recommending that H.B. No. 2655, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 2655, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2655, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT INVESTIGATION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 588-06) recommending that H.B. No. 2992, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2992, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 589-06) recommending that H.B. No. 2991, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2991, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 590-06) recommending that H.B. No. 2060, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2060, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"This is our favorite bill from a couple days ago, relating to medically accurate sex information. And of course it's medically accurate and it's sex information, but what kind of sex information? So I've got severe reservations for this and I'll look forward to seeing it again in the Finance Committee."

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

"Yes, Mr. Speaker. I'm going to have to still vote no on this. I was hoping that we were going to insert a line that requires in the law that parents be notified that this is going to be taught at the schools. I know that everyone has different beliefs on this. But I'm being taught from the people in my district that they do want to be notified because, they only believe in abstinence-only education.

"But also, I don't think we should punish those groups that do want to teach abstinence-only programs; allow the groups to teach the other types of programs, but also allow those that want to teach abstinence-only. I also think that we're punishing ourselves because we do get almost a million dollars from the federal government to teach abstinence-only programs in our schools. And I think that that would be bad for us. Thank you."

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

"Mr. Speaker, I'll be voting no on this Planned Parenthood Bill. As I indicated, Mr. Speaker, this bill is taken directly from Planned Parenthood's website. For the edification of the Body that they might know that they are the driving force behind this legislation, as well as the ACLU. I believe that we should give abstinence-only education a chance. Really, we've had a broad spectrum of sex education in our schools for 40 years. And abstinence only has only been given about seven years chance. We have found that the information provided an abstinence-only curriculum provides about 38% of the overall curriculum itself, speaking of healthy families, healthy education. But when it comes to medically accurate sex information, only 5% of that information has to do with abstinence programs. For those reasons and other reasons which I'll reserve for the Third Reading, I'm going to vote no. Thank you."

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

"Please note my no vote. This is on 590. I'd just like to mention that as a parent, it kind of penalizes us that want to be able to understand what our children are learning, especially if there's no

parental consent required in this. When and what our children are learning, and when the appropriateness of that is. Let parents be able to guide that type of education. Thank you."

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

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

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

"Mr. Speaker, I stand in strong support of this measure. Like I've said in the previous discussion, this is a matter that cannot be resolved in this Body. We'll have to leave it with the experts. But I also want to say that I don't like abortion. I'm opposed to abortion. But if we only teach abstinence in schools, it's been proven that it only works half of the time, or even less. And as long as I'm opposed to abortion, I'm going to advocate for sex education in our schools because that's a deterrent to a more grave scenario that we don't want. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of this measure. Just briefly, I just wanted to clarify. I think the version of this bill has changed somewhat from the original version. And I would like to explain it. Basically as we've heard from the testifiers, there is federal funding that comes down for abstinence-only programs. However, the bulk of those programs are devoted to actually, basically doing the 'keeping the kids busy after school' kind of activities. Not necessarily doing any preaching, on any educational efforts in abstinence only. Rather, they've used that definition broadly so that they can find other ways in which to move towards that direction. All we're saying in this bill is that, if you are going to be preaching anything about sex education, make sure it's accurate. Thank you."

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

"Yes, Mr. Speaker. Again, with reservations. Mr. Speaker, no matter what we say, no law should circumvent a parent's right to raise their family and their children. And for those reasons, I stand in reservations."

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

"I rise in support. And I just wanted to add to the list of people who support this bill, the American Medical Association, American Academy of Pediatrics, the National Education Association and American School Health Association. They all support comprehensive sexuality information. And I believe that many parents sitting here on the Floor also support this. We need to make sure that all teens in Hawaii are provided with medically accurate sex information so they'll make knowledgeable and informed decisions about their sexual health. Children may be excused from receiving sex education at the request of their parents."

Representative Pine rose to respond, stating:

"Mr. Speaker, I'm sorry. Just in rebuttal to the Majority Floor Leader. I was really disturbed that we're getting federal funding to teach abstinence-only programs, and it's not going to abstinence-only programs. I think that we should also look into the fact that we should use this money for those reasons. But I'll reserve my comments for Third Reading. Thank you."

Representative Finnegan rose to respond, stating:

"Yes, Mr. Speaker. I just want to make clear, and I'm still in opposition, that I understand that parents can request, but how do we know when it's going to be taught, to request that we don't want our children to be taught certain information or whatever. And it doesn't state anything like that in here. So that's my opposition to the bill. Thank you."

The Chair then stated:

"For those members of Finance, this bill is being referred to your respective Committee. I hope you've heard the discussion this afternoon on this particular topic, which is such an emotional topic. And I hope you can work on some compromise."

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

"Thank you, Mr. Speaker. Just reservations. And I'd like to add that I would like to see parents have some sort of notification. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2060, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance with Representatives Finnegan, Pine and Stonebraker voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 591-06) recommending that H.B. No. 3096, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3096, entitled: "A BILL FOR AN ACT RELATING TO CURBSIDE RECYCLING," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 592-06) recommending that H.B. No. 2966, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2966, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 593-06) recommending that H.B. No. 3222, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3222, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 594-06) recommending that H.B. No. 3144, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3144, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 595-06) recommending that H.B. No. 2646, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2646, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 596-06) recommending that H.B. No. 2635, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2635, entitled: "A BILL FOR AN ACT RELATING TO THE AHIHI-KINAU NATURAL AREA RESERVE MANAGEMENT PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 597-06) recommending that H.B. No. 2587, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2587, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 598-06) recommending that H.B. No. 173, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 173, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. This bill limits the Governor's ability to appoint an Adjutant General unless he served five years or more in the National Guard. Now, it says that in addition to that, he has to be a commissioned officer, field grade officer, and federally recognized, and he can serve that in the National Guard or in any of the State territories. Armed forces of the United States, that counts. Reserved component or active duty, that's all good. But then there's that limitation, he has to serve five years in the National Guard.

"I just want to point out they grandfathered in our current Adjutant General, but the point isn't directed toward him. It's directed toward

the whole philosophy of limiting a person like that. Let me give you an example. Now let's say this bill wasn't grandfathering in this Adjutant General. Just listen to his background.

"He was commissioned in 1971 to the ROTC program at the University of Hawaii. He went through the Air Defense Artillery Basic Course; he was assigned to the Army Reserve. He's served as ..."

Representative Takai rose, stating:

"Point of information, Mr. Speaker. Thank you, the speaker right now is talking about the Adjutant General, General Lee. And this bill exempts General Lee from the amendments made to law. So I'm not too sure why the Representative is talking about the credentials of our present General. Thank you."

Representative Moses continued, stating:

"I can make my point, Mr. Speaker. I'm trying to show how this would affect other officers of the same kind of nature, the same kind of background. Why they should not be limited. So I'm just giving you a background of this particular officer who is not five years in the National Guard.

"Then he went on to be platoon leader for 411th Engineering Battalion and the 332nd Civil Affairs Group. In 1972, he went to the 100th Battalion, 442. He served in successive assignments there, promoted to platoon leader, company commander, battalion operations officer. In 1980, he served two years on active duty. And then he was assigned back to the 100th Battalion, 442 as the assistant air operations officer.

"In 1982 he was reassigned as ground liaison officer in the corps operations staff, IX Corps (Reinforcement). 1988, he returned to the 100th Battalion, 442 as a commanding officer. 1991, following that command, he served as assistant chief of staff for operations and training IX Corps, and then the 9th Army Reserve Command. In 1996, he was appointed as the chief of staff, 9th Army Reserve Command.

"He's attended the Army War College, the Command and General Staff Officers Course, the Infantry Officer Advanced Course, and the Air Force Ground Operations School. He's got the Legion of Merit, Meritorious Service Medal, Army Commendation Medal, and the Army Achievement Medal. All of that without serving five years in the National Guard of this State.

"My point is that there can be very qualified people without serving five years in the National Guard. The problem that brought this all about is there is a club. There's a club in all services. We call it the 'ring knockers' club, or whatever you want to say. There's people within the National Guard that say, 'Why were we passed over? Why weren't we made the Adjutant General or considered for it because we served our time in the National Guard?' Well, it's simple. Sometimes people come along that are better qualified and they get the appointment. And that's what happened here.

"And now we're trying to go back and make a law to say that can never happen again. So for instance, the Chair of the Military Affairs Committee, if he retires from this Body, or if I retire from this Body, neither of us could be the Adjutant General because we have not served five years in the National Guard. I don't think it's good. Thank you."

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

"Mr. Speaker, in support. First of all, I'm not qualified to be a General. I'd rather be an enlisted man, with four stripes. And Mr. Speaker, General Lee did serve in the National Guard. I'm in support. You don't want anybody applying for this job. You want the best. And if you want the best, you want a guy with minimum qualifications, and that they served in its organization. We put five

years, and if appointed, you can lead the organization. I think if you really want the best, I think this is the way to go. Thank you."

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

"I'd like to vote with reservations and make reference to the Representative's comments from Makakilo. I think it's a dangerous precedent if we begin to disqualify the lot of people who may be very well qualified to direct such a fine organization. And for those reasons and in reference to the fine qualifications of General Lee, I'm voting with reservations. Thank you."

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

"Yes, with reservations also. I think this speaks to merit, and the wider the menu of people you can choose from, the better. Thank you."

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

"Mr. Speaker, I'd like to vote no on this measure. I just don't want to limit the pool of good officers that could come and serve our State in this capacity. Thank you."

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

"With reservations, Mr. Speaker. Every Governor since Statehood has appointed the person to this position, but for some reason, we don't believe that this Governor can appoint the right person. We have to tell this Governor who, and on what they need to qualify, to appoint. Thank you."

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

"Thank you, Mr. Speaker. An aye with very strong reservations."

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

"Mr. Speaker, I'm standing in support. We've talked about the Legislature being aware and involved. A part of this is that when we hire people in the various businesses and the various organizations we belong to, we look at minimum qualifications. We look at areas of expertise. We look at the needs of what our company, and in this position, our State need. And what is a factor in all those decision hiring is a fact of experience, expertise, and knowledge. And that's something that somebody who may come from a different area or even branch of service, could qualify for this position.

"And what the intent of this, Mr. Speaker, is to make sure that we do get the best. And we do get the people who are going to be involved with protecting our lives following a natural disaster. So I stand in strong support. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 173, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Finnegan, Halford, Moses, Stevens and Thielen voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 599-06) recommending that H.B. No. 3029, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3029, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 600-06) recommending that H.B. No. 2343, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2343, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 601-06) recommending that H.B. No. 2870, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2870, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 602-06) recommending that H.B. No. 2179, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2179, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 603-06) recommending that H.B. No. 2842, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2842, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST IN CONSTRUCTING AND MAKING IMPROVEMENTS TO THE AGRICULTURAL IRRIGATION SYSTEMS ON THE NORTH SHORE OF THE ISLAND OF OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 604-06) recommending that H.B. No. 3068, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3068, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 605-06) recommending that H.B. No. 1789, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1789, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 606-06) recommending that H.B. No. 3124, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3124, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 607-06) recommending that H.B. No. 2049, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2049, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESTROOM FACILITIES FOR WOMEN," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 608-06) recommending that H.B. No. 3120, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3120, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE TREATMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 609-06) recommending that H.B. No. 3139, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3139, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was

referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 610-06) recommending that H.B. No. 3140, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3140, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 611-06) recommending that H.B. No. 3141, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SPECIALISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 612-06) recommending that H.B. No. 2112, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2112, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, just for the record, I voted with reservations in Committee on this measure. And I... well... no I must have the wrong committee report. My recollection is not so good on this, but let me check the record.

"Page 27, SCR 612, Relating to Public Lands. This has to do with prior legislative approval. With reservations. My recollection is that I voted in Committee with reservations, but the Committee Report does not reflect my vote. And I just checked the records of our researcher and her votes, her tally, shows that I did vote with reservations. So I'll leave it at that."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2112, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 613-06) recommending that H.B. No. 2242, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2242, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 614-06) recommending that H.B. No. 1917, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1917, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 615-06) recommending that H.B. No. 1918, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1918, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 616-06) recommending that H.B. No. 2500, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2500, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 617-06) recommending that H.B. No. 2051, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2051, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in strong support of this measure. Mr. Speaker, our State already has laws against prostitution and other crimes. So why do we need an anti-trafficking law? According to the National Institute on State Policy on trafficking of women and girls, until states enact comprehensive anti-trafficking laws, prosecutors' use existing criminal statutes to prosecute traffickers for such crimes as false imprisonment, kidnapping, rape, and aggravated assault. But these laws are insufficient and they do not criminalize all manifestations of exploitative trafficking into the United States. They don't offer protection from prosecution for all trafficked women, girls and persons. Criminalizing human trafficking should bring State law into accord with a Federal Trafficking Victims Protection Act of 2000. Reauthorized in 2003, and would enable local and State law enforcement to investigate and prosecute these crimes working in partnership with federal law enforcement.

"Another aspect of trafficking is the regulation of international marriage brokers that operate to bring mail-order brides to our State. From 2003, our State became the second in the Nation to pass such a law. Additionally, in 2004, Hawaii became the first state in the Nation to regulate travel services that operate in the State to facilitate State tourism. The provision of social services victim assistance to trafficked persons is an important aspect of any trafficking legislation. The task force which part of this bill will be charged with looking into this important part of the puzzle that is not addressed in the present draft. Not perfect legislation at this point, the passage to this bill out of the Judiciary Committee is a major

milestone. It is my hope that the many important people in our community including police, prosecutors, immigrant services, public defender, domestic violence providers and victim advocates who work together to determine the nature and extent of trafficking in our community; and make recommendations for legislative policy and programmatic initiatives.

"Although most of what we read and hear concerns the horrors of trafficking of persons in other countries, the United States and yes, Hawaii, are major destination for traffickers. We are obligated, therefore to respond to this most appalling violation of the basic human rights of women and girls, men and boys. I urge the Members to support this measure. We can complete the trilogy of support for victims and lead our Nation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2051, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented two reports:

(Stand. Com. Rep. No. 618-06) recommending that H.B. No. 2177, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 619-06) recommending that H.B. No. 2178, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.B. Nos. 2177 and 2178, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm rising with reservations on both 618 and 619 for the same reason. Thank you, Mr. Speaker. My reservations are that there are Water Commission issues and I'm concerned about going ahead with these measures at this point. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 2177, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused; and

H.B. No. 2178, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 620-06) recommending that H.B. No. 2271, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2271, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 621-06) recommending that H.B. No. 2440, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2440, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 622-06) recommending that H.B. No. 937, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 937, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 623-06) recommending that H.B. No. 2503, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2503, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 624-06) recommending that H.B. No. 2778, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2778, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 625-06) recommending that H.B. No. 2145, HD 1, as amended in HD 2, be referred to the Committee on Tourism & Culture.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2145, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," was referred to the Committee on Tourism & Culture with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 626-06) recommending that H.B. No. 3065, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3065, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 627-06) recommending that H.B. No. 2181, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2181, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 628-06) recommending that H.B. No. 3087, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3087, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to request another ruling on a potential conflict of interest. My law firm is really busy and we represent the HHSC. They're actually one of my clients in regards to giving advice on procurement. Thank you."

The Chair ruled:

"Excused. He's excused. So no vote."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance with Representatives Green, Hale, B. Oshiro, Souki, Takumi and Tanaka being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 629-06) recommending that H.B. No. 3173, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3173, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO," passed Second Reading and was referred to the Committee on Finance with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 2476:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2476, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Third Reading by a vote of 46 ayes, with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

H.B. No. 2896:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2896, entitled: "A BILL FOR AN ACT RELATING TO EMOTIONAL DISTRESS," passed Third Reading by a vote of 46 ayes, with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

H.B. No. 2900:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2900, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING," passed Third Reading by a vote of 46 ayes, with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

H.B. No. 3242:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3242, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 44 ayes to 2 noes, with Representatives Chang and Karamatsu voting no, and with Representatives Green, Hale, Souki, Takumi and Tanaka being excused.

At 4:06 o'clock p.m., the Chair noted that H.B. Nos. 2476; 2896; 2900; and 3242, passed Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 17 and 18) and concurrent resolutions (H.C.R. Nos. 23 through 26) were referred to Printing and further action was deferred:

H.R. No. 17, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF HAWAIIAN HOME LANDS ADVOCATE FOR THE PROTECTION OF MOLOKAI SURFACE AND GROUND WATER FOR HAWAIIAN HOMESTEADERS," was jointly offered by Representatives Kahikina, Carroll, Kanoho, Kawakami, Morita and Waters.

H.R. No. 18, entitled: "HOUSE RESOLUTION URGING THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS TO DEVELOP AND SUBMIT TO THE SECRETARY OF THE INTERIOR A LIST OF CANDIDATES FOR THE NINE MEMBER COMMISSION CALLED FOR IN THE NATIVE HAWAIIAN REORGANIZATION ACT, ALSO KNOWN AS THE AKAKA BILL," was jointly offered by Representatives Kahikina, Kanoho, Morita, Carroll and Waters.

H.C.R. No. 23, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO LEASE THE ALA MOANA PUMP STATION TO FRIENDS OF THE LIBRARY OF HAWAII," was jointly offered by Representatives Waters, Arakaki, Shimabukuro, Cabanilla, Chang, Green and Takumi.

H.C.R. No. 24, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HAWAIIAN HOME LANDS ADVOCATE FOR THE PROTECTION OF MOLOKAI SURFACE AND GROUND WATER FOR HAWAIIAN HOMESTEADERS," was jointly offered by Representatives Kahikina, Carroll, Kanoho, Kawakami, Morita and Waters.

H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS TO DEVELOP AND SUBMIT TO THE SECRETARY OF THE INTERIOR A LIST OF CANDIDATES FOR THE NINE MEMBER COMMISSION CALLED FOR IN THE NATIVE HAWAIIAN REORGANIZATION ACT, ALSO KNOWN AS THE AKAKA BILL," was jointly offered by Representatives Kahikina, Kanoho, Morita, Carroll and Waters.

H.C.R. No. 26, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S FEDERAL AND STATE OFFICIALS TO SEEK AN EXCEPTION TO HOMELAND SECURITY POLICIES THAT BAR CERTAIN ACTIVITIES ON HAWAII'S WATERFRONT SO THAT SPECIFIC PIERS MAY BE USED BY THE PUBLIC TO DECORATE FLOATS FOR THE KING KAMEHAMEHA CELEBRATION, PRINCE KUHIO COMMEMORATIVE CELEBRATION, AND THE ALOHA WEEK FESTIVALS," was jointly offered by Representatives Kahikina, Kanoho, Kawakami, Morita, Carroll and Waters.

ANNOUNCEMENTS

Representative M. Oshiro: "Mr. Speaker, there will be a Medicare D Briefing, on Tuesday, February 21st, at 10:00 a.m. in Room 423, where they can learn the basics of Medicare D Program, get directions to websites, phone numbers and contacts to assist family, friends and constituents. This is presented by Medicare Today and the HMSA."

Speaker Say "For all of you, have a safe President's Day weekend and we'll be back to work on Tuesday."

ADJOURNMENT

At 4:07 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Tuesday, February 21, 2006. (Representatives Green, Hale, Souki, Takai, Takumi and Tanaka were excused.)

TWENTY-SECOND DAY

Tuesday, February 21, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:06 o'clock p.m., with Vice Speaker Takai presiding.

The invocation was delivered in song by Mr. Les Among, legislative aide to Representative Stevens, after which the Roll was called showing all members present with the exception of Representatives Karamatsu, Morita, Moses, Saiki and Takamine, who were excused.

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

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 9) was received and announced by the Clerk:

Sen. Com. No. 9, transmitting S.B. No. 2261, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS FOR CRIMINAL INVESTIGATIONS," which passed Third Reading in the Senate on February 17, 2006.

On motion by Representative B. Oshiro seconded by Representative Meyer and carried, the following Senate bill passed First Reading by title and further action was deferred: (Representatives Karamatsu, Morita, Moses, Saiki and Takamine were excused.)

S.B. No. 2261

INTRODUCTIONS

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

Representative Magaoay introduced members of the Pupukea Seniors: Ms. Carol Cashman, President; Ms. Ruth Webster, Vice President; Ms. Peggy Cutting, Secretary; Ms. Sylvia Botha, Treasurer; Ms. Shirley Head, Founder; and members, Ms. Harriet Dixon, Ms. Lu Williams, Ms. Margie Cameron, Mr. Tom Bionde, Ms. Jeannine Poling, Ms. Loretta Watts, Ms. Ida Perryman, Ms. Barbara Payne, Mr. John Cutting, and Mr. Frank Bionde who is 101 years old.

Representative M. Oshiro introduced retired Washington State Assembly Chief Sergeant-at-Arms, Mr. Ross Young and his wife, Mrs. Mary Young who were visiting from Washington State.

Representative Stevens introduced Mrs. Beverly K. Among, mother of Mr. Les Among who gave today's invocation. She was accompanied by her sister, Ms. Ginger Yong.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following concurrent resolutions (H.C.R. Nos. 24 through 26) and resolutions (H.R. Nos. 17 and 18) were referred to committee by the Speaker:

H.C.R.Nos.Referred to:

24 Jointly to the Committee on Hawaiian Affairs and the Committee on Housing and the Committee on Water, Land, & Ocean Resources

25 Committee on Hawaiian Affairs

26 Jointly to the Committee on Hawaiian Affairs and the Committee on Public Safety & Military Affairs

H.R.Nos.Referred to:

17 Jointly to the Committee on Hawaiian Affairs and the Committee on Housing and the Committee on Water, Land, & Ocean Resources

18 Committee on Hawaiian Affairs

COMMITTEE REASSIGNMENTS

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

H.B.Nos.Re-referred to:

2308, HD1 Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance

2415, HD1 Committee on Health, then to the Committee on Finance

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 453-06) recommending that H.B. No. 2050, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2050, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING," passed Third Reading by a vote of 46 ayes, with Representatives Karamatsu, Morita, Moses, Saiki and Takamine being excused.

At 12:17 o'clock p.m., the Chair noted that H.B. No. 2050, HD 2, passed Third Reading.

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 631-06) recommending that H.B. No. 1920, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1920, entitled: "A BILL FOR AN ACT

RELATING TO FINANCIAL LITERACY MONTH," passed Second Reading and was placed on the calendar for Third Reading with Representatives Karamatsu, Morita, Moses, Saiki and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 632-06) recommending that H.B. No. 2210, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2210, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL," passed Second Reading and was placed on the calendar for Third Reading with Representatives Karamatsu, Morita, Moses, Saiki and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 633-06) recommending that H.B. No. 1794, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1794, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX BRACKETS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Karamatsu, Morita, Moses, Saiki and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 634-06) recommending that H.B. No. 2133, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2133, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM," passed Third Reading by a vote of 46 ayes, with Representatives Karamatsu, Morita, Moses, Saiki and Takamine being excused.

At 12:18 o'clock p.m., the Chair noted that H.B. No. 2133, passed Third Reading.

THIRD READING

H.B. No. 2287, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Third Reading by a vote of 46 ayes, with Representatives Karamatsu, Morita, Moses, Saiki and Takamine being excused.

H.B. No. 3234, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3234, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Third Reading by a vote of 46 ayes, with Representatives Karamatsu, Morita, Moses, Saiki and Takamine being excused.

At 12:19 o'clock p.m., the Chair noted that H.B. Nos. 2287, HD 1; and 3234, HD 1, passed Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 19 through 21) and concurrent resolutions (H.C.R. Nos. 27 through 30) were referred to Printing and further action was deferred:

H.R. No. 19, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF DEFENSE, AND THE UNITED STATES CONGRESS TO TAKE ACTION TO REDUCE THE UNITED STATES MILITARY PRESENCE IN OKINAWA," was jointly offered by Representatives Arakaki, Hale, Karamatsu, Morita, M. Oshiro, Shimabukuro, Tsuji, Berg, Carroll, Chang, Chong, Green, Lee, Magaoay, Nakasone, Say and Takamine.

H.R. No. 20, entitled: "HOUSE RESOLUTION REQUESTING THE STATE COUNCIL ON HAWAIIAN HOMESTEAD ASSOCIATIONS TO SUPPORT CANDIDATES SEEKING ELECTION TO THE OFFICE OF HAWAIIAN AFFAIRS WHOSE PERMANENT RESIDENCE IS ON HAWAIIAN HOME LANDS," was offered by Representative Kahikina.

H.R. No. 21, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO SUPPORT THE DEVELOPMENT AND FUNDING OF A COMMUNITY SWIMMING POOL AND A TECHNOLOGICALLY ADVANCED COMPUTER CENTER COMPLEX FOR HAWAIIAN HOMESTEAD RESIDENTS ON MAUI," was offered by Representative Kahikina.

H.C.R. No. 27, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF DEFENSE, AND THE UNITED STATES CONGRESS TO TAKE ACTION TO REDUCE THE UNITED STATES MILITARY PRESENCE IN OKINAWA," was jointly offered by Representatives Arakaki, Hale, Karamatsu, Morita, M. Oshiro, Shimabukuro, Berg, Carroll, Chang, Chong, Green, Lee, Magaoay, Nakasone, Say, Sonson, Takamine and Tsuji.

H.C.R. No. 28, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE COUNCIL ON HAWAIIAN HOMESTEAD ASSOCIATIONS TO SUPPORT CANDIDATES SEEKING ELECTION TO THE OFFICE OF HAWAIIAN AFFAIRS WHOSE PERMANENT RESIDENCE IS ON HAWAIIAN HOME LANDS," was offered by Representative Kahikina.

H.C.R. No. 29, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO SUPPORT THE DEVELOPMENT AND FUNDING OF A COMMUNITY SWIMMING POOL AND A TECHNOLOGICALLY ADVANCED COMPUTER CENTER COMPLEX FOR HAWAIIAN HOMESTEAD RESIDENTS ON MAUI," was offered by Representative Kahikina.

H.C.R. No. 30, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC., FOR THE DEVELOPMENT OF KAKAAKO MAKAI," was jointly offered by Representatives Kanohe, Evans, Magaoay, B. Oshiro, M. Oshiro and Say.

ANNOUNCEMENT

Representative Abinsay: "Thank you, Mr. Speaker. Mr. Speaker, at appropriate time before we adjourn this afternoon, may I request for a moment of silence in memory of the presumed over 1,000 people who have died in the landslide on Leyte Island in the Southern Philippines."

At this time, the House of Representatives stood for a moment of silence in memory of victims of the Leyte landside.

ADJOURNMENT

At 12:20 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, February 22, 2006. (Representatives Chang, Karamatsu, Morita, Moses, Saiki and Takamine were excused.)

TWENTY-THIRD DAY

Wednesday, February 22, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Vice Speaker Takai presiding.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 239 and 240) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 239, dated February 15, 2006, transmitting the report on the adequacy of federal funding for the No Child Left Behind Act.

Gov. Msg. No. 240, dated February 17, 2006, transmitting the Proclamation proclaiming January 2006 as Cervical Cancer Awareness Month.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 10 through 25) were received and announced by the Clerk:

Sen. Com. No. 10, transmitting S.B. No. 2255, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 11, transmitting S.B. No. 2591, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 12, transmitting S.B. No. 2596, entitled: "A BILL FOR AN ACT RELATING TO THE INTERMEDIATE APPELLATE COURT," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 13, transmitting S.B. No. 2597, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 14, transmitting S.B. No. 2599, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 15, transmitting S.B. No. 2601, entitled: "A BILL FOR AN ACT RELATING TO DOCUMENTS SEALED UPON FILING," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 16, transmitting S.B. No. 2602, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 17, transmitting S.B. No. 2604, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE APPELLATE COURT PANELS," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 18, transmitting S.B. No. 2607, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF APPEALS," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 19, transmitting S.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 20, transmitting S.B. No. 2609, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 21, transmitting S.B. No. 2610, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO CHANGING THE NAME OF THE INTERMEDIATE APPELLATE COURT," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 22, transmitting S.B. No. 2611, entitled: "A BILL FOR AN ACT RELATING TO VEXATIOUS LITIGANTS," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 23, transmitting S.B. No. 2896, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 24, transmitting S.B. No. 3124, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on February 21, 2006.

Sen. Com. No. 25, transmitting S.B. No. 3183, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICULAR EMISSIONS," which passed Third Reading in the Senate on February 21, 2006.

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

S.B. No. 2255, SD 1	S.B. No. 2607, SD 1
S.B. No. 2591	S.B. No. 2608
S.B. No. 2596	S.B. No. 2609, SD 1
S.B. No. 2597	S.B. No. 2610, SD 1
S.B. No. 2599	S.B. No. 2611
S.B. No. 2601	S.B. No. 2896, SD 1
S.B. No. 2602, SD 1	S.B. No. 3124
S.B. No. 2604	S.B. No. 3183, SD 1

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 54) was received by the Clerk and was placed on file:

Dept. Com. No. 54, dated February 15, 2006, from Marie C. Laderta, Director, Department of Human Resources Development, transmitting their report regarding the establishment of separate series for Human Services Professionals and Social Workers.

INTRODUCTIONS

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

Representative Moses introduced from the University of Hawaii, Dr. Brent Buckley, Extension Beef Specialist; and his students: Ms. Elizabeth Cruz, Ms. Denise McQueary, and Ms. Stacie Nakashima.

Representative Arakaki, on behalf of Representatives Abinsay, Magaoay, Finnegan, Pine and himself, introduced Mr. Jaime V. Agtang, an attorney with the Office of the Governor in Ilocos Norte. He was accompanied by Representative Arakaki's legislative aide, Mr. Edgar Fernandez.

Representative Finnegan, on behalf of Representative Wakai and herself, introduced Mr. Gene Albano and Mr. Philip Martin of Aliamanu.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

H.C.R.

Nos.

Referred to:

- | | |
|----|---|
| 23 | Committee on Water, Land, & Ocean Resources |
| 27 | Jointly to the Committee on Public Safety & Military Affairs and the Committee on International Affairs |
| 29 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing |
| 30 | Committee on Water, Land, & Ocean Resources |

H.R.

Nos.

Referred to:

- | | |
|----|---|
| 19 | Jointly to the Committee on Public Safety & Military Affairs and the Committee on International Affairs |
| 21 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing |

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 635-06) recommending that H.B. No. 2412, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2412, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was adopted, passed, and recommitted to the Committee on Finance with Representatives Chang, Halford and Karamatsu being excused.

SUSPENSION OF RULES

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

THIRD READING

H.B. No. 1920:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1920, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY MONTH," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Halford and Karamatsu being excused.

H.B. No. 2210:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2210, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL," passed Third Reading by a vote of 48 ayes, with Representatives Chang, Halford and Karamatsu being excused.

At 12:17 o'clock p.m., the Chair noted that H.B. Nos. 1920 and 2210, passed Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 22 through 25) and concurrent resolutions (H.C.R. Nos. 31 through 34) were referred to Printing and further action was deferred:

H.R. No. 22, entitled: "HOUSE RESOLUTION REQUESTING THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS TO APPOINT A COMMITTEE TO RESEARCH NATIVE GOVERNMENTS TO IDENTIFY NATIVE JUSTICE SYSTEMS AND MAKE RECOMMENDATIONS ON A JUSTICE SYSTEM APPROPRIATE FOR HAWAIIAN HOME LANDS," was offered by Representative Kahikina.

H.R. No. 23, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE FOUR-WHEEL-DRIVE COMPACTED ROADS FOR THE KAHIKINUI HOMESTEAD," was offered by Representative Kahikina.

H.R. No. 24, entitled: "HOUSE RESOLUTION REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU AND THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO ENACT PROPERTY TAX RELIEF MEASURES," was jointly offered by Representatives Marumoto, Finnegan, Stevens, Stonebraker, Thielen, Halford, Meyer and Moses.

H.R. No. 25, entitled: "HOUSE RESOLUTION COMMEMORATING THE FIFTY-SECOND ANNIVERSARY OF THE DETONATION OF THE BRAVO HYDROGEN BOMB OVER BIKINI ATOLL, DECLARING MARCH 1, 2006, AS A DAY OF REMEMBRANCE, AND REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE MEASURES TO PROVIDE FOR THE FULL HEALTH NEEDS OF THE HYDROGEN BOMB TESTS SURVIVORS AND THEIR PROGENY, PAY APPROPRIATE PROPERTY DAMAGE CLAIMS, AND PROVIDE FOR THE COSTS OF CLEANING UP NUCLEAR SITES IN THE REPUBLIC OF THE MARSHALL ISLANDS IN CONNECTION WITH HYDROGEN BOMB TESTING ON ATOLLS OF THE REPUBLIC OF THE MARSHALL ISLANDS," was jointly offered by Representatives Takumi, Abinsay, Berg, Kanoho, Marumoto, Takai, Wakai, Evans, Green, Kahikina, Nakasone, Souki, Stevens, Tanaka and Thielen.

H.C.R. No. 31, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE COUNCIL OF HAWAIIAN HOMESTEAD ASSOCIATIONS TO APPOINT A COMMITTEE TO RESEARCH NATIVE GOVERNMENTS TO IDENTIFY NATIVE JUSTICE SYSTEMS AND MAKE RECOMMENDATIONS ON A JUSTICE SYSTEM APPROPRIATE FOR HAWAIIAN HOME LANDS," was offered by Representative Kahikina.

H.C.R. No. 32, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE FOUR-WHEEL-DRIVE COMPACTED ROADS FOR THE KAHIKINUI HOMESTEAD," was offered by Representative Kahikina.

H.C.R. No. 33, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY COUNCIL OF THE CITY AND COUNTY OF HONOLULU AND THE MAYOR OF THE CITY AND COUNTY OF HONOLULU TO ENACT PROPERTY TAX RELIEF MEASURES," was jointly offered by Representatives Marumoto, Finnegan, Stevens, Stonebraker, Thielen, Halford, Meyer and Moses.

H.C.R. No. 34, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE FIFTY-SECOND ANNIVERSARY OF THE DETONATION OF THE BRAVO HYDROGEN BOMB OVER BIKINI ATOLL, DECLARING MARCH 1, 2006, AS A DAY OF REMEMBRANCE, AND REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE MEASURES TO PROVIDE FOR THE FULL HEALTH NEEDS OF THE HYDROGEN BOMB TESTS SURVIVORS AND THEIR PROGENY, PAY APPROPRIATE PROPERTY DAMAGE CLAIMS, AND PROVIDE FOR THE COSTS OF CLEANING UP NUCLEAR SITES IN THE REPUBLIC OF THE MARSHALL ISLANDS IN CONNECTION WITH HYDROGEN BOMB TESTING ON ATOLLS OF THE REPUBLIC OF THE MARSHALL ISLANDS," was jointly offered by Representatives Takumi, Berg, Hale, Kanoho, Takai, Wakai, Green, Kahikina, Sonson, Souki, Stevens and Yamashita.

ADJOURNMENT

At 12:17 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Thursday, March 2, 2006. (Representatives Chang, Halford and Karamatsu were excused.)

TWENTY-FOURTH DAY

Thursday, March 2, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Pono Chong, after which the Roll was called showing all members present with the exception of Representatives Pine and Shimabukuro, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 241 through 243) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 241, dated January 27, 2006, transmitting the Department of Labor and Industrial Relations' Workforce Development Council's 2006 Report, "Hawaii's Workforce Development in 2005: Stepping Stones to 2006."

Gov. Msg. No. 242, dated February 9, 2006, transmitting the Hawaii Ocean Resources Management Plan 2005 Status Report for calendar year ending December 31, 2005.

Gov. Msg. No. 243, dated February 14, 2006, transmitting the Office of Youth Services 2005 Annual Report for Fiscal Year 2005.

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 55) was received by the Clerk and was placed on file:

Dept. Com. No. 55, dated February 21, 2006, transmitting the Office of Youth Services (OYS) Annual Report for Fiscal Year 2005.

INTRODUCTIONS

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

Representative M. Oshiro introduced National Conference of State Legislatures Fiscal Analyst and Hawaii Liaison, Ms. Corina Eckl, and former Alaska State House of Representatives Member, Mr. Eldon Mulder.

Representative Marumoto introduced Mrs. Idelle Kodish visiting from Akron Ohio who is also volunteering in her office. She was accompanied by her friend, Ms. Gaye Miyasaki, Legislative Aide to Representative Marumoto.

Representative Tanaka introduced his office staff, Mr. Frank Tsuji and Ms. Erica Moon.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

H.C.R.
Nos.

Referred to:

- | | |
|----|---|
| 31 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing |
| 32 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing |
| 33 | Committee on Judiciary, then to the Committee on Finance |
| 34 | Committee on International Affairs |
| 35 | Committee on Human Services |

H.R.
Nos.

Referred to:

- | | |
|----|---|
| 22 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing |
| 23 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing |
| 24 | Committee on Judiciary, then to the Committee on Finance |
| 25 | Committee on International Affairs |
| 26 | Committee on Human Services |

COMMITTEE REASSIGNMENT

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

H.B.
No.

Re-referred to:

- | | |
|--------------|-------------------------------|
| 3193,
HD1 | Committee on Higher Education |
|--------------|-------------------------------|

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 636-06) recommending that H.B. No. 2972, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Consumer Protection & Commerce for further consideration.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2972, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICAL LICENSING," was adopted, passed, and recommitted to the Committee on Consumer Protection & Commerce for further consideration, with Representatives Pine and Shimabukuro being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 637-06) recommending that H.B. No. 1935, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1935, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading, and was placed on the

calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 638-06) recommending that H.B. No. 1796, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 639-06) recommending that H.B. No. 3194, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3194, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 640-06) recommending that H.B. No. 1930, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 641-06) recommending that H.B. No. 2098, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 642-06) recommending that H.B. No. 2457, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2457, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 643-06) recommending that H.B. No. 1977, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1977, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO STRUCTURED SETTLEMENTS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 644-06) recommending that H.B. No. 1995, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1995, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 645-06) recommending that H.B. No. 2250, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 646-06) recommending that H.B. No. 2410, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2410, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 647-06) recommending that H.B. No. 2780, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2780, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 648-06) recommending that H.B. No. 2895, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2895, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 649-06) recommending that H.B. No. 2899, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2899, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO JUDGMENT LIENS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 650-06) recommending that H.B. No. 3250, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUPERSEDEAS BONDS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 651-06) recommending that H.B. No. 386, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 386, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. I also would like a no vote cast for me on this and just a few words, Mr. Speaker. Thank you, I'm glad Representative Hale caught this measure. I ask the Members to look at this and see if we really want to do away with jury duty exemptions for certain classes of people. One of which would include a judge of the United States, a judge of the State of Hawaii, a practicing physician, a practicing dentist, a member of law enforcement or militia when on active service.

"Those are exemptions that are presently in the law and this bill would remove them along with some others. I really ask Members to look at this and consider whether the bill should come back out again for Third Reading or just be quietly deferred. Thank you."

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

"Mr. Speaker, I stand in support of this measure. I just wanted to offer some comments for clarification. Actually this really isn't necessarily declaring an automatic exemption. What this does, is it allows a person, when they receive what is called a 'jury pool office questionnaire' to mark whether categorically, they want to exempt themselves from jury service.

"All we're saying with this bill is over the years, we've added tons of different categories and really the question is, do people deserve a categorical exemption in terms of their service to the public and our judicial system? And if they don't, then all they need to do is put it down. They can write whatever reason they have why they feel they should be exempted and it's up to them individually. But categorically what do we feel rises to the level that they should be excluded. Thank you."

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

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

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 386, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Hale, Sonson, Souki and Thielen voting no, and with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 652-06) recommending that H.B. No. 1233, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1233, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 653-06) recommending that H.B. No. 2208, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2208, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 654-06) recommending that H.B. No. 2233, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2233, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

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

"Reservations on that same measure, Mr. Speaker, and I'll save my comments for Third Reading."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2233, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDEMNATION," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 655-06) recommending that H.B. No. 2404, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2404, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 656-06) recommending that H.B. No. 2859, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FENCING," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 657-06) recommending that H.B. No. 2455, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading; and

Representatives Luke and Magaoay, for the Committee on Judiciary and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 658-06) recommending that H.B. No. 2454, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.B. No. 2455, HD 1, and H.B. No. 2454, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to speak first of all to Standing Committee Report 657 and I'd like to enter a very strong, strong no. I really thought learning the ropes here was going to be full of a lot of new experiences, but I guess I wasn't quite prepared for some of these new experiences.

"This particular bill is attempting to set up a process of appointments should we have a vacancy in the US Senate. I know that many of us in the 'old guard' or many of the 'older guard' or the 'older leadership', are probably very, quite worried right now because we have a lot of new, young blood emerging asking for their place in our future. This type of bill is exactly what the 'old guard' would

want us to do, which is very stealthily introduce a bill that should there be a vacancy, that the appointment come from a list from the prevailing Party.

"Well I'm going to speak to the next bill and I'm going to tell you what it's like to interact with the prevailing Party. Especially with a prevailing Party that doesn't even follow their own rules. So if we're going to pick for a vacancy, as important as a US Senator is, from a list that comes from the Chair of a Party that doesn't follow its own rules, where are we headed? What are we going to do?

"But I think the question that I'm begging an answer for right now, and I sure I hope get it from my Party members is, why now? Is there something that we should know about our existing US Senators that we suddenly have to have a way to appoint them? Where we have an election coming up this year? I think we need to maybe get some answers from our Party leaders. What is wrong with our US Senators that we have to stealthily run a bill through one Committee down to this Floor so that our Party Chair can make a recommendation to the Governor should a US Senator fall ill or resign?

"Now I'm going to say this number once and I'm going to say it again. There are over 630,000 voters in this State. 630,000. We have 30,000 registered Democrats, and maybe 10,000 registered Republicans. Of those people what do we have? Five backroom leaders who are going to select our next US Senator as an incumbent. Is there something wrong with our US Senators? This is wrong, wrong, wrong. Let's just grow up and let's do it the right way. Get some public input into how we do this selection process and let some of our young people step forward. And I'll be back for the next bill."

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

"Mr. Speaker, I'm in opposition to this measure. I notice that this bill was introduced by several Democrats and the testifiers were all Democrats. The Democratic Party of Hawaii; the Democratic Action Hawaii, that must be a committee; and William Woods, who is a well-known Democrat. And I'm wondering whether the motivation behind this measure rises from the fact that the present Governor who would select the replacement for a US Senator is from the Republican Party?

"I think this is a rather scary measure in that the Committee could ... Well, the bill could change in Committee where instead of picking five perspective candidate, could instead propose three or two or even one, and I hope this wouldn't happen by the end of Session. I hope this measure does not make it to the end of Session. Thank you very much."

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

"I like to cast a no vote on Standing Committee Report 657 and 658."

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

"Thank you, Mr. Speaker, I like to cast a no vote on the same two measures, 657 and 658, for the reasons that have been expressed by the Representatives from Kakaako and from Kahala. Thank you."

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

"Thank you, Mr. Speaker, I like to vote no on this and I have a couple comments. This is on 657, Mr. Speaker. This bill has a lot to do with partisan politics, and does not really, in my view, have very much to do about the welfare of the State of Hawaii or the welfare of its citizens.

"Mr. Speaker, this bill is asking that a Central Committee of a Party decide essentially who the next Senator may be. Maybe better said that the next interim Senator, because very soon thereafter there'll be a vote the very next even numbered year. In November there will be an election by the people for our next Senator, so this bill is addressing an interim, short-term replacement being chosen by the Central Committee of a Party. And God bless them. The Central Committees of the Parties that I'm been familiar with were very energetic in being partisan and having their team win, but I don't know that they're so well-suited to choose for the benefit of the whole State, and having this partisan limitation limits the field tremendously.

"As was earlier said, that maybe not even 50,000 not even you know 5% of the population of the State of Hawaii are partisan to begin with. So this limits the choice from any other Party or any Independent or anyone else that might be qualified to serve Hawaii in a very good way. So I vote no."

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

"Yes, Mr. Speaker, I'd like to cast a no vote on Standing Committee Reports 657 and 658, and just a couple comments. I've been reading the series on the Broken Trust in the newspaper and I just felt that in reading that, I could see where the difficulty that the Supreme Court ran into when they had a Special Committee formed to make a selection. It seemed to run counter to the way things should be done. So I just encourage colleagues, Mr. Speaker, to take a look at that series of articles as they cast their vote on this bill. Thank you very much."

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

"Thank you, Mr. Speaker, I'd like to register a no vote on both Stand. Com. Reports 657 and 658."

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

"Thank you, Mr. Speaker, same request. And just one comment in regards to SCR 657. According to NCSL, there are no other states that appear to have this limit on the Executive in this way as well."

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

"Thank you. Same request. A no vote on both measures."

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

"Thank you, Mr. Speaker, in support of 657. There seems to be a little bit of misunderstanding about current law. The Representative from Kihei expressed a concern that this process, if it were passed, the law would somehow preclude other Parties or other people from participating in the process.

"The current law is such that if the incumbent Representative or Senator is a member of a particular Party, then the Governor's requirement is only that they appoint somebody from the same Party. That's the only requirement. And it actually doesn't even say whether the person has to be long-standing member of the Party. They can sign up on the spot. That raises some concerns. This legislation tweaks the process only slightly to say that it should be somebody that is selected by the political Party that is currently occupying that seat. It's a reasonable tweak in the right direction.

"Now the arguments against this current legislation are actually arguments against the current law. If we really want to be pure about this, then maybe the solution is to move to upon vacancy, we move to a special election. That's the way it's done in a lot of other states.

If we ask NCSL, I'm sure they will provide us with model legislation. But what's clear is that the current process is unacceptable. The current process provides too much authority to one individual to appoint a United States Senator, a United States Representative, a Council person, or whatever.

"So this an attempt to improve the process from where we are now. We shouldn't compare this bill to some other imaginary bill that doesn't exist yet. If the Members on the other side of the aisle want to work on this process to make it make more sense for everyone, I'd be happy to work with them. I'm sure the other Members would be happy to make it work. But let's not pretend that the current process is an inclusive one. The current process in statute allows the Governor to just pick somebody, and I don't think that's enough of a process to make the public feel confident that the community is being provided with adequate input. Thank you."

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

"Thank you, Mr. Speaker. In opposition to both measures. And the current process seemed to have worked fine with the previous Governors. We didn't try, on this side of the aisle, to change it under Governor Cayetano or anybody else. And everybody over on the other side can say, 'Well our Senators weren't that old then,' but they were still pretty old. We never attempted to try and change it. We had faith in our Governors.

"And this does preclude, 590,000 other registered voters in this State. Many of them are Democrats or Republicans, but maybe not active members of the Party so they will not rise to the level of observation if you will, by the Central Committees. But that doesn't mean they're not of those Party affiliations. Thank you."

The Chair then stated:

"Thank you very much. Members, let's proceed on. Stand. Com. Report No. 658."

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

"Thank you, Mr. Speaker. Once again a very strong no and let me for this particular bill, dig down into my own personal experiences. First of all, maybe perhaps we might want to change the title from 'Relating to Legislative Vacancies' to 'The Bev Harbin Bill' or Anti-Bev Harbin ..."

The Chair interjected, stating:

"Representative Harbin, you're out of order when you state your name. Proceed."

Representative Harbin continued, stating:

"Thank you. Thank you. With me continuing in order, let me start by saying that I'm a victim of the process which we're trying to imbed into statute right now.

"Let me tell you the veil of secrecy. In fact what I'm going to do is I'm going to ask that rules of the Democratic Party be entered into the Journal for me please so we can in the future ..."

Speaker Say: "Representative Harbin, you're out of order, Representative Harbin. Can you confine your remarks to the legislation that is before you."

Representative Harbin: "Yes. The legislation says that should a vacancy occur the person shall be selected by the Party. Correct? At least I believe that's what the legislation says. What I'm saying is, we have a problem and I have my own personal experiences, which says the Party has rules and bylaws on how they go about holding meetings and making selections. In my instance, they failed to have

minutes. In my instance, they failed to even have a secretary. In my instance, there were no records of who they interviewed, what their background was. And once the selections were made, when we take a look at the people who were selected, one still had a residence in Hawaii Kai in the telephone book. One didn't know what HCDA was, or is.

"What I'm saying is I really wonder whether the Party has the benefit of the State at heart, or the benefit of establishing a strong Party for certain individuals. I go back again to my number. There are at least 630,000 voters in this State of Hawaii. We've been very happy with the Constitution. The voters voted in the Constitution on how we select vacancies. It's worked. Do we have a problem with it now? Is it because we have or are going to be looking at more vacancies because some of us are getting older? Some faster than others. I know I am.

"But if that doesn't work, then we need to put it to the voters. We've done it once through the Constitution. If there's a *puka* in the Constitution, let's fix it through the Constitution. Let's put it to the voters. Let us not sit here as a group and make determinations on how we're going to change it for how the voters established they wanted it done.

"There's been three vacancies that I know of in this past two Sessions. One was done beautifully because it was a cooperative effort. It was a beautiful, beautiful process and we got a beautiful Representative that represents part of the outer islands. There was the second process which was a disaster and still is a disaster. And through that we're going to learn our lessons and maybe do things right around here and follow rules, and the Party follows their rules. And the third was another very nice process. Thoughtful process and we got another beautiful Representative who's actually more freshman than me, and I love it. She's good. She knows what she's doing.

"But we need to, when we have these interim vacancies, is do it right. Not in secret, around the rules. Coming up with people who are maybe not prepared, and are just here just to make way for whomever the Party decides.

"Sorry, this is a strong no. And when we come around to the Third Reading I sure hope we get a roll call because I'm telling you, the people out there need to know who here wants to hang in with the old guard. Thank you."

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

"Thank you, Mr. Speaker, in support of 658. And you know, in my view this bill is essentially addressing the problem the Representative from Kakaako is describing, which is that we have three legislative vacancies and three different processes. And the public needs to know, and we need to establish as a policy making body, what is the process for replacing a Representative or Senator who vacates their seat.

"Now let's have a discussion about what's the appropriate process. Maybe this bill isn't perfect. Maybe there's a new process that we can talk about. But what I'm hearing is we ought not to have a process and that because we didn't have a process under Cayetano, Waihee, and Ariyoshi that we still ought not to have a process.

"In my view, let's figure out what the most fair, the most reasonable, the most inclusive way to replace a Representative who vacates their seat is. We had three Representatives replaced in three different ways, and it should not depend on the good judgment of any particular Executive, whether or not we are including the community.

"It's a really simple question. Should we, or should we not, have a process set in statute? Or should we leave it all up to whoever's sitting in the Governor's seat? You know, it's an election year so everybody wants to make this about what we are doing or not doing

to the current Governor. This is a really bigger question than that. Whatever we do here is going to remain in statute probably for decades and determine who 10, 20, or 30 Representatives and Senators will be.

"So let's get serious. Let's talk about what the best process is. If you really think that the best process is the current statute which says, it's the Governor's call, then that's fine. Then go up and articulate that argument. But if you think that the process deserves further consideration and we should set something in statute that makes people feel confident that when somebody is appointed that it was done right, then let's get working on this. We have a half a Session to work on it. Thank you."

The Chair then stated:

"The Chair has been fair because most Members have recorded their votes on both measures at this time."

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

"I did not express the fact that I am also in opposition to Stand. Com. 658."

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

"A no vote on this measure, 658 also."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.B. No. 2455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNITED STATES SENATE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Harbin, Halford, Marumoto, Meyer, Moses, Stevens, Stonebraker and Thielen voting no, and with Representative Shimabukuro being excused; and

H.B. No. 2454, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Harbin, Halford, Marumoto, Meyer, Moses, Stevens, Stonebraker and Thielen voting no, and with Representative Shimabukuro being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 659-06) recommending that H.B. No. 767, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 767, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 767, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPSITES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 660-06) recommending that H.B. No. 2319, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 661-06) recommending that H.B. No. 2330, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 662-06) recommending that H.B. No. 2453, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2453, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARDS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representatives Luke and Magaoay, for the Committee on Judiciary and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 663-06) recommending that H.B. No. 1844, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1844, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 664-06) recommending that H.B. No. 2299, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2299, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 665-06) recommending that H.B. No. 3256, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3256, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 666-06) recommending that H.B. No. 1826, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1826, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 667-06) recommending that H.B. No. 3254, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OATHS OF OFFICE," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 668-06) recommending that H.B. No. 1936, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1936, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in strong support of Stand. Com. 668 and I ask that my comments be added to the Journal. In strong support," and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"This Body has supported over the years extending particular rights and privileges to condominium association members so that greater transparency and equality between the owner and management is facilitated.

"This bill, HB 1936, HD 1, merely permits members with Planned Community Associations to have greater access to documents, and thus, be better educated on the affairs and operation pertaining to their investment – that being their own home.

"Testimony on this measure revealed that there is a void, a lack of recourse for Planned Community Association members to exercise the very basics meant to assist them in preserving their investment. This measure fills in that void.

"In addition, the measure will provide the Department of Commerce and Consumer Affairs with the guidance and ability to ensure that the very laws protecting condo owners are rightfully extended to Planned Community Association members."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1936, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 669-06) recommending that H.B. No. 1980, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1980, HD 1, pass Second Reading and

be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise on Stand Com. Report on 669. It's on the top of page 10. I will rise in favor and express some reservations. I really feel that the use of these multi-use gift cards may be a problem for consumers. I don't think they realize that it will cost them a little more money to use these, as opposed to a gift card from a department store such as Macy's, if I may use that for as an example.

"Ala Moana sells multi-use gift cards but they have dormancy fees in them. What that means is that if you don't use them for a while, let's say after 6 months or a year, the value of it is automatically deducted at a certain amount. You buy a \$25 gift certificate and after a period of time, it loses its value without you knowing it as opposed to a Macy's cards which holds its value.

"These cards are only good at certain areas. The Ala Moana card only in some Ala Moana stores that carry American Express because this is the type of card that they sell. When you get a gift card from Macy's, you know you can buy something at any Macy's store with it. But a lot of people go into an Ala Moana store that doesn't have American Express and they're disappointed when the card is not honored.

"It's hard to tell the balance on some of these multi-use cards. You must go to a certain type of ATM that can read your card and you find out what your balance is, but they charge a fee for that. So that's something the consumer is not really aware of when they purchase it or give one away. Of course you know that if you go to Macy's you can buy something and they will give you your balance.

"Both types of cards must escheat to the State so if it's not cashed in or redeemed after five years, they will they have to pay that balance to the State. Although I wonder that with dormancy fees on the multi-use card whether there will be a balance left on it to escheat.

"The multi-use card makes a profit when they sell the card and as the dormancy fees are collected. On the other hand the Macy's card counts as a liability on its books until it's redeemed or escheated. So that hurts their bottom line.

"We passed a bill. We passed a law last year that said, when it comes to gift certificates no one can charge a fee, and so that's the law now. But the present bill before us will exempt these multi-use cards from fees, and so I think it creates a very unlevel playing field. I would hope that we look at this bill very carefully before we pass it on Third Reading. Thank you."

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

"Thank you very much, Mr. Speaker, in strong support. This is a very creative way to allow somebody to have something that almost looks like a credit card, feels like a credit card, and spends like a credit card to a limited amount that the buyer will buy the card for and gift it to someone.

"For example, I believe the current limit that's planned for these cards in Hawaii is \$300. So instead of getting a credit card for someone that you love, give them something you can afford. It's \$300, there you go. You pay \$300 and that's it.

"The way that the public is going to be protected is of course, you are going to have a print-out every time you purchase something. That's how much you have left. And on the card it says if you don't use it within a period of time we'll charge you these fees.

"Now there's something to be said about fees. Fees are because we tend to pay for convenience all the time. How convenient it is to use a card from Macy's to Nordstrom's to any store in Ala Moana instead of just being limited to a shopping place? So we pay for the convenience of being able to go to any store. Use this as if it's a credit card. Do the people that issue these cards deserve a fee? Yes. Mr. Speaker, that's why we exempt them from this gift certificate's law. We pay for this. We pay for convenience all the time. It makes a lot of sense. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 670-06) recommending that H.B. No. 3100, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 671-06) recommending that H.B. No. 3225, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3225, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representatives Luke and Herkes, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 672-06) recommending that H.B. No. 1871, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1871, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 673-06) recommending that H.B. No. 2705, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2705, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 674-06) recommending that H.B. No. 2897, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2897, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 675-06) recommending that H.B. No. 3101, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Shimabukuro being excused.

Representative Green then rose, stating:

"Mr. Speaker, just reservations on 676. House Bill 1242 please. Thank you sir."

At 12:41 o'clock p.m., Representative M. Oshiro requested a recess, and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

At this time, then Chair stated:

"Members, at this time the Chair stands corrected. We are on page 11 on the motion by the Majority Leader. His motion was from page 2 through 11, up to Stand. Com. Report 675. Does everyone understand that? Representative Moses? Representative Pine? So we're taking the vote, which is a voice vote all the way up to 675."

At 12:42 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 676-06) recommending that H.B. No. 1242, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1242, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker, I apologize for that previous mistake. I just wanted to rise with reservations on 676 and express my concern that I didn't have a chance as Vice Chair of Health to weigh-in on the bill. Thank you, Mr. Speaker."

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

"Mr. Speaker, with reservations also for the same reasons as the Vice Chair."

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

"Mr. Speaker, I'll be voting against this measure. A couple of things. First of all, if you're pro-life you should vote against this measure. There's no sense voting with reservations. This measure was originally designed to carve out partial birth abortions, but it was amended in the Judiciary Committee where it was given only a single referral, Mr. Speaker. This is a bill that has to do with physicians, with patients, with doctors, with surgery, with abortion, and it didn't go to the Health Committee. That is unfortunate and I think it's a dangerous precedent to set.

"But we have seen this kind of pattern, Mr. Speaker, in this House where anything controversial that has to do with life, abortion, and so forth skips the Health Committee and has a single referral to the Judiciary Committee. It's unfortunate to see what may smack of political agenda being attached to such measures. This bill really should go to the Health Committee.

"Besides that, the measure was amended in Committee to remove the partial birth abortion portion, but in the process it also removes a provision for what has functioned as a 90-day waiting period. On page 3 of the measure under number 3, the woman upon whom such abortion is to be performed has to wait 90 days or they have to have been in the State for 90 days. This is now removed and also in the process that's removed which can be a safety measure. Anytime you have a waiting period it allows the parties to have some time to think, have some time to contemplate what they're about to do. It also prohibits sort of Hawaii becoming a destination for abortion.

"We're going to fly there on vacation away from our parents and provide an abortion. That's what the measure provided for the in the past. We're removing that. And also we're expanding abortion to clinics and to physicians' offices so for those reason I'm voting no. Thank you."

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

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

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

"Thank you, with reservations. And I note that I would have appreciated hearing this in the Health Committee. Thank you."

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

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

"Mr. Speaker, with reservations. Specifically not going to the philosophy of the subject matter, but my discontent with the process of not following our own rules and expanding this without proper hearing in the right committees."

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

"Mr. Speaker, in opposition, and may I state my reason for opposition. When people come to Hawaii they think of the beautiful beaches, the beautiful parks, the Aloha Spirit, and the wonderful people of Hawaii. And I love that that's the way the country and the whole world remembers us.

"I think removing the residency guidelines for having an abortion in this State will make us be 'sin city' in the world. I can just imagine a lot of people coming down, parking at the Honolulu International Airport to have their procedure done, and that's the grounds for my opposition. Thank you."

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

"Mr. Speaker, I rise in support. I just wanted to briefly clarify some of the concerns about the procedural process. Basically what happened is there are two bills that were introduced, substantially on the same issue. One was House Bill 1241, one was House Bill 1242.

"House Bill No. 1241 actually has to do with the substantive issue of what is the procedures, and what do we want to have as prohibition when we talk about abortion. That was referred to Health and Judiciary. Unfortunately that bill did not move.

"This Session when we took a look at House Bill number 1242, we carefully looked at the case law that is already standing out there based off of what the United States Supreme Court and other federal jurisdictions have held, and we found that House Bill No. 1242, HD 1, merely is a conformance of the statute that currently we have on the books which is outdated, to meet the case law. That's all that it is.

"It really is a legal matter. It's not a matter of a health concern because the courts have already decided what is allowable and not allowable. We have no choice in this. All we're doing is making our statute meet up with what is out there in the case law. Thank you."

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

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

"Just with reservations. I've had very little time to read this bill until now."

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

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

Representative Moses rose to respond, stating:

"Brief statement. I already stated I am in opposition. It's just that it's very saddening to me to hear that life and death are now just legal matters. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 453-16, HAWAII REVISED STATUTES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Finnegan, Kahikina, Meyer, Moses and Stonebraker voting no, and with Representatives Evans, Nishimoto and Shimabukuro being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 677-06) recommending that H.B. No. 2434, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2434, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Evans, Nishimoto and Shimabukuro being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a

report (Stand. Com. Rep. No. 678-06) recommending that H.B. No. 2901, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," passed Second Reading and was placed on the calendar for Third Reading with Representatives Evans, Nishimoto and Shimabukuro being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 679-06) recommending that H.B. No. 2535, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2535, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Evans, Nishimoto and Shimabukuro being excused.

Representatives Herkes and Caldwell, for the Committee on Consumer Protection & Commerce and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 680-06) recommending that H.B. No. 2317, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Evans, Nishimoto and Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 681-06) recommending that H.B. No. 1947, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1947, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Evans, Nishimoto and Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 682-06) recommending that H.B. No. 2898, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2898, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Evans, Nishimoto and Shimabukuro being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 683-06) recommending that H.B. No. 3253, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3253, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Second Reading and was placed on the calendar for Third Reading

with Representatives Evans, Nishimoto and Shimabukuro being excused.

At this time, the Chair announced:

"Members, action on Standing Committee Reports Nos. 684-06 to 708-06, as listed on pages 13 to 18, will be deferred one legislative day so that the Members of this Chamber can go back to your Caucuses to go over these 3rd Reading bills."

Stand. Com. Rep. No. 684-06, and H.B. No. 2145, HD 2:

By unanimous consent, Stand. Com. Rep. No. 684-06, and H.B. No. 2145, HD 2, were deferred one legislative day.

Stand. Com. Rep. No. 685-06, and H.B. No. 2058:

By unanimous consent, Stand. Com. Rep. No. 685-06, and H.B. No. 2058, were deferred one legislative day.

Stand. Com. Rep. No. 686-06, and H.B. No. 2737, HD 1:

By unanimous consent, Stand. Com. Rep. No. 686-06, and H.B. No. 2737, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 687-06, and H.B. No. 3238, HD 1:

By unanimous consent, Stand. Com. Rep. No. 687-06, and H.B. No. 3238, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 688-06, and H.B. No. 1468:

By unanimous consent, Stand. Com. Rep. No. 688-06, and H.B. No. 1468, were deferred one legislative day.

Stand. Com. Rep. No. 689-06, and H.B. No. 1869, HD 1:

By unanimous consent, Stand. Com. Rep. No. 689-06, and H.B. No. 1869, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 690-06, and H.B. No. 1923, HD 1:

By unanimous consent, Stand. Com. Rep. No. 690-06, and H.B. No. 1923, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 691-06, and H.B. No. 2258, HD 1:

By unanimous consent, Stand. Com. Rep. No. 691-06, and H.B. No. 2258, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 692-06, and H.B. No. 2950:

By unanimous consent, Stand. Com. Rep. No. 692-06, and H.B. No. 2950, were deferred one legislative day.

Stand. Com. Rep. No. 693-06, and H.B. No. 2952, HD 1:

By unanimous consent, Stand. Com. Rep. No. 693-06, and H.B. No. 2952, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 694-06, and H.B. No. 3123, HD 1:

By unanimous consent, Stand. Com. Rep. No. 694-06, and H.B. No. 3123, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 695-06, and H.B. No. 3235, HD 1:

By unanimous consent, Stand. Com. Rep. No. 695-06, and H.B. No. 3235, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 696-06, and H.B. No. 1819, HD 1:

By unanimous consent, Stand. Com. Rep. No. 696-06, and H.B. No. 1819, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 697-06, and H.B. No. 1863:

By unanimous consent, Stand. Com. Rep. No. 697-06, and H.B. No. 1863, were deferred one legislative day.

Stand. Com. Rep. No. 698-06, and H.B. No. 2309:

By unanimous consent, Stand. Com. Rep. No. 698-06, and H.B. No. 2309, were deferred one legislative day.

Stand. Com. Rep. No. 699-06, and H.B. No. 2347:

By unanimous consent, Stand. Com. Rep. No. 699-06, and H.B. No. 2347, were deferred one legislative day.

Stand. Com. Rep. No. 700-06, and H.B. No. 2479:

By unanimous consent, Stand. Com. Rep. No. 700-06, and H.B. No. 2479, were deferred one legislative day.

Stand. Com. Rep. No. 701-06, and H.B. No. 2805:

By unanimous consent, Stand. Com. Rep. No. 701-06, and H.B. No. 2805, were deferred one legislative day.

Stand. Com. Rep. No. 702-06, and H.B. No. 2953, HD 1:

By unanimous consent, Stand. Com. Rep. No. 702-06, and H.B. No. 2953, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 703-06, and H.B. No. 3063, HD 1:

By unanimous consent, Stand. Com. Rep. No. 703-06, and H.B. No. 3063, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 704-06, and H.B. No. 3160, HD 1:

By unanimous consent, Stand. Com. Rep. No. 704-06, and H.B. No. 3160, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 705-06, and H.B. No. 3166, HD 1:

By unanimous consent, Stand. Com. Rep. No. 705-06, and H.B. No. 3166, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 706-06, and H.B. No. 3173, HD 1:

By unanimous consent, Stand. Com. Rep. No. 706-06, and H.B. No. 3173, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 707-06, and H.B. No. 3244, HD 1:

By unanimous consent, Stand. Com. Rep. No. 707-06, and H.B. No. 3244, HD 1, were deferred one legislative day.

Stand. Com. Rep. No. 708-06, and H.B. No. 3259, HD 1:

By unanimous consent, Stand. Com. Rep. No. 708-06, and H.B. No. 3259, HD 1, were deferred one legislative day.

THIRD READING

At this time, the Chair announced:

"This will also be deferred one legislative day so we can take up all Third Reading bills on tomorrow's Order of the Day."

H.B. No. 1794, HD 1:

By unanimous consent, action was deferred one legislative day.

Representative Harbin rose, stating:

"I'm sorry. I was asleep at the wheel. Could you say that again for me? Where are we?"

Speaker Say: "Okay we are on number 6 on page 18. Where you see Third Reading for Finance. That particular measure will be deferred one legislative day also."

Representative Harbin: "With that being said then, was I asleep when we went past Committee Report 702?"

Speaker Say: "Nope you were not asleep. What I said to all of you is that from 684 ..."

Representative Harbin: "It will all be for tomorrow? Oh good, then I will be awake tomorrow. Thank you."

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 26 through 29) and concurrent resolutions (H.C.R. Nos. 35 through 42) were referred to Printing and further action was deferred:

H.R. No. 26, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A WORKING GROUP TO DETERMINE THE FEASIBILITY OF IMPLEMENTING PROCEDURES FOR PLACING A CHILD IN TEMPORARY FOSTER CUSTODY WITH KIN OR NON-KIN FOSTER PARENTS," was jointly offered by Representatives Sonson, Arakaki, Cabanilla, Kanoho, Yamane, Berg, Finnegan, Green, Luke, Marumoto, Stonebraker and Tsuji.

H.R. No. 27, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION AND THE DEPARTMENT OF EDUCATION TO INCLUDE "CYBER BULLYING" AS A FORM OF HARASSMENT WHEN REVIEWING CHAPTER 8-19 OF ITS ADMINISTRATIVE RULES," was jointly offered by Representatives Lee, Thielen, Yamane, Caldwell, Herkes, Kanoho, Kawakami, Nakasone, Schatz, Souki and Tanaka.

H.R. No. 28, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was jointly offered by Representatives Sonson, Abinsay, Arakaki, Cabanilla, Finnegan, Kanoho, Karamatsu, Luke, B. Oshiro, Pine, Shimabukuro, Takai, Thielen, Yamane, Berg and Takamine.

H.R. No. 29, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ESTABLISH UNDERGRADUATE AND GRADUATE DEGREE PROGRAMS IN INFORMATION SECURITY WITHIN THE DEPARTMENT OF INFORMATION AND COMPUTER SCIENCES TO DEVELOP SKILLED AND HIGHLY-TRAINED GRADUATES TO ASSIST THE STATE IN DEFENDING AGAINST CYBER-THREATS," was jointly offered by Representatives Sonson, Arakaki, Cabanilla, Kanoho, Karamatsu, Kawakami, Luke, Shimabukuro, Thielen, Abinsay, Berg, Finnegan, B. Oshiro, Pine, Takamine and Yamane.

H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A WORKING GROUP TO DETERMINE THE FEASIBILITY OF IMPLEMENTING PROCEDURES FOR PLACING A CHILD IN TEMPORARY FOSTER CUSTODY WITH KIN OR NON-KIN FOSTER PARENTS," was jointly offered by Representatives Sonson, Arakaki, Cabanilla, Kanoho, Yamane, Berg, Finnegan, Green, Luke, Stonebraker and Tsuji.

H.C.R. No. 36, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONDUCT A PREVENTION AND EDUCATION CAMPAIGN ON THE INCREASING INCIDENCE OF BEDBUGS," was jointly offered by Representatives Lee, Caldwell, Kanoho, Kawakami, Nakasone, Schatz, Souki, Takumi, Tanaka and Yamane.

H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SURVIVORS OF BRAIN INJURIES," was jointly offered by Representatives Arakaki, Abinsay, Green, Hale, Lee, Nishimoto, M. Oshiro, Schatz and Magaoay.

H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE METHODS AND PROCEDURES EMPLOYED BY THE GOVERNOR IN SOLICITING PRIVATE SECTOR SPONSORSHIPS AND CONTRIBUTIONS, IN CASH OR IN-KIND, TO SUPPORT OR DEFRAY THE COSTS OF OFFICIAL GOVERNMENT FUNCTIONS, INCLUDING TRADE MISSIONS," was offered by Representative Schatz.

H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A HAWAII PORT AUTHORITY TASK FORCE TO DETERMINE THE FEASIBILITY OF ESTABLISHING A HAWAII PORT AUTHORITY," was offered by Representative Souki.

H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONTINUE TO COLLABORATE WITH THE HAWAII HARBOR USERS GROUP TO IMPLEMENT PLANNED IMPROVEMENTS AND CONSTRUCTION TO IMPROVE CARGO TERMINAL AND CONTAINER FACILITIES AT HONOLULU HARBOR, KAHULUI HARBOR, AND HILO HARBOR, AND COMMENDING AND CONGRATULATING THE DEPARTMENT OF TRANSPORTATION AND THE HAWAII HARBOR USERS GROUP FOR THEIR FINE WORK IN COMPLETING THE HAWAII HARBORS USER GROUP'S REPORT," was offered by Representative Souki.

H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was jointly offered by Representatives Sonson, Abinsay, Arakaki, Cabanilla, Finnegan, Kanoho, Karamatsu, Luke, B. Oshiro, Pine, Shimabukuro, Takai, Thielen, Yamane, Berg, Kawakami and Takamine.

H.C.R. No. 42, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," was jointly offered by Representatives Chang, Cabanilla, Caldwell, Kahikina, Kanoho, Karamatsu, Marumoto, Tsuji, Waters, Abinsay, Arakaki, Berg, Chong, Evans, Ito, Magaoay, Shimabukuro, Souki, Takumi, Wakai and Yamashita.

OTHER COMMUNICATION

The following communication was received by the Clerk on February 22, 2006:

"The Senate
The Twenty-Third Legislature
of the
State of Hawaii
STATE CAPITOL
HONOLULU, HI 96813

February 22, 2006

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

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

S.B. No. 2182, S.D. 1
"PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 2,
RELATING TO EDUCATION."

S.B. No. 2479
"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION
12, OF THE HAWAII STATE CONSTITUTION."

S.B. No. 2571
"PROPOSING AMENDMENTS TO THE HAWAII STATE
CONSTITUTION RELATING TO SPECIAL PURPOSE
REVENUE BONDS."

S.B. No. 2610, S.D. 1
"PROPOSING AN AMENDMENT TO THE HAWAII
CONSTITUTION RELATING TO CHANGING THE NAME OF
THE INTERMEDIATE APPELLATE COURT."

S.B. No. 2797
"PROPOSING AN AMENDMENT TO THE HAWAII STATE
CONSTITUTION RELATING TO JUDGES."

S.B. No. 3040
"PROPOSING AN AMENDMENT TO THE HAWAII
CONSTITUTION RELATING TO EXCESS REVENUES."

Respectfully,

/s/Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate

PTK:law
Enclosure

cc: Patricia Mau-Shimizu
Clerk of the House"

ANNOUNCEMENTS

Representative Herkes, for the Committee on Consumer Protection and Commerce, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing H.B. No. 2972, HD 1, today at 2:00 in Conference Room 325 with decision making to follow, and the Chair "so ordered."

Representative Takamine, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing the following House Bills:

HB 1835, HD 1, Relating to the Department of Transportation
HB 2043, HD 1, Relating to Medicaid
HB 2265, HD 1, Relating to Corrections
HB 2362, Relating to Prescription Drugs
HB 2606, HD 1, Relating to Motor Vehicle Insurance
HB 2655, HD 1, Relating to Motor Vehicle Accident Investigation
HB 2669, Relating to the Convention Center Enterprise Special Fund
HB 2746, HD 2, Relating to Aviation Fuel Taxes
HB 2910, Relating to Human Services
HB 3053, Relating to Renewable Energy
HB 3060, Relating to High Technology
HB 3133, HD 1, Relating to Federally Qualified Health Centers

"Mr. Speaker, these bills will be heard by your Committee on Finance this afternoon at 2 pm in Room 308. Decision making to follow. Thank you very much," and the Chair "so ordered."

Representative Carroll: "Thank you, Mr. Speaker. Members, you are invited to an informational briefing given by the HSTA and they're going to do a Power Point presentation on the impacts of the weighted student formula in rural areas. Lunch is provided in Room 329. Thank you."

Representative Tanaka: "Thank you, Mr. Speaker. As some of you may know, the offices of myself and Representative Yamashita have been selected to take on the task of raising money and food for the Hawaii Foodbank 2006 food drive. I would like to personally thank all of the offices that put in the effort and enthusiasm to participate in yesterday's box decorating contest. This is the first step in making this year's food drive a huge success and also helps to generate excitement for such a worthwhile cause.

"I hope my colleagues will take the time to check out the fantastic creations around the State Capitol, namely the Division I, first and second place winners: Representative Kahikina and his staff, and Representative Takai and his staff. As you can see on the podium on the left side, you have Representative Kahikina's display and on the right side on the USS Arizona is Representative Takai's display.

"Division II, first and second place winners, you have the House Technical Support and the House Chief Clerk's Office and their boxes are also displayed in front of the podium.

"Thanks also to the judges of the contest. Representative Lynn Finnegan, Kevin Kuroda, and Georgette Deemer, as well as my staff and the staff of Representative Yamashita who are working very hard for this year's food drive. I hope all my colleagues will encourage their offices to participate in raising can goods and getting involved in the many upcoming events that benefit the Hawaii Foodbank and helping Hawaii's hungry. Thank you very much, Mr. Speaker."

Speaker Say: "Thank you very much, and congratulations to all the winners."

Representative Finnegan: "Mr. Speaker, just one short comment. In regards to one point, being a judge. I just wanted to point out that one of these entries had a perfect score, and that was from the Representative from Waianae. Representative Kahikina."

Representative Arakaki: "Mr. Speaker, I'd just like to request that anyone, any Member planning to attend the HIPA or Hawaii Institute for Public Affairs dinner tonight, please sign the certificate for the honorees. Thank you."

ADJOURNMENT

At 12:57 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, March 3, 2006.

TWENTY-FIFTH DAY

Friday, March 3, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Bob Nakata of Kahaluu United Methodist Church, after which the Roll was called showing all members present.

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

INTRODUCTION

The following introduction was made to the members of the House:

Representative Cabanilla introduced Reverend Marban Z. Lagmay, representing the Evangelical Pentecostal Church of Ilocos Sur in the Philippines, and Ms. Virginia Pineda of Kalihi.

ORDER OF THE DAY

UNFINISHED BUSINESS

The Chair then announced:

"Members, please note that H.B. No. 3193, HD 1 has been referred solely to the Committee on Higher Education per Committee Referral Sheet No. 26 that was placed on your desk yesterday. The Committee on Judiciary has waived its referral to this measure and therefore it is appropriate for the House to consider action for placement on the calendar for Third Reading.

Does everyone understand what we did? This measure has been re-referred from the Committee on Judiciary, back to the Committee on Higher Education. So this measure has been put on the agenda for Third Reading next week."

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the rules were suspended to reconsider action previously taken on H.B. 3193, HD 1.

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action previously taken pursuant to the recommendation contained in Standing Committee Report No. 396-06, recommending referral to the Committee on Judiciary, seconded by Representative B. Oshiro and carried.

H.B. No. 3193, HD 1:

Representative M. Oshiro, moved that notwithstanding the recommendation of Standing Committee Report No. 396-06, that H.B. No. 3193, HD 1 be placed on the calendar for Third Reading, seconded by Representative B. Oshiro and carried.

The Chair then addressed Representative Pine, stating:

"Representative Pine, what was the process that we just went through?"

Representative Pine responded, stating:

"We re-referred a bill back to Judiciary. I'm sorry, Higher Ed. I'm sorry, Mr. Speaker. I was trying to multi-task. I apologize."

Speaker Say: "It went through a three-step process, for all of us on the floor of this House."

At 12:13 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:16 o'clock p.m.

SUSPENSION OF RULES

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

UNFINISHED BUSINESS

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 684-06) recommending that H.B. No. 2145, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2145, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Yamashita rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support of 684. Mr. Speaker, we must recognize the importance of diversified agriculture operations in Hawaii's economy. This measure will provide farmers with the opportunity to diversify their operations, as well as alternative forms of income to allow agricultural tourism to be conducted on existing farms.

"Hawaii has long been recognized as a prime destination for tourism worldwide. Now is the time to showcase Hawaii's agricultural tourism. The key points of this measure are agricultural tourism operation shall be on existing farms and shall be accessory and secondary to principal agricultural use. Also agriculture tourism permits under this measure should not interfere with surrounding farms farming operations.

"Currently there are no guidelines to conduct agricultural tourism on land zoned for agriculture. This measure requires that each county shall set regulations to govern agricultural tourism. In addition, the passage of this measure will aid in clarifying land use codes regarding accessories uses on ag land. I urge my colleagues to support this bill. Thank you."

Representative Berg rose to respond, stating:

"Thank you, Mr. Speaker, I wasn't going to say anything and just leave it with WR, but my concerns have to do with the fact that the counties, at the moment, are already empowered to permit and regulate agricultural tourism. My real concern is that while we talk about tourism, are we talking about gift shops where they sell the products from the farms? Are we talking about restaurants where

they sell the food made from the products? Are we talking about overnight accommodations where they can experience the fragrance of the products on the ag land? So we need to just be cautious. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2145, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Waters voting no, and with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 685-06) recommending that H.B. No. 2058, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2058, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 686-06) recommending that H.B. No. 2737, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2737, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Carroll rose to speak in support of the measure, stating:

"Mr. Speaker. I'd like to speak in support of Standing Committee Report 686, which requires the Attorney General to assist in resolving ownership in issues related to Honopou Road including the Honopou Bridge of the Honopou District in Maui County.

"I would like to say that there was a house that burnt down as a result of the fire department not being able to cross the bridge to get to the house because they were afraid the bridge would actually collapse. This measure would allow for an analysis of how to strengthen that bridge, but also to finalize the dispute on who owns the road as well. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2737, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 687-06) recommending that H.B. No. 3238, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3238, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 688-06) recommending that H.B. No. 1468, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1468, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of

48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 689-06) recommending that H.B. No. 1869, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1869, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm standing up in opposition to Stand. Com. Report 689. I'm not in favor of this \$1,000 annual fee that the pharmaceutical companies that do business in Hawaii will have to pay the Department of Health. I'm not sure that some of the information that's being requested could be proprietary. I also have concerns that the Department of Health does not have the staff to carry out the duties that are required in this bill. For those reasons, and I'm afraid that it will also increase the cost of drugs in the long run, so I'm going to be voting no. Thank you."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. Mr. Speaker, this law has already passed in the State of Maine. They've dealt with the question of whether or not the drug companies have to release proprietary information. Certainly, Mr. Speaker, I think we're all well aware of the fact of what happened with Vioxx which is manufactured by Merck.

"Let me just give a little background about that. In 2004, Vioxx was withdrawn from the market based up studies that showed Vioxx increased heart attack risk. It appeared that Merck was aware of the cardiovascular risk as early as 2000. In their testimony to the Committee they said that disclosure results are already mandated by federal law. That is simply not true. The federal law only requires your registration of trials; not the publishing of results after the completion of those trials. That is a crucial difference. Registering that you're going to do a trial, and then not having to publish the result of those trials.

"Since 1989, when it was approved I think ... Well I don't know if you know people who take Vioxx. It's an anti-inflammatory drug with a COX-2 inhibitors like Celebrex, which was withdrawn in 2004. In that 5-year period, Mr. Speaker, over 80 million people worldwide took that drug. In the United States, it is estimated that between 88,000 and 140,000 cases of serious coronary heart disease resulted from the use of Vioxx, and that's why it was withdrawn from the market.

"Had the results of those clinical trials been available for the public and for the medical community when it was disclosed in 2000, I don't know what number would have resulted as far as serious coronary heart disease. My assumption is that it would have come down. If this is what it takes to lower the incidences of these serious illnesses as a result of flawed prescription drugs, I believe that's a step we should take. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1869, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING BY DRUG MANUFACTURERS AND DISCLOSURE OF CLINICAL TRIALS," passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Meyer and Moses voting no, and with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 690-06) recommending that H.B. No. 1923, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1923, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, rising in opposition. This measure extends by three years, HTA's ability to retain attorneys independent of the Attorney General. I'm concerned that these attorneys, local attorneys, will make decisions that are contrary to the decisions of the State and therefore the State will be liable. But also they can find themselves in court arguing against themselves. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1923, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Third Reading by a vote of 43 ayes to 5 noes, with Representatives Finnegan, Meyer, Moses, Pine and Thielen voting no, and with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 691-06) recommending that H.B. No. 2258, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2258, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 692-06) recommending that H.B. No. 2950, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2950, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 693-06) recommending that H.B. No. 2952, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2952, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'd like to register my no vote. What do I do with this? Just for the record, I'd like to explain the reason for my no vote and I would encourage my fellow colleagues to please follow with me as we try to understand what these bills of these types, relating to public works, are going to do to our desires as policymakers for affordable housing and fixing our irrigation ditches and the rest of it. This bill as I read it, is attempting to expand what a public works is. When you have a public works without a government contracting agency, you basically have an unenforceable statute.

"What this is trying to do is to create more problems within Chapter 104, which is already creating problems in our construction

and development industries, and I urge all of us to really start to understand Chapter 104.

"During the interim, I was very fortunate to be involved with many, many businesses and the Department of Labor and our labor community in many informational workshops, trying to understand, to see how we can deal with the problems of Chapter 104 and the enforcement, and government, and what government contracting agencies are. We're still befuddled. We're unable as a community to come together on the understanding of what to do. And bills like these are just going to add to the confusion, and to the cost to do the projects that we need to do for people. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. I just want to remind my colleagues that the way this is interpreted, projects that are not directly built or developed by a governmental contracting agency are covered by this. So that could be almost everybody. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm rising in opposition to this bill. This bill really creates confusion. It implies that Chapter 104 can apply to a project that is not directly built or developed by a governmental contracting agency. It also would require the Department of Labor to collect and maintain the certified payrolls for public works projects that are interpreted to be subject to Chapter 104, but there is no governmental contracting agency. They don't have the staff to do that. I think that if this is the interpretation, that we broaden the public works bill, a lot of things in this actually will have to be changed or we will just have chaos. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'll be voting no on this measure. This sounds like 'new speak'. We are now going to be calling 'private projects,' 'public works'. Thank you."

The Chair then stated:

"Before we proceed on Members to page 5, is there any further discussion on 695? Because this is Third Reading, you are supposed to submit your green slips and your pink slips to your respective Minority Floor Leader and Majority Floor Leader. They should have all of your vote slips. Representative Harbin, you can ask one of the Sergeant-at-Arms staff behind you to give your vote slip to Representative Blake Oshiro."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2952, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Third Reading by a vote of 38 ayes to 10 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 694-06) recommending that H.B. No. 3123, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3123, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HURRICANE PREPAREDNESS," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 695-06) recommending that H.B. No. 3235, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3235, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 696-06) recommending that H.B. No. 1819, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1819, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 281, HAWAII REVISED STATUTES," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 697-06) recommending that H.B. No. 1863, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1863, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 698-06) recommending that H.B. No. 2309, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2309, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 699-06) recommending that H.B. No. 2347, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2347, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 700-06) recommending that H.B. No. 2479, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2479, entitled: "A BILL FOR AN ACT RELATING TO THE CONSTRUCTION OF A PARKING STRUCTURE AT KAKAOKO MAKAI, OAHU," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 701-06) recommending that H.B. No. 2805, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2805, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 702-06) recommending that H.B. No. 2953, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2953, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Yes, thank you. I'm standing again with another no, and I've got my little green slip turned in. The purpose of this bill again is to take SRPBs and take other projects again into the Chapter 104 jurisdiction. I can keep rising, and I will continue to rise until we all get used to saying, 'Chapter 104,' but perhaps maybe what we might want to do is maybe re-do Chapter 104 and do it the right way so we can include these where we can determine what is a government contracting agency. I would encourage my colleagues to perhaps maybe the next time around, let's see if we can't maybe just re-do Chapter 104. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"On 702. Thank you, Mr. Speaker. I did turn in my slip and I just want to point something out. I want to reiterate some of the things that were said. This is subjecting all indirect public works projects such as SRPBs, making the enforcement of Chapter 104 complex and problematic. The problems are exasperated by the fact that there is no clear governmental contracting agency."

"So if there is no government-contracting agency, who's suppose to do this? Who's suppose to track all of this? You know, there is no contract funds that are used to pay laborers in the event of violations, and the contractor has no clear authority, and it goes on and on and on. There are just so many problems with the bill. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker. I'm just going to add just a few words on 702, in opposition. As amended this bill will require the Chief Procurement Officer to notify every governmental contracting agency that the requirements of Chapter 104, such as certified payroll and prevailing wage, shall apply to all public works contracts over \$2,000."

"I mean, this just broadens the public works law so much and \$2,000 is a small repair job. Whatever contractor takes a job like that will have to do the certified pay roll. There's only one thing that these bills would do is drive up the cost of construction in this State. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2953, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Third Reading by a vote of 38 ayes to 10 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 703-06) recommending that H.B. No. 3063, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY TRAINING," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 704-06) recommending that H.B. No. 3160, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3160, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Waters rose to speak in support of the measure, stating:

"In support, Mr. Speaker. It's a good bill. I ask all of you to support this appropriation bill for the University at Manoa. By the way, I'll be speaking on all these other bills that are appropriating money for Hilo, the Community Colleges, and West Oahu as well."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I would like to express my support on Stand. Com. 704. I'm in strong support of the nursing program at the University of Hawaii. We currently import nurses from Canada and the mainland, which double the cost of healthcare in Hawaii. We as a Body here are very concerned about the high cost of healthcare. Developing our own health support system, of which nurses are the number one members of the healthcare force here, we will be decreasing the cost of health care tremendously.

"Also educating our own residents will also increase our economy. Mr. Speaker, as our society is aging at the rate of 6,000 elders per day. And as we get older, our rate of healthcare services also increase, and nurses are the biggest provider of healthcare. So I urge my colleague to support the School of Nursing at the University of Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3160, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 705-06) recommending that H.B. No. 3166, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3166, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, again I rise in support of the School of Nursing at Leeward Community College. We now have the population to support it. Exit interviews at the different high schools in the area indicate that they want to go to the School of Nursing. We also have high demographics of old people in the area, and we don't have any community college on that side of the island. This school will be attended by people from not only the Leeward side, but also from the North Shore and Central Oahu. So I urge my colleagues to support the two-year school of nursing at Leeward Community College. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3166, HD 1, entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 706-06) recommending that H.B. No. 3173, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3173, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII AT HILO," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 707-06) recommending that H.B. No. 3244, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3244, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure, stating:

"Mr. Speaker. Thank you, Mr. Speaker, in support with some comments. Thank you, Mr. Speaker, I was taking a look at this bill and I am in support. Being a former victim of identity theft, I was hoping that we would keep the original bill in its original form which prohibits mailing of unsolicited credit cards offers, and makes possession of another's mail with intent to commit identity theft a class C felony.

"We do need to give our police some laws so that they can start to work on some of these issues. Identity theft is a big crime. We just recently tried to put different things like mail email boxes in our areas so that we can try and not have people stealing mail. So even though I am in support of it, I wish that we had kept it in its original version. Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Just for the clarification of the Members. We passed out another bill that prohibits financial association from mailing out pre-approved applications. We also have penalty provisions relating to mail theft, so this is another provision. The reason why the original language was not moved out of the Committee is because those two provisions have been passed out in other bills."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3244, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 708-06) recommending that H.B. No. 3259, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3259, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I like to rise in strong support of this bill. This bill will provide and fill a huge cavity in the dental health need of our State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3259, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

At 1:38 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:39 o'clock p.m.

At 1:40 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

HB No. 2145, HD 2	HB No. 1863
HB No. 2058	HB No. 2309
HB No. 2737, HD 1	HB No. 2347
HB No. 3238, HD 1	HB No. 2479
HB No. 1468	HB No. 2805
HB No. 1869, HD 1	HB No. 2953, HD 1
HB No. 1923, HD 1	HB No. 3063, HD 1
HB No. 2258, HD 1	HB No. 3160, HD 1
HB No. 2950	HB No. 3166, HD 1
HB No. 2952, HD 1	HB No. 3173, HD 1
HB No. 3123, HD 1	HB No. 3244, HD 1
HB No. 3235, HD 1	HB No. 3259, HD 1
HB No. 1819, HD 1	

H.B. No. 1794, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1794, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX BRACKETS," passed Third Reading by a vote of 48 ayes, with Representatives Abinsay, Kanoho and Magaoay being excused.

At 1:40 o'clock p.m., the Chair noted that H.B. No. 1794, HD 1, passed Third Reading:

STANDING COMMITTEE REPORTS

The Chair then announced:

"Members, please note the 48-hour notice for Standing Committee Reports No. 709-06 through 795-06, as listed on pages 8 through 25 of your Order of the Day."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 709-06) recommending that H.B. No. 1821, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 709-06 on H.B. No. 1821, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1821, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 710-06) recommending that H.B. No. 1888, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 710-06 on H.B. No. 1888, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1888, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 711-06) recommending that H.B. No. 1975, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 711-06 on H.B. No. 1975, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1975, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 712-06) recommending that H.B. No. 2126, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 712-06 on H.B. No. 2126, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2126, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 713-06) recommending that H.B. No. 2187, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 713-06 on H.B. No. 2187, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2187, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 714-06) recommending that H.B. No. 2526, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 714-06 on H.B. No. 2526, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2526, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 715-06) recommending that H.B. No. 2884, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 715-06 on H.B. No. 2884, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2884, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 716-06) recommending that H.B. No. 2771, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 716-06 on H.B. No. 2771, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2771, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 717-06) recommending that H.B. No. 3118, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 717-06 on H.B. No. 3118, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 3118, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 718-06) recommending that H.B. No. 3216, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 732-06 on H.B. No. 2214, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2214, HD 1, were made available to the members of the House.

By unanimous consent, consideration of Stand. Com. Rep. No. 739-06 on H.B. No. 1891, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1891, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 747-06) recommending that H.B. No. 3154, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 761-06 on H.B. No. 2968, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2968, HD 1, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 762-06) recommending that H.B. No. 3257, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 762-06 on H.B. No. 3257, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 3257, HD 1, were made available to the members of the House.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 763-06) recommending that H.B. No. 1417, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 763-06 on H.B. No. 1417, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1417, HD 1, were made available to the members of the House.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 764-06) recommending that H.B. No. 2192, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 764-06 on H.B. No. 2192, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2192, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 765-06) recommending that H.B. No. 1860, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 765-06 on H.B. No. 1860, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 1860, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 766-06) recommending that H.B. No. 2147, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 766-06 on H.B. No. 2147, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2147, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 767-06) recommending that H.B. No. 2421, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 767-06 on H.B. No. 2421, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2421, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 768-06) recommending that H.B. No. 2587, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 768-06 on H.B. No. 2587, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2587, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 769-06) recommending that H.B. No. 2761, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 769-06 on H.B. No. 2761, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2761, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 770-06) recommending that H.B. No. 2806, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 770-06 on H.B. No. 2806, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2806, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 771-06) recommending that H.B. No. 2925, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 771-06 on H.B. No. 2925, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2925, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 772-06) recommending that H.B. No. 2987, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 772-06 on H.B. No. 2987, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2987, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 773-06) recommending that H.B. No. 3142, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 773-06 on H.B. No. 3142, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 3142, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 774-06) recommending that H.B. No. 3258, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 774-06 on H.B. No. 3258, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 3258, HD 2, were made available to the members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 775-06) recommending that H.B. No. 2589, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 775-06 on H.B. No. 2589, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2589, HD 2, were made available to the members of the House.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 776-06)

printed copies of H.B. No. 2176, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 791-06) recommending that H.B. No. 2692, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 791-06 on H.B. No. 2692, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2692, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 792-06) recommending that H.B. No. 2964, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 792-06 on H.B. No. 2964, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2964, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 793-06) recommending that H.B. No. 3116, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 793-06 on H.B. No. 3116, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 3116, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 794-06) recommending that H.B. No. 3139, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 794-06 on H.B. No. 3139, HD 3 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 3139, HD 3, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 795-06) recommending that H.B. No. 3158, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 795-06 on H.B. No. 3158, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 3158, HD 2, were made available to the members of the House.

The Chair then addressed Representative Carroll, stating:

"Representative Carroll, what did I just state?"

Representative Carroll responded, stating:

"Mr. Speaker, you just said we were going to go over page 8 to page 25, and vote on these measures."

The Chair then stated:

"48-hour notice. Thank you."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 796-06) recommending that H.B. No. 2213, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2213, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE ASSESSMENTS FOR UNINSURED STUDENTS," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 797-06) recommending that H.B. No. 2503, HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2503, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 798-06) recommending that H.B. No. 2974, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2974, pass Third Reading, seconded by Representative B. Oshiro.

Representative Herkes rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Herkes' written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2974. This bill extends the sunset date for one year on the measure designed to acquire the historic lands of South Kona. Mr. Speaker, in the original bill there was funding to do an appraisal of the 11,000 acres for the purpose of seeking funds to acquire this very important parcel of land for preservation. To date, the Governor has not released these monies. Recently I met with her Chief of Staff, and believe that an RFP will be issued by DLNR for the purpose performing the audit. I urge the Members to support this bill. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2974, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 799-06) recommending that H.B. No. 3167, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3167, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. We on the Leeward Coast deserve a 4-year university. We have been waiting for it for a long time. This campus will not only provide parity with the rest of the island, but it serves as a social and economic stimulant in our neighborhood. I urge you to help me pass this measure."

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. I want to say again, as my colleague just said. This is long overdue, much needed. It will serve as a center of the new city of Kapolei, and it will be a gleaming jewel out there on the Ewa Plains. It's something we desperately need and it will I think, be a benefit for the entire State because an entire

portion of the population just doesn't go to Manoa. It's too far. I think you're going to see a lot more students going to college now and that will help the entire State, the University System, and of course, us in the long run. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3167, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII WEST OAHU," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 800-06) recommending that H.B. No. 1852, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1852, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure, Making an Appropriation for the Condemnation of Land in Nanakuli, Oahu, for a Public Housing Project. The purpose of this measure is to:

1. Direct the Hawaii public housing administration to commence eminent domain proceedings, pursuant to section 201G-16, for the condemnation of the Nanakuli B site for a public housing project.
2. Ensure that the Leeward Coast is not further taken advantage of by being the home site of yet another landfill. Our community should not have to pay the price for the many years the City has failed to invest the necessary time, effort and planning into finding alternative technologies. The placement of another landfill in our community will have a compounded detrimental affect on the already compromised health and safety of our school children and elderly who are the most vulnerable."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have a few concerns. I'm in support of housing that we need on the Leeward Coast and this will serve that purpose. My only concern is that this particular site, as I understand it was a site that was picked as the Nanakuli B Landfill site. In other words when they looked at all the sites that could be used for landfills, this was one of the sites they picked meaning it's probably not a very good site. I understand it's prone to landslides and I would have concern for any people placed in housing on that site. Thank you."

Representative Stonebraker rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm rising in opposition to this and if I may briefly state my reasons. It's not because I don't have a concern for the need for housing, but in principle and philosophy regarding the government's role in private property and land rights, I'm opposed to eminent domain. The acquisition of lands for even public good. I think it's a dangerous slide that we're making.

"We had some Supreme Court cases in the past year or two that are going in that direction, and the reason for that is just where I come from, as far as my world view on the role of government in society. I've done a lot of reading on the founding of our nation and so forth and so on, and we read often times in the Declaration of Independence that governments are created to protect the rights of

individuals which are endowed by their creator. We're all familiar with the words, 'life, liberty, and the pursuit of happiness.'

"Mr. Speaker, but I didn't realize this before. I did some in-depth study that even the phrase, 'pursuit of happiness,' is synonymous and interchangeable in the founding era of our country, with private property rights. The ownership of land by individuals, private citizens is so fundamental and is so ingrained in our system of government that as we begin to erode at that. If we begin to pick away at that, and we allow that to corrode as far as one of the shining and upstanding rights that we revere and hold dear, I believe that it undermines the very principles on which our government stands. And so anything that has to do with the government interfering with private property rights is a dangerous, dangerous precedent to set. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I actually will disagree with the prior speaker. I think actually the 5th Amendment says that the government can take whenever it will provide just compensation, and I believe that's the primary issue. If the government is taking without compensating the private landowner, then it is an issue for the courts to decide. However if the government is willing to pay, then eminent domain is within it's police powers in order to make sure the public health, safety, and welfare of the entire general public is taken care of. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure and I would like to carry on the conversation about 'life, liberty, justice, and the pursuit of happiness.' Yes that area was a dumpsite, and I think it's about time that we change the scenery of the Leeward coast.

"We all can use a dumpsite, but I think for years and years it's been there. It's about time that we close the dumpsite and build a shelter and residence for our people. We all should take the responsibility and be just amongst ourselves. We should take responsibility of this dump and it should be moved somewhere else. We on the Leeward side have taken it for a long time, and it is just for us to have it moved somewhere else I think, for the life, liberty, justice and pursuit of happiness that our nation has. Thank you, Mr. Speaker."

Representative Kahikina rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. I just wanted to respond to some of the remarks. This land is not a landfill, but it is targeted and planned to be a landfill. And I appreciate the comments on the floor on the philosophy of eminent domain, and I hold that to be really true. If anyone has experienced eminent domain, it's the Native Hawaiians. And then the speakers on the Floor would agree that perhaps we need to address that eminent domain issue. But the real issue this is addressing is ecological injustice.

"All the dumps are in the Waianae, Nanakuli area. All of the dumps. We take all of the rubbish from Oahu and it's about time we share that burden with the rest of the islands. Not to mention we get all the homeless in our area. I think it's a very compassionate effort to try to build houses for the people that are really in need, instead of making excuses why we cannot build.

"So this bill addresses all of those needs and I appreciate the discussion about eminent domain, and people should support Native Hawaiian getting back their native land.

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support with the words of the Chair of the Housing Committee as my own," and the Chair "so ordered. (By reference only.)"

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm in support with some pretty serious reservations. From some of the testimony that I read there do seem to be some fairly large problems with this site. I think one of the reasons that it was considered a dumpsite was because it had some high, steep areas to it that you could fill up to but those steep areas create a real danger with boulders rolling down in the future.

"I think there is no question we need housing, but we also have a responsibility to look for a site that's appropriate and healthy and safe. So I think we need to think about that. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, in opposition. I do have the highest respect for the Housing Committee Chair, and I do believe that in the concept and intent of this bill, but I am in definite opposition of eminent domain. In the cases that I've read in situations that are happening already on the mainland and to the Hawaiian people, I just believe that it's bad for society to take someone's land.

"The Majority Floor Leader talked about just compensation and that is a reason why I'm voting against this measure, because nowhere in the bill does it justly give the right compensation to the owner of the land. I do support the concept of the bill."

Representative Carroll rose in support of the measure, stating:

"Mr. Speaker, in strong support, and I would like the words of the Chair of Housing to be my own," and the Chair "so ordered." (By reference only.)

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I did want to rise with some reservations on this bill in light of recent flooding and the announcement of what has happened on our island, concern for the safety of all of our people would be one of the reasons that I have reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1852, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE CONDEMNATION OF LAND IN NANAKULI, OAHU, FOR A PUBLIC HOUSING PROJECT," passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Pine and Stonebraker voting no, and with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 801-06) recommending that H.B. No. 2239, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2239, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure, Relating to Land Acquisition.

"The purpose of this measure is to:

1. Appropriate funds to acquire the property currently known as Kukui Gardens from Kukui Gardens Corp;
2. Authorize eminent domain proceedings should the acquisition be unsuccessful; and
3. Allow the Hawaii Public Housing Administration to acquire the Kukui Gardens property, and partner with private developers for acquisition of the property; provided that one hundred percent of the housing units on the property shall be retained in perpetuity as affordable housing for households at or below one hundred twenty percent of the median family income as determined by the United States Department of Housing and Urban Development.

"I do not choose to use the legislative power of eminent domain lightly. However, we are in a housing crisis of epic proportion. We presently have over 20,000 people in need of affordable housing. This is with Kukui Gardens in the affordable housing inventory. However, if we were to lose Kukui Gardens and it's over 800 units, the ramifications would be far reaching. At a building rate of 2 to 3 years per 250 units, it would take over 10 years to replace the affordable units lost at Kukui Gardens. This is not taking into account the travesty of displacing over 800 families who are not able to afford market rate housing. We must do all that we can do preserve our present inventory in addition to building additional housing. We cannot allow our present affordable housing inventory to be depleted."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, just in opposition for some other concerns. I would like to see in this language just compensation to buy this land, instead of taking away with eminent domain. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Arakaki rose to speak in support of the measure, stating:

"Mr. Speaker, just some brief comments in support. I think the Legislature and our leadership is showing foresight in looking at this coming crisis. I just hope we don't wait until the last minute until we have a crisis where we have to look for housing for people.

"There are over 3000 residents in Kukui Gardens. I think that will be a real tragedy. I just hope we can use our foresight to start planning, even on an incremental basis, to acquire this really valuable property. And just keep in mind that many of these residents really don't have much alternative when it comes affordable rental homes. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2239, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Pine and Stonebraker voting no, and with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 802-06) recommending that H.B. No. 2346, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2346, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR

DEPARTMENT OF EDUCATION ELECTRICITY," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 803-06) recommending that H.B. No. 2619, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2619, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 804-06) recommending that H.B. No. 2763, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2763, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Tsuji rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support on HB 2763. Amidst the humor and laughter of our group, I strongly encourage, Mr. Speaker ... May I continued?"

The Chair then stated:

"Okay, that's enough. Let's have some order here. Yes, please proceed. Someone's making that coqui frog noise that's why I just said, 'Let's have some order here,' and let Representative Tsuji proceed."

Representative Tsuji continued, stating:

"Thank you, Mr. Speaker. The coqui frog infestation has now reached epidemic proportions on the Big Island, with more than 150 firmly established sites. A simple lack of dedicated funding, personnel, and really maybe political support are to blame for the coqui's exploding population growth in the County of Hawaii, as well as for its subsequent proliferation throughout every county in the State.

"These frogs have borne the brunt of many jokes, Mr. Speaker, but the situation is no laughing matter. In reality, the coqui poses a significant threat to Hawaii's economy and natural environment, not to mention the health and well-being of its people. In spite of these circumstances, however, I remain steadfast in my conviction that with the right amount of support, the coqui can be controlled, if not eradicated entirely. This bill seeks to appropriate the much-needed support to Big Island residents and also our State of Hawaii for precisely such eradication efforts.

"The fact is, we are indeed facing a state of emergency, made worse by inadequate support. To give you an example of just how important this measure is, consider the State's multi-million dollar floriculture industry situated largely in East Hawaii, within the context of the Island's dynamic agriculture industry as a whole. A few million dollars worth of eradication funding appropriated by this bill pales in comparison to the sheer economic productivity that proper control of coqui would help safeguard, and that's not including tourism.

"The time to act is now. Living in the most geographically isolated landmass in the world carries with that distinction an obligation to preserve our unique island lifestyle and the lush surrounding ecosystem that has evolved here over centuries. Let's not allow coqui to besiege the rest of our State as it with our County of Hawaii,

nor threaten to have our quality of life held hostage. Thank you, Mr. Speaker."

Representative Souki rose, stating:

"Yes, Mr. Speaker, point of information. I have never heard a coqui frog and was wondering if the Representative from Hilo could mimic the coqui frog for all of us to understand the sound of a coqui frog."

The Chair then stated:

"The Chair will call a recess for this request."

At 1:57 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:58 o'clock p.m.

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support. You know, we kind of make some jokes about this issue, but for me I think this is a serious issue. It's not just a Big Island issue. It's a Statewide issue.

"If I may share with my colleagues, it is on here on Oahu. Recently when going to my mom's house to help her tend her house, we were pulling out plants out of a portion of the house around the rock garden area, and there was a coqui frog. We know it's in Waimanalo. We know it's in I think, Wailua, and it's clearly making it's way to Kailua. So I stand in strong support and ask that the words from the Representative from Hilo be also added as my own," and the Chair "so ordered. (By reference only.)

Representative Marcus Oshiro rose to speak in support of the measure, stating:

"Yes Mr. Speaker, I rise in strong support. My community also has a small, but growing infestation of the coqui frog. I'd like the record to reflect the remarks of the Vice Chair of Agriculture as my own.

"And finally, Mr. Speaker, I think this will be one of the more important measures we pass out this year, especially in light of the fact that I learned at one time the mosquito was not apart of our natural ecology. It too was an imported pest that came in either through the ballast of ships or in the waterholds of ships. I can only imagine what Hawaii would be without the mosquito. So I really commend the Vice Chair of Agriculture for taking such an aggressive stand against coqui. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2763, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 805-06) recommending that H.B. No. 2842, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2842, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST IN CONSTRUCTING AND MAKING IMPROVEMENTS TO THE AGRICULTURAL IRRIGATION SYSTEMS ON THE NORTH SHORE OF THE ISLAND OF OAHU," passed Third Reading by a vote of 47 ayes,

with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 806-06) recommending that H.B. No. 2934, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2934, entitled: "A BILL FOR AN ACT RELATING TO HOMELESS VETERANS," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 807-06) recommending that H.B. No. 2986, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2986, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Tanaka rose to speak in support of the measure, stating:

"Mr. Speaker, on 807. Relating to Housing, the Puunene Airport land affordable housing study. I'm rising in strong support. The housing crisis in Hawaii saddens me. Increasing rents and rent prices have forced many locals to live in parks, beaches, and sidewalks. These families need our help and this affordable housing study is a positive step toward eliminating homelessness. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2986, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 808-06) recommending that H.B. No. 3029, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3029, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 809-06) recommending that H.B. No. 3105, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3105, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Mr. Speaker, the purpose of this bill is to, 'facilitate the effective treatment of mental health services to consumers by prohibiting the Department of Human Services from restricting the physician's ability to treat a fee-for-service patient with psychotropic medications.' It goes on to say, 'that are approved by the FDA and considered appropriate treatment for the physician's practice and professional judgment.'"

"The reason why I'm voting no is more for the principle of the matter. It seems like what you're saying this is because you're either saying unhindered access to psychotropic drugs if they're part of the

fee-for-service program, but in regards to the QUEST programs we've exempted them from that same requirement.

"This came up last year and I was hoping that maybe you could find it. If you're going to go with either unhindered access, or if you're going to go with some kind of PA or formulary, that you just be consistent between the two.

"It seems as if you're poor, but you're under a health plan then you don't get access to whatever drugs you need to get treated. But if you're poor, but you're not within a health plan, then you have access to whatever medications you need to be treated. So I guess on the principle of this, and just trying to make sure that the poor in the Medicaid plan will get access to psychotropic drugs one way or the other and are treated fairly. So I will be voting no. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Finnegan be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3105, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Finnegan, Moses, Pine and Thielen voting no, and with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 810-06) recommending that H.B. No. 2641, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2641, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I rise with a very strong no. I think this bill may be incorrectly titled because it doesn't have anything to do with public works. What it has to do with is expanding what is private works into 'public works."

"Let's take a look at what could happen. You have a private developer that builds a building, and part of it is going to be leased out or part of it is being built for another public entity. The project becomes an indirect public work.

"Let's take a look at the impact it will have on building drug treatment facilities, residential projects, and I even have some questions on what kind of impact this is going to have on relationships between public-private partnerships at the county level. I think we've seen a lot of this on some of the outer islands when private entities will use a partnership with the counties to build roads and other infrastructures.

"So I think we really, really need to be very careful before we go down this trail of indirect government or indirect funding because it is very dangerous and it's really going to expand the cost of doing any type of development and improvement in the State of Hawaii. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm also rising in opposition to this measure. Thank you. Mr. Speaker this measure, as I read, it will

affect projects such as Hanahauoli School and other schools that are trying to improve their facilities.

"As I understand it, it clarifies that an indirect public works project means any project that will have received a government benefit. Mr. Speaker, I don't know if you're going to remodel your home, but in the event you do, the indirect public works could be interpreted to include unintended results such as your residential home remodeling where you as a homeowner would receive a government benefit of real estate tax exemption or deduction.

"I think that we really should not proceed with this bill. The main focus of this Legislature should be to find a way to provide housing for the serious needs that we have in our State. 30,000 units are needed right away, of affordable housing. This means that any measure such as that is a hindrance, and that's where I think it's important that we all look at through the microscope again to say, what is going to hinder our efforts to create affordable housing for people? And Mr. Speaker, if this bill goes through, don't remodel."

Representative Marumoto rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. Often times a builder would put up a building, office building or whatever, warehouse and not know who the tenants would be. It's advertised on the open market and very often the State or a county will be a client and want to lease maybe one quarter of the property, and the developer will not know in advance who the tenants might be, so I think this is a ill-advised.

"Also when you have to file documents with the Department of Accounting and General Services, this is something new to them and I don't know if they have the staff to handle these types of documents. I think this bill is very ill-advised. I would ask you to consider very strongly to vote against this measure. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Just a brief comment in support, Mr. Speaker. On the issue of remodeling your home, I did want to clarify that. This involves projects where 25% of the project is going to be leased out to some government entity. So if you in fact you are remodeling your home and you intend to lease out part of it, 25% or more, then it would apply. But I would think that most people in Hawaii when they are remodeling their home, are doing it for private purposes and not to lease out to government.

"I didn't want anyone get concern that somehow it applied to that. I know that was raised last year. The bill makes it very clear it does not apply to that kind of project. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. I don't know if it's only going to cover people that are leasing out. I'm concerned about things like where we have a tremendous amount of impact fees from developers to help build a North South Road, so it means millions and millions of dollars.

"Also Campbell Estate is giving, I think, \$31 million to help build the Kapolei Interchange. It sounds to me, according to this bill, that's going to you know for the public benefit. And what about the Kapolei Judiciary Complex where Campbell Estate is giving all the land? And it goes on and on and on. I don't know where it's going to stop. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed Third Reading by a vote of 37 ayes to 10 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer,

Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 811-06) recommending that H.B. No. 2691, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2691, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting a very strong no on this bill. What this bill intends to do is to take some self-anointed self-appointed labor management committees of various labor organizations, who've already appointed themselves 'watch dogs' by pouring over the papers, the documents of certified payrolls of employers, usually non-signatory employers.

"What they do is that they know if you look hard enough there could be a clerical, a very small mistake in the transposition of numbers, as we all know happens in accounting. Rather than allow the employee to go forward and work with their employer, what they do is they get the employees to file complaints, and then you get a lot of these little, small, \$25, \$10, \$100 mistakes which the employers make the employees whole.

"Sometimes there comes along a fine by the Department of Labor if they find that it was something that the employers should have been more cautious about, but what we're trying to do now is we're trying to take these self-anointed, self-appointed 'watch dogs' that have the money and the resources to just dig around and pour into certified payrolls, and now give them statutory power to go out there and file civil actions against employers, which I'm again are going to assume are non-signatory employers.

"This is a major step from allowing our Department of Labor to enforce the labor laws by now, through statute, creating a private enforcer. This is not where I think we want to head. It belongs in the hands of our departments under our statute and I encourage everyone to understand what is really going on here. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm rising in strong opposition to this measure. I'd like the words of the previous speaker inserted in the Journal as if they were my own. I just would like to add that this presents a potential opportunity of abuse because the bill gives authority to a federal labor management committee. The power to bring injunctive and other relief against any employer who fails to pay prevailing wages regardless of whether there is a collective bargaining agreement in place."

Representative Moses rose to speak in opposition to the measure, stating:

"In opposition, Mr. Speaker. I believe the powers given in the bill are also unnecessary because the current law already allows for those directly involved in the dispute, the laborers who have not been paid prevailing wages or overtime compensation, to bring court action. You don't need an outside agency to do that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2691, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Third Reading by a vote of 37 ayes to 10 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with

Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 812-06) recommending that H.B. No. 2400, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2400, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

At 2:12 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:12 o'clock p.m.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 813-06) recommending that H.B. No. 173, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 173, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. I made quite a speech on this on Second Reading. I won't go into all of that again. I just want to remind the Members that whoever the Governor may be, not this Governor because I know this doesn't cover this Governor or the appointment of the current person holding the office. But in the future any Governor should have the ability to pick the best qualified person to lead our troops. Our brothers and sisters, our children if they may go into combat or national disaster or whatever it is, we should have the best person possible leading them.

"And I want to point out that this measure really arose from a group of people that maybe thought they were the best qualified and were overlooked for some reason. It's a protectionist measure. They only want to have members of their club be considered for the position and it should never be that way.

"If you're familiar with the regular military, it's up or out. You don't get picked just because you happen to be a member of a certain group.

"And the last point is, I think all of the members here are very familiar with General Shinseki and know his qualifications. I don't think anyone would ever question his ability to be our Adjutant General, but under this measure General Shinseki is not qualified to be the Adjutant General."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this matter. I just would like to say that the selection of a general officer, of all of the services, of any of the services we have, it's always been on a best-qualified basis. This bill adds a sub-class to the system that's going on, and just let me elaborate the difference within the Army, the regular Army and the Army Reserve and the Army National Guard, there is none. They go to the same school. Their mission is the same, and their training is the same.

"Putting a five-year requirement for any of these other officers to compete for the National Guard is not fair because they all go into the service to be General someday, and they've always being taught

on the best qualified basis. The only difference I see between the two classes is that the Governor has a role to play. But whether it be the regular Army or the Army Reserve, when given a mission, they all can deliver.

"So I say that this is a 'protect your own turf' legislation and we should stay away from the regulations that are set forth by the Department of Defense, and let our military determine who is the best qualified. Thank you, Mr. Speaker."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support and I want to try to clarify some of the misunderstanding here. Anyone who looks back at the founding days of our country knows the great struggle that took place at that time with then General Washington and Alexander Hamilton, one of his chief aides, where they wanted to create a national standing army. At that point, we were at 13 colonies. We believe strongly in individual rights for each colony, and they were very suspicious about putting the power of a standing military in any form of federal government, so each colony and then later each state, came forth with their own state militia.

"It's a proud part of our history, and if anyone visits Lexington or Massachusetts you'll see a statue to one of the first Minutemen, John Parker, and it defines what the National Guard is, Mr. Speaker. It comes from that history, from that base. It's a unique form of standing army. It's not like the federal Army or Air Force or Navy or Marines. It has a unique history. As was pointed out, in each state the Governor is in charge. It's a state militia that has been federalized. They have a unique understanding of their role. It's very different than the other branches of government. The National Guard works closely with various state agencies and is very different from the rest of the federal military.

"Mr. Speaker, we found out in testimony what I found interesting. 44 states across our country right now have requirements of 4 to 7 years service in the National Guard before you can command the National Guard. 44 states, Alaska would be the 45th state to pass a bill in a Republican Legislature before a Republican Governor. We've been told the Republican Governor will sign that bill. The 5 other states of which we are one, the others are all southern states. Alabama, South Carolina. For me, it's not that I don't consider that a proud group to be with, and in some of those states, Mr. Speaker, they have an elected person to head up the National Guard.

"So I think there's strong public policy. If you look at the members of the National Guard they served so well in Iraq, Afghanistan, Desert Storm, and they have put in the time in their branch. And think about for any of one of us, Mr. Speaker, if we served with an organization and we saw someone from outside of that organization come in to head us up, we would ask, why is that? Why do they need someone from outside of the National Guard to command one of us when there are so many qualified people within the guard to step forward?

"Right now, if you're serving in the National Guard you can't move over and head up the Army Reserve. You have to go through a procedure and put in your time and go through the paperwork. It's not a simple thing. And even in the standing Army you can ask, why couldn't someone from the Air Force go and head up a division in the Navy? Or someone from the Marines go and head up a division in the Army. It doesn't work that way. Each branch has its own pecking order, and we're setting a minimum of 5 years.

"I don't know what the big issue here is. I think it's something that we should do to support our National Guard. To support the people that who are out there helping not only our State, and now with the floods they'll be out on the North Shore, but in all parts of the world. Thank you very much, Mr. Speaker."

At 2:20 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:23 o'clock p.m.

Representative Stevens rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition for a couple of reasons. This limits the pool of qualified officers to head our State's National Guard, and I'd just like to say that when I served in the Coast Guard, we were considered US Customs officers so we had to learn all of their procedures, their policies. So going back and forth from one service to another is something that is actually done quite often.

"A general officer should really be able to learn the policies and procedures of another service. Certainly someone as qualified as people to be consider for heading up our National Guard. That's not unusual. I do believe an officer can transfer from service to service and can head different divisions, and it happens all the time. So I really do believe that we should not limit the pool of officers we have to head our National Guard.

"One other item that I'd just like to note is that on the mainland, it's much easier to serve in the National Guard because they can transfer easily, travel from guard service from state to state. For us, our guard people, it's hard to, just because of the distance, to serve and travel back and forth from California or to the mainland to perform in their service.

"So I think we should be cautious in passing along this legislation because we're definitely going to limit the people we can choose from to serve in this position. Thank you very much."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker, remaining in opposition. My colleague from Manoa made some very good points in the favor of opposition to this measure. He talked about the founding fathers wanted to make this a separate militia in the states and not under the national government. Well that's a very good reason for the Governor to be in charge of her appointments and picking the best person.

"I wanted to point out that as he is from Manoa, he would understand that we do go outside very often. In fact, look at all the UH Presidents. We've gone out all the time to find the best-qualified person. We didn't pick from within the ranks of the UH faculty.

"As far officers serving under other officers. I want to point out that there's one senior officer. He used to be called CINPAC, but they changed the name. He's now the Pacific Commander. He commands all the troops in about two-thirds of the world of all services. He happens to be Navy, but the last time we picked a Pacific Commander, we almost picked an Air Force General. So it could have been either one, and they command all the troops in the Pacific whether they're Army, Navy, Air Force, Marine Corp. Whatever they are.

"It happens to be a Marine Corp General that is the Chairman of the Joint Chiefs of Staff right now. He commands all the forces in the United States. A Marine Corp General.

"Special Operations Command is commanded by a Marine Corp General. He commands all the special operation forces in the United States including the Army, the Seals, everybody. Airborne, everybody.

"I'm a Marine Corp officer and I was commanded by Army and Navy at different times in my career. And I also have Army and Navy and other Forces under my command who served under me. So this malarkey about you have to come from within one group to

command that group is absolutely not true in this nation. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition and just wanted to make the note that those who have spoken in opposition of this measure appear to be what I would refer to as front-lineman – those who have actually served in the military. I believe in people who have actually served in the military to speak upon these matters, and I would like to ask that the words of the Representative of Ewa and the words of the Representative from Waikiki be entered as my own," and the Chair "so ordered." (By reference only.)

Representative Takai rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker, I rise in support of this measure. Thank you. First, Mr. Speaker, I like to request the ruling of a potential conflict. The Representative from the Windward side, the Assistant Minority Floor Leader believes I have the chance to become TAG of this State one day, so I need your ruling, Mr. Speaker," and the Chair ruled "no conflict."

Representative Takai continued in support of the measure, stating:

"Thank you, Mr. Speaker. I appreciate her support and her well wishes on that endeavor, however this bill is not about me. This bill is in fact about our State militia. The National Guard of Hawaii. I'd like to take some time, Mr. Speaker, to read a speech made by Representative Bob Lynn who is the Chairman of the House Military and Veteran Affairs for the State of Alaska. He's a Republican and the Governor of that State is currently a Republican, and he said:

Currently the Governor of Alaska is free to appoint any citizen of Alaska without other qualifications to be Adjutant General. This bill, and this bill would be House Bill 354, remedies that situation by recognizing additional guidelines for appointees such as serving at least five years in the Alaska National Guard, Alaska Air Guard.

The current requirements and qualifications for appointment must be tailored to the unique requirements of Alaska's Adjutant General's mission without political consideration. The nature of the job requires substantial experience and understanding of military operations in general, and the Alaska National Guard, Alaska Air Guard in particular. Other civilian business and managerial experience is valuable, but in itself not comparable to high-level military operations.

Business people cannot operate their businesses like the military. Likewise the military cannot conduct operations like a business. In addition, operating conditions in Alaska are unlike any other jurisdiction. As a result, extensive Guard experience in Alaska is critical. This Alaska experience, as well as qualifications that operation or strategic levels of military leadership are essential to the interest of Alaska. It is also important to the interaction of Alaska with national homeland security, national disaster agencies, and national war efforts.

"Mr. Speaker, this gentleman, Representative Bob Lynn, is again like I said, a Republican. And the Governor of the State of Alaska is Republican. In fact, Mr. Speaker, if Alaska becomes a state to adopt this qualification, it will become 1 of 45 other states in the nation to require it's Adjutant General to have at least five years of experience in their National Guard. I think the Chairman of the Labor Committee made very good points as to why this is important, but I'd like to also mention a couple more.

"In response to the Representative from Kapolei. He talked about the PACOM Commander. Pacific Command Commander, currently Admiral Fallon. Admiral Fallon a Navy Officer who commands the joint forces of the entire Pacific. There is no analogy between that

relationship and the relationship of the National Guard, because Mr. Speaker, if someone comes in from active duty or the Reserves to serve as the Adjutant General of the State, the active duty or the Reserves are not under the command of the Adjutant General. His analogy is more in line with what this bill does. In fact his analogy suggests that someone that commands the National Guard of our State should be from within. Admiral Fallon is from within the Pacific Command.

"In fact he mention also the Marine Corp General now serving as the 4-Star Joint Chief of Staff. Even that particular General commands under him a unit, a branch of service from which he grew up into. So I think that his analogy in fact supports this bill.

"The last thing I'd like to say, Mr. Speaker, is this. I think General Lee, our current Adjutant General, is doing a fine job. In fact, General Lee is a constituent of mine and this is a very difficult bill for me. I told the Assistant Minority Floor Leader that I was not planning on speaking, but since she thinks that I'm going to be the Adjutant General one day and I had to ask for your ruling of a potential conflict, I felt I needed to say a little bit.

"This bill is not about General Lee. General Lee has done a fine job for our State and I hope General Lee continues in his role as the Adjutant General because we all need his level of expertise, but regardless of General Lee, if you take a look at the testimony from all the officers, mainly retired National Guardsmen. They have serious concerns about what happened in terms of the appointment of General Lee, and there are concerns of other appointments in the future regardless of whether the Governor is the current Governor or the Governor becomes another Democrat.

"Again, Mr. Speaker, 44 other states and possibly Alaska already do this. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm going to be voting against the bill. I would just like to respond. As an attorney, I learned that there are times when it's very important to disclose a potential conflict of interest. When I took a look at the bill and realized it was introduced by the Vice Speaker, and since he was a member of the Hawaii National Guard, he very likely could be part of the pool that would be considered to be that appointed position, and I felt that it was appropriate and ethical and right for him to at least ask you, Mr. Speaker, on the ruling of a potential conflict of interest.

"I'm not promoting his candidacy. I just want to keep the record, ethical and straight so people are in line or could be in line for something, where a bill might directly impact them stand up and ask for your ruling. Thank you."

The Chair then stated:

"Yes the Chair has ruled once more that there is no conflict. It is a class of Guards."

Representative Ito rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. I would like permission to enter into the Journal my comments here, and also I want the words of the Vice Speaker and the Chairman of the Labor Committee as my own."

"I just want to say a few words about the Representative of Kapolei. You know, if I were General Shinseki and I had 4 stars, I would never come back to 2 stars. And secondly, if anytime they want me as a TAG, I'm available. But actually, I want to be a Sergeant Major, Command Sergeant Major of the National Guard. Thank you."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of Stand. Com. No. 813-06, HB 173, HD 1. Mr. Speaker, the purpose of HB 173, HD 1, is to require that any person who is newly appointed to the position of Adjutant General must possess at least five years of service as an active commissioned officer in the Hawaii National Guard, whether Army, Air, or both. This five-year experience requirement was placed on the Adjutant Generals position because of the unique role the National Guard plays. Under questioning at the Labor Committee hearing, Major General Lee confirmed the fact that the National Guard has a unique role. Additionally, because of the importance of the military component of the Adjutant General's position, nowhere in HB No. 173, HD 1, has the military experience requirement been removed.

"Mr. Speaker, following are only two samples of job requirements appearing in the want ad in today's *Honolulu Advertiser*:

An applicant for a Controller's position must have a BA in Accounting, Finance or Business Administration with a minimum of 5 years experience and 3 years supervisory experience; and must possess excellent communication and computer skills.

To apply for a Chief Laboratory Engineer's position, the applicant must be a Licensed Professional Engineer (Civil or Chemical Branch) and possess a 4 year BSCE degree in either civil or chemical engineering. The applicant must also have a minimum of 10 years engineering experience associated with construction activities in the inspection and testing of soils and rock, concrete, and asphaltic concrete in accordance with ASTM standards and a minimum 5 years experience managing laboratory operations.

"Mr. Speaker, the 5-year National Guard experience that has been placed on the Adjutant General's position is no different than any of the requirements for the respective jobs mentioned above.

"Mr. Speaker, I urge all my colleagues to pass HB 173, HD 1, out."

Representative Cabanilla rose to respond, stating:

"Mr. Speaker, I rise to say that I am not asking for a conflict mainly because yes, I am an officer in the Army Reserves, but I also spent some time in the National Guard. Almost 5 years. So I'm not asking for a conflict because I could be included with this present ruling, but I honestly say that we should not circumvent the current process. To rise for consideration to become a general officer also states that you are multifaceted, that you have learned the other services, and you have attended the Army War College which teaches you how to do, and how to run the National Guard as well."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm rising in opposition to the bill. I don't think it's appropriate to talk about being a Republican and Democrat. I don't think this is a political bill. At least I hope it's not. The law that's on the books now that allows the Governor of the State of Hawaii to appoint somebody to the Adjutant General's position has been on the books for a long time. When there were Democrat Governors, some did pick from the National Guard and some did not. So we had it both ways and we've been served well by those choices, by those Executives who have made the choices.

"I think it is an important fact that we should not limit the pool. As a State we are fairly small state with our population of 1.2 million. We only have 500 something registered voters as adult. We don't have a large population. Nothing like California or some of these other states that have made this choice. I think we would shortchange ourselves by limiting the people that the Governor could look at. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, in due respect to the Chairman of Public Safety and the Vice Speaker who was so eloquent in expressing his forte as far as the National Guard, I wish to speak with some reservations on this measure. The reservation I have as this bill moves on, I would hope the author and the Chairman, as this goes into Conference, to look at where they could provide some flexibility, as we move on. I think that we as a small State need to look beyond our own personal interest. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 173, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," passed Third Reading by a vote of 36 ayes to 11 noes, with Representatives Cabanilla, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

At 2:42 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

HB No. 2213, HD 1	HB No. 2842, HD 1
HB No. 2503, HD 2	HB No. 2934
HB No. 2974	HB No. 2986, HD 1
HB No. 3167, HD 1	HB No. 3029, HD 1
HB No. 1852	HB No. 3105, HD 2
HB No. 2239, HD 1	HB No. 2641, HD 1
HB No. 2346	HB No. 2691
HB No. 2619	HB No. 2400
HB No. 2763, HD 1	HB No. 173, HD 1

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 814-06) recommending that H.B. No. 1984, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1984, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 815-06) recommending that H.B. No. 2282, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2282, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 816-06) recommending that H.B. No. 3014, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3014, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 817-06) recommending that H.B. No. 3016, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3016, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 818-06) recommending that H.B. No. 2412, HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2412, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 819-06) recommending that H.B. No. 1026, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1026, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm rising in opposition to Stand. Com. Report 819, Relating to Taxation. This bill as it was originally drafted would double the ... Let's see what they were using. This is for the Transient Accommodation Tax on timeshare units. Right now I think they use the ... I don't have it in front of me, but this was going to double the fair market rental value on Transient Accommodations Taxes by using twice the amount of the gross daily maintenance fees for timeshare units. I don't think that we should be increasing the cost to our visitor industry.

"In Committee there was only one person that testified in favor and that was the ILWU. The Department of Taxation, the Hawaii Hotel and Lodging Association, the Maui Sunset International, All Island Timeshare, Marriott International, Hilton Grand Vacations, Starwood Vacations, just most all of the testimony was against this.

"The way this was amended in Finance, it's got a blank now. We don't know what they're going to do. If they're going to double it or raise it one and a half times. I don't know, but it's an increase and for those reasons I'll be voting no."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stevens rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'd like vote no on this measure. This is a tax increase on our vital tourism industry and it's the foundation of our State's economy. I just don't think we should raise taxes for them. Thank you."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1026, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Stonebraker voting no, and with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 820-06) recommending that H.B. No. 2312, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2312, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Herkes rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. On Stand. Com. Report 820, I vote with reservations. Mr. Speaker, NCOIL has cautioned the states that any rainy day funds or reserve funds, FEMA will grab those first in case of a natural disaster. There are ways that we can protect these kind of funds against FEMA, and I would urge the money Committees to take a good hard look at how we can protect those funds and not have them just gobbled up by FEMA. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2312, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE EMERGENCY BUDGET AND RESERVE FUND," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 821-06) recommending that H.B. No. 2836, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2836, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION SECURITY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 822-06) recommending that H.B. No. 1466, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1466, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise with reservations on 822. I'm all for substance abuse treatment and appropriating funds for doing that. My concern here is this measure doesn't tell me who's going to do it; how they're going to do it; are there any measures of accountability or effectiveness. I don't know. I don't know enough details about it. It's very vague. I do think we should move it along. It's a work progress and maybe we can get the details as the measure moves. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1466, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 823-06) recommending that H.B. No. 1795, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1795, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Halford. rose to speak in opposition to the measure, stating:

"Mr. Speaker. On 823, a no vote please. I'll just briefly comment that this bill certainly does not benefit the Neighbor Islands. In my view, it does not benefit the Health Systems Corporation in any way. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. I believe this measure reverses the openness and transparency and the nonpartisan process that we've been trying to go through. The Attorney General says it doesn't provide for the process or procedure that the Governor is to use to appoint individuals to the Board. So I think there's a lot of work. Thank you."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like a no vote, and just that if this does dwindle the Neighbor Islands from having a stronger say in the HHSC. The system is created for the Neighbor Islands and the rural hospitals, so I have some very strong concerns and I'll be voting no. Thank you."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose to speak in opposition to the measure, stating:

"A no vote, Mr. Speaker. I think this is like, not 'court packing', but 'board packing'. Thank you."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1795, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 824-06) recommending that H.B. No. 1800, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1800, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, on 824, House Bill 1800, I'm rising in opposition. This measure raises withholding from 5% to 8.5% of sales prices. Not profits. Again it's a tax increase. You can say it's for people who don't live here, nonresidents, but it's still a tax increase. And the thing is this is raising the price on the sales amount. Not the amount they might realize as profit. Thank you, Mr. Speaker."

Representative Stevens rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1800, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine and Stevens, voting no, and with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 825-06) recommending that H.B. No. 2274, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2274, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 826-06) recommending that H.B. No. 2419, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2419, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 827-06) recommending that H.B. No. 2835, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2835, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME REFUNDABLE TAX CREDIT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

THIRD READING

H.B. No. 2434:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2434, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

H.B. No. 2901:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

H.B. No. 2535:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2535, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

H.B. No. 2317:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

H.B. No. 1947:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1947, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Third

Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

H.B. No. 2898:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2898, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

H.B. No. 3253:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3253, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Third Reading by a vote of 47 ayes, with Representatives Abinsay, Kahikina, Kanoho and Magaoay being excused.

At 2:51 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

HB No. 2434	HB No. 1947
HB No. 2901	HB No. 2898
HB No. 2535	HB No. 3253
HB No. 2317	

SUPPLEMENTAL CALENDAR #1

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 828-06) recommending that H.B. No. 2972, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2972, HD 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm going to vote with reservations. As I recall, all the testimony, like about 20 people, were in opposition. There was only one in favor. Thank you."

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. I find it curious because all the bill does is to provide for additional education and training to become a licensed electrician. There are about seven or eight parties that came in in support, and that's all the bill does. Is to give more safety to the community and license electricians. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2972, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICAL LICENSING," passed Second Reading, and was placed on the calendar for Third Reading with Representative Thielen voting no, and with Representatives Abinsay, Kahikina, Kanoho, Magaoay and Schatz being excused.

ORDER OF THE DAY

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 30) and concurrent resolution (H.C.R. No. 43) were referred to Printing and further action was deferred:

H.R. No. 30, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO PROTECT THE BATOIDEA ORDER, INCLUDING MANTA RAYS FROM POACHING AND FISHING," was jointly offered by Representatives Green, Kanoho and Morita.

H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO INCREASE THE NUMBER OF SAFETY SIGNS ALONG MAMALAHOA HIGHWAY AND QUEEN KAAHUMANU HIGHWAY AND TO EXPEDITE THE CREATION OF A DIVIDED HIGHWAY FROM KAILUA-KONA TO KAWAIHAE," was jointly offered by Representatives Green, Evans, Hale and Herkes.

At this time, Representative B. Oshiro moved to keep the Journal open until 12:00 midnight this legislative day for the purpose of receiving Standing Committee Reports and House bills transmitted thereby, seconded by Representative Meyer and carried. (Representatives Abinsay, Kanoho, Kahikina, Magaoay and Schatz were excused.)

At 2:54 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 8:30 o'clock a.m., Tuesday, March 7, 2006. (Representatives Abinsay, Kanoho, Kahikina and Magaoay were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Rep. Nos. 829-06 through 947-06), were received by the Clerk prior to 12:00 midnight this legislative day, and the following action was taken:

Stand. Com. Rep. No. 829-06 (CPC) and H.B. No. 3036, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 830-06 (JUD) and H.B. No. 2509, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 831-06 (JUD) and H.B. No. 3018, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 832-06 (JUD) and H.B. No. 105, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 833-06 (JUD) and H.B. No. 1873, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIONS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 834-06 (JUD) and H.B. No. 1968, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 835-06 (JUD) and H.B. No. 2367, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 836-06 (JUD) and H.B. No. 2710, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NOISE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 837-06 (JUD) and H.B. No. 2747, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 838-06 (JUD) and H.B. No. 3037, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 839-06 (JUD) and H.B. No. 2368, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 840-06 (JUD) and H.B. No. 2146, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 841-06 (JUD) and H.B. No. 2372, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 842-06 (JUD) and H.B. No. 2772, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 843-06 (JUD) and H.B. No. 3017, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 844-06 (JUD) and H.B. No. 2199, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 845-06 (FIN) and H.B. No. 366, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 846-06 (FIN) and H.B. No. 1817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 847-06 (FIN) and H.B. No. 1833, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 848-06 (FIN) and H.B. No. 2177, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 849-06 (FIN) and H.B. No. 2240, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 850-06 (FIN) and H.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 851-06 (FIN) and H.B. No. 2823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BILL OF RIGHTS DAY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 852-06 (FIN) and H.B. No. 2928, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 853-06 (FIN) and H.B. No. 2961, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 854-06 (FIN) and H.B. No. 3126, entitled: "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 855-06 (FIN) and H.B. No. 1904, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY AT PUBLIC SCHOOLS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 856-06 (FIN) and H.B. No. 1918, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 857-06 (FIN) and H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 858-06 (FIN) and H.B. No. 2271, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 859-06 (FIN) and H.B. No. 3217, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 860-06 (FIN) and H.B. No. 1867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 861-06 (FIN) and H.B. No. 1021, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 862-06 (FIN) and H.B. No. 1706, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 863-06 (FIN) and H.B. No. 2040, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SENATOR HIRAM L. FONG SCHOLARSHIP PROGRAM," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 864-06 (FIN) and H.B. No. 2045, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 865-06 (FIN) and H.B. No. 2066, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 866-06 (FIN) and H.B. No. 2263, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLING INVASIVE SPECIES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 867-06 (FIN) and H.B. No. 3087, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 868-06 (FIN) and H.B. No. 3098, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 869-06 (FIN) and H.B. No. 1886, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 870-06 (FIN) and H.B. No. 1948, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 871-06 (FIN) and H.B. No. 1917, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 872-06 (FIN) and H.B. No. 2211, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 873-06 (FIN) and H.B. No. 2371, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 874-06 (FIN) and H.B. No. 2558, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 875-06 (FIN) and H.B. No. 2566, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 876-06 (FIN) and H.B. No. 2598, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 877-06 (FIN) and H.B. No. 2678, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 878-06 (FIN) and H.B. No. 2994, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 879-06 (FIN) and H.B. No. 3121, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 880-06 (FIN) and H.B. No. 1928, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 881-06 (FIN) and H.B. No. 1938, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 882-06 (FIN) and H.B. No. 2399, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 883-06 (FIN) and H.B. No. 2669, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 884-06 (FIN) and H.B. No. 1862, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 885-06 (FIN) and H.B. No. 2178, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 886-06 (FIN) and H.B. No. 2609, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING FOR EMPLOYEES IN NEW CENTURY CHARTER SCHOOLS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 887-06 (FIN) and H.B. No. 2610, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 888-06 (FIN) and H.B. No. 2765, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 889-06 (FIN) and H.B. No. 2878, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 890-06 (FIN) and H.B. No. 3067, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 891-06 (FIN) and H.B. No. 3077, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ROSETTE STEEL HAWAII," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 892-06 (FIN) and H.B. No. 2962, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 893-06 (FIN) and H.B. No. 1836, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARIANS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 894-06 (FIN) and H.B. No. 2039, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 895-06 (FIN) and H.B. No. 2278, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 896-06 (FIN) and H.B. No. 2442, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 897-06 (FIN) and H.B. No. 1835, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 898-06 (FIN) and H.B. No. 2778, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 899-06 (FIN) and H.B. No. 3149, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRANSFER," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 900-06 (FIN) and H.B. No. 2183, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 901-06 (FIN) and H.B. No. 2311, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 902-06 (FIN) and H.B. No. 2803, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 903-06 (FIN) and H.B. No. 2508, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 904-06 (FIN) and H.B. No. 1843, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL AGRICULTURE EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 905-06 (FIN) and H.B. No. 2550, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 906-06 (FIN) and H.B. No. 3030, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 907-06 (FIN) and H.B. No. 2265, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 908-06 (FIN) and H.B. No. 2717, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 909-06 (FIN) and H.B. No. 2109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 910-06 (FIN) and H.B. No. 3019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 911-06 (FIN) and H.B. No. 3089, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' TRUST FUND," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 912-06 (FIN) and H.B. No. 2698, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 913-06 (FIN) and H.B. No. 2097, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 914-06 (FIN) and H.B. No. 2248, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 915-06 (FIN) and H.B. No. 3060, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 916-06 (FIN) and H.B. No. 3202, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING

TO AFFORDABLE HOUSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 917-06 (FIN) and H.B. No. 3222, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 918-06 (FIN) and H.B. No. 2204, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 919-06 (FIN) and H.B. No. 2440, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 920-06 (FIN) and H.B. No. 3261, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 921-06 (FIN) and H.B. No. 2182, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 922-06 (FIN) and H.B. No. 2833, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 923-06 (FIN) and H.B. No. 3080, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 924-06 (FIN) and H.B. No. 2746, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO AVIATION FUEL TAXES," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 925-06 (FIN) and H.B. No. 2991, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 926-06 (FIN) and H.B. No. 2051, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 927-06 (FIN) and H.B. No. 2655, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT INVESTIGATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 928-06 (FIN) and H.B. No. 3129, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 929-06 (FIN) and H.B. No. 3133, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERALLY QUALIFIED HEALTH CENTERS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 930-06 (FIN) and H.B. No. 2043, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 931-06 (FIN) and H.B. No. 2551, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 932-06 (FIN) and H.B. No. 2743, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 933-06 (FIN) and H.B. No. 1866, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 934-06 (FIN) and H.B. No. 2212, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 935-06 (FIN) and H.B. No. 2130, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 936-06 (FIN) and H.B. No. 2444, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 937-06 (FIN) and H.B. No. 2966, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 938-06 (FIN) and H.B. No. 2256, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 939-06 (FIN) and H.B. No. 2606, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 940-06 (FIN) and H.B. No. 2863, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY INNOVATION CORPORATION," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 941-06 (FIN) and H.B. No. 3056, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 942-06 (FIN) and H.B. No. 3053, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 943-06 (FIN) and H.B. No. 2175, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 944-06 (FIN) and H.B. No. 2181, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 945-06 (FIN) and H.B. No. 3115, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 946-06 (FIN) and H.B. No. 2555, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," were placed on the calendar for Third Reading on March 7, 2006.

Stand. Com. Rep. No. 947-06 (FIN) and H.B. No. 1368, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the calendar for Third Reading on March 7, 2006.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 8:30 o'clock a.m., Tuesday, March 7, 2006.

TWENTY-SIXTH DAY

Tuesday, March 7, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 8:43 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Ms. Laura E. Thielen of the Affordable Housing and Homeless Alliance, after which the Roll was called showing all members present with the exception of Representatives Cabanilla, Karamatsu, Meyer, Stonebraker and Waters, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Fifth Day was deferred.

INTRODUCTION

The following introduction was made to the members of the House:

Representative Thielen introduced her infant granddaughter, Anna Ellis Thielen; her son, Mr. Greg Thielen; and daughter-in-law, Ms. Laura Ellis Thielen who delivered today's invocation.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Cabanilla, Karamatsu, Stonebraker and Waters were excused.)

At this time, the Chair announced:

"Members, the Chair will be moving two items to the end of the calendar. On page 4, Standing Committee Report No. 728-06, H.B. No. 2696, HD 2; and on page 11, Standing Committee Report No. 775-06, H.B. No. 2589, HD 2, both to the end of the calendar. Any questions?"

UNFINISHED BUSINESS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 709-06) recommending that H.B. No. 1821, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1821, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker, and good morning. Good morning colleagues. I'm standing in support, strong support of HB No. 1821, HD 2, Relating to Care Homes.

"Mr. Speaker, there are about 140,000 caregivers in this State. Most of them however take care of their own parents, their brothers, even their friends at home. What this bill is talking about are care homes or caregivers that are professionals.

"We need professional caregivers because there are people out there who don't have parents, who don't have children, who don't have friends to care for them. Most of the time these patients are in the nursing homes or in hospitals. They're occupying beds that are valued at about \$4,000 or \$8,000 a month. It's very expensive to

upkeep them and the State has this obligation to a lot of these in the elderly population.

"Your typical patient that goes into care homes, Mr. Speaker, normally has various kinds of disabilities. They could be mentally retarded, or they could just be old, they have dementia, Alzheimer's disease, whatever ails them, Mr. Speaker. They need 24-hour care.

"The caregivers that we're talking about here are primarily from third world countries. They are immigrants here; they're first time immigrants. They are normally suited for these kinds of jobs, this kind of care giving because of the countries they come from. It is often the practice that they will expect their children to care for them when they grow old. Therefore they prepare these children as they grow up to say, 'You know, son, daughter, you know when I'm old, you're going to take care of me.'

"That's the kind of attitude they bring to this country and lo and behold, an industry opens up when there are parents out there, or brothers and sisters that nobody cares for, and they will bring them into their homes. They bathe them, they comb their hair, brush their teeth, feed them, they give them a special diet, they make sure that they don't lose more than five pounds a month or gain more than five pounds a month.

"Mr. Speaker, the work is 24 hours. If you neglect them, there are severe penalties that may ensue. So these professional caregivers must go through a lot of training. They have to have a year experience working at a facility where they care for a lot of these patients. And when these patients leave those expensive facilities, they go to their home.

"The State supplemental, Mr. Speaker, is currently set at \$521. The \$521 from the State, Mr. Speaker, is the number that we want to increase with this bill. I hope that colleagues understand that housing is an extremely important issue out there, and look at this. With \$521 these caregivers provide a room, special diet if needed, 24-hour care, rides and trips to the hospital, to the clinics, to the doctor. They bathe them.

"Mr. Speaker, I don't think we could question that they work very, very hard. It is unfortunate that we don't actually see it. When I speak of it, it's hard to picture it, but I visited care homes. I slept in one in Hilo. A very nice care home and the work that the caregivers do is something that I can tell you, I don't think I can do it.

"I am so happy that my father who is elderly, he's 88 years old now. He married a 44-year-old caregiver. I'm happy about that because if not, I will probably have a very difficult time fulfilling my obligation to my father. Thank you, Mr. Speaker, and I hope this bill will go forward. Thank you."

Representative Abinsay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I'm in strong support of the measure, and if I may also adopt the words of the Representative from District 35 as if they were my own. Thank you, Mr. Speaker," and the Chair "so ordered." (By reference only.)

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support with short comments. Thank you. Basically, Mr. Speaker, across the nation we're looking at ways on how we can have community-based care for long-term needs for the elderly and the disabled. Hawaii has a great model with our ARCs and our care homes, and anyway that we can motivate that and continue that out to the future is very important. Thank you."

Representative Kawakami rose to speak in support of the measure, stating:

"Yes, Mr. Speaker, on the same measure in strong support and I'd would like say a few words. Mr. Speaker, and Members of the House, on my home island of Kauai we've had several care homes, adult care homes close because they simply could not meet the financial ends.

"The level of care payments paid to the care home operators just wasn't enough to keep them open and it is a travesty, because once they close it is impossible to replace them. There are no housing alternatives for those who are displaced.

"The level of care payments have remained the same since 1997 and with rising costs of housing and care, we need to keep the operators of the care homes for the disabled compensated to the level that makes operating a care home at least a good venture.

"Therefore Mr. Speaker, I stand in strong support of House Bill 1821, HD 1, and I urge my colleagues to do the same. Thank you very much."

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 1821.

"Mr. Speaker, I believe that the passage of House Bill 1821 will assist in providing adequate residential settings for individuals requiring housing in developmental disability domiciliary homes, developmental disability adult foster homes, and developmental disability apartment complexes. It will assure proper funding where funding may be insufficient for the caregiver, and recipient.

"Mr. Speaker, this piece of legislation would adjust the level of care payments for adult residential care homes, adult foster homes, developmental disability domiciliary homes, and developmental disability apartment complexes. Acceptance of House Bill 1821 will support the integrity of generated funds for the developmental disability homes, foster homes, and apartment complexes. Thank you, Mr. Speaker."

Representative Pine rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support. The purpose of this bill is to adequately compensate care home operators by clarifying that domiciliary care includes care provided in developmental disabilities domiciliary homes, developmental disabilities adult foster homes, and developmental disabilities apartment complexes. It also establishes a minimum level of care payment for type I and type II adult residential care homes, licensed developmental disabilities apartment complexes, and certified adult foster homes.

"This bill is long overdue. Our care home providers have not received an increase in pay for 12 years. Because people are living longer and the so-called "baby-boomers" are beginning to retire, care home providers are needed more than ever before.

"Home and community based caregivers are qualified, trained, and experienced nurses' assistants. Compared to nurses' assistants in hospitals, nursing facilities, and home health agencies, whom are paid at entry levels starting at \$11.29 per hour, or \$90.32 per 8-hour day, currently home and community based caregivers provide 24 hour/7 days a week services and are only paid \$24.98 per 24-hour day per Care Level I client and \$41.06 per 24-hour day per Care

Level II client. We must make sure our home care providers are cared for because they contribute a noble service for our community. Thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure.

"Patients, as well as families rely upon the compassion and loving care provided by care homes. H.B. 1821 – Relating to Care Homes, will adjust the levels of care payments for adult residential care homes, adult foster homes, developmental disabilities domiciliary homes, and developmental disabilities apartment complexes. An increase in pay for employees of Type 1 and Type 2 homes will address the great need to insure quality care. Based on current levels, care homes have no incentive to provide these kinds of services because the money is just not there.

"Each passing year the cost of operating care homes have increased, without a corresponding increase in payments to employees. We must make sure these facilities remain viable options for those in need."

Representative Kahikina rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. Just a word as the Chair of Housing, I understand the emergency need to fill and repair the housing stock. It will be a travesty if we cannot help to keep these homes open. Thank you."

Representative Finnegan rose in support of the measure and asked that the remarks of Representative Kawakami be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1821, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 710-06) recommending that H.B. No. 1888, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1888, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Hale rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"This bill (HB 1888) is simply a common sense statement. We may have great minds and great talent latent in our people here in Hawaii who can devise ways to harness renewable energy sources to save our islands from foreign energy dependence. But more minds in a larger talent pool are obviously better. By cooperating and collaborating with other institutions internationally, we allow our State to leverage this greater pool.

"Energy policy has always been of great concern to our State, as all of our State funded energy projects can attest. Our Governor has also dedicated a great portion of her agenda to this issue this year with various initiatives, and so has your Majority in this House. But with available technologies, curbing foreign energy dependence means having to make sometimes painful trade-offs. It is only with

technological innovation that we can find ways to curb our dependence and yet maintain our standard of living.

"What we in this Legislature are stating, our common sense statement, is that DBEDT needs to make sure that their research and technology is pertinent and on the cutting-edge. The only way to do this is by seeking cooperation and collaboration both here domestically and internationally; perhaps with a legislative mandate, DBEDT can now coalesce the needed resources to boost their international cooperation agreements and collaborations. In their benefit, developing and bringing to market renewable energy technologies is an overwhelmingly difficult task. If it were easy, it would have already been done.

"But I am optimistic of what our University of Hawaii, DBEDT, Hawaii firms like Hoku Scientific and researchers around the world can discover. In addition to strong collaborations with our University and Hawaii firms, let us allow and encourage DBEDT to go beyond and bring home new and viable ideas from abroad so that this long awaited future of energy independence can finally arrive."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1888, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL COOPERATION," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 711-06) recommending that H.B. No. 1975, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1975, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. Mr. Speaker, this is an effort to try to provide basic medical services and urgent care services to rural areas, portions of the Big Island.

"If we can make this model work, then I can see it as appropriate for areas like Hanapali where there's one road going into that district and many other areas in the State. So I hope that this will be a model to try to bring some basic clinical support and urgent care to all the rural residents of this State. Thank you."

Representative Harbin rose to speak in support of the measure, stating:

"Mr. Speaker, I too would like to stand in strong support, but I would also like to make sure that we understand that this is a statewide issue. We have areas all over the State, and even in Honolulu that need this type of assistance.

"According to the trauma system consultation that was done for the Department of Health by the American College of Surgeons, they recommend that we develop a county trauma audit committee, and I truly hope that this will be the first step for us to identify a very bad problem because of the imploding of our health care system. With that in mind I have strong support for this measure."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support of the measure. I just wanted to echo the comments made by the Representative from Volcano. On the Big Island we have really long distances on many occasions, between health care facilities. This kind of thinking out of the box will save lives over time. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1975, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 712-06) recommending that H.B. No. 2126, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2126, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support. Mr. Speaker, EMS has responded to over 73,000, 911 calls in 2005, and currently on this Island of Oahu we have 18 ambulance units, which is not enough. Currently, all of last year from January 1st to December 31st in the Central Oahu area, we received, they received over 563 calls in Wahiawa, 572 in Mililani, 636 in Waikale, and 258 in Mililani Mauka.

"This bill will ask for an investment of \$1.3 million to add a 16-hour ambulance unit 7 days a week for the Mililani/Waipio/Gentry area. This ambulance unit, Mr. Speaker, will have wide ranging impact from the North Shore to Waianae, and all the way to Aiea.

"So I ask all of you to remember that they will respond. EMS will respond when you call 911. The issue with this bill is it will save lives because they will be able to respond quicker. There's a saying, the 'golden hour' – within the 'golden hour' – which means from the time of a traumatic accident to the time that you get emergency care. Within that hour you need the quickest and fastest response. This bill will save lives. Thank you for your support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2126, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 713-06) recommending that H.B. No. 2187, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2187, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Magaoay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I stand in strong support regarding SCR 713, House Bill 2187. Colleagues, I ask for your strong support. In light of what has happened on the Windward side with the rain that we have, this bill right now will provide for the MAST helicopters that will be going on to Iraq, so I'm asking my colleagues to please support this. It is one small mission for us to make sure that the lives of the North Shore, the Windward side, the Leeward Coast, and Central Oahu are taken care of because of the way our world is changing, our climate – not the change in weather, but things that we have. We have a lot of young people that like to be adventurous, thrillseekers, who go out to these various areas. We need this kind of service to help us as we go.

"Also in this bill, we also provide another ambulance in the mean time as we try to pursue a contract to get this MAST helicopter. So colleagues I ask for your support. Hopefully this is a temporary

measure, and hopefully DOD will come back and be a permanent solution. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I'm rising in strong support of this measure. And I just would like to just say 'ditto' to all the things the Representative from Haleiwa said. Over the years I can't tell you how many times I've seen the military helicopter there. And you know, it gives you a sense of, 'Oh, thank goodness they are there,' because they have saved many lives. I also would ask that I could insert some additional remarks into the Journal. Thank you," and the Chair "so ordered"

Representative Meyer's written remarks are as follows:

"This measure is very important to my district. Due to the increased military presence in Afghanistan and Iraq, aeromedical helicopters, which have served the residents of Oahu for the last 31 years may soon be deployed to foreign countries. Many lives have been saved due to the speedy transport of seriously injured persons from rural areas to Queen's Hospital via the military's Medical Assistance to Safety and Traffic (MAST) victims.

"This bill provides funding for an alternative aeromedical service and an ambulance to service the North Shore area until the state is able to provide an alternative aeromedical service."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. I would echo the previous two speakers' comments. I would also like to say that this past weekend, I was on call and I had a young woman who shattered her left arm. Both bones were shattered completely, and because of the weather up in Hawi, it was impossible to transport her. It's a very difficult problem. Because of unfortunately, economies of scale where populations cluster and so on, on the islands, we may never have, or it might be many, many years before we have orthopedic access and full trauma access on some of the Neighbor Islands, or in some communities.

"I think we're going to have to focus, as a Legislature and a State, on increasing our capacity to easily transfer people who are suffering, because we probably won't be able to afford complete and comprehensive teams, surgical teams, at each of these other sites. But by having access to more helicopter services and ground services to accommodate any circumstance, we'll get people the care they need. Thank you, Mr. Speaker."

Representative Pine rose to speak in support of the measure, stating:

"Yes, Mr. Speaker, just in strong support. In fact, just this past week, a person from Ewa Beach was medevaced to Queen's Hospital by using this service. So I'm strong support and request written comments. Thank you," and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support. The brave men and women of the United States Army's 68th Medical Company who have served as Hawaii's lifesaving responders for the past 31 years are being deployed to the Middle East. These brave soldiers have transported over seven thousand patients and saved countless lives by transporting patients from the rural areas of Oahu to downtown area hospitals. This void could put us in a crisis situation. For example, when we have to medevac a person from the Leeward Coast to Queen's Trauma Center, emergency personnel will have to load the patient into an ambulance and transport them through heavy traffic to downtown Honolulu. By looking to other government agencies or another military unit like the National Guard in Ewa Beach to fill the

void is the right step to ensure that our citizens in rural Hawaii have the necessary aeromedical services to receive fast and immediate emergency care.

"This bill also requires that all three levels of government participate in funding this important medical service. State, City, and county governments will all share the cost to contract with an existing government agency or United States military unit to provide intra-island roto-wing aeromedical services for rural Oahu. With all three levels of government involved in funding the aeromedical services demonstrates that the governments of Hawaii are united to make sure our citizens receive the best medical services available during an emergency. Thank you"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2187, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 714-06) recommending that H.B. No. 2526, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2526, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION AS A GRANT-IN-AID TO THE COUNTY OF HAWAII FOR EMERGENCY MEDICAL SERVICE PERSONNEL TO STAFF THE AEROMEDICAL HELICOPTER UNIT," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 715-06) recommending that H.B. No. 2884, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2884, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support of Standing Committee Report 715, House Bill 2884. The purpose of this bill is to improve emergency health care for residents and visitors of the Haiku region of Maui by providing 24-hour advance life support ambulance services.

"I would like to just mention that the closest ambulance in Makawao responds over 15 times per week to Haiku, with the response time that averages about 40 to 45 minutes each time. The next closest is Pukalani which is a little further from Makawao, and then from there, it's the region of Hana, which is 90 minutes further.

"My deep concern is not only the 'golden hour', which our Representative from Mililani had mentioned about, but also in time of disaster and also in times of traffic. On your way out on the Hana Highway going to Ho'okipa, there's quite a bit of traffic going out that way. So having a Haiku ambulance will not only serve the purpose of our response time, but because that is a rural area, and we have some areas where it's very hard to reach, this service is very much in need. It will also save lives, so I encourage my colleagues to support this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2884, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AMBULANCE SERVICE FOR THE HAIKU REGION OF MAUI," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 716-06) recommending that H.B. No. 2771, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2771, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. This bill appropriates monies to the Department of Agriculture's agricultural park in Royal Kunia. The agricultural park is one hundred fifty acres of prime agricultural land and would encourage agricultural development and serve as a buffer between urban lands in Kunia and the *mauka* agricultural lands. As the demand for urban land development increases, it is vital that prime agricultural land be protected through agricultural parks such as this."

Representative Magaoay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On Standing Committee Report 716, House Bill 2771, House Draft 2. Mr. Speaker and colleagues, I'm standing in strong support. We need to preserve the ag land that we have in Kunia, in light of what has happened with Del Monte and the people out on that side. We need to make sure that the agriculture is restored in that Plain because the only water source that we have is coming from Waiahole, and we want to make sure that the water keeps on flowing to the district and that area. Hopefully we can continue to see that, and ask my colleagues for a strong support on this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2771, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AGRICULTURAL PARK IN ROYAL KUNIA," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 717-06) recommending that H.B. No. 3118, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3118, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, rise in strong support. I ask that I be given permission to insert written comments so that we may move this Body along as soon as possible, Mr. Speaker. 'Thank you,' and the Chair 'so ordered'"

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 3118, House Draft 1, Relating To Corporations.

"This bill, if enacted into law, would allow the incorporation of a business that has stakeholders other than shareholders. There is no State in our country that has this law and Hawaii can become the first.

"I find this measure to be similar to the laws that established our captive insurance industry in 1987. Who could have imagined that twenty years later, Hawaii would be one of the captive insurance

leaders in our country with \$741 million dollars deposited in our local banks, stimulating \$10.5 million in economic activity in this State every year. According to the Department of Commerce and Consumer Affairs, although captive insurance companies only employ around 50 positions, these companies create ancillary jobs for professionals who help manage the captive companies. An example of these businesses are KHM LLP for accounting and auditing purposes, Goodsill Anderson Quinn & Stifel from the legal sector, First Insurance Company of Hawaii, Ltd. providing business management services, as well as many other businesses prospering from captive insurance in Hawaii.

"The same effect could result from Hawaii becoming the first state in the nation to incorporate responsible business corporations and bring in related legal, financial, and investing expertise that will follow these corporations. Hawaii can become a leader in creating a positive corporate climate for businesses and set an example for the nation to follow.

I. OUR COUNTRY NEEDS RESPONSIBLE CORPORATIONS

"Mr. Speaker, the term "responsible corporation" has become an oxymoron in society today. Corporations and its directors are charged with one fiduciary goal: to make a profit for their shareholders. The fact is that corporate law today does not allow for any other goal for the corporation. As long as the bottom line has a dollar sign, a corporation is doing its job.

"While corporations are great at making profits, sometimes these profits are at the expense of the public. Since the start of the 21st century, just six years ago, we have had our share of corporate malfeasance. In 2001, the corporations Enron and WorldCom violated the public's trust and as a result crippled our financial markets. The burden of these problems on our society is staggering. We need to take a stand for a truly responsible corporation.

II. NON-PROFIT CORPORATIONS DO NOT ADDRESS THE NEED FOR RESPONSIBLE CORPORATIONS

"Socially Responsible Investing, or SRI, is a growing trend among investors. Today, SRI funds are growing in number and diversity. They consist of large and small cap corporations that have good track records in areas such as diversity, the environment, and labor relations. Investors look at these funds not only for their own conscience, but also to mitigate the costs of litigation, regulatory fines, and corporate scandals or malfeasance that affect non-SRI companies. Some examples of corporations with impeccable reputations are Graco, General Mills, Proctor & Gamble, and Whole Foods Market.

"The responsible corporation is a hybrid between a regular corporation and a non-profit corporation. The responsible corporation will have board members from different interest groups, but more importantly, maintain the ability to issue stock that non-profit corporations are prohibited. House Bill 3118, House Draft 1, takes advantage of socially responsible investing by allowing these investors to purchase stock in them. These corporations will have a growing investment base to attract.

III. MINNESOTA IS CONSIDERING A SIMILAR MEASURE IN ITS SESSION

"Mr. Speaker, we are not the only State in the union discussing the importance of responsible corporations. The State of Minnesota is also considering a similar bill in their 2006 Session. Let us be the first in the nation to take an affirmative action on advocating for responsible corporations.

IV. THE RESPONSIBLE CORPORATION WILL PUT THE COMMUNITY AND PROFITS ON THE SAME LEVEL

The Responsible Corporation model puts community members and employees into decision-making roles of the business. Many

businesses today have found that morale and job satisfaction are greatly increased by giving the employees a chance to guide and direct the corporation. Community leaders will also have a place in the corporation to promote the public welfare. A responsible corporation would be able to balance profits with impact to the employees, effects on the environment, the public's general welfare, and other social policy issues.

V. THE RESPONSIBLE CORPORATION IS VOLUNTARY

"The election to become a responsible corporation is voluntary. Corporations are free to choose from the different business models in Hawaii. We should allow for-profit businesses with the public interest at heart to have a corporate structure designed specifically for them. For example *Inner Ocean Publishing* in Maui is one such business. This small corporation believes in responsibility toward the environment and its community. In her testimony, Karen Bouris of *Inner Ocean Publishing* stated,

"I strongly believe that the Responsible Corporation Act would give us – and others – access to clear guidelines and incentives that would provide long term benefits for our company and Hawaii. Currently, we evaluate bottom line benefits to our company . . . For the production of books, we currently use post-consumer waste paper, the least offensive ink available, and work with a printer whose plant is adhering to clean waste guidelines . . . For each book, [The Green Press Initiative] calculate[s] the cost benefit to the environment. The benefit to Inner Ocean – beyond the benefit of 'doing the right thing' and the long term benefit for future generations – is that our marketplace, [our] authors, organizations, and independent bookstores [are] enthusiastically supportive of our company, books, and the integrity with which we aspire to match our talk with our actions."

"If this bill were enacted, a company such as *Inner Ocean Publishing* with beliefs of corporate responsibility, would be the first to convert. Give these businesses a chance to become true models of corporate governance. Allow a corporation to fight for something much greater than profit.

VI. TAX BENEFITS ARE IN THE PUBLIC'S BEST INTEREST

"The tax benefit provision in House Bill No. 3118, House Draft 1, is an incentive to promote responsible corporations in our State. As a matter of public policy, it is in the public's best interest to have responsible corporations. This provision can be addressed later in this Legislature, or in future Legislatures.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm rising in support with some reservations. This is a bill that seeks to give tax credits to responsible business corporations. I would like to point out a few problems with House Bill 3118, House Draft 1.

"As I said, the bill seeks to give breaks to corporations whose primary concerns are the public interest rather than their own success. Let's look at the bill in relation to a specific industry. Let's take the oil industry. This industry is made up of corporations that fulfill the requirements outlined in House Bill 3118, House Draft 1, and thus merit corporate tax exemptions.

"The popular view of the oil industry is that they are gouging consumers, making a huge profit at the expense of the common man. But wait, what if you look at it another way. They really do have our best interest at heart. High gas prices encourage people to drive less. That reduces the amount of air pollution and encourages people to walk more both of which contribute to a healthy population. Sure it

may make it difficult to get around. It may take more time to get places, but the corporations refining gasoline know what is best for the public. They are merely trying to encourage a healthier Hawaii.

"Expensive gasoline is not only good for the public's health, it increases the public safety. With fewer cars on the road and fewer people driving while dialing on their cell phones, or doing other distracting activities, the roads and the crosswalks would be safer for everyone. Fewer cars mean lighter traffic, and less stress and frustration to those who continue to drive, reducing the amount of road rage and resulting altercations. The high prices also reduce the amount of irresponsible driving as more drivers will be encouraged to take the bus as a more cost efficient alternative.

"Again the oil industry corporations will do what they could to protect Hawaii's consumers from irresponsible and unhealthy lifestyles. It doesn't matter that people find it inconvenient to take the bus and be reliant on others for transportation. It is the best thing the oil industry could do to keep the people of Hawaii safe.

"That will be one way to look at it. With such altruistic motivations the oil industry desperately deserves the tax breaks afforded in House Bill 3118, and lucky for the rest of us they will be able to keep themselves in business rather than relying on the government to do so as many of the responsible business corporations will undoubtedly have to do. Indeed the high prices of gasoline are in the public interest as defined in House Bill 3118, House Draft 1.

"In all honesty, while this bill is a noble idea, it needs some serious reconsideration. This bill is too far reaching and could get out of hand if not outlined with more concrete restrictions. Otherwise we may be inundated with requests from corporations for the responsible business corporation status and the attending tax breaks it will bring. It's all a matter of how you look at it."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I will also rise with reservations. The Department of Commerce and Consumer Affairs was less than enthusiastic about this measure. They decided that it would be problematic to create this new animal: the very idealistic, responsible business corporation. It will take adjustment in their software and many hours of work for new rules and regulations. But there is an alternative that was suggested in the Tax Bill Service testimony. It says and I quote,

... as an alternative it should be noted that these responsible business corporations appear to be similar to nonprofit corporations as they are established under federal IRC 501C 3 provisions. Their tax exempt nature would allow similar activities to those proposed by the responsible business corporation so they can already tack onto what is already in existence.

"Thank you very much."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, also with reservations. Besides all the things you just heard from my colleagues, I would say that maybe the power generating companies would qualify because of course, they have a lot to do with public health. How can we operate our machines and hospitals without electricity?

"Public safety, because of course people won't hurt themselves at night because they can see what's going on in their homes. And educational, because after all, the children can watch PBS so they obviously involve the general well being of the local State enterprises. So I think that we again have to be very, very careful. This could apply to just about anybody."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3118, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Cabanilla and Hale being excused.

At 9:12 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1821, HD 2	H.B. No. 2526, HD 2
H.B. No. 1888, HD 1	H.B. No. 2884, HD 2
H.B. No. 1975, HD 2	H.B. No. 2771, HD 2
H.B. No. 2126, HD 2	H.B. No. 3118, HD 1
H.B. No. 2187, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 718-06) recommending that H.B. No. 3216, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3216, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support of Standing Committee Report 718. The purpose of this bill is to direct the Auditor to conduct an audit to determine the feasibility of deploying alternative energy resources to meet the energy needs of the Island of Kahoolawe.

"I'd like to note for the record that in 2004, a report was sent to the Legislature on the use of alternative energy sources to address energy needs on the Island of Kahoolawe, and in this report there were four recommendations that were made.

"The first recommendation was an exemption from the Public Utilities Commission oversight and regulation. The second recommendation was additional data collection sites. The third recommendation was the development of model encampment, and the fourth recommendation was ongoing evaluation of long-term alternative energy.

"There was a cost analysis that was attached to that, however because of time and because of infrastructure which was not added in the report, in this bill that is before us today will help us to move Kahoolawe forward in seeking and actually providing alternative energy sources.

"I would like to say that this is an opportunity for the State of Hawaii. In conclusion, the revitalization of Kahoolawe represents a unique opportunity to build a sustainable development model for the world based on innovative alternative energy and environmentally conscious technology. So I urge my colleagues to please support this measure."

At 9:15 o'clock a.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:16 o'clock a.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3216, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF KAHŌ'OLAWĒ," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 719-06) recommending that H.B. No. 1809, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1809, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 720-06) recommending that H.B. No. 1879, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1879, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 721-06) recommending that H.B. No. 1890, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1890, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Hale rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"In light of some concerns over the effectiveness and the viability of our Sister-State and Province relationships, this bill addresses the conclusions and recommendations of DBEDT as outlined in the State of Hawaii Sister State/Province Program Report (December 2002). The conclusions and recommendations are as follows:

1. The State should continue to pursue Sister relationships, for both cultural and economic development reasons, with attention to fostering the most productive ties.
2. In order to assure the productivity and viability of a Sister relationship, the State needs to establish a rigorous selection process, which would include the re-formation of the Hawaii Sister-State Committee and the re-utilization of the Sister-State application form developed by the Office of International Relations.
3. The State should strive to increase business opportunities through its existing Sister partners and through the creation of new Sister partners, and, wherever possible, the State should provide small businesses access to these opportunities.
4. Sister agreements should henceforth include a higher degree of specificity, including the responsibilities of each side: when, where, what.
5. The State should re-examine Sister Summit 2002 and follow-up with the most promising opportunities; moreover, the State should consider the possibility of a second Sister Summit: when and where.

"Your Chair of your Committee on International Affairs believes that by instituting the second recommendation aforementioned, all of the other recommendations will fall into place. It is my observation that successful Sister agreements require broad community input and support and that the institution of the Sister State Committee by the OIR provided a means to achieve this. Therefore, this bill seeks to re-establish the Sister State Committee attached to DBEDT, and if and when an Office of International Affairs/Relations is re-established the Sister State Committee can migrate to that agency, as it deems fit.

"This bill's companion, Senate Bill 3192 Senate Draft 1 is also going to be voted on today in the Senate and I welcome its passage and crossover to the House. As we go through the second half of the Session and prepare for Conference Committee, several issues emerge that will need to be discussed.

"First is the need to define membership of the re-established Sister State Committee. The original 5-member Committee now does not seem broad enough in community input and inclusion to effect the goals of its re-establishment. Five major constituencies need to be included: government, education, arts and culture, including Native Hawaiian cultural groups, business, and technical specialists in matters such as trade economy, international commerce law, peace and dispute resolution, foreign languages and tourism. In defining membership and the number of members, I err towards the side of greater inclusiveness.

"Second, we need to decide to what degree our open meeting requirements will apply to a Sister State Committee who will act in an advisory capacity to the Governor and the Legislature. It may be counterproductive to mandate that Committee members not be allowed to speak about Committee matters outside of the Committee when they will most likely be collaboratively working on projects and agreements outside. Actually, one of the reasons for the Committee is to create an environment for a critical mass of key people to discuss and devise ways in both the public and private sectors to keep our Sister-State program viable and pertinent and to leverage its full potential. Yet it is of utmost importance that we create and constantly maintain a transparent and open process in the development of the Committee's recommendations.

"And third is to fully define the function of the Sister State Committee. I envision a Committee that will be a strong and intelligent advisor on international relations, and a Committee whose membership is conducive to the mobilization of broad segments of the community to create tangible realities for our agreements.

"Essentially we are dealing with an issue of robustness and I intend to advocate for a robust Sister State Committee that will continue operating well under constantly changing conditions to provide for solid benchmarks of progress for our Sister agreements and to maintain a sensible and solid policy foundation for our State's conduct abroad."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1890, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 722-06) recommending that H.B. No. 2259, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2259, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, in support with reservations. This measure only applies to analysis of federal funds expended by the State. It would be far more beneficial if this fully looked at our bills and required fiscal notes for all of our bills. Thank you."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, I also rise with some reservations. This bill creates positions of a Chief Operating Officer, a Chief Financial Officer, and an Executive for External Affairs and many secretaries for those positions within the DOE.

"The creation of a CFO of course for the DOE is definitely needed, but in my opinion I don't think these other positions are. The total cost for all positions created in this bill would be more than a half a million dollars."

Representative Meyer rose to a point of order, stating:

"Point of order. I'm not sure that the speaker is speaking on the bill that's before us."

Representative Pine responded, stating:

"Actually I am corrected, Mr. Speaker. But I also would like to speak on this measure though. I'm sorry someone just handed this to me.

Representative Pine continued in support with reservations, stating:

"I find it very interesting, Mr. Speaker, and it sounds like this is something that is definitely needed, but it seems that we have been every year, every Session, cutting the Governor's budget and increasing our own staff, and so I'm really am concerned about that. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. Just for the record, we have not cut the Governor's budget."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker I'm going to be voting no on this measure. This is something that we all have, I mean we've always supported the Legislative Analyst, but I think what we wanted was to get fiscal notes and to analyze each bill as to what it would cost. This seems to be targeted just for one thing. Just the federal funds and that includes a whole lot of departments. It seems like it's taking over areas that are normally handled by the Executive branch."

Representative Pine rose to respond, stating:

"Just a rebuttal, Mr. Speaker. I just wanted to clarify that since Governor Linda Lingle has been in office, we have cut many positions within her staff that were once provided to many previous Governors. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2259, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFICE OF THE LEGISLATIVE ANALYST," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Meyer voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 723-06) recommending that H.B. No. 2443, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2443, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT

ASSISTANCE COMPACT," passed Third Reading by a vote of 51 ayes.

At 9:20 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:22 o'clock a.m.

At 9:22 o'clock a.m., Representative Halford requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 9:23 o'clock a.m.

At 9:24 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3216, HD 2	H.B. No. 1890, HD 1
H.B. No. 1809, HD 2	H.B. No. 2259, HD 1
H.B. No. 1879, HD 1	H.B. No. 2443, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 724-06) recommending that H.B. No. 2446, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2446, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I would like to vote for this bill to help Queen's Hospital, but would like to express a reservation. Very simply, I disagree with taking the money from the Hurricane Fund because I feel that once we start eating into this Fund it would be very difficult to stop with one bite. Then one of these days, we're going to turn around and say, 'We can't believe we ate the whole thing.' Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I also have reservations. I believe in the trauma center, and Queen's needs it. However again, the Hurricane Relief Fund I believe is not the right source. It should be general funded. We also need trauma centers at other hospitals especially on the Neighbor Islands and this is just funding one hospital. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. Thank you. I was in the mortgage industry before becoming a legislator, and one of the things that we went through was the period of time when we were collecting for this Fund through the closing of mortgages. The argument that was made to me was that we needed it in order to help Hawaii's people be able to get mortgages, as well as sell property and buy property, that we needed to have this HRF in place. And I believe whole-heartedly that we did the right job by putting that in place.

"However that was a promise I believed to the homeowners that they will be protected in regards to getting insurance in the future should a hurricane hit which, it's a matter of time, when it will hit and how destructive it will be. So if we are going to discuss these types of things, let's make a commitment and talk about it with the general funds.

"The second point is we do have a trauma system report, and I don't have the name of the report by the American College of Health or something like that, and basically it talks about all the different challenges in our trauma system. At the point and time when we have a priority list and a plan as to how to go forth, I think that is when we should bring up how important this is. I believe it's important, but we have to take a look at a broader picture and plan and move accordingly."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. My reservations are similar, and I'd like to have the words of the Minority Leader as my own," and the Chair "so ordered." (By reference only.)

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm voting no on this issue. I'm all for it. I think we need to support Queen's, and it's our only trauma hospital on Oahu and it's used all the time.

"I mean, it's so important, but again last year Queen's was asking for some financial assistance. I think with the surplus that we have, and the news this morning that we may have an additional \$50 million, it would be far more appropriate to use the general funds because this is something almost everybody needs. I think we are doing a disservice by taking money out of the Hurricane Relief Fund. We did that last year.

"This is an incremental thing. We're just creeping in there and we have to stop. So my no vote is not about helping Queen's Hospital, but it's a resounding no to taking money out of the corpus of the Hurricane Relief Fund. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representatives Finnegan and Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Caldwell rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. I would like to just disclose a potential conflict. My wife sits on the Queen's Board," and the Chair ruled, "no conflict"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2446, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING POWER GENERATING CAPACITY FOR THE QUEEN'S MEDICAL CENTER," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Meyer and Pine voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 725-06) recommending that H.B. No. 2448, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2448, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Ito rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of Stand. Com. Rep. No. 725-06, HB 2448, HD2.

"Mr. Speaker, the purpose of HB 2448, HD2, is to direct the Auditor to retain a consultant to review all correctional facilities under the jurisdiction of the Department of Public Safety's Corrections Division to determine the cost of upgrading the facilities' surveillance systems. If as a result of the consultant's review, any upgrade of the surveillance system at any correctional facility will not only enhance the safety of the corrections' officers, but that of the inmates as well.

"Mr. Speaker, the Department of Public Safety testified in support of this bill.

"Mr. Speaker, I urge all of my colleagues to support HB 2448, HD2."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2448, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL FACILITIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 726-06) recommending that H.B. No. 2521, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2521, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I'm rising in strong support for Stand. Com. Report 726, Making an Appropriation for Community Anti-drug Fund. There's been a lot of articles in the last week about how our ice problem has not decreased at all. We're like, I guess number two under Oregon. We have a huge problem and I'm very pleased to see that we have this bill and it's moving forward.

"Everyone, every community must be doing all that they can. Prevention is the real key to keep the young ones from coming up. Getting caught up in the tentacles of this, of the drug scene, so I encourage everybody to vote in support of this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2521, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY ANTI-DRUG FUND," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 727-06) recommending that H.B. No. 2595, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2595, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I have reservations on this measure. I'm all for inmates and their visitors getting together. I think this mainly arose out of Maui Correctional Center. The problem is there's no leeway for wardens really. I don't believe at least. It mandates that visitors have to be allowed to visit the inmates. I'm thinking of an inmate who struck an ACO just prior to the visitation, or who was caught maybe with drugs. A visitor who comes in who may be visually inebriated. There has to be some leeway.

"One of the other problems I think, the problem arose originally because people traveled long distances to get to Maui possibly, and when you get there you're turned away. I think some of that problem is a lack of ACOs on duty. And the ACOs may not be on duty because I think we all are aware that on Fridays and Mondays, it's hard to find ACOs. They try to take off. Those who are there are overworked. If it's on a holiday when many visitors would travel, same thing. ACOs want holidays too.

"So I think some of it is funding for ACOs. Some of it are things that can be worked out within DPS, but to just mandate that they must allow the visitor in is just going a little overboard. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition with brief comments. I do have some similar concerns as the previous speaker. And I do realize that family visits are extremely important to the healing of families, as well as reintegration. But I don't believe that this is the mechanism that we should use in order to solve this problem.

"By voting for this bill, I kind of see it as, because of the lack of the wardens and the management to be able to use their discretion, by voting for this bill, I envision risking the safety of possibly other visitors, guards, inmates, or possibly the general public.

"So let's try and find different ways. If it does come back from the Senate in a changed manner that gives some discretion, I'd be in support of it. Thank you."

Representative Tanaka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support. Family visits are an important aspect of the rehabilitation process. It is beneficial for inmates to have direct contact with their family, especially the young children. I know that some of my colleagues have their reservations about this bill because of the obvious problem of security issues at the prison.

"I have worked many years at the Maui Correction Center and it has been over 6 years since I have retired from Public Safety. In my tenure, this problem started to escalate from officers calling in sick. The reason was because of very low morale and too much overtime. During my time, if six to seven officers called in sick on one shift, it was bad then. At present, in a shift of 18 officers or more, we have about 15 officers calling in sick. This means you have to get officers to work overtime, and in that process they get burned out.

"Now to say prisons are closed because of these reasons, visitations on weekends and the holidays are affected by this problem, and the leadership of Public Safety is very bad. The problem was there for years and yet it was not taken care of then.

"Why should the family suffer because the problems were not rectified when Public Safety knew of the problems. They are still using the same excuse. Not enough security so their family suffers. Is this the way to run visitations in prisons? If one is to count, in the last 10 years how many directors we had in Public Safety? We need a permanent director in Public Safety so we can run in the right direction. Thank you, Mr. Speaker."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with some reservations. Thank you. I believe the wardens must preserve the authority to balance visitation privileges with the overall security of the facility. I understand there's inadequate staffing and I understand there have been many changes in the head of DPS, but only when the sound security of the facility is jeopardized due to unavailability of appropriate staff would the wardens reluctantly suspend the visits. So I think that this bill is

just trying to just get into the business of the wardens a little too closely."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. I would like to say that our incarcerated brothers and sisters also have needs, and they also need their families as much as their families on the outside miss them too. I realize that there are issues that need to be addressed in this bill, and would like to see its passage so we can continue to work on it. That's a win-win situation for all of us.

"We all talk about ways to rehabilitate our inmates, and ways that we can improve them to be better citizens when they come out and be with us again. Having them in touch with their families and feeling that they're loved and cared for is one of the good things that they can benefit from with these visits. So I would like to see my colleague's work on improving the bill so we can all be happy at the end of the Session. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise with reservations. Thank you. I see that the bill does address the idea of the humane nature of making sure that our inmates do have connection, and visitation from their families. And I can understand the value of that. But I do want to reiterate that if the premise that the prison, is not safe in terms of having enough security, and that measures are not taken to ensure that security guards are there, then we actually put those very family members at risk, and that is my concern."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2595, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VISITS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 729-06) recommending that H.B. No. 1880, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1880, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I vote yes with very strong reservations. For many, many years as a citizen participant in this Legislature, I represented people from Kakaako and the business community, and we have all been very strongly against moving Piers 1 and 2 to the Department of Transportation.

"However with the changes in the Department of Transportation, Harbors, with more modernization of their implementation of their plans, I think we are starting to see the value of that.

"However, now to look at the Foreign Trade Zone, and transfer that to DBEDT, I personally have some very strong concerns on that move because again, once again, we are legislating and selectively carving out pieces of areas that we have given to an Authority for overall planning. So with that in mind, I'm still very strongly concerned but will vote yes."

Representative Stevens rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. This bill basically just returns the Piers 1 and 2 area to the same configuration or ownership

in the State that it originally had before the area was transferred to HCDA.

"The language that refers to the Foreign Trade Zone, it's a very complicated tax map key and that language really needed to be inserted in order to put the property back to the way it was before it was transferred. So I am in very strong support of this bill. It protects our important cargo handling facility and our maritime lands. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1880, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 730-06) recommending that H.B. No. 1922, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1922, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Third Reading by a vote of 51 ayes.

At 9:40 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2446, HD 2	H.B. No. 2595, HD 1
H.B. No. 2448, HD 2	H.B. No. 1880, HD 2
H.B. No. 2521, HD 1	H.B. No. 1922, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 731-06) recommending that H.B. No. 2075, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2075, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, in support with reservations. Thank you, Mr. Speaker, I support the idea of bike paths. I support that it helps relieve congestion. It's better for the people that use it as far as health. So there's many reasons to have bike paths.

"What I have a problem with is this limit, the percentage in the measure, a fixed percentage. I believe it may limit the number of bikeways that we actually end up with. All the new roads have them. There's some federal guidance on this. Our new roads such as Fort Weaver, the widening, the new South Road, etc., they have bike paths. Fort Barrett Road widening is going to be designed with bike paths on both sides, etc. So that's all coming.

"In the past, I agree, in prior Administrations, it was possibly overlooked, but to have a fixed amount I think would hamper DOT from doing what they're doing. Maybe a percent, not less than such a percent, might work. But to say a fixed percentage, we actually limit them. I suggest that the Legislature sit down with DOT and find out what a good percentage might be. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, with slight reservations. Thank you. I actually had the occasion to ride my bike from home to the Capitol, and it was kind of a frightening experience actually, so I'm really looking forward to investing in more bikeways.

"However I do share the concern with the previous speaker that it basically states a percentage, so it doesn't give the discretion to go over. Basically if you want to go more than 5% and you want to go 10%, it doesn't allow you to do that. So in case we have the urge to want to just have bike paths, bikeways all over the island, I'm sure that wouldn't fall within the percentage. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2075, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 732-06) recommending that H.B. No. 2214, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2214, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm all for reducing taxes at anytime. I like that aspect of the measure, but I do have some reservations. The reservations are that it was set to sunset anyway in August 2007. By sunsetting it now, we lose an estimated \$17 million from the Highway Special Fund.

"You know, that is money that has already been programmed by DOT for the projects that were mentioned concerning the other bill. Fort Weaver Road, North South Road, Fort Barrett Road, and by taking that money out we lose the four to one match of federal funds, so I'm not sure the DOT can just go on with what they have planned. They'll probably have to reduce, what is it, \$60 million or so in projects, and that means the delay of some of these much-needed projects. So that's my concern."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, just in support with reservations. Mr. Speaker, I have always been for tax cuts and against tax increases in general. However I guess when we look at the whole picture of what we've have done so far, and what we're going to do today it seems like the priority should be tax cuts."

At 9:44 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:45 o'clock a.m.

Representative Pine continued, stating:

"As I said, I have always been for tax cuts and especially against tax increases of any kind. However, when I look at the whole picture of what we're going to be doing today and what we've done so far, it seems like the priority for tax cuts should be more for the local people who are truly suffering in this State. That is my personal belief, where we should put our direction into, and this tax cut of 75% would go to tourists for breaks on renting a car. I don't see them suffering right now, so that's why I have reservations. Thank you."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"I'd like my reservations be recorded, Mr. Speaker. I'm for exporting some of our tax liabilities. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"In support. Mr. Speaker, maybe some of the previous speakers might want to take a look at what DOT's doing and why they aren't moving projects along.

"For example, there's money for fixing flooding conditions in Ka'u. That money is going to lapse in June. They haven't done anything about it. The bypass road around the hotel, it's been under contract with no notice to proceed for three years.

"If you take a look at all of our highway projects that are on the books and analyze what their status is, you'll notice that there's a good many of them that aren't proceeding, and many of them aren't even proceeding with a design. What that's going to mean is in two or three years, we got no construction work, and we have no match. There's where we're losing the federal match. Those that have a problem with what this bill says better take a look at just what DOT is doing, period."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Pine be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to respond, stating:

"Just a rebuttal, Mr. Speaker. I'm sorry. I don't think we should get into legislation to punish a particular department because we personally may feel they're not doing their job. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you. Just slight reservations. I do want to see basically that we take a look at giving the tax cuts to the poor and the hard working. I'm not sure what's actually in Conference currently, and all of those things, but that's my reservation."

The Chair then stated:

"Representative Finnegan, you are out of order because this deals with the gasoline, or this is part of the Highway Fund. It's not part of the general fund. So you are out of order."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2214, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 733-06) recommending that H.B. No. 2423, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2423, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 734-06) recommending that H.B. No. 2520, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2520, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ROADS IN LIMBO PROGRAM FOR THE COUNTY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 735-06) recommending that H.B. No. 2637, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2637, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 736-06) recommending that H.B. No. 2715, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2715, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, on 736 with reservations. I'm all for supporting police officers. There's nothing that can make me not support a group more, the public safety and the job they do. They put their life on the line all the time. I understand that.

"But I believe this is a matter of collective bargaining and it's part of their compensation package. It's a little resentful to have groups come here when they could bargain for what they want. They can't get it in bargaining so they say, 'Okay, we'll go to the Legislature.' If they don't get it from us, what are they going to do next? Go to the courts? I don't know, but go back and bargain for it. If it's that important they should be able to get it. Thank you."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. Thank you. I just have a question in regards to the legislation. It basically sets an allowance that goes from \$500 a year for an officer employed five years or less. Then it goes to \$700 for employment from five to ten years. Then \$1,200 a year for ten or more years. And when I think of maintenance or operations of uniforms and equipment, and all that other kinds of stuff, I just don't see where the difference comes from. From how long you've been in the department.

"So if there's a way that someone can explain this to me, as the weapons get older, do they cost more to maintain. I don't know. So I disagree with that part, but I will support the bill. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"In strong support, with brief comments. This bill is designed, Mr. Speaker, with one purpose in mind and that's to increase public safety for all of us, and to do that we need to support our men in blue, and women in blue.

"They start off at a young age, unmarried, no families, in the service protecting all of us. And as they get older, they start a family, they look at either renting a place, buying a place, obtain a mortgage. The cost of living is extremely high here and we don't pay our police officers all that much compared to mainland jurisdictions. We've been told time and again by different police officers associations how we're losing our police officers to other jurisdictions and to other professions.

"This bill is designed, Mr. Speaker, to keep our police officers protecting us over the long term. That's why the amount of the credit increases over time, because you want to keep those men and women that are trained. That get better as time goes by. That know how to handle difficult situations. To have them continuing to serve in the force, and not lose them somewhere else. That's why it gets larger as time goes by. It's a good bill, Mr. Speaker, it's about public safety, and we all should support it. Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"I stand in strong support, Mr. Speaker, with comments. Mr. Speaker, we talk about supporting our police officers and supporting public safety, so I looked it up in the Merriam-Webster Online Dictionary. This is what the definition of true support is, Mr. Speaker.

"It says, 'endure bravely; to promote interest and cause of; to uphold and defend the valid; to argue or to vote for; to pay the cost of; to keep from fainting, yielding, and losing courage; and to keep going.'

"That's what the definition of support is, true definition. So, Mr. Speaker, these officers dedicate and risk their lives to protect all of us. In 2004, there were 2,507 violent crimes on the Island of Oahu, and 44,000 property crimes as well. We have 1,970 officers to support all these needs.

"There was a question brought up on why we need to support this. They not only respond to these issues, they actually arrested 37,999 people in 2004. 7,500 of them were juveniles, Mr. Speaker.

"These people work all the time. They're on-call 24 hours a day, 7 days a week, risking their lives. If we want to protect our communities, reduce crime, attack drug usage, and promote the safety of Hawaii, we need to support our police officers. Truly support. It takes more than a sticker on your car, holding a SHOPO cup, or a pin. It means voting in support of this kind of measure. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, thank you very much, Mr. Speaker. I hate to be a 'wet towel', but I want to speak with some reservation on this bill. It is the great intention of the author of the bill, and the Chairman of the Labor Committee, and the Representative from Mililani who spoke quite eloquently about the need for this bill, however this belongs to the counties, and not to the State.

"The county has a lot of money that they make when they increase valuations, and some of that money can be used to purchase the uniforms. Thank you very much, my fellow colleagues."

Representative Waters rose to speak in support of the measure, stating:

"In true support. May I simply adopt the words of the Representative from Mililani. Thank you," and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to disclose a potential conflict of interest, stating:

"A request for a ruling on a possible conflict. Mr. Speaker, I have a stepson who's a police officer," and the Chair ruled, "no conflict."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm rising in support but with some strong reservations. I would like to adopt the words of the Representative from Kahului, the Speaker Emeritus. I think that it was just a few years ago that we passed a law that spelled out that we should stay out of collective bargaining areas, and this really looks like a collective bargaining measure.

"As the previous speaker said, the counties have quite a bit of money now that the valuations of real property has gone up as much as they have, and the police are their direct responsibility.

"I also have a problem with this scaled up amount that's in the bill. I think that actually, if you want to attract more police officers, you would have a bigger amount of money in the front end for the young ones coming in. I don't think there's any real relationship of these dollar amounts to the uniforms and the weapons. It seems like it's just sort of a bonus from how it was described by the Chairman of Labor. And so for those reasons, I do have reservations. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker, again in support. Again it's just the difficulty in what we say, and just being honest with what we're doing. If this is for maintenance and operation of officer's uniform, and equipment and weapons, then why is it different for how long you stay in?"

"Now if it's a recruitment tool or if it's a bonus, then we name it as a bonus, or we name it as a recruitment tool, but I don't agree with us going in and saying that it's for the maintenance and operation based on how long you were in, because that's not what it's for. You don't have to, at least I don't believe you have to, at least in the fire department, you don't have to submit receipts or something that says that you spent it on your uniform, or anything like that. It's basically untaxed from what I know. It's untaxed and it comes in as a uniform allowance or maintenance allowance or whatever

"And all I'm saying is let's just be truthful and honest. We can still support the police officer strongly without having these type of things in here that make us believe that it's for operations and maintenance of uniforms and gear and other weaponry. Thank you."

Representative Ito rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support with short comments. Mr. Speaker, this is not a collective bargaining issue. This is a public safety issue. This measure will provide some monetary relief to help minimize the pay differential between Hawaii police officers and the mainland jurisdictions. It's a valuable tool for the retention of our police officers and help address the State shortage and address the issue for our police department. Thank you."

Representative Kanoho rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker, I request ruling on a possible conflict. I have two sons in the police department," and the Chair ruled, "no conflict."

Representative Kanoho continued in support of the measure, stating:

"Thank you, Mr. Speaker. In support with the words of the Chair of the Public Safety Committee as my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Sonson rose to speak in support of the measure, stating:

"In support, Mr. Speaker, and may the record reflect that the opinion and words of the Chair of Public Safety to be entered in the Journal as my own.

"In addition, I believe that the money escalating as you go up, it does stop at a certain level. It does not, for instance the bill does not provide for the officers that are Captain or higher. So I don't think it's as much as a bonus as was best describe by the Chair of Labor.

"However if you could just imagine that the young officers when they just come in. \$500 to maintain is actually probably more adequate. Those who have been in a lot longer will have more wear and tear on their equipment. As they grow older, they get slower. They may need to have a bigger gun. As they sit and watch over us

in the communities, some of them do gain weight and yes their uniforms get bigger.

"I don't know, Mr. Speaker. But I know this money is not even sufficient to address all those issues that may come. The difference is not all that much, but I think it's reasonable to have a difference in the amount of money that goes to equipment because time does take a toll on the uniforms and equipment as time passes. Thank you, Mr. Speaker."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker, last points here. I heard on the Floor from my colleagues that this is for retention. Another really good reason that it should be a matter of collective bargaining. They should raise the salaries, and they could raise the salaries with longevity raises also. But if we really want to help, let's give the counties part of our TAT tax and give them the adjudicated traffic fines. Then we're feeling like we helped and they can do it through collective bargaining. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2715, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 737-06) recommending that H.B. No. 1865, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1865, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

The Chair then addressed Representative Pine, stating:

"Representative Pine, is this the measure that you were speaking on earlier? Please proceed."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Thank you so much, Mr. Speaker. I didn't have enough coffee yet, but yes, just in support with reservations. Mr. Speaker, of course this will allocate funds for a Chief Operating Officer and many other positions for a cost of more than half a million dollars, and my reservation is that last year we passed, in Act 51, when we passed it we passed it for a reason. To take the decision making away from the DOE and also to give the power to the schools, and it just seems like we're starting to give some power back to the DOE, just in my opinion, and at a time we're adding more administrative positions to the DOE, at very large salaries, when we're making cuts at the schools.

"We heard in the news that many schools are going to suffer from the Weighted Student Formula and in districts like mine where we're really excited about Act 51 and the Weighted Student Formula. We're being told, 'Sorry, you can't get the money that you deserve to help all the different types of students that you have.' And so those are my reservations for doing this right now."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, with reservations. Thank you, Mr. Speaker, as our colleagues that spoke right before me said, this appropriates more than a half a million dollars to solve a problem that the DOE Central is having, whether it be fiscal management, or external functions, or external communications.

"One of the positions that it funds is basically a CFO, or Chief Financial Officer. It is evident that we need a Chief Financial Officer for the Department of Education. The thing that I'm unsure

about is our COO, or the Chief Operating Officer, as well as the external affairs executive position. So I asked the DOE for an organizational chart to help me understand what DOE will look like if we invest more than a half a million dollars and what will they end up looking like. I was told that they don't have one, and so I have no idea what to envision for our DOE with this infusion of another half a million dollars, which leads me to not wanting to appropriate the money for these positions.

"By the way the external functions person has three secretaries, and the Chief Financial Officer has one. I understand this was a recommendation, I think it was recommendation of the Business Roundtable which I think for the most part, I do agree with a lot of the recommendations that they have made. But if it is, and the DOE doesn't know what to do with these positions which I'm unsure of either, I still don't think that we should just automatically fund these positions.

"And as the former speaker has mentioned, we're losing school level positions at this point and time because of not enough funds going into the Weighted Student Formula and I think that this is a disservice to the Weighted Student Formula. We should be talking about how we can infuse more money at the school level so we don't have to lose things like counselors, teachers, and librarians.

"The whole Act 51 was to turn it on its head and do a paradigm shift so that the Department of Education would listen to and provide the things that are most needed at the school level by connecting those dollars to the school level. If we're going to just go ahead and do this without asking questions, I think we're doing a disservice to the schools. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker, I stand in support and hopefully some of my comments can at least address some of the reservations expressed by the previous two speakers.

"First of all, Mr. Speaker, this bill creates eight new positions within the Department of Education. The previous speaker was correct. There's a Chief Operating Officer, a Chief Financial Officer, and a Director, if you will, of External Affairs, along with support staff.

"I would urge the previous two speakers to take a look at the University of Hawaii and the way they operate. Just for the Department of External Affairs at the University of Hawaii, they have well over a dozen people staffing that office with a budget of well over \$2 million. That's just for the Department of External Affairs, and yet the Department of Education's budget is more than double that of the University of Hawaii, and they have almost 4 times as many staff people. So unless we're going to see a bill that repeals or eliminates the University of Hawaii's External Affairs Department, in my mind, that's acceptance at the higher ed level, they do need these functions. But I'm puzzled as to why at the K to 12 level, we do not.

"What would this external affairs person do? It's communications, it's military liaison, playing that role of working with our military. It's to build relations and deeper relations with business and other sectors of our community. It also improves the relationships at all levels of government, City, State, and federal.

"It's really baffles me, the ways that the Department gets knocked, and slammed, and pummeled all the time that they somehow don't have the ability or don't have the capacity to reach out to the greater community and explain what they're doing. This bill attempts to address that, and yet again there's criticisms.

"I've also heard that people say that maybe the principal should do that, because after all, the principal of the given school should really be the great communicator and go out to the greater community. I

would also urge my colleagues to just spend a day with the principal of any school and find out what they do on a day-to-day basis, and you tell me if these principals will then go out to the Rotary Clubs, and the Neighborhood Boards, and the community associations, and all the rest of it. Mr. Speaker, I do not think that it is something that principals should be mandated to do or charged to do. That should be something that the Department ought to do in a far more comprehensive way.

"Lastly, Mr. Speaker, the whole point about the Weighted Student Formula. I realize that's not the point of the bill, but it was mentioned by the previous speaker. As we all know, with the first iteration of the Weighted Student Formula of the 284 schools in our system. 140 supposedly lost money, but again, I would encourage members to look very deeply and critically as to why each school has been left with fewer dollars than they had previous to the implementation of the Weighted Student Formula. Of the 140 schools, Mr. Speaker, there are 140 reasons why.

"I'll just give one small example. If you look at a school like Kaimuki High School and Farrington High School. Kaimuki High School if I recall, has 1,279 students. Farrington has 2,579. This is last year's student count. In other words Farrington is double the size of Kaimuki. Kaimuki had eight full-time counselors. Farrington had nine full-time counselors. Which means in the real world, that a student of Farrington had to wait twice as long to access a counselor than that student at Kaimuki. Mr. Speaker, that's simply not the way we should run business. The business of our schools, Mr. Speaker.

"So on the one hand, some schools may see a reduction of their funds, but Mr. Speaker, there are reasons why that is happening. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I actually agree a lot with the previous speaker, our Chair of Education, but the only problem that I have with this particular bill is that we don't have an organizational chart. Without an organizational chart, we can't tell what exists currently at the DOE; if there's nothing, or if there are supported positions under this external functions position existing, or are they going to plan it that way. How do we compare to UH, or a university, and how they staff their offices? But what this does right now, it just blindly gives money to establish these positions in the central bureaucracy, and in order for me to make a good prudent decision on whether or not I would like to see the money infused at the school level or in the DOE central area. That I would like to have some of that information. So it's just a matter of making a responsible choice. Thank you."

Representative Meyer rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm rising in support with reservations. The DOE has long been criticized for its accounting practices. The Auditor has made critical remarks about their data system, budgeting practices, and their ability to provide information in a timely manner when requested by the auditing team. HB1865 will appropriate money to hire a Chief Operating Officer, a suggestion that has been championed by both the Hawaii Roundtable and the Honolulu Chamber of Commerce. The DOE is handling a lot of money, 40% of all general funds the State receives go to the DOE, 25% of the entire annual state operating budget goes to the DOE. In addition to that, depending on the year, the DOE is allocated 30%- 50% of all Capital Improvement Project funds. This year, that could be as high as \$300 million.

"I'm concerned with the number of new full-time positions this bill calls for. A Chief Operating Officer, Chief Financial Officer and maybe two secretaries will be okay, but this bill also calls for an External Affairs person and three more secretaries, 8 people in all

and \$500,000. I'd rather see more money go to the schools. We simply don't have enough information on the numbers of people and their positions who are presently doing this work. This bill establishes wages for these positions, all on the high side. I would rather see an incremental approach: hire a COO and a secretary and see what can be accomplished, in a year. Then, evaluate, make recommendations and set up new procedures. This approach is more conservative and will preserve general funds. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker.

"I rise with reservations on H.B. 1865 – Relating to Education. I support the intent of this legislation that addresses the long awaited hopes of students, teachers, families, and most of all, taxpayers. The bill creates a new permanent management structure in the Department of Education. A CFO in the Department of Education could play a critical role in determining business goals and the ability to meet them by maximizing resources and ensuring efficient operations from a financial perspective. This legislation presents an opportunity for the Department of Education to make the most of taxpayers' money and to properly administer the money flow.

"With 24,000 full-time positions, thousands more part-time positions, 268 properties across the State and a budget of over \$1.7 billion, the Department of Education is undoubtedly the State's largest and most complex enterprise. Educational systems today are faced with changing needs and growing demands, but on tighter budgets.

"H.B. 1865 will create a new permanent management structure, including a Chief Financial Officer (CFO) for the Department of Education that will help the Department of Education towards becoming a more operationally effective, fiscally transparent, and results-driven entity.

"However, it's imperative the Department of Education set expectations and create results."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"I have reservations on this bill, Mr. Speaker, mainly because I'm one of those that support if there's more money to be infused in the Department of Education, I would like it to go to the classroom for smaller class sizes, more educational buildings, and more supplies for our schools. This half a million dollars allocates for more bureaucracy, and there may be a need for it. I'm not saying that. But I think that we should address those basic issues first before we address the bigger picture. Thank you."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm rising with similar reservations as the previous speaker had. Mr. Speaker, I believe that this Department of Education is top heavy. That it could do some readjusting with the present staff that it has, and I believe that when we're in danger of losing our librarians, losing our wonderful theater program at Castle High School. Those are the things we should be supporting and using the money for, rather than adding to the bureaucracy at DOE. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I like to vote on this measure with reservations please. I think eight positions is excessive. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"I rise in support. Very briefly, I just wanted to point out that much of the recommendations were based on a Price Waterhouse Coopers audit that was performed, and it recommended that we establish this CFO position because what they found is that the Department Budget Director's scope of duties is much too broad.

"As to the other concerns about whether we need additional positions. I think much of the testimony stated by Hawaii Business Roundtable and the Chamber of Commerce of Hawaii saying that really, if we expect the Department of Education to act like a business and act like a corporation, we need to ensure that they have the proper support and positions in order to achieve that goal. Thank you."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1865, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Stonebraker voting no.

At 10:12 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2075, HD 1	H.B. No. 2637, HD 1
H.B. No. 2214, HD 1	H.B. No. 2715, HD 1
H.B. No. 2423, HD 1	H.B. No. 1865, HD 1
H.B. No. 2520, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 738-06) recommending that H.B. No. 1889, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1889, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I would like to put written remarks in the Journal, but on the other hand I have one quote that I would like to point out, and this was from a former Ambassador at Nepal. She is now at the Institute for Global Chinese Affairs at the University of Maryland. She has put it in a way I think that can explain the purpose of this bill. She said:

'Hawaii is situated in the middle of the Pacific, understands firsthand that the Atlantic-Pacific economic shift has taken place. Isolated from the political and commercial power centers on the mainland, Hawaii has experienced firsthand American's Eurocentric prejudices. So who better than Hawaii, America's most multiracial and multicultural state, to guide America toward embracing the Pacific, as well as the Atlantic. What Hawaii has to offer is not only its geographic or natural beauty, but more important in the Pacific century, its people who's cultural and value affinities combine the best of the East and West. Hawaii offers a natural intellectual bridge between the cultural forces that border the vast Pacific.'

"She has put in, I think, the mission of the International Affairs Committee and she has stated this very well and therefore that is why our Committee believes it's necessary for the Administration to

reinstate the Office of International Affairs. The rest of my remarks will be in the Journal. Thank you."

Representative Hale's written remarks are as follows:

"Looking back through some of my files, I found a speech given by Julia Chang Bloch in 1988 on Hawaii seizing the initiative to make the twenty-first century, the Pacific Century, Hawaii's century. Ms. Bloch was assistant administrator of the U.S. Agency for International Development and was the head of its Asia and Near East Bureau. She went on to become the United States Ambassador to Nepal and is now Ambassador-in-Residence at the Institute for Global Chinese Affairs at the University of Maryland.

"With the rise of China and the Asia Tigers to join Japan, this new century will belong to the Pacific and not the Atlantic. This is already evident with East Asia being the most productive economic region in the world and its largest creditor, currently sustaining our federal government's massive debt.

"Ms. Bloch stated:

"Hawaii, situated in the middle of the Pacific, understands firsthand that the Atlantic-Pacific economic shift has taken place. Isolated from the political and commercial power centers on the mainland, Hawaii has experienced firsthand America's Eurocentric prejudices. So, who better than Hawaii, America's most multiracial and multicultural state, to guide America toward embracing the Pacific as well as the Atlantic. What Hawaii has to offer is not only its geography or its natural beauty but, more important in the Pacific Century, its people, who's cultural and value affinities combine the best of the East and West. Hawaii offers a natural intellectual bridge between the cultural forces that border the vast Pacific."

"It is for this, although rather grandiloquent reason, that we need to proactively embrace our international destiny, not only because we want to, but because we need to. As for why then we need an Office of International Affairs/Relations, someone gave a great analogy on this floor many years ago. Not having an Office of International Affairs/Relations they said, is like not having a lifeguard on the beach.

"Since the dissolution of the Office of International Relations in 1994 as a cost saving measure, it is true that the Department of Business, Economic Development, and Tourism (DBEDT) has taken responsibility for the former Office's functions. But under DBEDT, our State's international activities have greatly accelerated. Director Theodore Liu stated in my Committee that an Office of International Affairs would help him and his Department carry out our State's international activities more effectively. Unlike the Office of International Relations, the Office of International Affairs will not be attached to the Governor's office, but within DBEDT. The purpose of coalescing international activities under an office with an executive director is for the same reason that there is a tourism liaison in DBEDT. The Department director is only one person that must divide his or her time between all of the department activities. The tourism liaison solely handles the enormous burden of tourism issues that the department director used to handle as a slice of his total available time, thereby increasing the quality of public-private sector communication and coordination. An International Affairs executive director would provide a similar service.

"Perhaps in 1994, the true benefit of the Office of International Relations was not realized. I must say that our State was ahead of its time then, in establishing that office. But now, twelve years later, the effects of so-called globalization have really made us see that we cannot sit complacently and allow the world to overwhelm us. This year, a federalism issue on state sovereignty over procurement practices and the usurpation of it by international trade agreements negotiated by the United States Trade Representative highlights one important reason why we as a state need to invest in our international relations. We need to be more proactive in international trade

agreements that are infringing on state sovereignty more and more. We need to invigorate our sister-state agreements with broader community support and activities. Sister-state agreements are a perfect way to dialogue on and manage intra-border trade impediments in our sister-states to help our Hawaii businesses gain a competitive edge in international commerce. Our sister-state agreements more importantly counteract increasingly provincial sentiments across the globe and at home as globalization leaves people with a lost feeling of identity; an effect that may come to threaten world peace and our State's well being. We need to leverage our natural endowment as an intellectual bridge between East and West.

"I look forward to going to Conference again on this matter and I remain very optimistic about being able to report it out of Conference."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise in support with concerns. This measure establishes the Office of International Affairs within DBEDT to coordinate and promote peace through improved economic, social, cultural, and scientific relations with other countries and its \$200,000 from the general fund.

"Of course with salaries, retirements, health, etc. It's going to be a lot more than that year after year. That's money that could be used for other purposes like tax relief or even to the schools.

"The real concern of this measure is that most of the functions included in this bill are currently coordinated and undertaken by DBEDT. Why are we establishing a new office when they already do it? It's DBEDT and they do it with a streamlined departmental structure with close partnership of other public and private sector organizations. DBEDT has a virtual Office of International Affairs, which includes international initiatives. DBEDT already has overseas offices in Taipei and Beijing, and the need for a new Office of International Affairs is unclear. Thank you."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. We all realize that we live in Hawaii, an island nation in the middle of nowhere. And as much as we say we want to be sufficient, we are far from that. At this time, we are currently a state that relies too much on tourism. And with that we could like to our relationship with other countries. This bill will allow DBEDT to increase their efforts and expand their horizons, as far as our International Affairs Committee is concerned.

"I realized that there's only \$200,000 funded in here, but also on the same measure as the previous speaker said, DBEDT already has some functions that deals with this and it was annotated that this has a virtual office. If you know what a virtual office is, it's one of those that you go to the computer and click on and go search it. We want DBEDT to be more active in pursuing our role as an international state, and we would like their efforts to expand more. I'm not saying that they're not adequate, but I think the office there needs be improved. We at the Legislature should take part in making sure that every effort that needs to be undertaken through expanding the Hawaii center in the State needs to be explored. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1889, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 739-06) recommending that H.B. No. 1891, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1891, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. Thank you, Mr. Speaker, this is in regards to the Special Education Facilities Fund and well, I'm in opposition. Any proposal to provide mandatory revenue diversion of funds bleeds the State's ability to fund priorities and could negatively impact the State's general fund financial plan.

"The other point in this bill is it says that currently, there's \$45 million. That is the minimum amount to be placed in this Fund. If it states that it's the minimum, then I'm sure that we need to raise it or need to adjust it because it already states that that's only the minimum, so I'm sure there's another mechanism that would say how much we can put in there. I also have a concern that the bill states an undetermined amount of GET revenue will be automatically diverted to the special fund for cash funded repair and maintenance of schools. This could mean hundreds of millions of dollars of GET revenues lost from the operating needs of the State. This could be very harmful because of the importance GET revenue serve to the State's overall fiscal health of operating expenses.

"The Act 51 interagency working group. I read some notes that were just basically saying that they weren't sure why we even need this SEFI funds right now and so I'd like to look a little more deeply into that as well. I think that the SEFI Fund should be repealed. The automatic set aside money for this Fund restricts budget flexibility. And one of the main things that this Fund does is it does not lapse. The money that's in it does not lapse and I think that kind of creates a disincentive to get projects done on a timely manner and that's why we have the type of restrictions on time that we do now for our bonds and CIP funds.

"This year the DOE requested all of the R&M and CIP appropriations to be either in SEFI bond funds or SEFI cash funds, and I see that it's an admission that they do lack some capacity which is the very reason that we must continue to appropriate R&M and CIP money in a responsible and reasonable way. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on this measure also. And they're much along the lines as the previous speaker, but the DOE facilities fund gives the Department \$45 million, or in this case it's a blank amount, and spend as high as \$90 million in the past. These are earmarked funds, and they simply have to sit back and wait for the money to flow to them. But what is really frustrating to many of us legislators is that sometimes they're given an additional amount of money, and there still is a balance from the previous year.

"I bring to your attention the fact that in 1991, the State Auditor said that there was no nexus between the user benefits and user charges and recommended that the Fund be repealed, and that educational facilities should be funded through the normal capital improvements process. I think we should re-look at the validity of this Fund and more importantly, the public should recognize that we are attempting to circumvent the general fund expenditure ceiling with this measure, and these types of measures. These funds, once earmarked, will never be charged as expenditures against the general fund spending limit. I think we should look at this very carefully. Thank you."

Representative Stevens rose in support of the measure with reservations, and asked that the remarks of Representatives Finnegan

and Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representatives Finnegan and Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Meyer rose in support of the measure with reservations, and asked that the remarks of Representatives Finnegan and Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose in support of the measure with reservations, and asked that the remarks of Representatives Finnegan and Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Takamine rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support. I guess this is just for clarification, Mr. Speaker. But in listening to the concerns that have been raised by the earlier speakers, I think you will recall that historically this special fund was established because as a policy matter, the Legislature wanted to say very loudly and very clearly, that having a safe and healthy environment to provide maximum opportunity for the most qualified educational experience is a priority in this State.

"We have gone through a whole history from agrarian times, the kind of struggles that immigrants first experienced, and they saw education as the way to allow their children not to have to go through the same struggle and all of that.

"That has been a historical tradition and we recognized it to the point when we saw ceilings falling on children, that was something we should never tolerate. Given that, this fund makes a lot of sense because if, as happened this past year in the last legislative Session, we passed \$95 million for a new courthouse in Kapolei. In less than a year we're told that it's going to cost \$48 million more. So now the Judiciary has to come back here. Unless they get that, there is no way that that structure will be built.

"Similarly, if we look at all of the needs in the DOE and if they had to go through every instance where they have a large project come to a halt because of post-Katrina circumstances, that's something that we cannot control. Yet these are the kinds of mechanisms that were put into place in the past learning from history so we can address those needs that we have considered priority, Mr. Speaker. In light of that, this provides for that function and should be supported. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1891, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 740-06) recommending that H.B. No. 2179, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2179, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Abinsay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, on House Bill Number 2179, HD 2, in strong support. Thank you, Mr. Speaker, and very briefly the purpose of this measure is to establish the Irrigation Repair and

Maintenance Special Fund. This also establishes a tax credit for matching funds provided by the owners who receive funding from this special fund. It also appropriates funds for various irrigation systems and for this special fund, Mr. Speaker.

"Mr. Speaker, I would like to just mention that this measure is indeed very, very important. Last legislative Session, we did pass a measure trying to implement some of the major components of Article XI, Section 3 of our Constitution to conserve and protect agricultural lands. We did that by passing the measure last Session after almost three decades, by identifying important agricultural lands.

"This measure at hand right now is indeed testimony that we as a Legislature recognize the importance of agriculture. When I see that we are pouring millions of dollars to repair our irrigation systems, it is indeed conveying a message to the public that we are indeed in support of the agricultural industry. I'd like to say that maybe the message we're trying to convey here is recognition that we're also giving hope.

"Hope not only for the people who are working so hard out there, the farmers, but hope also for our children. Our children that they will eventually find that we as a Legislature recognize the importance of the agricultural industry. Because of that, I would like to just mention that as we recognize the difficulty of being a farmer, we are also creating opportunities for them to make sure that we do recognize their sacrifices. We do recognize their contributions to our economy. We do recognize the importance of what they're doing. But most importantly, recognizing the future, and the future is about again, conveying to our children that hopefully they will find a way to convey this message, or maybe find a way to have some kind of interaction with their parents who are doing the agricultural work. Who are farmers, but they will find out what's going on and hopefully they will be encouraged to attend school and take up some agricultural subjects.

"So again, Mr. Speaker, in recognition of once again, as we recognize agriculture, we also recognize that without water there's no such thing as agriculture. Thank you."

Representative Kanoho rose in support of the measure and that the remarks of Representative Abinsay be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kawakami rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, on the same measure I'd like to say that I'm in strong support of this measure because it establishes the Irrigation Repair and Maintenance Special Fund. How does it affect Kauai?

"The East Kauai irrigation system plays a very important role in the drainage of the Wailua residential area, as well as the area surrounding the Wailua State Park. One of its ancillary benefits is the ground water recharge to the Wailua State Park Fern Grotto. I'm sure many of you have been there. We must ensure that our vital irrigation systems are fully functional for agriculture and drainage, as their loss will be catastrophic to our State and all of our residents. Thank you very much, Mr. Speaker."

Representative Carroll rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I would like all the words of all the previous speakers on this measure, and also note that the Molokai irrigation system, the farmers on Molokai depend on that system for their economic development. Thank you."

Representative Harbin rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in very strong support of the measure. However as a word of caution, as we all know I'm raising the bar of concern because as we go forward with these wonderful measures of tax credits and SPRBs, while we at the same time are going forward with expanding the definitions of Chapter 104, I am so concerned that the Legislature will taketh what it's giving.

"We could very easily if we continue on this trail of the Chapter 104 expansion, price ourselves right out of the market where these repairs and maintenance improvements cannot be done because of the additional burden on regulations and additional costs of 20% to 30%. I hope that we will eventually come to some type of understanding of how can we do this without increasing cost. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2179, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 741-06) recommending that H.B. No. 2180, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2180, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Waters rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Waters' written remarks are as follows:

"Hawaii is currently experiencing one of the greatest shortages of employees in the construction industry and thus, the demand for qualified construction workers is at an all time high. Notwithstanding the current construction demand for workers, nearly 1,200 jobs per year need to be filled by qualified construction workers.

"In an effort to address the significant shortage of employees in Hawaii's construction industry, the Construction Academy is a partnership among the University of Hawaii Community Colleges, the high schools of the Hawaii State Department of Education, unions, and industry representatives in Hawaii's building and construction industry. The goal is to increase the number of high school graduates entering careers related to the industry by establishing a Construction Academy that teaches multiple disciplines in a small learning community environment, including, the integration of technical skills training with the related areas of math, reading, and job readiness/employability skills, and to articulate said training with certificate and degree programs at the community college, thereby allowing students to earn dual credit for Construction Academy classes taken in high school."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2180, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 742-06) recommending that H.B. No. 2277, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2277, HD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 743-06) recommending that H.B. No. 2540, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2540, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 744-06) recommending that H.B. No. 2625, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2625, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM STATE LAWS," passed Third Reading by a vote of 51 ayes.

At 10:30 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1889, HD 1	H.B. No. 2277, HD 2
H.B. No. 1891, HD 2	H.B. No. 2540, HD 2
H.B. No. 2179, HD 2	H.B. No. 2625, HD 1
H.B. No. 2180, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 745-06) recommending that H.B. No. 2947, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2947, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, rising in opposition. Thank you, Mr. Speaker, I believe Section 5 of this bill violates the State Constitution. The requirement there is that the allotment to the counties must be timely, fully and completely released to the counties before the Governor can release any moneys to the Department of Labor. And also, it takes appropriations from Reed Act funds, and this operates as a legislative intrusion into the Department's executive decision-making power.

"Secondly there is another problem with this bill. Section 3 of the bill repeals an Act that does not exist, and this is based on an Attorney General's opinion. February 27, 2006. He stated that the needed problem with this bill is that last Session, Senate Bill No. 813, was vetoed by the Governor. The proclamation contained a clerical error that the Attorney General's office concluded in opinion number 0502 did not affect the validity of the veto. Thus it is the Attorney General's opinion that Senate Bill No. 813 was vetoed and did not become law even though it was assigned an Act number, Act 249, and printed in the Session Laws. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2947, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Finnegan, Meyer, Moses and Stevens voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 746-06) recommending that H.B. No. 3068, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3068, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. With the drastic increase in urban development in Central and Leeward Oahu, valuable agricultural lands must be protected. The Kunia agriculture lands bounded by Farrington Highway to the South, Kipapa Gulch and Kamehameha Highway to the East, Wheeler Airforce Base and Schofield Barracks to the North, and Makakilo Drive, the Makakilo residential urban district, and the Honouliuli forest reserve to the West is considered to be one of the best, if not the best agricultural lands in the State.

"House Bill 3068 would establish the Kunia Special Agricultural District (District) and require the Agribusiness Development Corporation (ADC) to acquire public and private lands within the District for the development of agricultural projects and project facilities. The measure appropriates funds into the Hawaii Agricultural Development Revolving Fund to enable ADC to carry out this mission. Lastly, there is a low interest loan program in this bill to help entrepreneurs in the agricultural industry."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm rising with reservations. A great deal of the original bill contained part of my district. It has deleted that in the current version, but it did contain a great amount of territory of my district. Even though that's removed now, there's just no discussion so far, it needs further discussion and examination of what the exact boundaries would be. But there's no specific boundaries designated in the current draft of this bill, and I just want to point out that to date, nobody in this Body has talked to me about this measure. Thank you."

Representative Karamatsu rose to respond, stating:

"Mr. Speaker. Just want to clarify, in support. The original boundaries were stated in the first draft of the bill, the original bill. That was removed for further discussion. The Attorney General has agreed to the original boundaries as stated in the first bill; the original draft."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3068, HD 3, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 747-06) recommending that H.B. No. 3154, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3154, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Evans voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 748-06) recommending that H.B. No. 861, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 861, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support of 748. I just wanted to thank my colleagues for allowing this bill to have a very slow process to being passed, but I think bills such as these will send a very resounding message to the small business community that we in fact are friendly to them. This will bring parity with the regular C Corporations when it comes to workers' comp for owners. So I beg you all to vote so that we can have a positive measure go forward."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 861, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 749-06) recommending that H.B. No. 1899, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1899, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in favor of this measure. It will require all minors to wear helmets when riding mopeds. I first introduced a similar bill in 1995 that required helmet use for all motorcycles, motor scooters, and moped riders, but it failed to make it into legislation. It died again in 1997, so I began to support a modified version, which required only minors to wear helmets while riding two-wheel vehicles.

"Unfortunately each year it was introduced it never made it out of Committee, but this year it looks like it's moving out. Often it takes years to implant a concept and mandatory helmet use is one of those ideas.

"It's controversial, it's one reason why it has not been immediately accepted, but it's important and one day it will work its way into legislation. From my years at the Legislature, I know that it's easy to kill a bill, but it's impossible to kill an idea. Helmet use is an important issue. It is a health and safety issue. It is a health and insurance cost issue. It is a rational issue.

"Helmets are important despite those who claim the opposite. If not, why do 20 states and the District of Columbia have mandatory helmet laws covering all riders. If helmets are not an important safety device, why do race car drivers, pilots, skiers, football players, baseball players, hockey players, lacrosse players all wear helmets? Any player's union like the NFLPA, National Football League Players Association, would be outraged if it were not required. While moped driving may not be a sport, one can assume that a teenager riding a moped at 30 miles per hour with larger and faster vehicles on the road runs an inherent risk for head injury.

"In the late 1990s, Kentucky and Louisiana repealed their universal motorcycle helmet laws. Statewide survey showed that helmet use decreased from nearly full compliance to the 50% range when they did not have the law. The rate of motorcycle fatalities per 10,000 registered motorcycles increased by 37% in Kentucky, and 75% in Louisiana. Injuries also increased. Experience in Kentucky and Louisiana reflects the same experience in Arkansas, Florida, and Texas and other states that repealed universal laws, leaving little doubt that no helmets result in more death and injuries.

"So while we at the Legislature may not be the NFLPA and our teenagers may not be our football players, we are the advocates for our people and we must insist on their safety. Mahalo."

Representative Lee rose in support of the measure and asked that the remarks of Representative Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure and asked that the remarks of Representative Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I have some reservations on this measure. I really believe that it's the parents who should decide whether their children should wear helmets and not the Legislature.

"We can pass all the laws we want and we do. We have you know hundreds on the books but the police are already unable to enforce the helmet for kids on bicycles and this just creates another area where we're asking them to do something more. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1899, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 750-06) recommending that H.B. No. 1939, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1939, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 751-06) recommending that H.B. No. 1982, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1982, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative B. Oshiro's written remarks are as follows:

"For twenty-two years now, Hawaii's residents have been proud to call the little, eccentric, pug-nosed fish with the ridiculously long name our State fish. It has proudly represented our great state along with the *kukui*, our State tree, the yellow hibiscus, our State flower, the *nene*, our State bird, and the humpback whale, our State mammal. It is only fitting that we allow the *humuhumunukunuaapua*'a to take its rightful place as State fish, and allow it the permanence it deserves.

"When Joel and Dane Itomura came to me with the question, "Why isn't the *humuhumu* our State fish anymore?" I thought they were joking. But they weren't, and it was their aspiration to see that their favorite fish be reinstated. These two little boys did their research, wrote testimony, and even came to the Capitol to testify before the Committee on Judiciary. Their resolve and commitment to this piece of legislation has been wonderful, and I hope that my fellow Members of the House of Representatives will join me in supporting this important bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1982, HD 2, entitled:

"A BILL FOR AN ACT RELATING TO THE STATE FISH," passed Third Reading by a vote of 51 ayes.

At 10:40 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2947, HD 2	H.B. No. 1899, HD 1
H.B. No. 3068, HD 3	H.B. No. 1939, HD 2
H.B. No. 3154, HD 2	H.B. No. 1982, HD 2
H.B. No. 861, HD 2	

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 752-06) recommending that H.B. No. 2057, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2057, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla, Marumoto and Yamane being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 753-06) recommending that H.B. No. 2397, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2397, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. This bill clarifies the responsibility for cleaning up and removal of grounded vessels. In my experience, grounded vessels also have a 'golden hour'. The sooner action is taken to remove them, the less chance of pollution to the environment, and the potential damage to the vessel is lessened if it's removed from its grounded position very quickly.

"I would also like to note that the Senate has a similar version of this bill that also includes a 'Good Samaritan' provision. This provision protects boaters who offer immediate assistance to a grounded vessel from liability, and as this bill hopefully makes it to Conference, I would like to see maybe a similar provision added to it, but I really appreciate this bill passing out of our House today. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2397, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla, Marumoto and Yamane being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 754-06) recommending that H.B. No. 2422, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2422, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla, Marumoto and Yamane being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 755-06) recommending that H.B. No. 2708, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2708, HD 2, entitled: "A BILL FOR AN

ACT RELATING TO ADVERTISING," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla, Marumoto and Yamane being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 756-06) recommending that H.B. No. 1955, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1955, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla, Marumoto and Yamane being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 757-06) recommending that H.B. No. 2343, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2343, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla, Marumoto and Yamane being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 758-06) recommending that H.B. No. 2639, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2639, HD 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," passed Third Reading by a vote of 48 ayes, with Representatives Cabanilla, Marumoto and Yamane being excused.

At 10:41 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2057, HD 2	H.B. No. 1955, HD 1
H.B. No. 2397, HD 1	H.B. No. 2343, HD 1
H.B. No. 2422, HD 1	H.B. No. 2639, HD 2
H.B. No. 2708, HD 2	

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 759-06) recommending that H.B. No. 2857, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2857, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support of House Bill 2857. Thank you. This bill seeks to expand protection of the 38,000 historical properties in our State by establishing civil and administrative penalties for intentional violations of an approved mitigation plan for any historic property, aviation artifact, or burial site located on private property.

"In the past, DLNR did not have administrative tools needed to impose financial penalties against individuals who destroy historical properties they agreed to preserve. By authorizing the Department to seek up to \$10,000 in administrative and civil penalties against any individual who knowingly violates approved mitigation plans, this bill is the solution.

"Increased developments statewide warrants this bill, and insures that our future generations have access to the historical and cultural sites that our communities treasure and make Hawaii so unique. I ask my colleagues to support this important measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2857, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 760-06) recommending that H.B. No. 2885, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2885, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure with reservations, stating:

"On 760, I am in strong support, however I have some reservations and I hope that it can be improved some. The bill before us is a way to ensure that children will have no access to pornographic materials, if they happen to be dragged in there with their parents into these stores.

"About 10 years ago, Suzie's, or Suzie Q I believe, an adult entertainment store opened up in Waipahu right on central Farrington Highway. I haven't been there, but ... No really, I haven't. But I can imagine that if parents were to take their kids in there, all this bill says is that the establishment will put or segregate the items out into a separate area.

"Well if it's segregated and curtained off, that just provides a private viewing place for children. It should actually say that the establishment shall not allow 18 and under into that particular section. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2885, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT ENTERTAINMENT PRODUCTS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 761-06) recommending that H.B. No. 2968, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2968, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST RATES," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 762-06) recommending that H.B. No. 3257, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Third Reading by a vote of 51 ayes.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 763-06) recommending that H.B. No. 1417, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.B. No. 1417, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Thank you Mr. Speaker. Mr. Speaker, I rise in support of House Bill 1417.

"Mr. Speaker, this bill will serve to mitigate frivolous claims, and help to improve the professional liability insurance against design professionals. It will assist in providing fairness, equity and justice in our legal system with regard to design professionals. As a case in point, a few years ago, a firm was dragged into a slip and fall claim at a local public facility. As a result of this claim, the firm spent a great deal of time and money to defend its position, and after a great deal of litigation was released from the claim. From a common sense viewpoint, it was strange that a structural engineering firm was named in the claim that had no merit. To the structural engineering firm it was a claim of slip and fall.

"Mr. Speaker, design professionals in both the public and private sectors are regularly faced with lawsuits for injury and damages resulting from facilities which were constructed from plans bearing their signatures. In the vast majority of cases, the professionals have made no error or omission that could be traced to their responsibility for the injury or damage claimed.

"Acceptance of House Bill 1417, will provide quality control of frivolous claims against design professionals, and increase professional liability and integrity. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1417, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DESIGN PROFESSIONALS," passed Third Reading by a vote of 51 ayes.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 764-06) recommending that H.B. No. 2192, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2192, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill will amend Hawaii laws concerning narcotics prescriptions to be consistent with federal law by making several clarifications to Chapter 329. The bill is quite technical in nature, but in essence it will clarify how prescriptions for narcotics must be written by physicians, and how they are transmitted to and filled by pharmacists.

"As it stands now, there are times when verbal instructions are given to pharmacists by State officials after pharmacists raise questions about particular narcotics prescriptions. In our litigious culture, pharmacists are increasingly concerned about liability that could result should the prescription process be abused when a pharmacist was following verbal instructions in good faith. I'm quick to acknowledge the fact that narcotics prescriptions are vulnerable to abuse, so the pharmacists' concerns about properly filling these prescriptions have merit.

"However, it's also important to remember that when there is confusion during the filling of a narcotic prescription and a pharmacist chooses to be cautious that the net result is a patient, who may be in great pain, will be unable to have his or her narcotic prescription filled. This unfilled prescription situation is precisely what the bill before us would seek to remedy.

"I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2192, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 765-06) recommending that H.B. No. 1860, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1860, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. Mr. Speaker, I voted in favor of this measure in the Education Committee, and since then it's just kind of sat with me and I just didn't feel right about it. It's because of the whole Act 51 and trying to get money to the school level. I really hate to make this hardline like, nothing for DOE, but I really do believe that if we are going to try and push, trying to let go of some of the programs that we force DOE and these schools to have, to let go some of the categorical funds so that they have the flexibility to do what they need at the school level, and to really embrace the Weighted Student Formula for what it is, and allowing the central bureaucracy or the central level to basically provide the needs that are priorities for the school level, then we need to say no to things like these.

"I believe the website and the maintenance and the upgrading of the website for the Department of Education are extremely important, and that's why I voted yes originally. But what this does is it says, I'm making the decision, that this more important than something that they could have at the school level, and I'm not sure. Why don't we let that be the deciding of how the schools decide on how to spend this kind of money?

"If it means even \$10 or \$100 that a school needs to give up or use to pay for website services then so be it, but let them decide because they could have used that \$100 for, I don't know, some kind of school supplies or something that they think that is more important at the school level.

"I hate to make these hardline choices on these types of things, but I also do need to, I do need at this point to stand up for them and say that we need to be moving in the opposite direction. A direction that gives them more empowerment and more authority to say what their priorities are at the school level. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support. There seems to be a misunderstanding about what exactly this bill does. You know, Mr. Speaker, if you were to look at the corporate world, take First Hawaiian Bank with their many branches, or Longs Drug Stores. I suppose each branch or each store could come up with their own website and people could access that and so on, but I suspect it's far better and far more efficient if the corporate body has a website that anyone can access and get information about any individual store or branch.

"This is no different. I don't know if any of you have been to the Department of Education's website. On one hand it's okay, but what this bill would do is provide additional resources so that they'll be able to aggregate data, dis-aggregate data, and provide that to the greater community. If you want to know what's going on at Hookena Elementary School on Big Island, or Mauna Loa on Molokai or Nanaikapono on the Leeward coast, you can, and should be able to, access that information in a very easy and transparent way.

"I am just puzzled. Again, when we talk about, 'let's put all the money into the classroom, into the individual school', without the realization that it does take a certain amount of coordination and that coordination has to come from so-called, fat, bloated, top-down autocratic, bureaucratic bureaucracy. Thank you, Mr. Speaker."

Representative Herkes rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker, I ask for your ruling on a potential conflict. My wife works for the company that does the fact track," and the Chair ruled, "no conflict."

Representative Finnegan rose to respond, stating:

"Yes, Mr. Speaker, I would like to say that, a lot of these things I do agree with the former speaker, our Chair of Education. The only problem that I have with this is that yes, they shouldn't be making, the Department shouldn't be making their arguments to us. They should be making these arguments that they need this coordinated system with the schools, and when they understand where this money is being spent, they would more appreciate what they're given as well.

"I'm not saying that we shouldn't have this done. I'm just saying, 'Who do we ask?' That's all. And we should be asking the school is this a priority for them."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1860, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Cabanilla and Finnegan voting no.

At 10:50 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2857, HD 1	H.B. No. 1417, HD 1
H.B. No. 2885, HD 2	H.B. No. 2192, HD 2
H.B. No. 2968, HD 1	H.B. No. 1860, HD 1
H.B. No. 3257, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 766-06) recommending that H.B. No. 2147, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2147, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DROUGHT MITIGATING WATER STORAGE FACILITIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 767-06) recommending that H.B. No. 2421, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2421, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERFORMING ARTS BUSINESSES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 768-06) recommending that H.B. No. 2587, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2587, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I vote with reservations on this one. This draft is a great improvement from what left our Committee. My concern is that we are still focusing in on ways to make the fishing supplies, increase our fish population. We're so focusing on strategies that have to do with fishing, and we're not talking about our activities in the waters as well, that impact like feeding fish that tour companies go in and feed the fish wheat bread and lettuce and cause the illness of fish.

"So I would hope that when this comes back, that we will look more deliberately about those kind of details. There are some phrases here in the bill that indicate that the Chair and the Committee did hear from the community that having Hawaiian traditional strategies as a means of assessment, as well as measurement should be integrated. I'm hopeful that when the DLNR reads this that they will look at the variety of methodology, not as many different majority culture strategies, but also from the existing practices that we have here in Hawaii. Thank you."

Representative Green rose in support of the measure with reservations, and asked that the remarks of Representative Berg be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. Mr. Speaker and Members, for the past five years we've been trying to pass legislation which would statutorily encompass a policy in our statutes to comply with the State Constitution and that would be to establish statutorily, marine managed areas through a community-based management process. Your Committee on Water, Land and Ocean Resources did conduct 13 public hearings throughout the State receiving much support for the concept, and there was also vehement opposition from the fishing community.

"Primarily because while the concept of community-based management seemed fine, it appears that the ten marine managed areas established, the ten marine life conservation districts established which represents fishing 'no take' areas, except in the two instances where fishing by pole line is permitted, that the establishment of 'no take' areas, albeit through the community-based management process, resulted in 'no take' despite severe objections from the fishing community.

"So while it seemed appropriate that we should statutorily provide for this policy, to read the Constitution, in reality it has amounted to closures without full consideration of the fishing community, which ultimately ended up with the efforts in the five previous years that the bill would not pass.

"So this at best represents the compromise between another bill, which would have prohibited the establishment of marine managed areas even through the current rule making process. Even with this bill, the Department through its Aquatic Division can still establish marine managed areas including marine life conservation districts through rulemaking process.

"This is a compromise bill, 'middle of the road' approach to help the Department to increase fishing and our depleting fish population by providing funding for additional enforcement which was

promoted by both sides of the fence, as well as to look at measures such as establishing artificial reefs or fishing aggregating devices, addressing non-point source pollution, or invasive species to provide the Department with the necessary resources to accomplish these things so that we can for now and the future, increase our fish population. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2587, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MARINE RESOURCES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 769-06) recommending that H.B. No. 2761, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2761, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST MAUI LAND AND PINEAPPLE COMPANY, INC," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 770-06) recommending that H.B. No. 2806, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2806, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in support for Stand. Com. 770. Mr. Speaker, as a member of the taskforce regarding sustainability, I stand up in support regarding appropriation of funds for this measure.

"Basically the appropriation would give money to the Auditor to carry out some of the plans and ideas that were a result of this taskforce. It's not just data gathering, Mr. Speaker. The intent is to gather information from the wide variety of resources in every county and then give something back to the communities to have a long sustaining plan. This is for our future. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2806, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 771-06) recommending that H.B. No. 2925, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2925, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 51 ayes.

At 10:56 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2147, HD 1	H.B. No. 2761, HD 1
H.B. No. 2421, HD 2	H.B. No. 2806, HD 1
H.B. No. 2587, HD 2	H.B. No. 2925, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 772-06) recommending that H.B. No. 2987, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2987, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"I also stand in strong support. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in strong support. This bill would issue a special purpose revenue bond for your alma mater, Saint Louis. I'm just concerned with some of the other bills that we're considering that if we consider SPRBs as projects that must pay prevailing wages, I hope that this project will work for Saint Louis. Thank you."

Representative Lee rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to declare a possible conflict. My husband is a graduate of Saint Louis," and the Chair ruled, "no conflict."

Representative Kahikina rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. In strong support and a possible conflict. My son, Kanoe is a Junior at Saint Louis," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2987, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 773-06) recommending that H.B. No. 3142, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3142, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I speak in strong support of HB 3142. I just want to highlight this bill because I think many people may not realize the crisis, the impending crisis that we have in trauma care. I think a lot of Members noticed at the very beginning, there were a lot of bills on emergency care and providing access to emergency care, but the question is, 'Where they end up?' They end up in emergency rooms. They end up in our trauma center. And the fact is we only have one trauma center in the State of Hawaii, and in fact in the whole Pacific region, there is only one trauma center. And unlike other states we can't go to neighboring states to access that care. Neither can we import specialists from other states to come and provide care.

"So the question is, 'Do we want to live knowing that Hawaii has less than quality care? Less than our best in the trauma center where the care is most critical?'"

"And it's not just for Queen's. I know some people may think we're trying to provide funding for Queen's and their trauma center, but actually we need to fund a whole system of trauma care

throughout the State. There are plans for another trauma center on Maui and possibly on the Big Island as well.

"The important thing is access. The important thing is providing specialists care, physicians who are on-call who can provide trauma service. And also providing the right kind of equipment so that the right kind of diagnosis and treatment can be made. The problem that we want you to know is that the reimbursement that are now provided are not enough to provide compensation for the kind of critical care that is needed.

"So I want to urge everyone to read the reports that were provided during the interim by LRB and by the physicians about what needs to be done for our trauma system. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure, stating:

"Just slight remarks in support on SCR 773. And I noted earlier talking about the trauma reports and everything; I just hope that as we move forward that we're looking at this as a plan. That we're planning it well and that we fund the priorities so we can maintain trauma care for not only this island, but all islands. Thank you. I was speaking in support, Mr. Speaker."

Representative Caldwell rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. I would just like to disclose another potential conflict. Again, my wife serves on the board of the Queen's Health Systems and they have the highest level of trauma care in the State. I think this bill is designed to help them along with the other trauma centers, and the Chair ruled, "no conflict."

Representative Marumoto rose to disclose a potential conflict of interest, stating:

"A ruling on potential conflict. I have a son who does a lot of surgery at Queen's," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3142, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Evans voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 774-06) recommending that H.B. No. 3258, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3258, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 776-06) recommending that H.B. No. 2796, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 777-06) recommending that H.B. No. 1884, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1884, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Shimabukuro rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"I speak as the representative of the district in which Hoa 'Aina Farm and its learning center are located. But even more, I speak for the thousands of students and their teachers who, over the years, have come from all around the Island of Oahu to Makaha, where they have availed themselves of a unique and proven educational resource. By all reports, the lessons learned about plants, animals, nutrition – and, above all, respect for the 'aina – are carried over into their daily classroom work and leave life-long impressions. Their contact with farm director, Gigi Cocquio, and his dedicated staff gives a first-hand experience of aloha that they will never forget.

"In this "classroom without walls," a resource teacher paid by the DOE has provided standards-based instruction to students from dozens of schools in four DOE districts. Although the center is immediately adjacent to Makaha Elementary School, and shares common curricular interests with the school, it operates independently from the school. I emphasize this to show that HB 1884 is not a special-interest measure for a single school that happens to be in my district. This bill is about saving one position with system-wide implications that go far beyond Makaha and the Wai'anae Coast.

"One might ask why this teaching position, if it is so important, is being denied continued funding by the DOE. In speaking with school and Department administrators, I have learned that there is no single answer. But I do know that it definitely has something to do with the Weighted Student Formula, and the impact the formula has had on district-level resource teacher positions that are now unavailable to Makaha Elementary and other schools throughout the system.

"I, along with most of my colleagues in the House, have supported the WSF as a means of bringing a more equitable distribution of resources throughout the system. As theory gets translated into practice, however, it turns out that some schools, mainly our smaller, rural schools, where teacher turnover is higher, are getting short-changed. One school in my district has a young teaching staff where the majority does not come close to earning the average WSF teacher salary of \$67,000. Yet the school is required to purchase positions based on this average salary, preventing the school from budgeting for other critical needs. Maybe what we need in addition to the WSF is a weighted teacher formula that will ease the budgetary burdens of impacted schools.

"Until reforms are made, it is unfortunately necessary, I believe, that we pass measures such as HB 1884 to rescue programs that will otherwise be lost. I urge all my colleagues to support this bill and give continued life to a valuable and enriching program."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. Mr. Speaker, this is very tough for me, as you may or may not know. This is where I grew up. I went to Makaha Elementary and I'm not sure how Hoa Aina O Makaha is connected to Makaha Elementary School. But the reason why I have to vote no is because what we're trying to accomplish, and I understand that the DOE is also wanting to do this. It is not to protect programs, they're trying not to protect programs and try to lessen the categorical funds so that we can have more funds going through the Weighted Student Formula.

"With more funds through the Weighted Student Formula we will be able to have these schools prioritize what they need for their schools and maybe in conjunction with other schools, be able to pull some money together to get positions to have programs like this. But if we continue to create more programs and have these type of favored schools, or favored programs, or categorical funds, then what happens is we start to diminish our want to get those others ones. Those other categories. Those other programs out from being protected.

"Like I said, I apologize to Hoa Aina O Makaha, because this is not something that I want to vote no for, but for the bigger picture, we have to stay on course and we have to get these things like the categorical funds and these programs out from being protected. Thank you."

Representative Shimabukuro rose to respond, stating:

"I'm sorry, may I speak a brief rebuttal? Mr. Speaker, last week HSTA held a meeting at the Capitol regarding the difficulty rural schools are experiencing under this Weighted Student Formula. One of the well-recognized problems that was discussed is the difficulty that rural schools have in recruiting and retaining teachers, and this problem has plagued the Wai'anae coast for many, many years.

"The principals in my district inform me of their dismay at losing six mentors and several resource teachers in the Leeward District due to the reforms. Mentor teachers provide critical training and support services to new teachers and resource teachers, and fill needs very specific to the schools.

"One such resource teacher is the subject of this bill and this teacher services schools throughout the islands who visit Hoa Aina Farms, Makaha Farms, on field trips. Mr. Speaker, this teacher's loss means much of the farm's operations and statewide field trips will cease. Rural farming communities such as Wai'anae desperately need instruction in agriculture and hands on learning.

"I stand with the principals in my district and HSTA to urge that the Weighted Student Formula be amended to account for the unique needs of rural schools, especially the high teacher turnover. This bill is a very necessary measure towards addressing that need. And Mr. Speaker, I also have additional written comments."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker, just a quick comment still in opposition. What's happening in this situation is exactly what I'm trying to avoid, which is replacing one position and not doing it for Molokai or some of these other rural areas where they're losing teachers and principals just the same.

"What we're doing is we're singling out, and all of us, we're all saying by voting on this bill that we rather have that one than the one over in Molokai, or the one over in Lanai, or the one over in Kauai, or whatever positions that are out there that are being lost. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1884, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Finnegan voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 778-06) recommending that H.B. No. 2713, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2713, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, 778 is Relating to Special Purpose Revenue Bonds for Kawaiahao School. It's a kindergarten school over there. I'm in strong support of that. My only concern is some of the bills we have moving forward that would force Kawaiahao School, when they put that bid out to contract, to pay prevailing wages which very well might make the project unviable. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I am strongly in favor of this measure, but have similar concerns to the Minority Floor Leader. We have repeatedly mentioned that the prevailing wage law will increase cost, and this is magnified. It's exacerbated when the projects are small which this Kawaiahao School project is. It's only \$6 million. It is less apparent when the construction projects are you know, \$50 million, \$75 million, but we want to help small school projects like Kawaiahao and Saint Louis. And if so, we should not saddle them with the Little Davis Bacon prevailing wage law. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2713, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR KAWAIAHAO SCHOOL," passed Third Reading by a vote of 51 ayes.

At 11:07 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2987, HD 1	H.B. No. 2796, HD 1
H.B. No. 3142, HD 2	H.B. No. 1884, HD 1
H.B. No. 3258, HD 2	H.B. No. 2713, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 779-06) recommending that H.B. No. 2759, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2759, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 780-06) recommending that H.B. No. 2767, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2767, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 781-06) recommending that H.B. No. 2774, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2774, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 782-06) recommending that H.B. No. 2848, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2848, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 783-06) recommending that H.B. No. 2877, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2877, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm going to be voting with very strong reservations. Unless we as a Body really get down and understand what we are doing with the gas pricing, the gas cap in the State of Hawaii, I think it's rather premature that we're talking about waiving gross excise taxes.

"Until we get some type of understanding of the devious ways that the oil companies do their pricing, it's very difficult for us to find out whether or not, all of a sudden that decrease will suddenly go into their coffers of profits.

"So until we come to an agreement, whether we're going to cap them, run them, understand their transparency, or find out what it is that they're doing, I can't support totally a measure that gives them a crack at another 2 cents. Thank you."

Representative Pine rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, this is a tax cut I definitely can support. When we combine the taxes on gas with the City and State and the federal government, having residents pay the highest gas taxes or among the highest gas taxes in the nation, so this definitely will decrease the cost of gasoline for Hawaii residents."

Representative Morita rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I rise in opposition to this measure. Whatever savings accrued from a reduction taxes are not necessarily guaranteed to the consumer. Also one of my great concerns is that we don't know the fiscal impact of such a move. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I wish to speak in favor of this measure. Some years ago when the State was in dire financial needs, the excise tax was passed by this Body here – not this same Body of course. A Body a number of years ago I believe, when I was the Finance Chairman.

"The reason we did it was that simply the State was running short of funds. The excise tax doesn't go into the State Highway Fund. It goes into the general fund. Right now we seem to have a surplus, and I think it's the right time to repeal the excise tax on gasoline. I think this will help to sever our reputation that we have one of the highest gas taxes in the nation. Also it doesn't belong there where it is right now. I believe this is the right time, Mr. Speaker. Thank you very much."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"With strong reservations and the words of the Chair of EEP be included into the Journal as my own. Mr. Speaker, I'm very

concerned that this particular measure does not have the fiscal impact study on it. There's no indication of what is going to cost the Hawaii taxpayers.

"The Speaker Emeritus said that yes, this money does not go into the Highway Fund. It goes into the general fund. That's even scarier. We have a lot of programs moving, a lot of programs maybe for the poor. A lot of measures that will help people who are in need of health care, housing, etc. That's where we want to focus any tax breaks. I'm not sure if I am clear on why we are giving tax breaks to the, I believe this is a tax break for the well-to-do. Thank you."

Representative Finnegan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"The purpose of this bill is to provide assistance to the people of Hawaii by suspending the collection of the general excise tax on motor vehicle gasoline for two years. Tax relief is sorely needed by the Hawaii taxpayer. I would like to see tax relief that starts with the taxing of food and medical care. Continuing a tax on these fundamental necessities is cruel and wrong, especially because of the impact on low income workers.

"Originally the idea of placing an excise tax on food and medical care was designed to tax the visitors coming to Hawaii. The resident population was given a tax credit so that the net impact would be neutral. However, the succeeding Legislatures rescinded the tax credit to place the full burden of the excise tax upon Hawaii residents."

Representative Lee rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I stand in support with strong reservations. I really rather see this money go into increasing the number of buses on the road. In a sense, this measure rewards people who drive cars. Either big cars or poor fuel-efficient cars, and I think it would be a much better idea to put this back into solving some of our traffic problems. Thank you."

Representative Stonebraker rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. It's very surprising in a year with so much surplus to see so few tax breaks and tax decreases. And then when something like this that's just pennies for the drivers on the roads, to see such kicking and screaming from some people. That this is terrible that we're cutting taxes. It's just hilarious. I wish the public could watch this."

The Chair interjected, stating:

"Representative Stonebraker, I think the public is watching this today."

Representative Stonebraker continued, stating:

"I hope they are because gas taxes and gas prices and the gas cap have been such hot issue over the past couple of years, and to directly lower the price of gas not for the well-to-do, but for everybody. Anybody who drives, for goodness sake. Let's just pass a little tax break for some of the drivers in Hawaii. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. I would like the words of the Representative from Hawaii Kai inserted in the Journal as if they were my own. And I think that this is the least we could do. The drivers have paid over \$55 million more than they should

have since the beginning of the gas cap. This begins to give a little something back and I'm in strong support. Thank you."

Representative Yamashita rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, a ruling on a potential conflict. I'm a part owner of a gas station," and the Chair ruled, "no conflict."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in support of this measure. Thank you. I would like the words of the speaker from Maui, the Transportation Chairman entered into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Takai continued, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I did some research on this and asked the Tax Department, and in fact the Department of Budget and Finance, for an analysis of this, and the truth is they can't come out with it because the way the GET is for gas stations. The way the GET works, it's a total tax across all of their income derived from not only gas, but also many of them are going into convenience stores and selling drinks and food and other items. But to me it doesn't matter, Mr. Speaker, because what we're saying here in this bill is we're getting rid of the GET on gas and it's not only pennies.

"In fact if you take a look at gas, for a gallon costing about \$2.50 that's actually 10 cents. That's pretty significant and I think in light of the challenges we faced over the past few months in regards to gasoline cost, I think this is a step in the right direction. I would like to urge my colleagues to support this measure. Thank you."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I rise in strong opposition to this bill. Thank you. What we're talking about here in our Legislature is fiduciary responsibility to use taxes as investments in our future and improving the quality of life.

"My concern is that we're not talking about other taxes as well. Yes we are both sides of the aisle if you will. If taxes are an investment then what we really need to be talking about as an efficient government, a responsible government, is coherent tax plan. I'm really deeply concerned that as we have a philosophy that the least we can do is cut this particular tax, what are we doing more deliberately to look at curbing the gated communities. The building of gated communities. Lessening our 90% dependence on the food source supplies and imported goods and lessening our dependence on imported fossil fuels.

"We have lots of bills that are working toward these areas and what I would caution us is if this is pennies, or even if it's not pennies, that we need to be very deliberate with all of our tax cuts or all of our measures that want to reduce any of the taxes that we think would help us have a better quality of life. Thank you."

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. I wasn't going to say anything, but this is as we heard from the Vice Speaker 10 cents a gallon. So that's 20 cents a gallon for the average family in Hawaii because you have two working people, two cars going to work to different places, so it's 20 cents a gallon. Add that up, and maybe it will help them put food on the table and that's a reason why we should eliminate the GET on the food too. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2877, HD 1, entitled:

"A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Berg and Morita voting no, and Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 784-06) recommending that H.B. No. 2930, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2930, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Shimabukuro rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"I support HB 2930, which appropriates funds for a pilot project to establish designated areas in public parks for using plants and trees for Hawaiian traditional and customary gathering practices.

"As representative of a district in which Hawaiian practices are widely taught and cherished, I am pleased that the project will be tested in Wai'anae. But I am even more excited at the prospect of the project being duplicated throughout all islands. If this bill receives proper funding, there is no reason that this cannot happen.

"I have followed carefully the almost unanimous testimony offered in support of this bill as it made its way through two House Committees. From agencies, such as OHA, and from interested individuals, I sensed great enthusiasm for this project, which would give greater access to the cultural resources of our islands.

"It would especially help our young people to experience in a tangible way their own cultural roots. One of my constituents, a respected *kupuna* in the community, spoke movingly of these 'outdoor classrooms' that would enable our *keiki* to learn from knowledgeable practitioners.

"The Department of Land and Natural Resources, in its testimony, expressed appreciation for the concept. At this same time, it expressed certain reservations based on a false perception that the project would be restricted to 'only those of Hawaiian ancestry.' This was certainly not the intent of the bill, and nothing in the title or body of the bill would indicate such restrictions. In checking with our Majority Staff Office, the drafting agency for the bill, I was given a legal opinion that the only thing 'Hawaiian' about the bill is the practices indicated. Nowhere in the language is it indicated or inferred that the pilot project is restricted to Native Hawaiian people.

"I urge all of my colleagues to join with me in supporting a modest, but creative, project with enormous possibilities."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise with reservations on this measure. I'm all for the gathering rights and I'll explain that here. The bill proposes DLNR to cord-in special boundary areas within State public parks in the Waianae area to designate them for Hawaiian gathering practices for growing plants and trees.

"Well I support Hawaiians' rights to practice traditional gathering practices. As written the bill does not take into consideration the following legal and geographical concerns. There are limited State parks in Waianae area. There is only Makua and Kaena Point State Park. Due to the restrictive land use associated with Natural Area Reserves, the proposed project could not be implemented at Kaena.

"Considering the dry climate and social conditions in the Waianae area, there are areas that are more suitable for planting and gathering.

A good example would be Malaekahana State Park with numerous many coconuts because DLNR refrains from harvesting tress in low traffic areas within the park.

"After speaking to a DLNR division head we know there are public lands available *mauka* of Waianae that could be used, however irrigation and an archeological survey would be required prior to planting. Due to DLNR's mandate to protect Hawaii's resources and maintain access to a general public, DLNR is unable to cord-in an enclosed area designated for the exclusive use by Hawaiians.

"The existing free permitting process for gathering plants in our State park was established to: a) monitor whose going into a park to gather; b) how much they are taking; and c) when they accessed the area. Through this permitting process DLNR is able to manage and preserve our natural resources. Exempting one group from following this process sets a bad precedent and makes current rules unenforceable.

"Stewardship of the land is the main impetus of this bill and sets up a pilot project. Educating the Waianae community on the traditional gathering practices of Native Hawaiians can be developed in cooperation with DLNR's existing curatorship program. Thank you, Mr. Speaker."

Representative Shimabukuro rose to respond, stating:

"Mr. Speaker, just in brief rebuttal. I just wanted to clarify that this bill is not just intended for Hawaiians. We did get an opinion on that from the House Majority Staff Office that this is not limited to only Hawaiians.

"Secondly in Waianae in that district, both Makua and Kulailai Park have streams so there is irrigation naturally occurring in both of those state parks. Further, Section 2 of the bill does state that by 2009, this should apply to all State parks, so that would include Malaekahana and other parks across the State.

"And there are finally, several nonprofit groups in Waianae that have indicated very much interest in this program and providing the necessary manpower to make sure it works. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2930, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN TRADITIONAL AND CUSTOMARY PRACTICES," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 785-06) recommending that H.B. No. 3057, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3057, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. The Hawaii small business innovation research grant program was created to encourage small businesses to develop commercially viable technologies or innovations. Prior to 1989, there were only two Hawaii small business innovation research grant program-awarded companies, but since 1989, fifty-six Hawaii companies have won two hundred forty-five small business innovation research grant program awards. These grant program awards brought approximately \$56,500,000 in federal small business innovation research grant program Phase I and Phase II funds to Hawaii. In addition to these grants, \$57,500,000 in Phase III small

business innovation research grant program commercialization contracts have been awarded to Hawaii companies. According to the United States Department of Agriculture, Hawaii companies have won the highest number of United States Department of Agriculture small business innovation research grant program awards per capita of any state.

"Hawaii must be a strong participant in accessing matching funds from the federal small business innovation research grant program, which has \$2,000,000,000 in funds. Hawaii's cumulative state investment in the Hawaii small business innovation research grant program of \$3,700,000 has a return ratio of 15:1 in federal Phase I and II grants and 30:1 if the Phase III commercial contracts are included.

"The current annual general fund appropriation of approximately \$260,000 for the grant program has remained relatively the same over the past sixteen years and actually decreased in some years from a high of \$400,000. However, the increase in the number of participating Hawaii companies and grants awarded has caused a significant reduction in the amount of funding available from the Hawaii small business innovation research grant program for recipients of the federal program. Small business innovation research-funded, start-up projects and companies are an important part of the pipeline that feeds and increases the size and number of research and development companies seeking to commercialize technologies in Hawaii. This program, other similar programs, and the efforts of those involved result in a more stable technology-based economy in the State. Therefore, through this bill, the appropriation for the Hawaii small business innovation research grant program, and other related technology grant programs being created this legislative session within the High Technology Development Corporation will be increased to \$500,000 to help foster further growth in the technology industry."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3057, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

At 11:22 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2759, HD 1	H.B. No. 2877, HD 1
H.B. No. 2767, HD 2	H.B. No. 2930, HD 2
H.B. No. 2774, HD 1	H.B. No. 3057, HD 1
H.B. No. 2848, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 786-06) recommending that H.B. No. 3237, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3237, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure with reservations, stating:

"On 786, Mr. Speaker. In support, however with strong reservations. First I'd like to apologize for not catching the referral of this bill. As you can tell, it was actually introduced by me and the Chair of Education. I think this measure should have been actually referred to Human Services and I didn't catch that. There is a big part that Human Services plays in this because they do handle a large federal fund that does provide funding for early childhood education.

"There is a strong objection to the makeup of the working group. The working group does not include representation from the private schools. They are at this point currently, one of the biggest providers

of early childhood education. I believe that they should have a voice in this because it does affect them.

"The bill goes on to say that the working group will look at how the school facilities, public school facilities that can be used by both public and private providers, so they are I believe, Mr. Speaker, an indispensable part of interest. Thank you."

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support of this bill which is a work in progress. It's probably my ... I'm responsible for asking the Chair to cosign it. In my freshman year, I'm learning how it works. So perhaps I'm at fault for the mis-referral.

"I believe that the referral to the Education Committee was correct however, and this particular amendment to this bill comes out of the taskforce that we convened this summer. The original bill laid out the broad strokes for an authority and for an upcoming view of how we can create a governing structure for a new system for early childhood learning. This particular draft is looking at more specifically bringing a working group together to scope out and propose a plan for the State's responsibility for 4 year-olds. It is in no way intended to be a final product or to imply that the private providers are not included in the conversation.

"The challenge of creating an early learning system is very much like the challenge we have for a university system with a public and private partnerships. So we're having to explore at least at the beginning stages, what is the State's responsibility financially, and then bringing the other providers in to see how we can look at services, not only for 4 year-olds, but from 0 to 5.

"So I believe this is a great first step in this effort and I look forward to working with the Senate as we make sure that all of our 4 year-olds are taken care of, and all of our young children have early learning experiences. Thank you."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, just in strong support. I think the many benefits of early childhood education have been documented many, many times, so this is an exciting measure. However I also would like to insert written comments and I do hope that the private schools are included in the dialogue," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.B. 3237 -- Relating to Early Childhood Education. In today's society it's imperative to introduce children into early childhood educational programs that maximize current resources to pave the way for a child's healthy and successful development. Providing early childhood education access to all four year olds in the State of Hawaii is essential in today's society.

"We know research shows that the mind is shaped significantly by experiences and other stimuli in the first five years of a child's life. This period sets the foundation in which a person forms his or her behavioral, emotional, social, and decision-making skills, values, self-esteem, and lifelong learning ability. All children have the right to attend good programs that promote their development and learning. High-quality care and education programs have been documented to promote children's development and learning."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3237, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 787-06) recommending that H.B. No. 1829, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1829, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Yamane rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I have a potential conflict on 787. I am a School of Social Work graduate," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1829, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 788-06) recommending that H.B. No. 2132, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2132, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Caldwell rose to disclose a potential conflict of interest, stating:

"I just wanted to disclose another potential conflict. My wife is Vice Chair of Bank of Hawaii and directly involved with the Galbraith Trust which is going to be terminating next year. I would just like to seek a ruling," and the Chair ruled, "no conflict."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"I rise with reservations on Stand. Com. 788. Lake Wilson has this dam across it, and the dam is already classified as a high hazard. Purchasing this land will only increase the liabilities. DLNR is just not in a position, or do they have the expertise to manage this type of property and I believe that the dam should be repaired before we consider a purchase of something like this. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2132, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ACQUIRE REAL PROPERTY IN WAHIAWA, OAHU," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 789-06) recommending that H.B. No. 2153, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2153, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 790-06) recommending that H.B. No. 2176, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2176, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure Relating To Housing.

"Act 196 provided a number of mechanisms and incentives to increase the supply of low-income rental housing. In addition, the Legislature, recognizing that more meaningful solutions to Hawaii's housing and homeless crisis were needed, established a Joint Legislative Housing and Homeless Task Force to further identify near-term solutions to Hawaii's affordable housing and homeless problem. The taskforce relied on the information collected in developing its recommendations.

"The purpose of this bill is to implement many of the recommendations of the taskforce. This measure:

1. Authorizes State Rent Supplement Program funds to be used for operating subsidies for state low-income housing units transferred to private organizations to operate and manage the units.
2. Increases the allocation of conveyance tax revenues to the Rental Housing Trust Fund.
3. Allows State-owned parcels to be leased for the development of self-help housing.
4. Provides for the transfer of public lands suitable for affordable residential development to the Hawaii Housing and Finance Development Administration.
5. Appropriates funds for homeless and transitional housing programs.
6. Appropriates funds to repair vacant public housing units. Appropriates funds for interim construction loans to develop self-help ownership homes.

"By instituting this measure, we hope to give incentives to both private and non-profit organizations to help us increase the number of newly constructed and renovated affordable housing and put an end to homelessness in Hawaii."

Representative Pine rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support. This bill will increase the conveyance tax revenues deposited into the Rental Housing Fund from 30% to 65%. The increase will allow more revenue to be focused on affordable housing. It also allows HCDCH to set, by administrative rule the amount of the State rent supplement payment. This flexibility will help numerous low-income families and increase affordable housing in Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2176, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 791-06) recommending that H.B. No. 2692, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2692, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Mr. Speaker, I would like to cast my very adamant vote for no as a no. I'd like to give a little background because I think maybe we're finally starting to understand some of the ramifications that bills such as this would have on some of the good things and the good works that this Legislature is attempting to do. A number of those are the SPRBs that we've been discussing the past week and many of them today.

"First of all Chapter 104, we keep calling it the fair prevailing wage law, and there are many of those who look at me and say, 'Well, what's wrong with a good living wage for employees?' That's not what it's about. What's it about is Chapter 104 is in fact the 'Baby Davis Bacon Act', and the Baby Davis Bacon is patterned after the federal Davis Bacon which is specifically for funding that comes through public works. What this bill is attempting to do is attempting to stretch the term of what a public works is into indirect types of public works, SPRBs.

"What are the implications? First of all, let me give you an implication. A school that is going to do a small public work. This is the type of reporting they will have to do. If they have a worker that performs carpentry, some painting, does some single-man work, each activity would have to be broken down into categories of classification and then they would have to submit certified payrolls on a weekly basis.

"Where do they submit them to? We don't know. We don't know that yet. Why don't we know? Because you have to have a government contracting agency to be able to do a government contracting program.

"So we have a Chapter that is so confusing. It's missing so many pieces, but what we're trying to do is slide as a public works, very important projects such as those that we're funding for Kamehameha Schools, for Maui Pine, some of the irrigation programs that we're developing, a small program for Kawaiahao Church, Saint Louis High School, these now would all be vulnerable to these additional costs of not just supplying a living wage which is what we want for our people, but the extreme, extreme burden of reporting to an agency which is still non-existent. And I have not yet seen the creator of these wonderful bills to expand Chapter 104 stand and rise and support them, including the Chair of Finance. Let's talk about this. Let's stop these Chapter 104 bills."

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, can we go back to Stand. Com. Report 791? I'm rising in opposition to the bill. I don't want to repeat much of what the Representative from Kakaako has said, but I'm concerned about these indirect public works.

"I think mandating union wages for private projects will only increase the cost of construction anywhere from 30% to 50% depending on the size. As I understand it, the more expensive it is, the difference is not as great, but when you get to these small jobs it can be, because of all the burdensome requirements of payroll, who gets to work, and what positions have to be filled. It's just nothing like what contractors have to deal with in the private sector.

"My opposition to this bill does not mean I believe that hard working employees should be paid less than they are worth. Instead, I believe that during this time of impossible housing costs and construction costs and excessive taxes, Hawaii's people should come first before union demands. Consumers deserve choices and this is what a functioning market provides. Allowing businesses to pay prevalent wages or competitive wages, rather than fixed union wages creates a more competitive world where consumers have the ability to shop for the best buy.

"On the other hand, if these various entities who are coming to us for SPRBs to get lower interest loans are all forced to pay the highest

possible salaries, then they really will have no choices. That's my concern. I think we are getting into an area where we're not prepared.

"As the Representative from Kakaako says, Chapter 104 is very complex. It doesn't really cover everything. I think that this opinion we heard about many times from the Attorney General, I think if it was challenged in court it will be overturned because, maybe if you look at it very narrowly you could call a SPRB a public project because the government is behind the loan. But it also says you must have a government contracting office and we don't have a government contracting office for these types of jobs that are many arm lengths away from government. Thank you, Mr. Speaker."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition. I believe that this may affect GIAs also, grants-in-aid, and I know we're looking at YMCA, Goodwill, Easter Seals. Agencies like that and we're going to require them to report all of this stuff to a procurement office somewhere but we don't have one. Thank you."

Representative Ching rose in opposition to the measure and asked that the remarks of Representatives Meyer and Moses be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2692, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 792-06) recommending that H.B. No. 2964, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2964, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Third Reading by a vote of 51 ayes.

At 11:35 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3237, HD 2	H.B. No. 2176, HD 2
H.B. No. 1829, HD 1	H.B. No. 2692, HD 1
H.B. No. 2132, HD 2	H.B. No. 2964, HD 1
H.B. No. 2153, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 793-06) recommending that H.B. No. 3116, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3116, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, in support with reservations. We're all for children's health. My concern with this program is the bill is not a Medicaid program as such, and therefore there will not be any federal dollars to help the State pay for the coverage.

"The Department of Human Services is concerned that families with incomes between 251% and 300% of the FPR right now would drop Medicaid coverage. These costs between \$15 to \$16 per child

per month for full benefit package. To enroll those children in this new proposed program, which would not require a premium. Much of this will be very limited as a benefits package, than the Medicaid 'Cadillac' coverage that they already can get. The plan will not cover newborns, and adults ages 18 to 19 years of age, or newly arrived immigrants with temporary Visas. They could become the State's new emerging uninsured gap group.

"So what I'm saying, Mr. Speaker, is we have a better program right now, and this bill is going to segregate out a portion of our population. Thank you."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. Mr. Speaker, I would just like you and the others to know that this is probably a seminal moment in the history of our Legislature because we'll be the first State that can actually promise and provide healthcare for all Hawaii's children.

"And just to correct the previous speaker. In our latest negotiation, and I need to point out that this is a collaborative effort with one of the private providers, HMSA, as well as DHS. In the latest negotiations this will be a Medicaid program.

"This works wells with the Administration's proposal to cover more children. Their coverage was up to 250%, and actually up to 300%, with the portion from 215% to 300 requiring a co-pay. But with the latest negotiation the coverage from HMSA will make it free for those who are from 250% to 300%, as well as those who might be excluded because of certain conditions such as immigrant status.

"And I just want to want to mention that this measure along with the next one which is assessment of early childhood, and the early education bill, HB 3237. These are sort of the three legs that the Keiki Caucus has long been pushing and this is one way that we can ensure that all children in Hawaii will be healthy, safe, ready to learn, and succeed. Thank you, Mr. Speaker."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. I'd like to add to the two previous comments to say that, one, the Hawaii Health Taskforce we passed last year as a Body made only two significant recommendations in its first report. One was to insure all children, and this will do that. The points were very well made.

"We do have an excellent program and the Medicaid Health Care Program. Our goal through these negotiations that are going on right now is to make sure there are no co-pay at all up to 300%, and in addition use the Children's Health Care Program to take care of any gap groups that still remain. Specifically immigrant children, so by the end of this Session we will be able to provide 'Cadillac' care for every child. There will be no children uninsured in the State of Hawaii. A first. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3116, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 794-06) recommending that H.B. No. 3139, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3139, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 795-06) recommending that H.B. No. 3158, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3158, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Waters rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. The purpose of this bill is to ensure that the University of Hawaii can provide quality higher education programs in a setting conducive to learning by appropriating \$84 million for repair and maintenance.

"Due to decades of deferred repair and maintenance, many buildings and other infrastructure that encompasses the University of Hawaii system have steadily deteriorated from neglect. Too often funds for repair and maintenance have been diverted to address more immediate needs such as skyrocketing cost of electricity and other utilities. As a result, many of the 10 campuses statewide suffer from leaky roofs, termite infestation, and crumbling walls and ceilings that are becoming more and more expensive to repair, and this bill I'm proud to say, takes a big chunk or big bite out of that backlog. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3158, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 829-06) recommending that H.B. No. 3036, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3036, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to House Bill 3036, House Draft 1. The purpose of this bill is to ensure that general contractors promptly pay subcontractors once they complete their work under their contract.

"The bill is unnecessary because under current HRS, the law provides the framework for prompt payment within 10 days after receiving money, provided that the subcontractor has met all the terms and conditions of the subcontract and there are no *bona fide* disputes. In addition, the Department of General Services provides a complaint investigative process for contract disputes. If the complaint is found valid, DAGS can take various actions including withholding payment to the contractor or initiating a petition for debarment of the contractor for bidding on other State jobs.

"This bill I believe adds more bureaucracy to the process and would add to the cost of doing business, as well as eliminate a competitive market. The bill does not reflect the understanding of the position of the general contractors who bear the ultimate responsibility for payments to material houses, subcontractors, and labor. This bill would also require everyone in the State to pay for professional construction administration services on every contract to cover this administrative burden, which would be a costly proposal for consumers. For those reasons, I'll be voting no."

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. I first would like to find out whether or not you feel I have a potential conflict. I have contractors in my family," and the Chair ruled, "no conflict."

Representative Thielen continued in opposition to the measure, stating:

"Okay, Mr. Speaker, I oppose the bill also. I don't think this is the correct way to go. Thank you."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Steven rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3036, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Meyer, Stonebraker and Thielen voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 830-06) recommending that H.B. No. 2509, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2509, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 831-06) recommending that H.B. No. 3018, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3018, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 832-06) recommending that H.B. No. 105, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 105, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE," passed Third Reading by a vote of 51 ayes.

At 11:44 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3116, HD 2	H.B. No. 2509
H.B. No. 3139, HD 3	H.B. No. 3018, HD 1
H.B. No. 3158, HD 2	H.B. No. 105, HD 1
H.B. No. 3036, HD 1	

At this time, the Chair announced:

"Members, we will take a one hour break and we will reconvene at 12:45 to continue on with our Order of the Day. Lunch is being provided in the Caucus Room."

At 11:44 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:56 o'clock p.m. with Vice Speaker Takai presiding.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 833-06) recommending that H.B. No. 1873, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1873, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTIONS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 834-06) recommending that H.B. No. 1968, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1968, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 835-06) recommending that H.B. No. 2367, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2367, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 836-06) recommending that H.B. No. 2710, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2710, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Evans voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 837-06) recommending that H.B. No. 2747, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2747, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 838-06) recommending that H.B. No. 3037, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3037, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO DRIVER LICENSING," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 839-06) recommending that H.B. No. 2368, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2368, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise with reservations on SCR 839. Thank you, Mr. Speaker. Some changes were made to this bill, I forget in which Committee, but some changes were made to this bill that excludes people with disabilities, and people with children, and people over 65. But let me just tell you a story of how an exclusion or exemption like this could really affect providing housing for more families that fit within that group of people over 65 or have kids that are minors and all of that.

"One of the situations that I was told about was one of the apartment buildings in our public housing, there was an apartment that was rented out to a grandmother over 65, and against the rules of public housing, was housing a person who had some serious issues with either drugs or psychological issues, and psychiatric issues probably. But what had happened was because it was so dangerous for those who lived around that apartment, slowly by slowly as vacancies came up within the other apartment buildings, they started vacating those around this one apartment to put them into other apartments until all of the apartments surrounding this one apartment were empty. They were all empty.

"What happens with that is because of the danger they inflicted, or that grandson inflicted on the others, they couldn't rent out or provide housing for quite a few other families that needed housing. So when we talk about this eviction process, we need to take a look at how these types of laws will affect getting housing to those who need it and are on the waiting list or whatever.

"So I'm with reservations, and I'm hoping that maybe we could allow a better way to address this issue. Thank you."

Representative Kahikina rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I stand in support. Thank you, Mr. Speaker, and I just want to address the concern of the previous speaker, and I suppose that she's speaking on the exemptions that were placed in this vehicle.

"May I just first inform the Body that the whole purpose of public housing was created to provide housing for our very indigent families, and the exemptions that we had placed address those families that are in need. I do understand the circumstances that are troubling a lot of my colleagues, but the reason why we inserted the exemptions was in reaction to the evictions of single families that we saw from KPT. Two single moms with their children. And when we asked the agency, 'What are you going to do for those families?' they simply said, 'Nothing,' because when you are evicted from housing, those families are evicted from public housing for life.

"And so having that concern, we inserted the exemptions so that we could further discussions instead of just complying with what the Department wants, which we realize that that position is coming over in the Senate vehicle. We wanted to put in these exemptions because we wanted the agency to tell this Body what are they going to do with those families. Not the one that the previous speaker was speaking about, about a grandmother's son, because the grandson is not the tenant. So we wanted to address the real issue.

"Are we going to put these needy families into a homeless situation where we can never help them? Then we are defying the whole purpose of providing public housing. Public housing was for our citizens that are in dire need. So I ask the Members of this Body to support this measure so we can go into Conference to further the discussion, and hopefully the Department, the Housing Department, can better address the concerns.

"If you evict families, especially single families with children, what are we going to do, because we don't want to cause more homelessness out there. Thank you, Mr. Speaker."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Thank you very much, Vice Speaker. I'm standing with strong reservations on this measure. I do concur with the Chair of Housing that the reason why we created public housing is to benefit those who are underprivileged, but that's because what this is. It's a privilege, not a right, to stay in public housing.

"There is a list, a growing list of homeless people who want to get into public housing. We want to ensure that the agency that's taking care of public housing is empowered with the right to evict tenants who are not conforming with the rules and the regulations that are clearly, clearly indicated in a contract when they move in into public housing.

"Outside in the private market, it takes about a month to take out a tenant. A tenant that doesn't pay rent, a tenant that doesn't comply with house rules maybe because of drugs or alcohol, whatever it may be. It takes about a month and that's a way, way long time in the private sector.

"You know how long it takes now for the agency to take a tenant that is not complying with the rules be it because of drugs, alcohol, or substance abuse, whatever it may be in violation of the rules with nonpayment of rent? It takes about a year. A year, Vice Speaker. In the way that they take these tenants out is not to punish them and to get them out and not care about them anymore. It is to provide the next people in line who also don't have a place to live, who are also disabled, who are also poor, who are also aged. The list goes on.

"It is a privilege to stay in public housing, and if you do not follow the rules, there's someone in line that's going to take your place. I think that this is a bad bill as it is right now. I hope that it can be improved as it moves on. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm going to be voting against the bill and I would like to explain why. Thank you. I was a Legal Aid attorney for five years, Mr. Speaker. There are a number of us in this Chamber who did work for Legal Aid, and I think some may still work there.

"I was in the housing section and at one point, there were people that were being evicted because they were a few days late with their rent, and they were late with their rent because their government assistance checks didn't arrive until the 5th, 6th, or 7th, sometimes the 8th of the month. So it wasn't the fact that they weren't going to pay the rent. They didn't have the funds available to do it and they were being evicted.

"I understand there was a situation that was brought to our attention at the hearing where a similar thing is occurring with a woman who works with low income and homeless people. She is employed, but she also gets her funding, her money in a manner in which it may not be quite as timely. She may not receive it quite on time to be able to pay by the 5th of the month. They're evicting her and I don't think this is right.

"I think that a bill that allows sort of a 'fast track' eviction is going to hurt people that it shouldn't hurt, as well as get those out that it should get out. But it's too comprehensive and I can't support it at this point. Thank you."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker and colleagues, an expedited eviction process is like kicking somebody in the teeth when they're down. When you think about it, as the Housing Chair mentioned, our public housing was meant to provide a safety net for the most vulnerable in our population. When I asked the Director how many people, if we exempt people with families, families with young children, disabled, and the elderly? She said, 'Well, we're talking about 80% to 90% of those who are slated to be evicted.'

"Doesn't that tell us something? Where's our sense of compassion? These are people who will be thrown out into a street, and granted they're not following the rules. They can't come up with the rent. But for those who buy into this argument that we're going to have to kick them out in order to make room for others on the waiting list. You don't realize that there's a waiting list because we don't have enough low-income housing, and I don't see how it's going to solve the problem by making more people homeless. It just doesn't compute with me. And I think as policymakers we need to show that compassion.

"We need to hold our housing agency's feet to the fire. If they're charge is to find housing for the most vulnerable in our population then let them work on that, and then allow them to go through an expedited process. But not just do it because they have to meet some federal mandate. That's where our heart should be at.

"So, Mr. Speaker, this is to really force them to look at alternatives because once you're evicted that's it. You no longer qualify for public housing, and you tell me what kind of choices people have after that. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Mr. Speaker, I stand in opposition on this measure. I realize that there are kids out there that may be homeless, but however there's also kids that are now homeless. And I think in any public housing, there should be rules and procedures implemented and we, as policy makers, should support these procedures that are on the books.

"We need to expedite this process because as it stands like the Representative from Waipahu said, it is so difficult to evict somebody in public housing because of all of the rules that apply and all the drama that comes with it, all the negative publicity that comes with it, and we as legislators don't want to take a hit. But I think there's a time that we need to stand and walk the line and do our job, which is to provide housing in a fair and equitable way which also includes that if you don't follow the rules, you don't get to stay. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I wish to speak very strongly in favor and have the speeches of both the Representative from Nanakuli and from Kalihi Valley as my own," and the Chair "so ordered."

Representative Souki continued, stating:

"Mr. Speaker and Members, I used to be the director of an antipoverty program for many years, so I'm well aware of the difficulty of poor people and the problems that they have. As was

mentioned by the Representatives of Nanakuli and Kalihi Valley, this is the last resort. Once they're out, they become homeless, and then we have an additional problem. We need to find homes for the homeless.

"It compounds the problem and I believe, it behooves the Administration and the Administrator of the Department to provide counseling. And possibly this can be looked into. This is where I hope that as they get into Conference on this, maybe a possible modified garnishment, where they will take some of the salary away if that's possible, or work with some agency where you can get some measure of income from these tenants to help them pay. But give them a lot of counseling. And I think this is what it is lacking in here.

"So with this in mind, I hope this bill moves forward and at the least, it will show that we're an agency with compassion, and we're knowledgeable of the problem out there. We're not going to hide in sand and throw this person out and make believe there's not a problem. There is a problem. Let's find a resolution. Thank you."

Representative Sonson rose to respond, stating:

"Thank you very much. Just some clarification. Being in support of this bill would mean that we will stay with this streamline process. Opposition to this bill would mean we'll go back to that 18-month eviction process. So I would like to clarify that I am supporting this bill to ensure that there is a streamline process. My only opposition is to the exceptions that were entered for the disabled, and the mothers, etc. that was entered into the bill.

"The reason why I don't support that as I said, as there is a waiting list. If there is a concern that these people will not have a place to live again in the future; if such a rule does exist, that can be changed. Let's change that to say that, 'Okay, you'll get a second chance, but get into the back of the line.' The back of the line is where they belong if they broke the rules. Anyway, you stayed there for a whole year despite the fact that you broke the rules and that you haven't paid your rent, whatever.

"If you want to provide more housing I would agree with that, but that's not the reality at this point. The reality is that we have similarly situated people who are waiting in line and it is also compassionate for us to ensure that they get their turn.

"That is the only thing that I'm trying to explain to this Body. That it is not that I don't have compassion for these people that are being thrown out, although they have broken the rules and they overstayed for a whole year without paying the rent. It's not that I don't feel sorry for those individuals. It's that I feel sorrier for those people who are similarly situated, waiting to get into the public housing. And so at such time as we can provide public housing for everyone, I think it's incumbent upon this Body to ensure that those who have not had their chance to have this privilege to stay in public housing will be provided for. Thank you very much."

Representative Morita rose to speak in support of the measure with reservations, stating:

"Just wanted to register my strong reservations on this bill. I think in capturing people who break the rules or nonpayment of rent, we also heard in the hearing a lot of people who may have been chronically delinquent due to circumstances beyond their control. And these are people who are trying to make ends meet, but haven't been able to, being caught up in this unfortunate dilemma. And so I state my strong reservations."

Representative Halford rose in support of the measure and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Pine rose in support of the measure with reservations and asked that the remarks of Representative Souki be

entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations on H.B. 2368 – Relating to Public Housing, which repeals the sunset date for expedited eviction procedures for tenants in public housing.

"This bill exempts the disabled, elderly and children from the eviction process. While it is the role of the State to assist those in need, including the disabled, elderly and children, the State must also protect and foster the stabilization of our housing sector. Reform needs to be made within the Department that respects and assists those in need while implementing appropriate repercussions for tenants who are habitually or criminally delinquent. We must not reward those who break rules, and exhibit a lack of respect for taxpayers' funds.

"We need a law that would streamline the eviction process and at the same time respect the due process rights of tenants. Serving and protecting our community is vital for Hawaii's future and residents."

Representative Finnegan rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"The stated purpose of this bill is to find ways to improve the public housing eviction process by making permanent the expedited eviction process (Act 227, 2002) and maintain the eviction process that was in place prior to the enactment of Act 227.

"I believe the opposite to be true. The comments I made before may be seen as being lacking compassion. If there is anyone that can say they appreciate the State's public housing, it is me. Our family, including me, lived in public housing. The story I spoke of earlier gave an example of how approximately six rental units were left vacant with the inability to house additional families with minors, persons 65 or older or the disabled. Six families suffer because of the one."

At 1:15 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:17 o'clock p.m.

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"My apologies, Mr. Speaker. I think that this bill needs to go forward and I have strong reservations, but I would like it to go further so we can discuss more. So I'm changing my vote from no to with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2368, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Thielen voting no.

At 1:18 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1873, HD 2	H.B. No. 2747, HD 2
H.B. No. 1968, HD 1	H.B. No. 3037, HD 1
H.B. No. 2367, HD 1	H.B. No. 2368, HD 2

H.B. No. 2710, HD 2

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 840-06) recommending that H.B. No. 2146, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2146, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 841-06) recommending that H.B. No. 2372, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2372, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 842-06) recommending that H.B. No. 2772, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2772, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in opposition to the measure, stating:

"Thank you very much, Vice Speaker. I'm standing in opposition of this bill. The bill before us, Members and Mr. Speaker, makes it a Class B felony to inflict \$1,500 of damage to a plant, a bush, or an agricultural crop, and it makes it a Class C felony.

"Let me go back. A Class B felony carries the punishment of about ten years of incarceration, and a Class C felony amounts to five years of incarceration if you intentionally damage someone else's bush, plant, agricultural crop in an amount of \$500. And if you intentionally step on someone's lettuce, corn, and that causes 10 cents of damage, whatever damage whatsoever, you'll go to jail for one year.

"There's no provision here for appropriations to enlarge the Halawa facilities, so I'm quite worried about what these kinds of bills will do to our penal system. It is simply a statement I guess, that we support farmers. But I think it's really throwing the Penal Code for a loop when we look at and when we value agricultural crops in such a way that it merits this kind of punishment.

"What it also does, Mr. Speaker, is that because the punishment is so high it will ensure that the public defenders, the private defenders, those in the defense bar will ensure that these complaints or these charges against their clients will be fought to the teeth. They'll go to jury trials, they'll select jury trials, they'll really saturate the system. This is something we want to avoid.

"I think that we should support the farmers and that we should ensure that we protect the rights of farmers and letting the public know that it is a serious offense to step on someone's lettuce, but I don't think that a lettuce is worth a year in jail which actually means a year's worth of support for this individual to stay in jail. And it costs us a lot of money to do so. If this is an alternative to public housing, maybe it has some merits but I don't think so. I just think it's an overkill for something that's worthwhile, and that's why I'm opposed to it. Thank you."

Representative Moses rose to speak in support of the measure, stating:

"In support. This is not a matter of stepping on lettuce. This is a matter of the farms, the large farms losing tremendous amounts of crops. Pickup trucks driving in there and loading up, and then going and selling it at Aloha Stadium. So it's a serious offence.

"Any attorney in this room will probably know the Prosecutor is not going to waste his time if you stepped on somebody's lettuce by accident so I don't think we will have a problem with the prisons. And if we do, well maybe we should build prisons. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"I rise in support. I just wanted to clarify I guess some of the comments made by the first speaker. You know one of the basic tenets that we have in our judicial system is that the judge is the one that imposes the sentence. So while the statute may say there is a maximum amount of jail time that a person is subject to, ultimately, ultimately that is within the judge's discretion in which to determine. Which is why this Legislature has consistently said that what we want is judges to have the discretion to look at what sentences are appropriate, and we don't have mandatory minimums unless there is a real compelling public policy.

"So when I think the first speaker is talking about a year in jail for stepping on a piece of lettuce. I mean obviously, the judge would take a look at what is the damage that is conducted, what is the damage that is felt by that farmer, and will issue the appropriate punishment. So I really think that that is a bit of an exaggeration. Thank you."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Just a quick rebuttal, Mr. Speaker. I think my colleague from Waipahu ... I'm in opposition. I think my colleague from Waipahu was just reiterating that putting this into law would open litigation. Litigation in which an expense incurred by the defendant. Even though we do know that a judge will have the final say in this, it will open up a new chapter in the law where it can be misused or you know cause undue duress to the people when it doesn't need to. Thank you, Mr. Speaker."

Representative Kanoho rose to speak in support of the measure, stating:

"In support, Mr. Speaker. Thank you. Last year we passed a bill making agricultural theft a criminal offense. But this is much more than that because not only are we faced with theft, and pity the poor farmers who work so hard, but there's also malicious, malicious destroying and damaging of crops so that not only is the banana or the fruits being taken, but the trees are being plundered and that's terrible. We have got to do something about it because this can be, and is very serious. Thank you."

Representative Sonson rose to respond, stating:

"Quick rebuttal. Thank you very much. I'd just like to point out what is already in the statute and try to compare. For a criminal property damage in the first degree, it will require a person to break into your house intentionally, knowingly, damage your stereo, or anything that's in your house, and puts a person in danger of death or a bodily injury, and the damage has to be \$20,000. A person who does that goes to jail for ten years. It's a Class B felony. But if you break into someone's farm and cause \$1,500 in damage to a plant, it doesn't need to place a person in danger of death and bodily injury. The punishment is the same. Does that make sense? Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2772, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL

PROPERTY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Cabanilla and Sonson voting no.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 843-06) recommending that H.B. No. 3017, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3017, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO PRODUCTS," passed Third Reading by a vote of 51 ayes.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 844-06) recommending that H.B. No. 2199, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2199, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Morita rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. In a letter dated March 9, 2004, Governor Linda Lingle in a unilateral action authorized the US Trade Representative to offer access to the Hawaii State government procurement market in new trade agreements that the Trade Office was currently negotiating. And please remember that CAFTA, which passed Congress by two votes was not ratified until one year after the Governor submitted this letter.

"Further, the letter also stated that Hawaii would undertake the same commitments with regard to new agreements that the Trade Office had already undertaken under the WTO agreement on government procurement.

"All the WTO agreements and regional free trade agreements have ramifications for state power. That is, the ability to usurp state laws, regulations, and preferences. Hawaii needs to carefully consider the range of existing US commitments, implications of WTO, NAFTA and CAFTA, dispute decisions and what is proposed as part of new agreements. The Trade Office has not made any good faith efforts to engage states on impacts of its negotiations on states.

"Hawaii has many special needs and vulnerabilities. Any agreement that would commit Hawaii should fully engage our export promotional people, the Attorney General, and the State Legislature in how Hawaii can best benefit from the global economy while safeguarding our sovereignty and ability to act in the public interest. This law will help preserve our State sovereignty and retain our ability to make decisions about State procurement spending that benefits our local economic development and reflects our social and environmental concerns."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I am in opposition to this measure. The purpose of House Bill 2199, House Draft 2, is to prohibit binding the State to federal government procurement rules contained in certain international trade agreements without legislative action.

"I am concerned about this bill. This Legislature only convenes during the months of January to the beginning of May. However, the federal government is discussing and negotiating trade agreements throughout the entire year. It would be hard for the Legislature to discuss trade agreements when we are out of Session. For example, the Federal government asked Hawaii to comment on the US Central America Free Trade Agreement, CAFTA, in November 2003. The Legislature could not respond in a timely manner if a trade agreement is enacted while the Legislature is out of Session. It would also be difficult for the Legislature to discuss trade agreements

when we are in Session. It might take us from January to May to reach a decision. This bill definitely restricts not only the Governor's option to react quickly, but the State's option. Thank you, Mr. Speaker."

Representative Hale rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. Thank you. I would like to say that at the very first time we discussed this ... I'm asking for approval. I'm for it. But there were two parts to the bill. It was to say that in the future we would not allow anything unless it was passed by law that would affect the Procurement Code. And there wasn't that much confusion about that because that is a national trend that's being supported by the State Council of Legislatures. But there was another part that went back and said that any other previous trade agreements that had been approved by not only this Governor, but other Governors, would be null and void unless we pass them by law.

"So there is question as to whether or not that is possible for us to do it. However the original proposal in House Draft 2 has both sides of the question. So we're hoping that this would go into Conference so that by the time we go to Conference, we will get some more definitive information as to what our actual powers are.

"This is something that is bringing national discussion by most of the countries, most of the states in the United States. And therefore one part of the discussion will be whether or not we will have the power to rescind previous actions, or whether we will just say that from the future, we will go on with such actions by law.

"So the question is still way up in the air and therefore we will welcome all the information that you get us now and that we do hope that this goes forward so that we can further discussion. Thank you, Mr. Speaker."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I'm in support and I wish to address the specific concerns raised by the Representative from Kahala about the timeframe because this issue has come up before.

"We only meet four months out of the year. These trade agreements happen on a different timeframe than our own legislative timeframe, and so that might result in some confusion.

"Well the fact the of the matter is, Mr. Speaker, trade agreements take years to both propose, and then ratify, and then implement. Just take CAFTA. I'm not even going to talk about the WTO, or the GATS that was embedded in the WTO.

"But let's take the latest trade agreement, CAFTA, regarding the six nations in Central America. That has been in deliberations and discussion for over four years and in fact the United States trade representatives sent letters to every governor in the country in September of '03 asking whether or not the state wanted to buy into the procurement section of that trade agreement.

"Governor Lingle signed on in March 8, 2004 as was mentioned earlier. It passed the Congress in July of 2005, and CAFTA has taken effect January 1 of this year. Just by that alone we can see the timeframe that that involved, and others can sign on today if they so desired. There is no deadline in which they can sign on to CAFTA. So we have ample time to deliberate the impact that CAFTA or other trade agreements have on our State.

"This is ultimately important when we realize currently the United States trade representatives negotiate various free trade agreements with 27 other countries, most of them are bilateral. The US-India trade agreement for example, that's currently in discussion. We could be discussing that trade agreement right now, if we had this law in place. That's point one.

"Point two is, it's really not a question about whether or not this Governor or any Governor should have the unilateral right to sign the State on to the procurement code of any specific trade agreement. I think it begs the questions whether or not we as a Legislature should at least be party to that agreement. As you well know, Mr. Speaker, anything to do with procurement codes in our State is not done by Executive Order. It is done by law.

"So when we do it by law, it means it has hearings so that the public can give input as to whether or not we should have a local buying preference for example. Not contracts. A 'buy green' kind of component in our contracts and people can see what they want and they come to a decision.

"This is the implication now that CAFTA has passed and we are party to the procurement section of it. Any one of those countries is now able to challenge our State laws as illegal barriers to trade. As I said including preferences for local companies and so on. But this also includes if we were to pass a law that says we will not do business with a country that has sweatshop labor or child labor, that is an illegal trade practice under CAFTA.

"I hope all of us here believes that we should not procure goods and services from countries that engage in child or sweatshop labor. That is a allowable under CAFTA and leaves us wide open for a challenge.

"Take gambling, I think we're all familiar with the recent ruling by the WTO. And there is a challenge about Internet gambling, and the United States lost on that. So again, this law would allow us to take a look at that and say, 'Do we want to allow Internet gambling to be legal?' Otherwise be open to a challenge by anyone in the WTO, which has 38 nations by the way.

"I think these are the questions that, whether or not we think it's in our best interest, should have legislative input. So whether it's CAFTA or NAFTA I think this is something we 'hafta' do. Otherwise we may end up getting the 'shaft'. Thank you very much, Mr. Speaker."

Representative Karamatsu rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, in support. Just with a little reservations. I agree with the Chair of International Affairs. For me the slightest concern I have is the retroactive part, going back in time. It could violate some backwater contract law where parties gave offers in consideration. Other than that I've been looking forward on the process in trade agreements. I totally agree with that. So we'll keep looking at some of the legal ramifications on the retroactive part of the bill. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, some brief comments in support. Mr. Speaker, actually this is probably one of the most important pieces of legislation we can look at this Session, if we're looking at it in terms of separation of power both Executive and legislative, federal and State. And as we all remember at the founding of our country, there was a great debate about whether the Executive branch had the right to make treaties with any country, and they finally hammered out a Constitution where they decided that not the House, but the Senate would have the ability to ratify treaties the Executive branch entered into. And that has worked for the past 250 years, almost, Mr. Speaker, very well.

"But recently under some of the new treaties that our government has been entering into, instead of just having it dealing federal with foreign countries. They've now driven it down to the states where they're having individual governors sign onto these international treaties, and as the speaker from Aiea mentioned it binds us on things

like procurement and having us have to agree that we're going to 'Buy Guatemala' when we may have 'Buy Hawaii', and somehow we're now beholden to an agreement that was set by our federal government for federal trade imposed on us at the State level.

"If that's going to happen and you're going to have Executive action being taken by the Governor of our State, then I think just like in the federal government, the Legislature has a role of advise and consent, and whether they too want to ratify this treaty. And therefore it is something that needs to be looked at very closely. It's critical to our Constitution, and our State, and our relationship with the federal government. It's something we should all take very seriously and have this legislation move on and look at it as it evolves. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on H.B. 2199 – Relating to International Trade Agreement.

"While this measure may allow for a more careful analysis of the pros and cons on the merits of volunteering Hawaii to be bound by international trade agreements' procurement rules by prohibiting binding the State to the government procurement rules contained in an international trade agreement without legislative action, this bill may cause loss of opportunities to improve the trade relations of our State. We must be mindful of legislation that adds bureaucracy to functions of the State, as well as take into consideration that the Legislature does not convene year-round."

Representative Lee rose in support of the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill seems rather esoteric, but it makes an important clarification to how our State agrees to international trade agreements that would impact procurement rules for State spending. There are those who mistakenly believe that this bill affects the ability of the federal government to accept a trade agreement; it does not. The Constitution has delegated the President to enter into treaties with the consent of the Senate and the will of Congress shall be to advise the President on such negotiations. This measure does not reduce or alter that authority.

"Rather, this bill gives the Hawaii Legislature the ability to look at the language of the trade agreement and see how it affects our ability to regulate the manner of procuring goods intra-state. The Federal Government, in its expansive powers, has no mandated position to dictate how State governments go about procuring various goods and services, that is the domain of the State.

"Thus, this bill intends to remind the Governor that the Legislature is the body responsible for altering the laws that govern our procurement code and provides an avenue for those concerned to voice their opinions.

"I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Another one I wasn't going to speak on. I had to at least register some reservations. I believe the federal government does have the right to make some treaties and when we

do so, it's binding upon the states. We fought a civil war over things and there is such a thing as the US Law. And yes, in the US Congress, the Senate does ratify treaties. That doesn't mean that the state Legislatures have the right to get involved. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm rising with some reservations. I just want to follow on the thought that the Representative from Makakilo had. I don't believe that the State, I don't believe has the constitutional authority to establish laws and rules that would oppose those established by the US government and the conduct of international trade. So that's the question in my mind. If we really can dictate against what the US government has already entered into. Thank you."

Representative Takumi rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in support and brief rebuttal to the Representative from Makakilo's comments. Absolutely, when in doubt, read the bill. The bill does not impinge one iota on the ability for the federal government to sign a treaty, an international trade agreement. But the reason why the US Trade Representative asked the 50 governors in this country to sign a letter agreeing to bind their states to the procurement section is precisely because they do not have the right to bind every single state as it relates to the Procurement Code. Otherwise why would a request for a letter be sent out to every governor? That doesn't make any sense. If the federal government had absolute total control over procurement, he or she simply would have bound every single state, flat out.

"And the second point I need to, need to make is that when this request for letters went out, 27 governors in our nation signed on to it, and since then 8 governors have receded their letters because they have come to realize the negative impacts it has on their individual state. And it's not a partisan issue. As you well know, the National Conference of State Legislatures, which is a bipartisan, nonpartisan organization, requested that the US Trade Representative give a copy to the NCSL, when the governors sign on so they can get a list. That request was denied. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2199, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Marumoto voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 845-06) recommending that H.B. No. 366, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 366, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE UNIVERSITY OF HAWAII COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 846-06) recommending that H.B. No. 1817, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 51 ayes.

At 1:43 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:43 o'clock p.m.

At 1:44 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2146, HD 1	H.B. No. 2199, HD 2
H.B. No. 2372, HD 2	H.B. No. 366
H.B. No. 2772, HD 1	H.B. No. 1817, HD 1
H.B. No. 3017, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 847-06) recommending that H.B. No. 1833, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1833, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Cabanilla voting no, and.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 848-06) recommending that H.B. No. 2177, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2177, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with some reservations. My reservations are that the purpose of this bill is to amend Article VII, Section 12 of the State Constitution to authorize the issuance and use of proceeds from special purpose revenue bonds to assist agricultural businesses operating on important agricultural lands.

"In Committee, the Department of Budget and Finance recommended that the authorizing language be made broader by deleting the phrase, 'operating on important agricultural lands' so it would cover more lands than the proposed amendment to provide for a less restrictive authorization. Budget and Finance also recommended changing 'agricultural businesses' to 'agricultural enterprises' to maintain consistency with existing special purpose revenue bond authorizations.

"This clarification of the language would keep the proposed amendment consistent with current statutes and widen the range of eligibility for prospective agricultural recipients. Mr. Speaker, I would like to see these changes made before final passage of this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2177, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," passed Third Reading by a vote of 51 ayes.

H.B. No. 2177 passed Third Reading in the following form:

H.B. No. 2177

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to Article VII, Section 12, of the Hawaii State Constitution, to authorize the State to issue special purpose revenue bonds and use the proceeds from the bonds to assist agricultural businesses operating on important agricultural land.

SECTION 2. Article VII, Section 12, of the Constitution of the State of Hawaii is amended to read as follows:

"DEFINITIONS; ISSUANCE OF INDEBTEDNESS

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.

2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivision are pledged and, unless otherwise indicated, includes reimbursable general obligation bonds.

3. The term "net revenues" or "net user tax receipts" means the revenues or receipts derived from:

a. A public undertaking, improvement or system remaining after the costs of operation, maintenance and repair of the public undertaking, improvement or system, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made; or

b. Any payments or return on security under a loan program or a loan thereunder, after the costs of operation and administration of the loan program, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made.

4. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity, governmental body or agency, board, bureau or other instrumentality thereof, or any combination of the foregoing.

5. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments or return on security under a loan program or a loan thereunder; provided that insurance premium payments, assessments and surcharges, shall constitute rates, rentals and charges of a state property insurance program.

6. The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or a combination of both, may be derived for the payment of the principal and interest as reimbursement to the general fund and for which reimbursement is required by law, and, in the case of general obligation bonds issued by the State for a political subdivision, general obligation bonds for which the payment of the principal and interest as reimbursement to the general fund is required by law to be made from the revenue of the political subdivision.

7. The term "revenue bonds" means all bonds payable from the revenues, or user taxes, or any combination of both, of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law, including a loan program to provide loans to a state property insurance program providing hurricane insurance coverage to the general public.

8. The term "special purpose revenue bonds" means all bonds payable from rental or other payments made to an issuer by a person pursuant to contract and secured as may be provided by law.

9. The term "user tax" means a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived

from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by a public undertaking, improvement or system; provided that mortgage recording taxes shall constitute user taxes of a state property insurance program.

The legislature, by a majority vote of the members to which each house is entitled, shall authorize the issuance of all general obligation bonds, bonds issued under special improvement statutes and revenue bonds issued by or on behalf of the State and shall prescribe by general law the manner and procedure for such issuance. The legislature by general law shall authorize political subdivisions to issue general obligation bonds, bonds issued under special improvement statutes and revenue bonds and shall prescribe the manner and procedure for such issuance. All such bonds issued by or on behalf of a political subdivision shall be authorized by the governing body of such political subdivision.

Special purpose revenue bonds shall only be authorized or issued to finance facilities of or for, or to loan the proceeds of such bonds to assist:

1. Manufacturing, processing, or industrial enterprises;
2. Utilities serving the general public;
3. Health care facilities provided to the general public by not-for-profit corporations;
4. Early childhood education and care facilities provided to the general public by not-for-profit corporations;
5. Low and moderate income government housing programs; [er]
6. Not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities[;]; or
7. Agricultural businesses operating on important agricultural land,

each of which is hereinafter referred to in this paragraph as a special purpose entity.

The legislature, by a two-thirds vote of the members to which each house is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which each house is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the legislature; and provided further that the State may combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges, and universities, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds. The legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person or persons under contract or from any security for such contract or contracts or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The governor shall provide the legislature in November of each year with a report on the cumulative

amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the State be authorized to issue special purpose revenue bonds and use the proceeds from the bonds to assist agricultural businesses operating on important agricultural lands?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 849-06) recommending that H.B. No. 2240, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2240, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 850-06) recommending that H.B. No. 2670, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2670, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. Thank you. 85% of Hawaii's workers are currently covered under some form of insurance. It's uncertain how this universal system would be financed and if it would be able to accommodate the additional costs of providing healthcare for those that are not currently insured.

"Budget and Finance is unsure how the healthcare plans for the Employer Union Health Benefits Trust Fund and plans of the private employers would be combined into a single entity. A standard 'one-size-fits-all' system is likely to benefit some persons and harm others. No state has found a combined healthcare motor vehicle and workers' compensation system to be effective.

"I believe this bill would create a monopolistic government healthcare authority that would combine different types of insurance merely because they contain some form of medical coverage. So for those reason, I'll be voting no on this measure. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. In addition to the previous comments which I'd like incorporated in my comments as if they were my own, a healthcare taskforce was created by Act 223 in 2005. It has submitted an interim report and is awaiting an analysis by the Lewin Group comparing the single payer system with the existing system.

"A final report is expected in June of this year. We should wait for the taskforce's recommendation before we act on this type of health care and spend the taxpayer's money on creating an authority to develop plans for universal healthcare that may not be recommended by the task force.

"If this system were in place, automobile insurance would need to be changed to a pure tort system and exclude all medical coverage. Workers' compensation coverage if available, would cover only indemnity coverage at significantly high prices since there would be no control of medical treatment or return to work. Hawaii's policies would be amended to exclude any medical coverage according to the Hawaii Insurance Council. It is also uncertain how this bill addresses the federal HIPAA compliance.

"If all of that wasn't bad enough, universal healthcare, Canada's publicly financed health insurance system is frequently described as the third rail of its political system and a core value of its national identity, is gradually breaking down. Private clinics are opening around the country at an estimated one per week.

"Canada is a country where a dog can get a hip replacement in under a week, and which humans can wait two or three years. A Supreme Court ruling last June from the Quebec provincial ban on private health insurance was unconstitutional when patients were suffering and even dying on waiting lists. Canada has a national doctor shortage with 1.4 million people in the Province of Ontario alone without the services of a family doctor. Hawaii could lose many doctors if this bill passes. 'The median wait time between a referral by a family doctor and an appointment with a specialist in Canada has increased to 8.3 weeks last year, from 3.7 weeks in 1993.' That's according to a recent study by The Fraser Institute. 'Meanwhile the median wait between an appointment with a specialist and treatment has increased to 9.4 weeks, from 5.6 weeks over the same period.' The average wait times between referral by a family doctor and treatment range from 5.5 weeks for oncology and 26 weeks for a hip replacement.

"I have an article I wish to insert in the Journal, which explains all this. It's a recent *New York Times* article about a week ago, and it covers all this information I just gave you on Canada."

The Chair then stated:

"Representative, I'm not going to permit that since you already basically said what's in the article. We'll use your speech for that purpose."

Representative Moses continued, stating:

"Okay I'll just reference it then. It's the *New York Times*, February 28, 2006."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In very strong support. Mr. Speaker, I would admit that maybe ideals like these are slightly ahead of our time and are hard to envision for some of us. But you know, when I meet with my colleagues, other Health Chairs from across the country as we meet three or four times a year, they're looking at Hawaii and they're just hoping and even praying for our success. We need to realize that it doesn't matter whether they're Democratic or Republican. They realize that their state treasury and even our national budget may go bankrupt because of healthcare costs rising. We're going to reach what we call a perfect storm. A point where either we're going to have to decide to keep paying into the system or to start rationing healthcare.

"And I guess it's easy for us to sit here, all of us with our State paid healthcare plans. Why should we change? We've got it made. We've got probably the best kind of health plans in the State. Each one of us maybe, except for some the Session workers, but there are many others who don't have that same luxury.

"And I guess it comes down to that philosophical debate on whether healthcare should be a right or a privilege. I know some people believe it's a privilege. But when you think about it, what is life without health? What is the quality of life without health? It is

something everyone should have access to because it has everything to do with a productive workforce. When it comes to providing quality healthcare for everyone, we're talking about the future, not only of our State, but our country.

"If somebody asks how we're going to pay for it. We are already paying for it. We're paying millions of dollars. We have more than enough resources. But if we're going to wait for the players to come together and come up with a solution, it's not going to happen. It's going to take political will on our part to set the policy and say this is what we should be doing. Use our resources wisely. Use it to reimburse appropriately, the providers, and use it to provide quality healthcare for everyone. That is the goal of this bill. If we're going to wait for the federal government then I think many people are going to end up dying before we realize any kind of universal healthcare.

"So, Mr. Speaker, this is just a vision maybe for now, but let's think about the future. Let's think about the future of Hawaii and how we can make it not just a health State, but a healthier State. Thank you, Mr. Speaker."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Just a brief additional comment. In support. I'd like to recognize Ah Quon McElrath and her vision for helping support our work on this bill. And I would say that this is work, it's a work in progress, and I commend our colleagues for supporting the concept of focusing on healthcare as a priority for the State.

"That's what this bill is about. It's about planning. I imagine a time in the future, not necessarily it'll be a single payer system. I don't know. But if we don't plan for the inevitable, which is that the healthcare system will evolve and everyone deserves and needs healthcare. If we want long term plans in place that will bring the best minds that we can find together to work on these problems, we'll find ourselves tragically behind the '8-ball' on a set of programs that we have to have for everybody.

"So again, the taskforce is doing its work. I'm happy that we have hired a good consultant to work on this problem for the State. And I would encourage our colleagues to continue to support this bill toward the end of Session to see what the results that we do come up with so we know whether or not it's something we have to begin enacting now, or we continue to look at for the future. Thank you, Mr. Speaker."

Representative Moses rose to respond, stating:

"Thank you. Remaining in opposition. And I just want to make sure that everybody understands, since I'm a consumer of healthcare, that my opposition is not to the cost. It is just pointing out the fact that universal healthcare has not worked anywhere it's been tried and so we shouldn't try that. We should try something else and we should look forward to this report. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm rising in opposition to this measure. We're going to spend \$500,000 for this Hawaii Health Authority to explore this universal health plan as if it's a new idea when it's been going on in Britain and Canada, and Cuba and all kinds of places. We have a pretty good track record on how universal healthcare has worked, or has not worked. I just wanted to share some information that was in a recent article in a recent magazine. We are paying a lot of money, but we're getting a lot more healthcare than most people are in these socialized medicine countries.

"Here are some statistics to consider. Two measures where the quality of medical services can have a dramatic impact. Recovery

rates from breast cancer for women, and prostate cancer for men. Among women diagnosed with breast cancer only 20% die of it in United States, compared to 33% in France and Germany, and nearly 50% in United Kingdom. Among men diagnosed with prostate cancer, less than 20% die of it in United States, compared to 25% in Canada, and almost 50% in France, and over 50% in United Kingdom.

"While many Americans would like our healthcare system to look more like those in Europe, what's going on now is over the course of the past decade, almost every European country with a national healthcare system has introduced market oriented reforms and turned to the private sector to reduce the cost of care and increase the availability of effective treatment. So I think there's plenty of data out there. And since another speaker mentioned in Hawaii we're kind of way ahead of a lot of the other states, almost 85% of the people here have some kind of medical coverage. So for those reason, I'm not in favor of this measure. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the measure and asked that the remarks of Representatives Meyer and Moses be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Ching, Evans, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 851-06) recommending that H.B. No. 2823, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2823, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BILL OF RIGHTS DAY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 852-06) recommending that H.B. No. 2928, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2928, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Shimabukuro rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Shimabukuro submitted the following testimony:

"Testimony Submitted by Ianuali Kaonohiokalanikoholua
Anapuka, Hilo, Hawaii

I wish to testify in support of this bill. We are given the right as Hawaiians towards gathering resources/materials to build "hales"/"indigenous architecture." The ability to build hale is critical in the development of our culture in the use of kau hale (villages) for community cohesion. The kau hale is a series of hale all designed for a specific purpose. We have meeting and gathering houses, a women's house, a men's house and sleeping houses. Each one of these buildings, with its purpose in mind, has much meaning for the overall well-being of the community.

The current Building Codes do not allow us to employ these cultural practices. It is important for us, as Hawaiians, to be able to live in a way that has proven to work for over 2,000 years.

I have stayed in a hale in the past and never have found health and safety issues to be a problem if designed correctly. It is very rare in today's world to see hale. Even more rare is to see hale on residential properties. I have been able to see hale in public, but it seems they are being used in hotels for tourists to enjoy. Yet Hawaiians, under the current housing crisis, are unable to employ these building techniques.

It is very difficult for me to see why Hawaiians are unable to use building techniques that they have used for 2,000 years, while tourists gawk at the ingenious and simple design of these hale.

This bill would create a seamless process allowing the people of Hawaii to build their own homes without depending on very expensive imported materials. It is important to emphasize pono (proper) harvesting techniques to assure that our resources remain sustainable. Using today's technology, I believe we can look to the past—2,000 years of success—to create a progressive and sustainable future for Hawaii's people.

Ianuali Kaonohiokalanikoholua"

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure, relating to counties; building code; and indigenous Hawaiian architecture.

"The purpose of this bill is to allow the use of the techniques, styles, and customs of indigenous Hawaiian architecture to be employed in present-day construction in the state. This measure:

1. Protects all rights, customarily and traditionally exercised for subsistence, cultural and religious purposes by native Hawaiians.
2. Requires counties to adopt ordinances to allow buildings designed using practices, styles, customs, techniques, and materials from indigenous Hawaiian architecture.

"From the turn of the 20th century to the dawning of the 21st, Hawaiians endured a hundred years of forced assimilation into mainstream American culture and lifestyle. Despite evidence that the Hawaiian kingdom was one of the most highly literate nations in the latter half of the 19th century, the Hawaiian language was banned from the public and private school systems in 1896. It remained an unrecognized language by the government for nearly a century. The English-only legislation was among the most destructive colonial acts against Native Hawaiians – it resulted in a precipitous decline in the indigenous understandings of their own culture, history, values, spirituality, practices and identity as a people.

"This measure works toward the reestablishment of social, religious and cultural awareness and respect for Hawaiian culture and practices. Incorporating Hawaiian, architecture and styles is a way of increasing Hawaiian cultural awareness, historical significance and pride."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2928, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 853-06) recommending that H.B. No. 2961, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2961, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

At 1:59 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1833, HD 1	H.B. No. 2823, HD 1
H.B. No. 2177	H.B. No. 2928, HD 1
H.B. No. 2240	H.B. No. 2961, HD 1
H.B. No. 2670, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 854-06) recommending that H.B. No. 3126, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3126, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Just briefly. I'm not on the Health Committee, but what I understand is ... In opposition. I understand this measure is to do away with the identification bracelets, the 'do not resuscitate' bracelets. And I heard that one of the reasons is just because we don't make them here and they have to come from the mainland, but I don't know if that's the case. But what I see is now if somebody goes into an apartment to respond to a 911 call or something, and you have to look on the refrigerator to see if there's ones of these notes. This is kind of strange to me.

"And if somebody is walking through the mall and he clutches their chest and falls down. Anybody around him is going to try and resuscitate whether they know that there's a do not resuscitate order or not. So I'm just confused why we're doing this. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, just I would like to register my reservations on this bill. I recently had a personal experience with some of the pitfalls and flaws of a system that is related to this as advanced directives.

"Until someone's really experienced, what this type of advanced directive means, 'do not resuscitate,' this sort of thing, there are so many pitfalls because often times somebody they put on their identification, don't resuscitate me, don't use any "heroic efforts" and that sort of things. Things change and sometimes what some people think might be an unrevivable person, unconscious, etc., can sometimes be false. And you're talking about taking somebody's life when maybe they're going to recuperate.

"So having had this type of personal experience and situation, I have to ask that my colleagues take a better look at this. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm sorry. I'm a little slow. I'm rising in support with some reservations. I think these advanced directives, initially people might have them, no doubt, because they are concerned about when they are in a hospital, and there's no hope. They don't want their families to do heroic things to try to keep them alive. But to expect an emergency person who has been called because somebody cares about this person, I think it's better to err on the side of life. Let them do what they need to to stabilize that person and get them to the hospital.

"When their families come and are made aware by the doctor of whatever the situation is, that's where you can make a decision whether you're going to do more procedures or whatever it takes. But it seems like these bracelets are, if I pass out at the bus stop and if I got this bracelet. I mean I made out that directive thinking when I get to be 75 and have a stroke and I'm in the hospital for a week. You know I'd like to have a little lead-time before they decide let's do nothing.

"So those are my concerns with this bill, probably the whole concept of it. But I don't think there should be this onus on the emergency people that come, not to do anything, if somebody says, 'Well, I think they have an advance directive.' I think they should do whatever they need to do. Get them to the hospital and stabilize them. Then the family can come and be concerned about that do not resuscitate. Thank you.'

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I would like to comment that being an intensive care nurse for 20 something years ... I'm standing in very strong support of the measure. Being that I am an intensive care nurse for over 20 years, I feel that we need these rules on the book. Most likely, right now, without this policy, when EMS shows up at a scene where they're being called to, they have to do a full blown type of resuscitation on that person. After a while the family members come and show up, and says, 'No. He has a living will that says so.'

"It's been very difficult for the healthcare providers to take off those measures that they have put on. Intratracheal tube, IV therapy, and do a full-blown resuscitation of this person. It is very difficult then to retrieve or retract whatever you've done. And it almost takes an act of Congress to take off that intratracheal tube that that person maybe, did not want to begin with. Yes, I strongly support this, being a player in the field that does enforce this kind of regulations. We need this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3126, entitled: "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 855-06) recommending that H.B. No. 1904, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1904, pass Third Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in support of this measure. Thank you. I think probably most of you have experienced complaints from schools in your districts regarding traffic and the traffic situation around the schools. It's very common for there to be traffic congestion around many of our schools. A lot of it is a result of poor planning.

"When we visited the Neighbor Islands, we also noticed there were lots of complaints about traffic and unsafe conditions. So this bill is

really important because it will enable the Department to carry on a statewide traffic study of the situations at the schools. At the same time it will bring down federal moneys available under the SAFETEA-LU federal legislation. So I urge members support."

Representative Yamane rose in support of the measure and asked that the remarks of Representative Lee be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1904, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY AT PUBLIC SCHOOLS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 856-06) recommending that H.B. No. 1918, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1918, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 857-06) recommending that H.B. No. 2215, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 858-06) recommending that H.B. No. 2271, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2271, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. This is a very important bill because for years we've been trying to address a problem of our farmers on public lands whose leases, many of which will be expiring. For years we were trying to address this problem because DLNR policy requires that the lease be put up for auction, to the consternation of our farmers.

"This finally completes the transfer of management of public agricultural leases from DLNR to the Department of Agriculture. We actually did that in 2003, but without providing the guidelines. This bill provides those guidelines, which gives the DOA flexibility in managing those leases. And this would be a great for farming and agricultural industry. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2271, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 859-06) recommending that H.B. No. 3217, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3217, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this measure and would like to insert comments," and the Chair "so ordered."

Representative Carroll's written remarks are as follows:

"House Bill 3217, which proposes the creation of Kupuna Recognition Day calls for an annual holiday to commemorate the significant role that *kupuna* play in Hawaii's culture, history, and traditions. Though not a paid state holiday, the fourth Saturday of July would serve as Kupuna Recognition Day.

"Here in Hawaii, *kupuna* tradition has long been responsible for the passage of knowledge from the elders. Whether it was hula, canoe building, or *la'au lapa'au*, watching and learning from the *kupuna* was a trusted pedagogy. These teaching methods were responsible for maintaining a rich oral tradition and carrying centuries-old wisdom forward.

"Though the exchange of *kupuna* knowledge certainly continues in various disciplines today, it is not as widely practiced. Our *kupuna* have acquired lifetimes of skill and understanding; and yet, when they should be tapped as a resource, the elderly are too often overlooked or discounted as irrelevant in these modern times.

"I hope to change these kinds of attitudes against the State's elderly, which is why I ask my colleagues to please support House Bill 3217."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3217, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 860-06) recommending that H.B. No. 1867, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1867, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I would like to enter my comments with reservations. Thank you. This is a big problem when you have an injured employee that really does need access to care and there is sometimes a delay and I think a lot of it is administrative, and I'm not quite too sure that we put our finger on it yet.

"This bill may be a little radical in that it allows for the continuation of care not knowing whether or not in fact, the employee is eligible for it. So I'd like to see this bill continue on because as an employer in the past, this is a concern and I encourage it to move on. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This bill looks like it's intended to remove the employer's rights to approved treatment plans. It also overrides the workers' comp fee schedule and negates the 'reasonable and necessary language in current law.' It sets up a situation where if medical treatment continues and then is found to have been unnecessary, the insured worker would be responsible for paying the bill.

"This could very well increase workers' comp premiums if passed as written. There is no provision in the bill for the employer to recover treatment cost if the doctor later determines treatment was

unnecessary or related to the original injury. So I can't support it as it's written right now. Thank you, Mr. Speaker."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"I rise in support with some reservations. This bill changes the employee-employer balance regarding the method by which medical care can be terminated. I believe it's unnecessary as there are currently adequate safeguards in statute, administrative rules, and current practices to ensure that an individual receives the appropriate medical care for as long as the condition requires. So those are my reservations for this bill. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I would like to register some reservations on this measure. I think it will increase workers' comp premium cost. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations and the words from the Representative from Kakaako as my own. Thank you. I'm sorry. I just realized that in Downtown, there's Kakaako and Downtown. I'm not sure ... I actually want the Representative from Downtown," and the Chair "so ordered." (By reference only.)

Representative Sonson rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. There are no adequate safeguards out there for people who don't have other forms of insurance. Some workers' comp claimants have a claim where they cannot go back to work because of their injury. They lose, some of them do lose their regular insurance like HMSA, Kaiser, that's provided from the employer because they haven't worked for a certain period of time. When that happens at some point in time during the claim, the insurance companies would subject them to an IME. A paid professional doctor who would give an opinion that says, 'This person doesn't need any more treatment.' That would be in disagreement to another doctor that says, 'No, he needs more further treatment.'"

"More than likely the insurance carrier will take the opinion that they paid for from the insurance doctor or the independent medical examiner, whatever you call that person, that doctor, that gives the opinion that no treatment is needed. They will take that over the opinion of the treating provider who is the one that's engaged with this patient on a more regular basis.

"So this opinion then will allow the insurance company to say, 'We're going to cut off your medical. We're not going to provide you with any more medical,' and at that point, what is that person going to do for medical treatment? They can't do anything. The attorney, if that person is lucky enough to be represented, will then file a petition in the form of a WC5, request for a hearing during that administrative process, but that usually takes about three to six months, or even longer, just to get on calendar.

"So for all of that time, there's no medical treatment being given to this particular person. And if that person goes to a hearing and wins, they'll still have to wait about 60 days before they can get to the point where that person can get treatment if the Director's order is not appealed. If the Director's order is appealed, there is no treatment. So you're looking at six months maybe, plus another two months, and then it goes through the appeals process. It goes through the appeals process then you have another year, maybe longer without medical treatment.

"In the end, if the claimant is the winner on the appeal side and it stops there, you have a claimant that's going to be more difficult to put back into the workplace because of the reason that that person has not received proper medical treatment.

"This is a call of the Legislature. Who do we care about and who do we support in this particular instance when there's a difference in opinion? You know that the doctor that gives that opinion has no liability whatsoever. The person or the doctor that's hired by the insurance company, which may put out this person without medical for periods of time. There may be irreparable damage to his medical condition has no liability at all whatsoever under law. So we should err in the worker's side of the particular situation. Support this bill. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"In opposition. This measure overrides the workers' comp medical fee schedule and negates the reasonable necessary language in current Hawaii law. I'm concerned, Mr. Speaker, because you know we're not allowed as a State to explore or investigate employees' suspected abuses even if they appear very, very evident. But we can investigate, employer irregularities. So it is already very one sided for the employee. So we have to give some balance to this. Thank you."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, I just wanted to also note my strong reservations on this bill based on the fact that it may increase premium costs. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you. I also ask that my reservations be noted, and my concerns on the increased workers' comp."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1867, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Meyer, Moses and Stonebraker voting no.

At 2:16 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3126	H.B. No. 2271, HD 1
H.B. No. 1904	H.B. No. 3217, HD 1
H.B. No. 1918, HD 1	H.B. No. 1867, HD 1
H.B. No. 2215	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 861-06) recommending that H.B. No. 1021, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1021, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 862-06) recommending that H.B. No. 1706, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1706, HD 3, entitled: "A BILL FOR AN

ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 863-06) recommending that H.B. No. 2040, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2040, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"Senator Hiram L. Fong's accomplishments are well known. In addition to his distinguished political career, Senator Fong was a successful businessman and community leader.

"In 2005, the Legislature established the Senator Fong Commission to research and find means to honor and recognize Senator Fong. The Commission has completed its work and its highest priority suggestion was the creation of a scholarship at the University of Hawaii in Senator Fong's name.

"HB 2040 HD1 would establish the Senator Hiram L. Fong Scholarship Program and provide initial funding for the program. This is a suitable way to honor a great man and I ask that my colleagues support this measure and send it on to the Senate. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2040, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SENATOR HIRAM L. FONG SCHOLARSHIP PROGRAM," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 864-06) recommending that H.B. No. 2045, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2045, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, for 864, Relating to Perinatal Care, I have remarks to insert into the Journal. I would just like to say for those who may not know what perinatal means ... I'm in support. Perinatal is relating to the period before and after childbirth. Usually the five months before and one month after birth and so this is a critical time for mother and baby.

"Establishment of this clinic at the University of Hawaii School of Medicine would be part of the war on ice and today's editorial in the paper said, 'What happened to the war on ice?' Well, I think this is something that we can do to contribute to the war on ice. Thank you."

The Chair then stated:

"Were you going to insert written comments as well?"

Representative Lee: "Yes. I can give a long speech if you like."

Vice Speaker Takai: "No thank you. Written comments are preferred. Thank you Representative."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"Today's *Advertiser* asks: "What happened to the War on Ice?". Here is one answer.

"Perinatal" is defined as relating to the period before and after childbirth usually the five months before and one month after birth. Obviously this is a critical time for mother and baby. Good health habits during that period can set a *keiki* on the course for a happy and healthy life. Maternal drug, alcohol and tobacco use, however, can have a very negative effect on the health of a fetus.

"In 2000, Child Welfare Services received reports of 208 drug-exposed infants. Most of them had been exposed to methamphetamine. In addition, about 20% of pregnant women in Hawaii drink and about the same percentage smoke. All of these practices can have serious consequences for the *keiki*'s health.

"Unfortunately, women who use illegal drugs are the least likely to seek perinatal care many for fear that their children will be taken from them. This measure would establish a pilot perinatal clinic at the John A. Burns School of Medicine. The clinic will provide care for women with a history of substance abuse to provide them substance use counseling and psychiatric care. The clinic will also provide case management coordinating its efforts with CWS and social service providers.

"We must do what we can to protect the innocent victims of maternal drug, alcohol and tobacco abuse. This pilot program is an important step in protecting the next generation, for as we all know, the children are our future.

"I urge my colleagues to support this measure. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2045, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 865-06) recommending that H.B. No. 2066, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2066, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 866-06) recommending that H.B. No. 2263, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2263, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLING INVASIVE SPECIES," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 867-06) recommending that H.B. No. 3087, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3087, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. On Standing Committee Report 867, House Bill No. 3087, I'd like to request a ruling on a potential conflict of interest. Similar to Second Reading, one of my clients is HHSC and I specifically advise them on procurement policies. I was excused on Second Reading."

The Chair then ruled:

"You're excused from the vote on that particular measure."

Representative Kawakami rose to speak in support of the measure, stating:

"Mr. Speaker, in support of House Bill 3087. I'm in strong support of this measure, Mr. Speaker, Relating to Procurement. The measure seeks to raise the current procurement threshold for smaller purchases from \$25,000 to \$50,000.

"This measure is especially beneficial for our smaller and Neighbor Island hospitals that were often hampered by the current threshold of \$25,000 enacted since 1993. By raising the level of the small purchases to \$50,000, we will not only help the Neighbor Island hospitals operate a little bit more efficiently, but also it would help the Judiciary, the State, the Senate, the Legislature, the University of Hawaii and even the Department of Education. So I'm in favor of this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3087, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 50 ayes, with Representative B. Oshiro being excused.

At 2:20 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1021, HD 2	H.B. No. 2066, HD 2
H.B. No. 1706, HD 3	H.B. No. 2263, HD 2
H.B. No. 2040, HD 2	H.B. No. 3087, HD 2
H.B. No. 2045, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 868-06) recommending that H.B. No. 3098, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3098, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"I thought someone else was rising, Mr. Speaker, but I have some reservations on the measure. This measure, HB 3098, HD 2, there's portions of it that I do support. It brings a civil service employees at conversion Charter Schools the same rights and benefits as civil service employees employed at the DOE, and I understand the reason for that. But I believe these rights and benefits should not be limited to just employees of conversion Charter Schools and should therefore be extended to include employees of startup Charter Schools. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. For the edification of the previous speaker, there's another bill upcoming that takes care of that. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3098, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS,"

passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Schatz being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 869-06) recommending that H.B. No. 1886, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1886, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against this bill. Mr. Speaker, the purpose of the bill is to preserve the inventory of low-income rental housing and unfortunately it does it by a way that actually may prevent or discourage the production of lower income rental housing units.

"This bill would prohibit this sale of those units in fee simple to private persons at any time no matter how far in the future. The Housing and Community Development Corporation of Hawaii opposed the bill. The Committee Report states that the Committee notes that HCDCH expressed concern that this measure could potentially adversely affect HCDCH's housing development programs and may impact affordable for sale housing projects under HCDCH.

"I think we all know, and we've said it time and time again in this Chamber, Mr. Speaker, Hawaii is in desperate need for affordable housing. The sub part (f) of part 2 of HRS Chapter 201G includes many housing development programs. This is the area that this bill addresses. Some of the programs can be used for low income rental housing projects built on privately owned fee simple lands.

"These State-owned housing development programs would not encourage private owners to use their fee simple land for low-income rental projects if the owners are prohibited later from selling the projects.

"So what we may be doing by this well-intended bill is actually stopping the progress that we were trying to make in delivering low-income housing projects to the people that so desperately need them.

"I really ask Members to take a look at this again. HCDCH says don't do it. It's going to backfire. It won't accomplish what you want to accomplish so I think we should table this bill. I know it will go over to this Senate, but we don't have to encourage them to hear it or to come to Conference Committee or to proceed with it. Thank you."

Representative Marumoto rose in support of the measure with reservations, and asked that the remarks of Representative Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Kahikina rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, as the Chair of Housing, we are tasked to address the housing and homeless crisis. And this is another measure addressing the issue that a lot of our housing projects are reaching its maturity and it's going up for sale which may convert into condominiums which would put out the affordability stock. And so I know that a lot of people want fast results, and I hear the rhetoric on the floor. I really would like to see some deeds and would ask that my colleagues would help in addressing the critical issue and the crisis, and come up with solutions. And we're open and I'm hoping that this measure will go forward so we can continue the discussion on this very viable solution to a crisis."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition with the words from the Representative from Kailua as my own. And just short additional comments. I think this would also prevent, should a developer want to do a 'rent to own' after the lease period, to the people who are currently renting as a low-income rental. And as they say home ownership is really a big part in self-sufficiency and wanting to see people in low income just basically have something of their own. I think this also prevents that so I just wanted to add those as my comments as well."

Representative Pine rose to speak in support of the measure with reservations, stating:

"I just wanted to note my reservations based on the previous speaker's comments. Thank you."

Representative Halford rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'd like to briefly explain my no vote on this bill. I'm voting no on this version of the bill. This bill is in progress. The Chairman of the Committee is sincere in looking for some solutions and asking for suggestions, and I'm hopeful for a good outcome for this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1886, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Finnegan, Halford, Meyer, Moses, Stonebraker and Thielen voting no, and Representatives Arakaki and Schatz being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 870-06) recommending that H.B. No. 1948, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1948, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I support the bill overall with one exception and that's why I'm voting with reservations. Thank you. I don't want to add the 68 ounce bottles to the bottle bill program until we can get that program operating in a way that is going to be more helpful to consumers. I don't think we should expand the types of bottles that are under that purview because right now it becomes very difficult for consumers to get their 5 cents back. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker. I'll be voting no based on the same reasons as the previous speaker. The people in my district are really hurting. While I do support recycling, a lot of people in my district used to use that money when they recycled to buy food on the weekends for their families. So I think it's just too early with the economy in terms of the rental market the way it is, and people with low incomes suffering as it is, to add this extra expense on them at this time. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Pine be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1948, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Finnegan, Marumoto, Meyer, Moses, Pine and Stonebraker voting no, and Representatives Arakaki and Schatz being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 871-06) recommending that H.B. No. 1917, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1917, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Schatz being excused.

H.B. No. 1917, HD 2 passed Third Reading in the following form:

H.B. No. 1917, HD 2

A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to the Constitution of the State of Hawaii to establish a salary commission responsible for reviewing and recommending changes to salaries for justices and judges, members of the state legislature, the governor and lieutenant governor, the administrative director of the State, and department heads or executive officers and the deputies or assistants to department heads of the executive departments, excluding the University of Hawaii and the department of education.

SECTION 2. Article XVI of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"SALARY COMMISSION

Section . There shall be a commission on salaries as provided by law, which shall review and recommend salaries for the justices and judges of all state courts, members of the legislature, and department heads or executive officers and the deputies or assistants to department heads of the executive departments provided by law, excluding the University of Hawaii and the department of education. The commission shall also review and make recommendations for the salary of the administrative director of the State or equivalent position and the compensation of the governor and the lieutenant governor.

Any compensation established pursuant to this section shall not be decreased during a term of office, unless by general law applying to all salaried officers of the State.

Not later than the fortieth legislative day of the 2007 regular legislative session and every eight years thereafter, the commission shall submit to the legislature its recommendations and then dissolve.

The recommended salaries submitted shall become effective as provided in the recommendation, unless the legislature disapproves the entire recommendation as a whole by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted."

SECTION 3. Article III, section 9, of the Constitution of the State of Hawaii is amended to read as follows:

"[SALARY:] LEGISLATIVE ALLOWANCES[; COMMISSION ON LEGISLATIVE SALARY]

Section 9. The members of the legislature shall receive allowances reasonably related to expenses as provided by law[; and a salary prescribed by the commission on legislative salaries pursuant to this section which shall be payable in installments and at such times as provided by law.

~~There shall be a commission on legislative salary, which shall be appointed by the governor on or before November 30, 1978, and every eight years thereafter. Not later than the fortieth legislative day of the 1979 regular legislative session and every eight years thereafter, the commission shall submit to the legislature and the governor recommendations for a salary for members of the legislature, and then dissolve. The recommended salary submitted shall become effective as provided in the recommendation unless the legislature disapproves the recommendation by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted or the governor disapproves the recommendation by a message of disapproval transmitted to the legislature prior to such adjournment. Any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted]."~~

SECTION 4. Article VI, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3. The governor, with the consent of the senate, shall fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts, by appointing a person from a list of not less than four, and not more than six, nominees for the vacancy, presented to the governor by the judicial selection commission.

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. If the senate fails to reject any appointment within thirty days thereof, it shall be deemed to have given its consent to such appointment. If the senate shall reject any appointment, the governor shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the commission shall make the appointment from the list, without senate consent.

The chief justice, with the consent of the senate, shall fill a vacancy in the district courts by appointing a person from a list of not less than six nominees for the vacancy presented by the judicial selection commission. If the chief justice fails to make the appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. The senate shall hold a public hearing and vote on each appointment within thirty days of any appointment. If the senate fails to do so, the nomination shall be returned to the commission and the commission shall make the appointment from the list without senate consent. The chief justice shall appoint per diem district court judges as provided by law.

QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court. A justice of the supreme court, a judge of the intermediate appellate court and a judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination. A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination.

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions.

TENURE; [COMPENSATION;] RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of the justice or judge for the period provided by this section or by law.

~~[There shall be a salary commission to review and recommend salaries for justices and judges of all state courts. Justices and judges shall have salaries as provided by law. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. They] Justices and judges shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."~~

SECTION 5. Article V, section 3, of the Constitution of the State of Hawaii is repealed.

["COMPENSATION: GOVERNOR, LIEUTENANT GOVERNOR

~~**Section 3.** The compensation of the governor and of the lieutenant governor shall be as provided by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five hundred dollars, respectively, a year. Such compensation shall not be increased or decreased for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of the governor, the lieutenant governor shall receive the compensation for that office."~~

SECTION 6. Article XVIII, section 3, of the Constitution of the State of Hawaii is repealed.

["SALARIES OF LEGISLATORS

~~**Section 3.** Until otherwise provided by law in accordance with Section 9 of Article III, the salary of each member of the legislature shall be twelve thousand dollars a year."~~

SECTION 7. The question to be printed on the ballot shall be as follows:

"Shall the Constitution be amended to provide for a salary commission to review and recommend salaries for justices, judges, state legislators, the governor, the lieutenant governor, the administrative director of the State, and state department heads or executive officers and the deputies or assistants to department heads of the executive departments, excluding the superintendent of education and the president of the University of Hawaii?"

SECTION 8. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 9. This amendment shall take effect on July 1, 2020.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 872-06) recommending that H.B. No. 2211, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2211, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Schatz being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 873-06) recommending that H.B. No. 2371, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2371, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," passed Third Reading by a vote of 49 ayes, with Representatives Arakaki and Schatz being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 874-06) recommending that H.B. No. 2558, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2558, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like to enter my no for Standing Committee Report 874. This deals with vocational rehab for non-permanently injured declared employees. Right now, vocational rehab is one of the fastest benefits, cost centers in work comp. I believe the number that I got after researching is something about \$6 million a year. This could very easily add another million or two on, per year.

"An example of what could happen is let's say, a carpenter who hurts an arm, breaks an arm, is unable to return back to his permanent job because he's undergoing rehabilitation. Or a truck driver who hurt his back is undergoing rehabilitation. What this bill would allow them to do is to refer themselves to the vocational rehab program before he becomes permanently disabled. I think it's going very much in the wrong direction. We need to assist injured employees to get them back to work not divert them to other programs. So with that I have a very strong no. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, support with reservations. I'm just wondering why this is necessary at this time. Current law, Section 386-25 and existing practice, already allows the Director to refer workers who are unable to return to their usual and customary job to go to vocational rehab. So it seems like we're just duplicating something that's already there. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2558, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Third Reading by a vote of 47 ayes to 2 noes, with Representatives Harbin and Meyer voting no, and Representatives Arakaki and Schatz being excused.

At 2:31 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3098, HD 2	H.B. No. 2211, HD 1
H.B. No. 1886, HD 1	H.B. No. 2371, HD 1
H.B. No. 1948, HD 2	H.B. No. 2558, HD 1
H.B. No. 1917, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 875-06) recommending that H.B. No. 2566, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2566, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 876-06) recommending that H.B. No. 2598, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2598, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 877-06) recommending that H.B. No. 2678, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2678, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 878-06) recommending that H.B. No. 2994, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2994, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Ito rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of Standing Committee Report 878-06, HB2994 HD2.

"Mr. Speaker, in mid-January of this year Ms. Dorothea Pale, President of the Kulana Nani Residents Association, called me complaining that the Kulana Nani Apartment complex is being sold. Investigation of the issue revealed that Kamehameha Schools is the owner of the property on which the Kulana Nani Apartments sits on and was selling the land only at an asking price of \$6,800,000. The City & County of Honolulu is the owner of the apartment complex, which was built with a loan from HUD. Kamehameha Schools leases the property to the City & County of Honolulu and the lease terminates in 2048.

"Mr. Speaker, the City & County of Honolulu has stated publicly that their consultants have advised the City to sell off their assets, such as the City's low-income housings. This statement has raised fears in the residents at Kulana Nani. Their fears are justified. When the City & County of Honolulu pays off the HUD loan, the City is free to sell the Kulana Nani Apartment complex on the open real

estate market. This scenario can happen well before the lease terminates in 2048. If the Kulana Nani Apartment complex is sold, what will happen to the residents if the new owners decide to raise the rent above the affordability level, convert the apartment complex to a condominium complex, or raze the complex completely and rebuild? It is a foregone conclusion that the residents will have to search for new low-income residences and many may become homeless.

"Mr. Speaker, HB 2994, HD2, directs the Hawaii Housing Finance And Development Administration to immediately initiate negotiations with Kamehameha School to ensure the State's acquisition of the Kulana Nani property. HB 2994, HD2, further provides that one hundred per cent of the housing units on the property shall be retained in perpetuity as affordable housing for households at or below the current income restrictions for rental housing units on the property.

"I want to commend Ms. Dorothea Pale and Ms. Ivey Matavale and Ms. Lorraine Soriano, Kulana Nani residents, for taking the time and effort to testify at the hearing of the Committee on Housing. These three women conveyed to the Committee the fears and concerns of the residents of Kulana Nani Apartments, as well as the residents of other low income housing projects, privately and publicly owned, that are being sold.

"Mr. Speaker, in its final report dated January 2006, the Joint Legislative Housing And Homeless Task Force expressed concern that the inventory of affordable housing rental units is at risk of being reduced. Affordable rental housing projects built in part with government subsidies have been offered for sale at market prices in anticipation of the expiration of income and regulatory restrictions encumbering the property. The taskforce is committed to ensuring that these units remain affordable to persons at lower income levels.

"Mr. Speaker, for this purpose I urge my colleagues to support Standing Committee Report 878-06, HB2994, HD2. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Mr. Speaker, on 878. As with all the language in certain bills that includes eminent domain, I'll be voting in opposition. I do care for what's going on with the people in this area, but just as I've been *hanai* into a Hawaiian family many years ago, and since half my family is from the Philippines, we have a lot of experience with eminent domain. I just really believe that this is an area that we should not go into. It harbors too many hard feelings and could one day be misused as it has been on the mainland, as many of us know.

"Some people's homes were taken over by the government so that they could put a shopping mall there, and they used eminent domain. So I know there is some language in other bills that is specifying it for better uses. However, I just think it's a wording that I wish was not in this bill because I would definitely support this bill and many measures just like it. Thank you."

Representative Kahikina rose to speak in support of the measure, stating:

"I stand in support of the measure. Mr. Speaker, nobody likes to talk about eminent domain, but the government has the power to seize property for public purposes. And I appreciate the previous speaker speaking on eminent domain and how she respects the Native Hawaiian family that *hanai* her.

"If anybody experienced eminent domain, it was Native Hawaiians. In fact I think they called it 'manifest destiny' and so in that respect, because of the housing crisis, I ask our Members to support this measure."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. And I would just like to comment that presently that the land that the bill talks about purchasing is presently on the market already, and this looks to appropriate money at the market rate. I don't foresee eminent domain as being an issue. I know it is in the bill, but that's if a settlement can't necessarily be reached. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, I will be voting no. I'm okay with eminent domain for different purposes, and I expect the government to use its discretion in a good way. It's just that when you put eminent domain in this, it's almost like a threat. A threat to Kamehameha Schools that if you don't sell, then we're going to utilize this eminent domain on you, and I don't like that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2994, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Finnegan, Pine and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 879-06) recommending that H.B. No. 3121, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3121, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Yamane rose to speak in support of the measure, stating:

"I'm standing up in strong support for Stand Com. Report 879. I would like to submit written comments, but also to express really quickly that after Katrina it took three shifts of 45 volunteers to deal with the pets that were loose after the hurricane. Thank you," and the Chair "so ordered."

Representative Yamane's written remarks are as follows:

"It is estimated that 56% of Oahu household have pets according to a Ward research study. It is predicted that we have almost 1.5 million pets on Oahu, with over 330,000 dogs and cats.

"After Hurricane Katrina, animal volunteers in Louisiana took in 300 to 500 animals daily, who needed to get cleaned up, fed and cared for. In three shifts, at least 45 volunteers from humane societies, including from Hawaii, Colorado, Minnesota, Ohio and California, they worked round-the-clock helping to care for these victims who were lost from their family.

"But more importantly, our pets are part of our family. For many, they are like their own children. During these times of crisis, do not force people to make a choice between their safety and the safety of their family members.

"Animals left behind can be injured, lost or killed. Animals left inside a house can escape through storm-damaged areas such as a broken window. Leaving dogs tied or chained outside could endanger their lives. Animals turned loose to fend for themselves can become victims of exposure, starvation or accidents.

"This measure will result in more people seeking the safety of a shelter reducing the risk of emergency responders and the loss of life. Let's not be dogged by the issues."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3121, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 880-06) recommending that H.B. No. 1928, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1928, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm going to be voting no on this bill and I'd like to explain why. Thank you. Mr. Speaker, the provision I don't support is allowing agricultural leases to be renewed by direct negotiations instead of going out for competitive bid.

"I think that could really be a mistake if we go down that road. This would mean that an agricultural lessee who had either a 35-year lease or a 55-year lease could go in to the Board of Land and Natural Resources and say, 'We want to directly negotiate with you. Don't put it out for competitive bid. We want to extend our lease.' This would mean that they would have a term that was really a hundred years of having that State land, having the lease on that State land.

"I don't really think this is fair to the other farmers who are out there that would like very much to be able to have a operation, a farming operation on State land. And I realize that it would be difficult for existing lessees to come in and go through a competitive process, but that competitive process brings in a fair return to the State, and I think it's a much better way because it also brings a fair opportunity for the new farming community to come in and be able to apply for that land. Otherwise they're just shut out. Thank you."

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. This bill contains several segments one of which the previous speaker alluded to. Actually, it becomes a moot point because we talked about House Bill 2271 on page 18, which transfers responsibility of the management of agricultural leases from the Department of Land and Natural Resources to the Department of Agriculture just for that reason. So that would-be farmers can be assured that they would continue with their leases because otherwise you take a farmer who has labored on a property for 10 or 20 or more years, only to lose it to someone with bigger dollars. The deserving farmer should be given the opportunity to renegotiate that lease. But in this bill it can be a moot point because of the transfer.

"I'm speaking in support of this bill because it allows hotels, resorts, to renegotiate leases with the Department of Land and Natural Resources primarily in the event that financing becomes necessary for improvements. Otherwise what might happen, say that a lessee has 10 more years on his lease. The Lessee's not going to spend money to improve that property. This is on State lands. It is to the State's benefit that the improvements on that land would be in as good shape as possible through improvements. This would enable that lessee to go ahead and recapture financing costs because the lease term has been extended. So it's really a good measure. There are two sections that provides not only for recapturing of financing, but it enables the Department when necessary, to extend the uses or the heights, or the limitations on the use of their property. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1928, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Marumoto and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 881-06) recommending that H.B. No. 1938, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1938, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. This is a really very important bill. For years we've been trying to address the issue. I'm in very strong support. Thank you. For years we've been trying to address the issue of luxury estates on agriculturally zoned lands.

"In essence, this bill would prevent Hokulias in the future. Some have called this bill to be overly restrictive, but at the time we encountered the bill it was just the intent to say that there would be no non-agricultural uses on agriculturally classified lands. And it doesn't mean that there could never be such development on agriculturally zoned lands. If it was the desirable and needed thing to do, then it should be reclassified to whatever the use may be, either rural or urban. And that's what this bill is all about.

"As we proceed however, because this is such a far-reaching step in how we use our lands, one of the biggest problems is that in 1976, we allowed permissible dwellings on A&B lands and that opened the door to all kinds of dwellings, including luxury estates. So we have to figure that out. We're thinking possibly that we need to have a land use working group in the interim to make that determination to get all the stakeholders to the table to make this determination. Because an important decision such as this would come under this bill, the process of arriving at that decision is probably more important than the decision itself, by having everybody participate in arriving at a solution.

"So this is something that we need to continually look at and work on because it's so far reaching and we should pass it. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm rising in support, but with some strong reservations. I feel like this bill is kind of going backwards from what we did last year on the important ag land bill, where we would give the counties more say in what they would want to do with the ag land. And now in this bill we are specifically prohibiting golf related facilities, private membership facilities including hotels, resort and maybe commercial uses, time share facilities. We get very specific about what we won't allow on ag lands.

"And then another section. I mean, it's regardless of soil classification. I think for any of us who have sat in any of the hearings on important ag lands, it's clear that there are ag lands and there are ag lands. And when you take the Big Island into account, it is the biggest island with the most acreage, and probably 94% of it all zoned ag and it's not appropriate soil. It's just plain lava and rocky soil and not good ag land, and never been used as ag land. Yet because it was sort of a default, it was zoned ag. I think there are lots of people that envision this great, rich soil and think it's wonderful. And there's the argument about how coffee can grow on old lava flows and that's true, but there's so many hundreds and hundreds of acres that are zoned ag without any thought as to whether they are really viable for agricultural. And now we are passing this bill that's saying that the counties can't tend to ... What's the wording here. It repeals the county's authorization to further define accessory agricultural uses.

"I just feel like we're going backwards. I feel like we just keep chasing like a dog chasing its tail. We talk about it. We talk about it. We never get any closer to resolving the problem, and this is like taking a step back. And I respect the Chairman of Water, Land and

he's been here a lot longer than I have, but I certainly see this bill differently than he does. Thank you, Mr. Speaker."

Representative Hale rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. It really bothers me when we talk about important ... I'm for this because of some of the prohibitions here in this bill, but I have some reservations. I represent the district in east southeast of the Island of Hawaii. It's called Puna. About 95% of it is lava flow and yet we are a very thriving agricultural area. We raise papayas. We send them all over the world. Their best papayas are on so-called, no-good land. Lava land, that's where papaya have been thriving and have been a very successful product.

"Another big area in my area is floriculture and it's on lava land that has been smoothed out and put on racks. If you have a certified nursery you put it on a rack and it doesn't take deep soil. We're thinking in terms of only using the kind of land that they have from the area that I come from in Minnesota which is long, deep, and we used a tractor and you till it. But very profitable agriculture can be put on lava land. Macadamia nuts, papayas, bananas, floriculture and to say that that is not useful, it irritates me. I'm sorry and that gives me some concern about the definition. Thank you."

Representative Evans rose to speak in support of the measure, stating:

"I rise in support. I just wanted to make a brief comment that the reason I was an original writer of the bill, an introducer, and it is changing as it goes along because I see this as a really good discussion about really what's happening at the local level and about home rule.

"The original intent of the bill was to really bring to people's attention that the counties have done what I call spot zoning, and they do variances. I was looking at a law to really stop that so that local politics can't stretch the meaning of what really should go on agriculture land. So it was just a really short bill, one paragraph, that said that only permitted uses that are in statutory law could actually be allowed on agricultural lands and that was it. Now as it goes forward obviously there's a lot of people that are kind of redefining it and changing it. So as it goes forward I hope it does stay with the original intent, which was to stop local politics, and stop this finding a way to spot zone. Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. Just to reply to some of the things the introducer of the bill said, that this is about home rule. Well this is not the sort of home rule. This is a bill that says the counties will have no say. You will just do what the statutes of the State of Hawaii says, and I think that's the dog chasing the tail. Here at the State level we're dictating and giving. We have given the counties some room and now we want to take it away. I don't think that's the answer to the problem. We're an island State. Every island is different. The Island of Hawaii has more land than any other island. Maui has all kinds of beaches. Every island is different and I think that the counties should have a lot more say. Thank you, Mr. Speaker."

Representative Kanoho rose to respond, stating:

"A quick rebuttal, Mr. Speaker. This bill is because of the counties. It is because the counties have overstepped their boundaries and created development where it should not be. And development that should be other than agriculture, that this bill has become necessary. And so it's for all the reason that the Representative from the Windward coast, that this bill is necessary. It does not take away from what was done insofar as important agricultural lands. It would help preserve agricultural endeavors on all agricultural lands. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1938, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 48 ayes to 3 noes, with Representatives Marumoto, Moses and Pine voting no.

At 2:52 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2566, HD 1	H.B. No. 3121, HD 2
H.B. No. 2598, HD 1	H.B. No. 1928, HD 2
H.B. No. 2678, HD 2	H.B. No. 1938, HD 2
H.B. No. 2994, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 882-06) recommending that H.B. No. 2399, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2399, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I just believe the inter-island ferry will provide competition for inter-island travel for our citizens and should lower the cost of that, and also lower the cost of bringing agricultural goods to market. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2399, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," passed Third Reading by a vote of 50 ayes, with Representative Cabanilla being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 883-06) recommending that H.B. No. 2669, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2669, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," passed Third Reading by a vote of 50 ayes, with Representative Cabanilla being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 884-06) recommending that H.B. No. 1862, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1862, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support with written comments, please," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"The purpose of this bill is to allow the Department of Education to employ retired licensed teachers to teach in teacher shortage areas or serve as mentors, provided the teachers are retired for at least one calendar year prior to reemployment.

"As the teacher shortage continues, the rehiring of retired teachers will provide the "highly qualified" teacher that students need in the classroom. The continuing use of long-term substitute teachers is problematic as temporary teachers are not supposed to take over

classrooms for long periods of time. This will allow schools that have a need for teachers to have more flexibility in hiring "highly qualified" educators."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1862, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Cabanilla being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 885-06) recommending that H.B. No. 2178, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2178, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to vote no on this bill. Thank you. It seems strange that I would oppose special purpose revenue bonds that will help Hawaii's agricultural industry by letting the industry make certain infrastructure improvements. But the problem is with this bill, it's premature. We need the instream flow standards first before we go ahead with the SPRBs.

"I would like to request, Mr. Speaker, that I am able to put the text of the Sierra Club's testimony into the Journal and it explains exactly why the bill is premature," and the Chair "so ordered."

Representative Thielen submitted the following testimony of the Sierra Club, Hawaii Chapter:

"The Sierra Club, Hawai'i Chapter, with over 5000 dues paying members statewide, opposes HB 2178. This measure proposes a funding mechanism for repairing and improving irrigation systems to facilitate the diversion of free-flowing streams. While we appreciate the desire to aid farmers access to water, we believe public funding for such purposes may be inappropriate and, at the very least, premature.

Given the lack of necessary – and mandated – studies and plans for Hawaii's water, these measures put the cart before the horse.

Despite prior legislation and court ruling, scientifically-based "instream flow standards" have yet to be established for nearly all of Hawaii's natural streams. Such standards would help planners determine how much – if any – water can be diverted from a stream without impacting native stream life, cultural uses, and ecosystem balance. This information is essential, and when faced with incomplete and inconsistent scientific evidence about the proper instream flow, "precautionary principles" should be adopted to protect stream resources, as the State Supreme Court affirmed in the Waiahole case. 94 Haw. At 154-155. The state cannot plan for agricultural uses without first planning for resource protection.

At the very least, we ask that this bill be amended to make clear that any funding of an irrigation project must be conditioned on the prior establishment of proper, scientifically based instream flow standards for all streams affected by the project."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this bill however I think it's time for me to make my little reminder that what the Legislature sometimes giveth, it taketh away. This is a special revenue bond therefore Chapter 104 plays into this, so perhaps we

might be pricing ourselves right out of the market of doing a very good thing for agriculture. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2178, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Thielen voting no, and Representative Cabanilla being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 886-06) recommending that H.B. No. 2609, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2609, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING FOR EMPLOYEES IN NEW CENTURY CHARTER SCHOOLS," passed Third Reading by a vote of 50 ayes, with Representative Cabanilla being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 887-06) recommending that H.B. No. 2610, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2610, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure Relating To Charter Schools.

"The measure provides seed money to establish the Charter Schools Facilities Fund Partnership. It provides a tax credit to landlords who rent or lease to Charter Schools. It encourages the State to enter into leases with Charter Schools at rates comparable to other State agencies. And it reimburses New Century Charter Schools for rent, lease, or mortgage payments for Charter School facilities.

"Given the State's limited resources, the lack of facilities funding is one the biggest challenges facing Hawaii's Charter Schools. This measure would help minimize the financial burden on the State for underwriting facilities, it can help to leverage scarce public resources through a partnership similar to the Hawaii 3R's program. Similar to the 3R program, the partnership would be:

- A public-private partnership;
- Initially be incubated under the fiscal agency of an existing 501(c)(3) or similar nonprofit organization; and
- Attract private investment through the use of tax credits, including federal tax credits."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2610, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 50 ayes, with Representative Cabanilla being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 888-06) recommending that H.B. No. 2765, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2765, HD 2, entitled: "A BILL FOR AN

ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 50 ayes, with Representative Cabanilla being excused.

At 2:56 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2399, HD 2	H.B. No. 2609, HD 1
H.B. No. 2669, HD 1	H.B. No. 2610, HD 2
H.B. No. 1862, HD 2	H.B. No. 2765, HD 2
H.B. No. 2178, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 889-06) recommending that H.B. No. 2878, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2878, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Thank you. I'm voting with reservations. First of all, I'd like to congratulate Tradewinds Forest Products for becoming a Hawaii corporation and thereby perhaps maybe able to get a SPRB for their Big Island Construction.

"However, I have some real concerns and I've had many calls from some of the people on the Big Island regarding the issue of whether or not this is a true diversification of Hawaii's economy, or some type of a temporary measure. So I just wanted to express my concerns and also remind them that they will be impacted by Chapter 104 requirements. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2878, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 890-06) recommending that H.B. No. 3067, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3067, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. Farming in Hawaii is very competitive with tight margins. This bill will provide eligible farmers an opportunity to obtain funds at favorable rates, which in turn encourages expansion, improvements, and diversification of their operations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3067, HD 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 891-06) recommending that H.B. No. 3077, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3077, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. This bill authorizes up to \$15,000,000 in Special Purpose Revenue Bonds to assist Rosette Steel Hawaii LLC in a manufacturing enterprise. The company will build a new facility to manufacture affordable home trusses and panels. Rosette Steel Hawaii LLC's affordable housing technology produces a superior grade steel product, which enables homes to be erected quickly and affordably. When completed, the facility will be able to produce six affordable homes per day. Finally, Rosette Steel Hawaii LLC's products and technologies can also be exported to other countries."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3077, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST ROSETTE STEEL HAWAII," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 892-06) recommending that H.B. No. 2962, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2962, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support with brief comments. For SCR 892, H.B. 2962, HD 2. Yes, thank you, Mr. Speaker. In support of this omnibus Charter School bill, which has undergone significant work in the Education Committee, but is still a work in progress and I did want to thank the Chair of the Committee for taking on this issue.

"This bill will provide Charter Schools with a more organized and thorough set of laws and a solid base to complete their innovative educational missions. One of the parts that I think still needs further review is just the part where it takes away the cap, but it replaces it with an accreditation section that is too restrictive in my opinion. And so as we move forward in this major step, I'd just like to say that there are some things that I have concerns about."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I just have strong support and I would like to have permission to insert remarks in the Journal," and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm rising in support of HB 2962. I have been an enthusiastic advocate for Charter Schools for many years. They provide choices for parents and students, and ultimately introduce competition in the educational arena, which I believe is very healthy.

"This bill renames the Charter School Review Panel to the Charter School Authorization Panel. No other state has a central Department of Education that serves as the ultimate authority on all public schools like Hawaii does. Most mainland states have multiple chartering authorities that are separate from their local school boards. The Charter School Authorization Panel established in this bill would be a first step in establishing an independent chartering authority in Hawaii, a positive step. This bill is very comprehensive and sure to be amended along the way. I do hope that the separate chartering authority will survive. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2962, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 893-06) recommending that H.B. No. 1836, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1836, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Evans rose to speak in support of the measure with reservations, stating:

"Thank you. I have some reservations on this. My comment is that when I read the bill, I saw that they were asking veterinarians to go just beyond spay and neutering. I think there is really good intentions behind this bill, asking people maybe that were here on vacation three months out of the year to help the Humane Society and actually do spay and neutering. But if you look at the bill it'll actually allow veterinarians to go beyond that.

"So what I'm hoping is that that we address in the next Committee the fact if they are going to be coming here to help us, that it's voluntary, that they don't charge fees, that it's only for spay and neutering and not for other services. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. There's some testimony that there are many veterinarians ready, willing and able to do this, but they're not hired. I think it's like \$35 an hour. And they had concerns that if veterinarians just come here and they do it while they're on vacation, there's no follow up for the pet. So I just want to point those things. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. On 893, the veterinarians, I don't know how many veterinarians vacation here. I'm in support of this measure. I did get a letter from one of our colleagues who was here not that long ago, Virginia Isabell, and she was very anxious for us to hear the bill. At least move it along.

"I think that the Humane Society there on the Big Island may not have the funds or an unlimited budget to hire veterinarian services on a regular, ongoing basis. And there are also fewer veterinarians on the Big Island than we have here on Oahu. And if there are, a great number of veterinarians who maybe are 'snowbirds' and go to Kona and wouldn't mind practicing what they know well, and do it for nothing, I think that will be a real 'win-win' for everybody.

"There is a real problem in this State with the proliferation of too many dogs, cats, and the strays. I know there were veterinarians that came to testify in Finance concerned that these animals wouldn't get the best care because these veterinarians are old and rusty, and kind of forgotten what they were doing, and they're not doing it on a regular basis every day.

"But on the other hand, these animals in the animal shelter there are going to be euthanized if nobody takes them, and so I think we got to weigh everything. I see this as a very possible win-win-win. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1836, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERINARIANS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 894-06) recommending that H.B. No. 2039, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2039, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"In support and permission to insert comments in the Journal. This is another part of the ice puzzle," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support.

"With the popularity of synthetic drugs like crystal methamphetamine, clean up of illegal drug production facilities has become a major problem.

"Many of the chemicals used in the production of crystal meth are toxic, especially to children. These chemicals include: volatile organic chemicals like toluene, acetone, methanol, petroleum distillates and ethers, lead (depending on the manufacturing method) and mercury (also depending on the manufacturing method).

"When illegal labs are discovered, human habitation of the premises is often unsafe. To determine whether living in the building is safe and to conduct necessary clean up, it is important to adopt regulations for the testing and decontamination of property used for the production of illegal drugs.

"Hawaii is currently experiencing a severe housing shortage. We need to ensure that every available property is habitable especially for our *keiki*. We also need to give landlords and law enforcement officials guidance on what constitutes a thorough decontamination.

"HB 2039, HD2, would require the Department of Health to adopt interim rules establishing standards for the decontamination of property used for manufacturing of illegal drugs. This will help ensure that subsequent residents of a property are not harmed and will give landowners guidance on the goals and methods of a decontamination effort.

"The HD2 also requires the Department of Health to report back to the Legislature before the 2007 Session. The required report will give the Legislature and the residents of Hawaii a comprehensive look at the problems associated with illegal drug labs and the measures that should be taken to ameliorate the damage they do.

"I ask that my colleagues support this measure. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2039, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," passed Third Reading by a vote of 51 ayes.

At 3:03 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2878, HD 1	H.B. No. 2962, HD 2
H.B. No. 3067, HD 2	H.B. No. 1836, HD 2
H.B. No. 3077, HD 1	H.B. No. 2039, HD 2

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 895-06) recommending that H.B. No. 2278, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2278, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I'd like to have my comments in the Journal, please," and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Thank you to the Judiciary and Finance Committees and the entire House for advancing this emergency appropriation for:

1. The collection of DNA samples from convicted felons, and
2. Programs to prevent and treat victims of sexual violence.

"The word 'emergency' in this instance refers to the fact that this measure can be passed before the '07 supplemental budget bill and will utilize this year, '06, money.

"The victims of rape and other sexual offenses – mostly women and very often, children – thank you. Future victims should thank you too, when their perpetrators are caught. But, for sure, there will be fewer victims with an expanded DNA database that will apprehend 'bad eggs' sooner.

"Thank you, colleagues, from suspects who are exonerated if their DNA demonstrates that they are innocent.

"It is my hope that we will also have the occasion to thank Senators by the end of Session and that this money will find its way to the DNA registry special fund and to sexual assault services."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2278, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Third Reading by a vote of 50 ayes, with Representative Lee being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 896-06) recommending that H.B. No. 2442, HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2442, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS," passed Third Reading by a vote of 50 ayes, with Representative Lee being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 897-06) recommending that H.B. No. 1835, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1835, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations, or comments at least. This requires outdoor lightings for airports, highways, and harbors to comply with county lighting ordinances when it is not in conflict with any State regulation or federal law regulation or mandate. That's good.

"The reason is some astronomers on the Big Island say that there's too much light pollution. I guess some of the boaters might think so too, and so that's fine and I say reduce the lighting whenever you can.

"My comments are really directed toward the highways. There's three kinds of streetlights that are used. The one that is most common and the older one that was used were round light bulbs and they do spread light all around. The newer ones are flat and all the new highways, all the ones we've been talking about here out in the Ewa area, and anytime they fix them on the highways or the freeways, they're using the new flat light bulbs which do not spread light. And that's good.

"The problem is to go back and do it now, for instance on the freeway, you have to dig up all the existing lights and move the new lights closer together because it's required to be closer together. And that would do serious damage to all of our freeway systems.

"So in the interim, one of the things that is done is using shielded lights. Also they have to be closer together. The shielded lights are using old, round light bulbs. This measure calls for able to use shielded lights.

"My point is first of all you can't do it on existing roads without putting lights closer together. Secondly, the shielded lights are to fix the old round lights. It's better to go to the new flat lights. So when the measure calls for shielded lights I think that's not the term we want to use. Thank you."

Representative Stevens rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I'd just like to say that I've heard from some ship captains that coming into the various harbors around the State, these brighter lights are interfering with their navigation and they would prefer lights directed down with the shields on them around the harbors. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1835, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," passed Third Reading by a vote of 50 ayes, with Representative Lee being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 898-06) recommending that H.B. No. 2778, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2778, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Abinsay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I have written comments in strong support of this measure. I would just like to thank the Committees on Finance, Judiciary, and Labor for their hard work and support of these racial issues about language access. And if I may, Mr. Speaker, I would like to insert an editorial from a daily paper that was published on March 1st, 2006 and this is about, the title is: Work must begin on language access," and the Chair "so ordered."

Representative Abinsay's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Standing Committee Report No. 898-06, House Bill No. 2778, HD 2, Relating to Language Access.

"The purpose of this bill is to provide for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language barriers.

"Mr. Speaker and colleagues, Hawaii has the sixth largest immigrant population, per capita, in the nation. According to the 2000 Census, approximately 27% of Hawaii's residents speak a language other than English at home, while 5% does not speak English well or not at all.

"Title VI of the Civil Rights Act of 1964 states that all service agencies receiving federal funds are required to make their services accessible to limited English speaking persons. This requirement includes interpretation and translation.

"In 2000, President Clinton signed Executive Order No. 13166, which reaffirmed that language access discrimination is a violation of Title VI. The President then ordered all federal departments to publish language access guidelines for all agencies that received federal funding.

"The State of Hawaii has been on notice since 2000 of its obligation to provide language access services, but it is sad to note that little has been done to comply with this requirement.

"Immigrants come to Hawaii to seek a better life for our families and children. We come here and we work hard. We are eager to participate as productive members in Hawaii's society and we are committed to do what we can do to contribute to its economy as well. Immigrants provide necessary health care services. We fuel our tourist industry, we own and operate small businesses, and pay taxes. I say 'we,' Mr. Speaker, because I am an immigrant and I have worked with a lot of immigrants over the years. I know first hand what it's like to be hindered by not being able to speak English.

"Imagine, Mr. Speaker, the horror of parents who cannot communicate with doctors or nurses in an emergency, or their frustrations when they cannot communicate with a school to help their child achieve success.

"Imagine the terror of a woman, who had just been through a domestic assault, who cannot communicate with the police and other authorities, and she is sent to a psychiatric hospital instead. Days later when provided with an interpreter, they discover that she is not suicidal, but rather she is a victim of domestic violence.

"Imagine that you had just discovered your two daughters had been sexually abused by their stepfather and immediately you left your house and sought safety in a shelter. Now you are in need badly of immediate support, but you have to wait two months for the welfare office to provide you with an interpreter to help you complete the welfare application process.

"These are just a few examples of the situations that exist right here in Hawaii – situations that severely impact our immigrant population.

"House Bill No. 2778, HD 2, will fulfill the promise that all residents of the State of Hawaii will be treated on equal terms to public services regardless of their national origin.

"House Bill No. 2778, HD 2, is about ensuring equal rights between English and limited English speaking citizens of this country and State. Our State, this island paradise has long been recognized as a place where diversity and race are celebrated – a true melting pot. And I would like to echo the words of the Chair of Finance as he writes in the Committee Report, and I quote, "As a nation of immigrants and especially here in the state known as the "melting pot of the Pacific," it is especially important that our government remain cognizant of the need to provide opportunities for all who choose to come to Hawaii," end of quote.

"Mr. Speaker and colleagues, let us continue to honor that rich tradition not only to preserve our identity across the nation and around the world as a melting pot, but also because diversity and

tolerance will not flourish unless all can speak and at least be understood.

"H.B. No. 2778, HD 2, is a work in progress, but it is a very important vehicle that we can use to advance this issue. I would like to thank the Chairs of the Committee on Labor, the Committee on Judiciary, and the Finance Committee for their hard work and support of this measure. And I would like to ask of you, colleagues, to support its passage for Third Reading. Thank you, Mr. Speaker."

Representative Abinsay also submitted the following editorial from the *Honolulu Advertiser*:

"Work must begin on language access

In a state where one out of four residents speaks something other than English at home, the barrier presented by language is difficult to overlook.

Yet local government has all but ignored the issue for six years, leaving many whose English skills are poor with little help in securing the government services they deserve and, indeed, pay for.

By law, and in fairness, this is wrong.

In some painful cases, detailed by Advertiser writer Gordon Pang this week, the lack of simple translation services lets small problems deteriorate into tragedies. This adds up to a failure to cope with the reality of Hawaii's multicultural population.

In 2000, President Clinton issued an executive order requiring all agencies receiving federal funds to comply with the Civil Rights Act by providing language assistance to those who qualify for services but have limited English proficiency.

Since then, the federal government has issued guidelines on compliance, but there's very little evidence that Hawai'i has acted. Cost is a legitimate issue, but to use cost as an excuse to postpone all action is inexcusable.

One surviving measure, House Bill 2778, encompasses both the "carrot" and "stick" approach.

The "carrot" would be creation of a language access office that would help state and county agencies develop plans for compliance with federal civil rights law.

In some cases, the costs of dealing with the language hurdle can be sizable, so lawmakers deserve a clear picture of the impact of new language policies. But in other cases, the problem may be one largely of making sure people know that services exist. That could keep expenses to a minimum.

The "stick" is a provision that could leave government agencies open to lawsuits. This element probably should be split off into a separate bill. This way, lawmakers can proceed incrementally, laying the groundwork for compliance before the lawsuits start. Otherwise, the entire process again will be paralyzed.

Making government accessible to all is the wisest course in the long run for Hawai'i. Let the work begin.

The Honolulu Advertiser
March 1, 2006

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2778, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," passed Third Reading by a vote of 50 ayes, with Representative Lee being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 899-06) recommending that H.B. No. 3149, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3149, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND TRANSFER," passed Third Reading by a vote of 50 ayes, with Representative Lee being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 900-06) recommending that H.B. No. 2183, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2183, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS," passed Third Reading by a vote of 50 ayes, with Representative Lee being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 901-06) recommending that H.B. No. 2311, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 50 ayes, with Representative Lee being excused.

At 3:07 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2278, HD 1	H.B. No. 3149, HD 1
H.B. No. 2442, HD 2	H.B. No. 2183, HD 1
H.B. No. 1835, HD 1	H.B. No. 2311, HD 1
H.B. No. 2778, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 902-06) recommending that H.B. No. 2803, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2803, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVEYANCE TAX," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 903-06) recommending that H.B. No. 2508, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2508, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 904-06) recommending that H.B. No. 1843, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1843, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In regards to this, I just want to remain consistent and vote no in regards to the Vocational Agricultural Education Program. Again this is, like I mentioned previously, going in the opposite direction of the Weighted Student Formula so I just want to be on the record that I'm trying to be as fair as possible by making sure that these other programs aren't started up.

"The way I envision something like this working is for the schools that are in areas where they would benefit from an agricultural program, that they would be able to be able to work a partnership maybe, with a local or a nearby agriculture company or whatever. These types of things should be left so that the schools can determine if it's important for their schools. A lot of the time when we legislate things from here, we put an undue pressure on these different schools to have programs like these. Thank you."

Representative Evans rose to speak in support of the measure, stating:

"I rise in strong support. I believe that it's the place of the Legislature to make policy statements about what we feel strongly about, the education for our children. And we are an agricultural economy in Hawaii and I think it's very appropriate for the Legislature to stand up and say we support vocational agricultural education.

"This bill came out of farmers telling me, they are very concerned that we do not have the next generation of farmers coming up. We are not culling our students, telling our children, that it is a very good job, it's a very good vocation, it's something that is very valued in Hawaii. So I strongly support it. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. And I'd like to say many of you or most of you know that I am the Representative from Kapolei. It's very urbanized if you will. But I'm also a Representative who has much, much great farmland in my district.

"We have Aloun Farms, Larry Jeffs, Del Monte, Dole, so I'm very concerned with agriculture also. But I have to also say that we cannot micromanage once we passed Act 51 and the Weighted Student Formula. If we want the schools to do this, we're just buying special programs if you will, and why are we doing Act 51 and saying the DOE is managing your assets. It's not true. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1843, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL AGRICULTURE EDUCATION," passed Third Reading by a vote of 47 ayes to 4 noes, with Representatives Finnegan, Moses, Pine and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 905-06) recommending that H.B. No. 2550, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2550, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 906-06) recommending that H.B. No. 3030, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3030, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. On 906, House Bill 3030, House Draft 1, Relating to the Bureau of Conveyances. This bill proposes to use the Bureau of Conveyances Special Fund to add ... I'm in opposition. The bill would fund nine new full-time staff positions at the Bureau of Conveyances.

"Despite enjoying record high real estate sales, we all know what goes up must come down. Adding positions at the peak of the real estate cycle is not responsible. When the market slows down the same jobs would be in jeopardy because there will be a lot fewer documents to record.

"DLNR testified with concerns about adding unnecessary positions. And the Hawaii Association of Realtors, the professionals who rely on the services the most oppose the measure. The Hawaii Association of Realtors testified that they are aware of the political problems that exist between the regular system employees and the Land Court. This bill will only add staff, which will not solve the employment problems at the Bureau.

"Mr. Speaker, if we truly want to make the Bureau of Conveyances more efficient and better serve our constituents, we need to implement the findings from the report conducted by Hoiwe consultants completed in June of 2005. By improving the work environment at the Bureau, we can ensure consumer benefits for our taxpayers. Adding staff is the quick fix that has the potential of exacerbating the situation at a high cost without looking for the real long-term solution. Thank you, Mr. Speaker."

Representative Schatz rose to speak in support of the measure, stating:

"Briefly in support. There are two problems at the Bureau of Conveyances we need to look at. One is something in our control and the other is not.

"The thing that is in our control is the amount of resources that the Bureau has and clearly they are underfunded. For those of you who are not aware, if you send in your title recordation, the Chair of Labor probably knows the proper terminology better than anybody. But if you send it in by mail, it may not get opened. The mail may not get opened for up to six months. That is something that the Bureau of Conveyances has actually told us. So if you're going to record a title, walk it in. That is totally unacceptable. It's a very small price to pay for these nine additional positions to alleviate that problem

"And the previous speaker is correct. There's another problem that has to do with the way the Bureau is managed. Unfortunately the Legislature does not manage individual divisions and departments. There's nothing we can really do about that except exercise our oversight responsibility, which is something that we're doing with audits, with hearings, with correspondence with the Deputy Director of the Department, the Director of the Department, the Division Chief. We are watching the management and the improvement of the management of the Bureau.

"But our responsibility is twofold. To oversee the improvement of management, and second of all to give them the resources and that's what this bill does."

Representative Moses rose in support of the measure with reservations, and asked that the remarks of Representative Meyer be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3030, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BUREAU OF CONVEYANCES," passed Third Reading by a vote of 46 ayes to 5

noes, with Representatives Ching, Finnegan, Meyer, Pine and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 907-06) recommending that H.B. No. 2265, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2265, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, could we go back to 907. Thank you, I rise with reservations. This bill eliminates the Parole Board's ability to render their decisions without outside influence and will clearly delay the timely rendering of parole revocation decisions, which directly, negatively affect the public safety. So I'd just like to register my reservations on this bill. Thank you."

Representative Chong rose to speak in support of the measure, stating:

Mr. Speaker, I rise in strong support. Thank you. Essentially what this bill, does to clarify what the previous speaker said, is the Parole Authority still remains intact. It still determines paroles for inmates. All this does is take the supervising and counseling functions and places it within the Department of Public Safety. Other states are going in this direction and have gone in this direction, and it's something that we should take a look at. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. In Hawaii somebody who gets ten years may only serve two. We heard this on the Floor earlier tonight. Therefore it is important that the Hawaii Paroling Authority oversee the eight years the offender will be on parole.

"Our Paroling Authority believes the DPS wanted to gain supervisory counseling responsibilities because the rate of parole revocation was high. But according to the Hawaii Paroling Authority, since they have received money from the Legislature, they have been able to create new programs, and parole violations have gone down. Hawaii Paroling Authority strongly believes they should continue to oversee parolees. Thank you."

Representative Sonson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2265, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Meyer, Pine, Stevens, Stonebraker and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 908-06) recommending that H.B. No. 2717, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2717, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC UTILITIES COMMISSION," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no.

At 3:19 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2803, HD 1	H.B. No. 3030, HD 1
H.B. No. 2508, HD 2	H.B. No. 2265, HD 2
H.B. No. 1843, HD 1	H.B. No. 2717, HD 1
H.B. No. 2550, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 909-06) recommending that H.B. No. 2109, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 910-06) recommending that H.B. No. 3019, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Pine and Stonebraker voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 911-06) recommending that H.B. No. 3089, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3089, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC EMPLOYEES' TRUST FUND," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 912-06) recommending that H.B. No. 2698, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2698, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I stand with reservations and strong support of the concept and idea behind the House Bill 2698. This bill, this measure desires to implement standardization of workers' comp forms. And I have to tell you as a former employer and as someone who has been very, very involved in work comp reform since the '90s, this could be a great step forward.

"However, with that being said, there is a lot of work that needs to be done and for that work to be done it's going to require funding from this Legislature. For us to mandate this and recommend this and require this, I think this is great, but we really, really need to step up to the plate this Session and fund DCD to be able to do this.

"Standardization is going to require cooperation between the employers' insurance carriers, and the physicians, and DCD. They are all willing to do this. One of the things that we have found is workers' comp with billing and workers' comp with any type of forms, standardization forms, we are a very unique State in the type of work comp system that we have. Plus we're very unique in the fact that we have this hidden gross excise tax on medical fees and services, so to develop the EMR and to develop the standardization is going to take cooperation, but most important funding. And I would

like to see this measure go forward because it would really help to expedite payment, expedite services to the employees, but we need to fund this and fund this this year. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I would hope that as this bill proceeds we will look to reducing the amount of paperwork. It is quite onerous and takes a lot of time on the part of all involved. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 913-06) recommending that H.B. No. 2097, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2097, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support of House Bill 2097. Mr. Speaker, I'm not sure if people had a chance to read an excellent editorial this past Sunday in the *Advertiser* by our newest colleague, the Representative from Waikiki, but if possible I'd like to have her editorial entered into our Journal," and the Chair so ordered."

Representative Arakaki continued, stating:

"And it's really great that even as the newest member, she has such a great insight into the problems of caring especially for our elderly. And I must say a lot of times it's not a matter of choice, a lot of us are forced into that situation and then we find out all the problems that come with caring for the elderly and disabled. I myself cared for my mom for over 10 years until she passed away last year. Unless, I think everyone here at one point of time either will have gone through this, is going through this, or in the future will have to go through this. And it's not something that you can really prepare for.

"But I think as policy makers it's important that we support our caregivers because here in Hawaii, in our culture I think it is so important for us to honor our elders, to care for our elders. At the same time here in Hawaii because of our economy it becomes very difficult financially to stay at home and care for a family member, but that is our choice and some people are making very difficult choices in giving up their jobs, giving up their lifestyle to care for a family member in need of care.

"So I would like to dedicate this bill not only to my mom, to the Representative from Waikiki's mom, and to all the others who are cared for by a family member in recognition of the work that goes into that and the fact that they probably save this State a lot of money. Thank you, Mr. Speaker."

Representative Arakaki submitted the following editorial from the *Honolulu Advertiser*:

"Elder care is Hawai'i's looming crisis

Our parents gave us life. They nurtured us throughout our development from infancy through to adulthood, self-responsibility and self-reliance.

As adults, we may find ourselves in the role of parenting new and unexpected children ... our mothers or fathers.

I am caring for my mother, now in her early 80s. In November 2002, she was diagnosed with chronic progressive dementia; Alzheimer's disease. I will likely care for her for many more years. A person with Alzheimer's disease lives from eight to 20 years beyond the diagnosis.

My mother displayed many of the classic characteristics of this dreadful disease, beginning with memory loss and child-like patterns of inappropriate behavior: unreasoning fear, hiding things, losing things and — most worrying to me — wandering.

One morning, when I was about to hop in the shower before leaving for work, I told my mom it was her birthday and a large parcel was waiting for her downstairs with the security guard at our condominium.

I told her to go to the lobby and get her gift while I took my shower. There was no sign of her when I had finished my shower. She had retrieved her parcel in the lobby but instead of returning, she left the building. Fortunately, the doorman spotted her and was able to get her back on track. We found the parcel on the sidewalk, where she had left it.

Because of my experience in caring for my mother, I want to share my story so that others can be better prepared when their parent becomes their children.

Up to 70 percent of people with Alzheimer's disease will wander and may become lost, especially during the later stages of the disease. Of those who become lost, 50 percent will die if not found within 24 hours. Continual supervision, sometimes even round-the-clock, is essential.

As my mother's disease progressed, there were increasing incidents of disorientation, minor combativeness and depression. Last year, she tried to commit suicide by jumping off our 10th-floor balcony. Clearly, it was time to seek full-time supervision.

At some point, you may need to become, as I did, the financial guardian of your parent. When caring for an elder who is chronically ill, you must be vigilant about expenses and the resources available to pay for their care. Expenses are for both medical care and "social" care, which is the daily care and social interaction necessary when caring for someone who cannot care for themselves.

The patient's own resources may not cover all expenses. And the caregiver may not be able to maintain a job outside the home, considering the amount of elder care that is required of them.

Parents normally prefer to take care of themselves financially, and they usually don't want their adult children to be involved in their affairs. But as they grow older, chances are that they eventually will need some help.

Adult children should discuss this matter with their parents while the parents are still rational. Assess their available financial resources, both income and savings. Make sure the parent is getting the proper Medicare or Medicaid coverage as allowed by law. Check Social Security payments and keep track of all paperwork pertaining to health-insurance claims and prescriptions. Check over all health insurance explanations of benefits when claims are paid or refused.

This is not just a critical health issue — it's a critical social issue. Entire families may be affected by the psychological, financial and social costs of providing a parent with long-term care. As their dependency increases, caregivers frequently must reduce their work hours, adjust or abandon career or personal goals, and may need to retire earlier than intended, compromising their own financial independence.

There is a looming crisis.

One-fifth of the state's adult population is 60 years and older. By 2020, this category will account for more than 25 percent of Hawai'i's adult population. Nearly one-third of this population group is expected to have functional disabilities.

Then there are the mounting costs. When nursing-home care is required, Hawai'i's families are burdened with annual charges they are unable to afford. In the case of elderly families, these charges are sometimes double their average annual disposable income. Not only are home, community-based care and nursing-home beds currently below requisite levels, the annual average cost for nursing-home care is estimated eventually to exceed \$200,000 per person. And this is only one component of an array of long-term-care services.

As a state representative with a dependent parent, I have a deep personal concern about long-term elder care. It can be horrendously expensive — particularly for nursing-home care as the estimate above indicates.

In my mother's case, her standard long-term-care policy, at a base annual premium of almost \$3,000, is limited to a maximum benefit amount of around \$70,000. This provides \$100 per day, each, for long-term and respite-care benefits, and a care advisory services benefit of \$1,000 per year.

As my mother's condition deteriorates, this presently affordable policy will quickly become inadequate. Our state government is particularly concerned about this impending long-term health crisis. The opening statement of House Bill No. 3129 states: "The Legislature finds that the future of long-term care for Hawai'i's senior and adult disabled population is one of the most critical health issues facing Hawai'i in the twenty-first century."

At the direction of the governor, the state Department of Health has established a long-term-care task force comprising the departments of health, taxation, commerce and consumer affairs — combined with people in the long-term-care insurance industry and health care sector. Working together, these governmental departments will be required to submit a report annually to the Legislature addressing the status of this act's provisions.

The purpose of the bill is to provide a tax credit to individual taxpayers and employers for premiums paid for long-term-care insurance contracts. Lawmakers need to support this bill so all of us can afford to care for the ones we love in their time of need.

State Rep. Anne V. Stevens, R-23rd (Waikiki, Ala Moana, Kaka'ako), wrote this commentary for The Advertiser."

*The Honolulu Advertiser
Sunday, March 5, 2006*

Representative Ching rose to speak in support of the measure, stating:

"Thank you. Just briefly in strong support. I think that again the benefits of people staying at home with family as they age has been well documented. And when we can make it easier for caregivers this is healthy for our families and our communities. I also would ask for additional written comments," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure. This legislation recognizes caregivers and provides a much needed tax relief.

"H.B. 2097 allows qualified caregivers to file a tax return and receive a refund if their tax commitment is less than \$1000.00. This tax relief for caregivers will save the State tax dollars for having those requiring care to remain in the comfort of their home with family, as the prices of care homes continue to rise. Caregivers

become incredibly invested in their recipients committing much, if not devoting all of their time and at times spending a significant amount of their own money in the process. By providing a refundable tax credit, this bill makes it financially possible for caregivers to continue their work.

"As a caregiver myself, I understand the role requires one to be 'on call.' The dedication required in taking on the responsibility of caring for a relative can be both physically and emotionally draining. It's time caregivers be recognized for their loyalty and dedication. In a society that is very family oriented, tax relief for caregivers is a way we can show our gratitude and appreciation, and aid those who aid others."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm in strong support and ask for written comments, please," and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"This bill would provide qualified caregivers with a \$1,000 tax credit to every eligible caregiver providing long-term care to one or more elderly family members requiring such care at home."

Representative Meyer rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm in strong support of HB 2097, HD2. With our population aging as it is, more and more people find themselves caring for an elderly relative. Nursing care costs are too high for the average family and the everyday needs of the ill or infirmed are attended to by family members. These folks must take time off from work, forego vacations, often performing double-duty by maintaining their homes as well as that of their loved one. The tax credit called for in this bill would help to compensate the care-giver for lost wages and out-of-pocket costs related to taking care of their sick relative. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2097, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 914-06) recommending that H.B. No. 2248, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2248, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Hale rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"It has taken five years since we begun considering the Kikala-Keokea project here in the Legislature. In 2001, we appropriated money for the infrastructure, the roads and water lines to be put in. Five years later it is still not fully completed when it was supposed to be finished in two years.

"With this bill, we fund the Housing Revolving Fund from which we can make home loans so that the families displaced from their homes in Kalapana and Kaimu due to the volcano will be able to build new homes in Kikala-Keokea so that they can return to and revitalize the area. I just hope that the infrastructure construction

will be completed by the end of the year so that these families can begin to return."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2248, HD 2, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 915-06) recommending that H.B. No. 3060, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3060, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. Through this bill, the High Technology Development Corporation will be able to extend its existing small business innovation research grant program to include a small business technology transfer program to encourage small companies and researchers at nonprofit research institutions, including research universities and colleges, to work together to move laboratory-developed technologies to the marketplace and to foster technology-based economic development. This program will strengthen Hawaii's technology industry by encouraging the partnership between small companies and researchers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3060, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Third Reading by a vote of 51 ayes.

At 3:26 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2109, HD 1	H.B. No. 2097, HD 2
H.B. No. 3019, HD 1	H.B. No. 2248, HD 2
H.B. No. 3089, HD 1	H.B. No. 3060, HD 1
H.B. No. 2698, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 916-06) recommending that H.B. No. 3202, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3202, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose to speak in support of the measure, stating:

"In strong support and I ask permission to enter written comments into the Journal," and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker. The purpose of this bill is to authorize the counties to adopt inclusionary requirements in residential housing developments. This measure would ensure that families of all income groups have access to affordable housing.

"I strongly support this measure, Relating to Affordable Housing.

"The Joint Legislative Housing and Homeless Task Force spent numerous hours conducting research and meeting with various stakeholders to discuss Hawaii's housing crisis. Bold and creative

steps must be taken immediately to provide the thirty-six thousand housing units needed over the next five years for affordable housing for households earning one hundred forty per cent or less of the adjusted median family income. This Measure would endorse the Joint Legislative Housing Task Force's recommendation for an adoption of a model inclusionary zoning law."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3202, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 917-06) recommending that H.B. No. 3222, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3222, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 918-06) recommending that H.B. No. 2204, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2204, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In very strong support. And this measure indicates a good faith effort to fulfill our obligations to our constitutional and statutory obligation to the Hawaiian people by providing the interim revenue that this bill would call for. Thank you."

Representative Moses rose to speak in support of the measure, stating:

"Thank you. On 918, in support with some comments. This measure formalizes the law where there's a recent agreement between OHA and Governor Lingle concerning the payment of public land and trust money to OHA, and that is good. It establishes OHA's prorated portion of the public land trust at \$15.1 million for each year beginning each fiscal year beginning with the fiscal year 2005 to 2006. I have no problem with that.

"I have some concerns about Section 5 though because it is prohibited, problematic at least, to the extent that it places an unreasonable burden on DLNR to provide an accounting of all public trust land revenue as received by all other departments and agencies of the State of Hawaii. I don't believe DLNR can do that. I don't even know. I mean it's a tremendous burden. I don't even know if all of the departments know all the land they own. I know that we have to do that in order to pay our debt, but I don't know how to do that. And I'm sure DLNR cannot do it, at least at this time. Thank you.

"I'm in support, but I just want to bring up those comments. DLNR, I believes just cannot act in accordance with this law as passed."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. And ask that the comments by Representative from Kauai be added as my own," and the Chair "so ordered." (By reference only.)

Representative Chong continued, stating:

"And if I can also add regarding Section 5 of the bill, to truly, fairly, and justly address the issue of ceded land revenue somebody is going to have to take a look at all the land and make an inventory.

"DLNR clearly is not interested in it because of the workload. I understand that it's going to take a lot of work. At the same time, I think it's important that a body that is experienced in land management and more so, more importantly, an agency that can take a look at all lands, especially those that receive special funds and I think that is going to be the crux for this issue is taking look at lands which derive special revenues. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2204, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 919-06) recommending that H.B. No. 2440, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2440, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, in support with some reservations. The intent of protecting student athletes in education institutions from unethical athlete agents is fine. But I'm concerned about a provision in this bill that exempts this measure from the requirement that the new regulatory measures being considered for enactment be referred to the Auditor for a sunrise analysis.

"The Legislature has never given an exemption from the requirement before. Actually this is to not make them go for the sunrise analysis. And we've never given this exemption before and I'm concerned if it passes, this bill could act as a precedent of a new regulatory measure being exempted from this needed invaluable sunrise analysis requirement."

Representative Meyer rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm rising in support with reservations. HB 2440, HD2, proposes that the Legislature exempt this measure from the sunrise analysis. The exemption from this requirement that is proposed in the bill serves as a means to circumvent a valid, necessary, and statutorily required process. No compelling reason was given for exempting this measure from the statutorily required process. For that reason, I cannot give my wholehearted support to the measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2440, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 920-06) recommending that H.B. No. 3261, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3261, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support and permission to insert written comments in support," and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 3261, House Draft 1, Relating to Ingenuity Corporation Charter.

"This bill would provide the statutory framework for the establishment of the Hawaii Ingenuity Corporation, an entity that protects intellectual property, stabilizes jobs, and promotes technology in public education. The corporation has the ability to hold intellectual property for inventors and license that property to businesses. Once the business implements the invention, the labor force becomes the ultimate user. Having inventors and labor collaborate with educators will create a win-win situation for the people of Hawaii.

I. INTELLECTUAL PROPERTY IS A CORNERSTONE OF AMERICAN SOCIETY

"Mr. Speaker, intellectual property is a cornerstone of the United States. In our schools, children are learning about Thomas Edison's incandescent light bulb, Alexander Graham Bell's remarkable telephone, and the Wright Brothers' airplane taking flight for the first time. The list is endless. The fruits of American ingenuity have produced industries and capital that expanded our economy and created a lifestyle that we all enjoy.

"The inventors of today face more difficulty in inventing from their historical counterparts. Long gone are the days where inventors tinkered in their garage or basement -- these places have turned into laboratories and factories -- places where inventors are watched under a microscope and must adhere to strict requirements and deadlines. Corporate competition has also stifled innovation. Larger companies, like Microsoft, have crushed competitive software and successfully dominated the market. We cannot allow this type of behavior to cripple innovation.

II. ESTABLISH HAWAII AS AN INNOVATIVE LEADER

"Mr. Speaker, the 2006 Legislative Session will be remembered for our commitment to Hawaii innovation. Legislation enacted this year will be geared toward promoting technology and growing our high-tech industry. As with House Bill No. 2181 House Draft 2, which creates the Hawaii Innovations Partnership Act, this will reaffirm our commitment toward high technology.

"House Bill No. 3261, House Draft 1, works hand-in-hand with high technology by creating a conduit to assist inventors with protecting intellectual property rights. With the Ingenuity Corporation in place, inventors can take their innovations to the corporation for assistance in obtaining patents, copyrights, or other intellectual property. After an inventor licenses the technology to the corporation, it can assist with marking the technology to businesses.

"Hawaii, under Governor Benjamin Cayetano, took the first step to promote intellectual property in Hawaii. In a letter to the governors of the other forty-nine states, Governor Cayetano wrote:

"Historically, innovation has led to technological advancement and that advancement has created jobs and even new industries. Independent inventors, not large corporations, have contributed the majority of this country's most important inventions. Protecting the patent rights of independent inventors is of the utmost importance to the future prosperity of states as we move into the next century."

"In a Pacific Business News opinion piece from Dr. Raymond Damadian, inventor of the MRI, he wrote:

"I conclude by expressing my gratitude to Gov. Cayetano for recognizing the importance of independent inventors to the economy and for having the foresight and courage to stand up on our behalf. I say this despite the fact that my support for Republican politics -- including President Bush -- is a matter of public record . . . Cayetano is sending a clear message to independent inventors. The result? Companies like mine -- which are built on the patented inventions of their founders -- will begin taking a serious look at Hawaii as a place to do business."

"Hawaii has gained a national following from organizations around the country interested in the Hawaii Ingenuity Corporation. John P. Connolly, President of the American Federation of Television and Radio Artists (AFTRA), provided his insight into the proposed measure:

"The Ingenuity Corporation that HB 3261 envisions, with its alliance of scientists, workers, educational institutions and the people of Hawaii, will be a major factor in restoring balance and fairness to the current jungle warfare over patents. Not only will HB 3261 help create a level playing field for the orderly administration of crucial inventions and intellectual property, it will also create a mechanism through which society -- most particularly the inventors themselves, workers, and the educational institutions of Hawaii -- will share in the benefits of the enterprises of the future."

"If Hawaii becomes the first state to create this entity, it would promote Hawaii as an innovative leader.

III. LABOR MAY CONTROL THE TECHNOLOGY THEY DEVELOP

"Under House Bill No. 3261, House Draft 1, the labor unions play a pivotal role. By having a stake in the corporation, labor will have an incentive to protect intellectual property in the workplace. Since the workers are implementing the new technology, they will have an insight into the proper use of the intellectual property license.

"The unions also have the ability to promote the use of technology in the workplace. Imagine a worker who knows of technology that could save a business thousands of dollars. Workers would be anxious to bring that technology to the business because both will benefit. Unions also have the bargaining power to promote technology in the marketplace to the benefit of all the members in the corporation.

IV. THE CORPORATION WILL ANCHOR JOBS LOCALLY

"As many of you already know, Del Monte is ceasing operations in Hawaii this year. What many of you do not know is that Del Monte owns two important pineapple patents invented in Hawaii: a special coring device and a CO2 hybrid pineapple, known as the Del Monte Gold for its low acid and sweet taste. Del Monte has taken these patents from our fertile lands of Kunia to the Philippines to cultivate pineapple. What is the result? Seven hundred of Hawaii's people are losing their jobs, their homes, and their livelihood.

"House Bill No. 3261, House Draft 1, seeks to correct these problems by teaming inventors and labor together in a collaborative partnership. The story would have unfolded differently if the patent owners placed the patents in the corporation and Del Monte only owned the license to use them in Hawaii. Del Monte could have left Hawaii this year, but their patents might have stayed here on Hawaii's shores to grow *Hawaiian pineapple*.

V. THE CORPORATION SUPPORTS INNOVATION IN THE PUBLIC SCHOOLS

"Mr. Speaker, the final component of the House Bill No. 3261, House Draft 1, is public education. We have all stressed the need to provide opportunities in education to our young residents. The

children of Hawaii are the inventors and the workers of tomorrow. The Ingenuity Corporation will promote innovation and technology in the classroom. This will ensure that Hawaii can continue to be a leader in innovation and a champion of intellectual property in the United States.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 921-06) recommending that H.B. No. 2182, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2182, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak in support of the Relating to Education bill. Thank you. It's talking about the Fix Hawaii School Act which I hope actually that if we pass this with the appropriate money that it will at least take a step forward on that.

"I particularly would like to thank the Chair of the Education Committee for integrating into the bill my idea that I've been working on for about 3 years and that you'll find on page 4 of the bill section 10. It's the new school construction special fund.

"I worked with the Administration and with the Department of Education Superintendent to find a way that we could mirror what the military is doing to develop the new housing out at Pearl Harbor. And it's a public-private partnership where the private company develops the housing, leases it back to the military with an income stream from the rents from the projects, and at the end of a certain period of time the military owns the units.

"We worked on the same kind of a process here and I was delighted to find that provision put into the bill by the Chair of Education on page 4. So it's really a 'win-win' situation. If we look at some of our schools that are really not even viable to be repaired, but which would be better off to have them be demolished and rebuilt. We could do it with the same kind of thing that Actus Lend Lease is doing now with the military at Pearl Harbor.

"We could enter into a private-public partnership where the developer can build a real state-of-the-art school, wired, hi-fi wired and really 'up to snuff' with wonderful facilities. The Department of Education would lease the school back and at the end of a certain term whether it's 45 years or 50 years, the Department would own that school.

"The funding source is put within the bill and I really encourage my colleagues to look at that. It's been well thought out, all the players bought into the idea, and I think we should move ahead and I strongly support that specific provision. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise in support with some reservations. Thank you, Mr. Speaker. There are two parts, well actually there's more than two parts to this bill, but two parts that I'd like to speak on. We do appropriate money for repair and maintenance, and CIP and that part I can agree on.

"The part that I would like to see addressed though that is not addressed in this bill is just basically how we fix our schools. Right now we have priority lists and everything that comes down from detailed meetings that happen at the school level. And for some reason or another, the schools at times don't understand how that priority list comes down, or how that priority list ends up and how those priorities are made on a statewide level.

"It's been kind of confusing because I initially thought it was just what they called 'pork' projects on the Legislatures part, but from my understanding and talking to some of the schools, it happens at every level. So I think what we should be doing is aside from appropriating money, we should be looking at different ways to improve this system so that we are taking care of the buildings that are either dilapidated or the CIP projects that are really needed in our schools. And only through a better process I think that we would be able to have projects that are needed and requested at the school level.

"The other thing that I'd like to talk about is our Representative from Kailua's idea which I think is a very good one. However the only thing that I'd like to say about that is that if you are going to have this opportunity as it states in this bill, that you have that opportunity extended equally to the University of Hawaii.

"I believe last year when a similar measure went to the University of Hawaii, we capped them at a very small amount. And correct me if I'm wrong, but I think it was like \$3 million. In this case it looks like we are willing to do this for the DOE without any cap. What this means is even though it has a funding mechanism in there, that it could possibly say if they do want to overextend, and they don't have the money to fund it, that it would still obligate us as a Legislature or obligate us as a State to make sure those things are funded.

"So as we move forward on this bill I appreciate this. I do want to basically give credit where credit is due and this is something that we definitely need.

"One other side moments since you know I'm a big advocate of Charter Schools and one of the main reasons why we're pushing this through is because we want to see the environment for schools be upgraded and be a good environment for learning. And I just want to let you know that this year I'm really glad that we're moving at least it seems like we're moving for Charter School facilities money. And Charter Schools if there's any type of school or education environment that had been struggling right now, it would be the Charter Schools.

"Some of these Charter Schools according to an article that was written within the last two weeks I believe reported that we've seen Charter Schools operating on buses, in chicken coop houses, in tents, in dilapidated buildings, and I'm really glad that we are taking this step to look at Charter Schools funding facilities. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support of the measure. At the risk of being accused of being part of a mutual admiration society, I would like to recognize Representative from Kailua for that idea about the certificates of participation. It's a great idea. I would think by putting it into this bill and having it move along is something that we should fully support. It just goes to show you that a good idea, is a good idea, is a good idea.

"And to respond to the Minority Leader's comments, this bill was in the intent to deal with the whole issue of privatization of CIP, but in fact in Act 51 as we all know, Mr. Speaker embedded in that Act was a delinking of certain agencies from the Executive branch to the Department of Education that included the Department of Accounting and General Services. When DAGS delinked, it gave the Department far more control, autonomy, and authority over their

repair, maintenance, and CIP destiny. We really believe that by doing this, they will be able to get a far better handle on prioritizing what should be done and in what order. Thank you very much, Mr. Speaker."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising in support with some reservations. I am concerned that by allowing the DOE to enter into financing agreements without the approval of the Director of Finance, the DOE would be allowed to incur debt that would become a State obligation without regard to the statewide budget.

"Rating agencies who review the rate, the State's debt taken into consideration, the amount of debt incurred under such financing agreements and the review and management of such financing agreements. This proposal would not be viewed favorably by the rating agencies and then it could negatively impact the State's credit rating, so that's a concern with the way the bill is right now. Thank you."

Representative Stevens rose to speak in opposition to the measure, stating:

"Mr. Speaker, I reluctantly rise in opposition to this measure. Thank you. It's very, very important to fix Hawaii's schools, but I have concerns about the provision in this measure where it allows the DOE to enter into financial agreements without the approval of Director of Finance.

"Budget and Finance is responsible for preparing and executing the statewide budget and this proposal would allow the DOE to incur debt that is not incorporated in our budget and would possibly negatively affect and impact the State's budget.

"I'd like to give credit to the Chair of the Education Committee for coming up with this idea and it's novel to fix the schools, but I just don't believe that the DOE should be allowed to enter into any financing arrangements without Budget and Finance being involved. Thank you."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I think that this bill is giving the flexibility needed to improve the schools and I agree with the Chair of Education; a good idea, is a good idea. However, I do want to mention that I think when we give the DOE their resources, we want to make sure there's adequate resources and then again there's responsibility. So written comments, Mr. Speaker," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this measure which will authorize the Department of Education to independently issue "Certificates of Participation" (COPS) when initiating the construction of new schools and establish a special fund from which lease back payments may be made to the developer. This legislation will provide alternative funding sources to supplement the traditional direct appropriation model and places resources directly where it is needed and allows the Department of Education to administer funds to improve school conditions at not only at the primary and secondary levels, but in Hawaii's post-secondary school educational system, as well.

"This measure represents one of the greatest investments we can make as a State – our youth. Clean, safe, secure, and well-maintained environments are essential to maximizing students' learning capacity. It is important that we make investments in our education facilities."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2182, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Stevens voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 922-06) recommending that H.B. No. 2833, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2833, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm in support of this idea, but I have some I think very significant comments to make. Well, let's make it reservations then. And this is in my district and I'm a co-sponsor of the measure, okay. I just want to say, we know that offenders receive programs and employment opportunities in prison prior to being released, if they do, but they have a much better chance, a greater opportunity to succeed. This is right out of the Section 1 of the measure.

"Inmates use these opportunities whether they're classified at the minimum or community custody level, are more likely to successfully return to society rather than going back to prison. These are inmates that have demonstrated that they can function with minimal supervision in a correctional setting or in the community under direct supervision. Community custody inmates are eligible to participate in community release programs such as work furlough, extended furlough, or residential transitional living centers.

"Now I signed this measure because I don't think we do this. I don't think we're currently doing this, if we're doing it, we're not doing it near enough. And we should be doing this because prisoners when they get released, most of them, and they come back to us. So what are we going to do about them? So this measure provides that the Department of Public Safety is authorized to plan to build minimum-security housing. No mention of a prison. Minimum-security housing of the type that can be erected in a fairly short amount of time.

"If you look out at Kalaeloa right now in front of Barbers Point you see giant white structures out there that look like igloos. That's this military temporary housing because it can be erected and taken down. And so the DPS is authorized to build these structures on a portion of Kalaeloa under the jurisdiction of the Hawaii Community Development Authority.

"Now HCDA doesn't own any of that land, but they do have some under their purview because they're looking at redevelopment. Department of Public Safety and HCDA shall explore the feasibility of planning, designing, and constructing a suitable minimum-security facility at Kalaeloa site using prefabricated and quick-build design housing programs.

"So I want to make the point, first of all this is housing not a prison. I may change my mind if I see a bunch of constituted wire, razor wire, barb wire, pits and trenches, rock walls, things like that. That's not what this is envisioned to be. I don't know that we've already done this before. This is maybe something of a new idea. It's something that may work and we should investigate it.

"And two, there must be community input and the Chairman of the Committee report. So we have to go to the community ask them, talk about it with them, get their input before we do anything. I liked to point that already out there at Kalaeloa we have Youth Challenge, and I think by now all of you know what Youth Challenge is. These are the kids that were going to go to prison and the judge said, 'You got one more chance.' Or maybe they even decided when they were

dropping out of school that they ought to do something to get their lives back together. So these kids are one step removed. Would have been prisoners, but they're getting all this rehab and training and many of them, in fact they all will end up graduating unless they drop out. And many of them will end up with scholarships and go on to college or other careers.

"Also out there at Kalaeloa we already have the VA homeless. And they're getting rehabilitated and trained. Again if they don't want to participate they can drop out. Nobody's standing there with a gun to their head. And if they successfully stay with the program, they'll end up beneficial to the society. They end up taking care of themselves. So I think that's what we're looking at trying to do here. I don't know if it will work. I don't know if it'll fit into HCDA's plan, but I think it's worth looking into. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I'm rising in strong support of this measure. Right now we have 2,459 inmates who qualify for reintegration programs through educational opportunities, substance abuse treatment, vocational training, employment opportunities, and workline projects in the community.

"As the bill says, we have Waiawa where prisoners are getting ready to be released. Also Kulani on the Big Island. I think this could be a real 'win-win'. I mean I think that there will have to be public hearings, but these folks are ready to leave prison, but they need to get into some kind of work furlough program.

"Kalaeloa since the military moved out, nobody's really been maintaining it. There is just scads of work to do there. The beaches are often littered, grass needs to be cut, all kinds of things and these are things that prisoners who are getting released to get out in the mainstream. They can get to work in worklines and feel like they're giving back. And there is just a number of people at Kalaeloa who see all this good work being done, everybody's going to feel good.

"The kinds of building that they're planning to erect are the types that our troops put up when they're in foreign countries or when there's any kind of catastrophe. I mean it's just a quick put up. It's not a big expensive thing. And HCDA is managing it. This may not be long term. I mean maybe we're going to make this a pilot, I don't know.

"But it's kind of exciting because we do have a problem. The Public Safety Department doesn't have enough room. And for prisoners who've been in prison for a long time, there is a lot of anxiety about getting back out there and worrying about failing and this is the step from the prison to the work furlough. And the more that they can feel good about what they're doing and get training, it's positive for all of us. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition of this matter. We in the Leeward side have been very helpful to the State. We house the dumps. We take the homeless. We take training facilities for the youth and now we're taking again inmates that are about to be released. And I agree with all the statements that have been said. I think the Leeward side has taken their share and I think it's about time that the other part of the Island should have theirs too.

"There's a lot of places here that could benefit from the services of these inmates that are about to come out. Not to mention that in Waipahu, we house halfway houses and care homes. And I think it's

about time that our prisons should be located on the other islands or elsewhere besides the Leeward side. Thank you, Mr. Speaker."

Representative Pine rose in opposition to the measure and asked that the remarks of Representative Cabanilla be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Sonson rose to speak in support of the measure, stating:

"Thank you, Vice Speaker. Strong support. This is a great idea. This will provide an alternative placement for those who are currently living in Waipahu in a place called 'Alcatraz.'

"What we normally do now, Mr. Speaker, is that because there is no room in the prisons, these individuals who qualify, that will be housed in facilities such as described in this bill, are housed in alternatives, transitional housing. And a lot of them are actually in Alcatraz, Waipahu. I think that's the district that belongs to the speaker who is opposing this bill. I hope that she would reconsider because this is such a great idea. It will provide vocational training, it will provide substance abuse and drug treatments. And we can prepare these individuals and integrate them into the community. Ease them into the community instead of get them running out there, right in my neighborhood, your neighborhood and say, 'You know what? It's up to you. Fend for yourself.'

"This is taking responsibility. This is not only punishing them for stepping on cabbages and destroying farm equipment and stuff, but afterwards you rehabilitate them and make sure that before they go back into a community they are ready to take on jobs that's beneficial for themselves, their families, and of course it will keep them out of trouble. Thank you, Mr. Speaker."

Representative Karamatsu rose in support of the measure and asked that the remarks of Representative Chong be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2833, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PRISONS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Cabanilla and Pine voting no.

At 3:53 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3202, HD 1	H.B. No. 3261, HD 1
H.B. No. 3222, HD 2	H.B. No. 2182, HD 1
H.B. No. 2204, HD 2	H.B. No. 2833, HD 2
H.B. No. 2440, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 923-06) recommending that H.B. No. 3080, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3080, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. This bill is a collaborative refinement by State and county film offices, industry and union representatives of a similar bill that stalled in Conference during the 2005 Legislative Session. It offers significant, but reasonable incentives to stimulate the film and television industry, which experienced a \$64 million drop in expenditures between 2004 and 2005.

"The bill provides a tax credit amounting to 15 percent of qualified production costs incurred on Oahu, and 20 percent on Neighbor Islands, with a cap of \$8 million per production. According to film industry officials, this would make Hawaii competitive with other jurisdictions.

"The Department of Taxation submitted testimony in strong support of the measure, stating that the tax credit allows Hawaii to compete in the worldwide marketplace of filming locations and that it is budget neutral, meaning that the tax credit would not impact the state's current expenditures.

"The success of "LOST" in winning the Emmy, Golden Globe, and Screen Actors Guild Awards has brought positive attention to the film industry in Hawaii. If we can seize the moment and compete with other localities around the world, we will generate revenue and create jobs for our community."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3080, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Third Reading by a vote of 50 ayes, with Representative Tsuji being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 924-06) recommending that H.B. No. 2746, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2746, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against the bill accompanying Standing Committee Report No. 924. Thank you. Mr. Speaker, the bill will exempt aviation fuel from excise use and fuel taxes. This means that our two major airlines won't have to pay taxes on their fuel. It amounts to I believe it's approximately not sure the exact number of millions of dollars that they will be accredited with. \$27 million that will be the tax loss to this State.

"I looked really hard on the bill, Mr. Speaker, to find a provision that say that if they get that tax credit they then reduce the inter-island fares proportionally. I couldn't find any such credit, any such provision. So what we're doing is handing off the airlines a big tax credit, and yet we aren't providing meaningful tax credits for our residents in this State.

"I also looked at the Order of the Day, Mr. Speaker, I didn't find any meaningful tax credits for our residents similar to this. So I would say that people that vote for this are voting for tax credits for big corporations, but they aren't voting for tax credits for our residents who are highly overtaxed. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Mr. Speaker, I wish to speak in favor of this. This is for the local domestic airlines. The tax impact to the State of Hawaii will be approximately \$3 million. What was reported in the newspaper as \$10 million is incorrect. The Department of Taxation incorrectly computed the number. So I called the respective airlines and I double-checked again, and it's approximately \$1.2 for Hawaiian Airlines, and approximately \$1.5 for Aloha, and the balance will be from the other smaller domestic airlines. So the cost to the State will be approximately \$3 million for the excise tax loss. And this will keep the airlines viable and provide for continual transport between the islands. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2746, HD 3, entitled: "A BILL FOR AN ACT RELATING TO AVIATION FUEL TAXES," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Berg, Finnegan, Pine and Thielen voting no, and Representative Tsuji being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 925-06) recommending that H.B. No. 2991, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2991, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure, stating:

"Mr. Speaker, this is one of those bills that I will ... I am in support for special purpose revenue bonds for low and moderate-income housing. This just falls into that category of other legislation that we're moving. It may actually increase the cost of projects for low and moderate-income housing and that's a concern. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2991, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 50 ayes, with Representative Tsuji being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 926-06) recommending that H.B. No. 2051, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2051, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I stand in strong support and I'd like to submit written comments to the Journal," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of this measure.

"Our State already has laws against prostitution and other crimes, so why do we need an anti-trafficking law?

"According to the National Institute on State Policy on Trafficking of Women and Girls, "Until states enact comprehensive anti-trafficking laws, prosecutors use existing criminal statutes to prosecute traffickers for such crimes as: false imprisonment, kidnapping, rape and aggravated assault. But these laws are insufficient—and they do not criminalize all manifestations of exploitative trafficking into the United States and don't offer protection from prosecution for all trafficked women, girls and persons."

"Criminalizing human trafficking should bring State law into accord with the federal Trafficking Victims Protection Act of 2000, as reauthorized in 2003, and would enable local and State law enforcement to investigate and prosecute those crimes, working in partnership with federal law enforcement.

"Another aspect of trafficking is the regulation of 'international marriage brokers' that operate to bring mail order brides to our State. In 2003 our State became the second in the nation to pass such a law. Additionally, in 2004 Hawaii became the first state in the nation to regulate travel services that operate in the state to facilitate sex tourism.

"The provision of social services and victim assistance to trafficked persons is an important aspect of any trafficking legislation. The taskforce that is part of this bill will be charged with looking into this important part of the puzzle that is not addressed in the present draft.

"Not perfect legislation at this point, the passage of this bill out of the Judiciary Committee is a major milestone. It is hoped that the many important people in our community including police, prosecutors, immigrant services, public defenders, domestic violence coalitions and victim advocates will work together to determine the nature and extent of trafficking in our community, and make recommendations for legislative, policy and programmatic initiatives.

"Although most of what we read and hear concerns the horrors of trafficking of persons in other countries, the United States, and yes, Hawaii, are major 'destinations' for traffickers. We are obligated, therefore, to respond to this most appalling violation of the basic human rights of women and girls, men and boys.

"I urge my colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2051, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," passed Third Reading by a vote of 50 ayes, with Representative Tsuji being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 927-06) recommending that H.B. No. 2655, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2655, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. This important measure will enhance investigation process and improve upon the procedures associated with investigating vehicular and pedestrian fatalities on our roads.

"To put it simply, Mr. Speaker, this bill will bring the latest technology directly to the accident scene for the purpose of documenting and recording circumstances surrounding the accident, as well as fund additional training for police officers to work this latest technology.

"Equipment such as computer-aided drawing software and digital cameras, together with survey systems and printers can be transported directly to the accident scene to expedite this investigation. This bill will open up our roads quicker, and without compromising the investigation process. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2655, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT INVESTIGATION," passed Third Reading by a vote of 50 ayes, with Representative Tsuji being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 928-06) recommending that H.B. No. 3129, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3129, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, just in strong support and permission to insert written comments," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 3129. This measure provides an income tax credit to individuals and employers for purchasing a long-term care insurance program.

"Analyzing today's demographics clearly displays a massive population which lacks sufficient healthcare, or the funding to acquire it. If no assertive action is taken now, monumental and unsolvable future healthcare problems will continue to plague and burden our State. Institutionalized long-term care averages around \$75,000 a year. Consequently, most care is financed through government funding. Medicaid carries most of burden. However, due to Medicaid's current and future financial situation, alternative avenues need to be investigated if the program is to survive. H.B. 3129 eases pressure on government institutions in providing long term care by encouraging individuals to purchase long-term care insurance. The bill also supports employers who purchase long-term care insurance for their employees.

"A tax credit helps lower the cost of purchasing long-term care policies. The greater the tax credit, the more incentive individuals or employers will have in taking responsibility and securing their future needs.

"H.B. 3129 is a catalyst which encourages individuals to take appropriate steps in providing for their loved ones future needs through long-term care coverage."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am in strong support of this measure."

Representative Finnegan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"This bill provides a tax credit to individual taxpayers and employers for premiums paid for long-term care insurance contracts and requires the Department of Taxation in cooperation with the Department of Commerce and Consumer Affairs to submit a report to the Legislature.

"As written, the bill will only help those individuals who can afford to pay the premiums and can wait a year to get only a percentage of the cost back at the rate of about 6 % to 10%. It is somewhat questionable that employers who are now decreasing."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3129, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Third Reading by a vote of 50 ayes, with Representative Tsuji being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 929-06) recommending that H.B. No. 3133, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3133, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERALLY QUALIFIED HEALTH CENTERS," passed Third Reading by a vote of 50 ayes, with Representative Tsuji being excused.

At 4:00 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3080, HD 1	H.B. No. 2655, HD 1
H.B. No. 2746, HD 3	H.B. No. 3129, HD 1
H.B. No. 2991, HD 2	H.B. No. 3133, HD 2
H.B. No. 2051, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 930-06) recommending that H.B. No. 2043, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2043, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support with written comments," and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"Speaker Say and House Colleagues, I submit these comments in support of House Bill 2043, Relating to Medicaid, which dramatically reduces the co-payments that the elderly, disabled, and indigent have to pay in the Medicaid and QUEST health insurance programs.

"Under the current system, the elderly and disabled must impoverish themselves in order to qualify for Medicaid. For example, in my work at the Legal Aid Society of Hawaii, it is very common to see the following scenario: A person is disabled and must depend on welfare to survive. The welfare office requires them to apply for federal Social Security benefits. The person applies and is approved. Sadly, if their Social Security benefits are just \$21 more than the Federal poverty level, which is about \$1000 per month for one person, they lose eligibility for Medicaid health insurance.

"The only option the Medicaid program offers to a person in this situation is the "Cost Share" option. Under the cost share, or "Spend Down" program, the person must pay a co-payment equal to the difference between their monthly income and the current welfare assistance amount, which is \$418 for one person. This means that if your income is \$1050 per month, you have to spend over \$600 every month on medical expenses before you can qualify for Medicaid.

"Often my clients do not have over \$600 worth of medical expenses per month, or they lack the capacity to complete the cumbersome process of gathering \$600 worth of receipts, submitting them to DHS, and completing the other necessary paperwork every single month. In these situations, my client tragically loses their medical coverage.

"Losing Medicaid when you are elderly or disabled is beyond traumatic. Can you imagine the prospect of not having coverage for the medications and healthcare that are essential to your survival?

"Although the person may be eligible for Medicare health insurance through the Social Security Administration, they must wait over two years to qualify. Further, even if you are lucky enough to qualify for Medicare, the sad fact is that Medicare does not cover prescription drugs, dental, or nursing home care.

"So, our government in many ways has failed the most vulnerable in our society. The elderly and disabled are so often left in the horrible situation I just described.

"This bill is strongly supported by AARP, the Legal Aid Society of Hawaii, the Welfare And Employment Rights Coalition, and the thousands of elderly and disabled who do not have a voice. DHS

estimates this bill will cost only about \$800,000. It is a very small price to pay to provide hope to those among us who absolutely need it most. I urge all of my colleagues to support this crucial measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2043, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 931-06) recommending that H.B. No. 2551, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2551, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 932-06) recommending that H.B. No. 2743, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2743, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Vice Speaker. I rise in support of this and also reassure all those who might be listening that perhaps we can look at finding criteria to enable schools to stay open in creative ways, rather than to create criteria that will categorically close them if they don't meet certain qualifications. So I appreciate working on this further. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"In support. I have some unique grounds on the Big Island. I have 40 miles distance between K-6 schools so a kindergarten student in many cases has to travel 20 miles to go to school, and that's not realistic or acceptable in this State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2743, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 933-06) recommending that H.B. No. 1866, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1866, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. Last year via Act 137, the sunset date was extended another year. And originally that legislation repealed the sunset date and gave the DOE and UH permanent autonomous authority.

"It was later amended by the Senate who felt that further examination of the UH and DOE authority is needed. So it was best to extend the sunset date one year at a time. According to some, the bill's scope is extremely broad and provides no detailed justification of the changes it proposes now.

"DAGS testified that they're concerned about a sunset of the law's current provision can be addressed by extending the sunset date rather than repealing it all together. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Mr. Speaker, if anyone knows the history of this measure ... Yes, Mr. Speaker, in support. And this bill was passed in 1986. It's been 20 years. In my opinion, anytime we have a bill and we put a sunset in it and then we take a look at it when that sunset comes up, we make a decision what to do.

"We did that with this measure. We extended the sunset in 1987 and 88 and 93 and 97, 98 and 05. I think there comes a point either you repeal the sunset or you just repeal the law. I believe we should repeal the sunset. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1866, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 934-06) recommending that H.B. No. 2212, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2212, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure, stating:

"Thank you very much. In support. I'd like to take this opportunity to say something regarding the discipline of children who violate the substance abuse rules of the schools. What's been happening, according to children that came forward and said that should be changed. They said the current policy allows a school to disallow these students to come back to school. They will suspend them for a period of time. In which case according to the children said it's great because they don't have to come to school.

"Now these are kids who are supposed to be our responsibility to educate them. They have been found to have issues and problems with substance abuse, etc. And what happens is that they're actually taking a punishment and looking at it in a different way. This is like, this is great. I'll go to the mall. I'll go and spend more time with my friends, etc. and not go to school.

"Well they had suggested that the DOE should provide in-school suspension. What that actually means is that, they're suspended from regular activities, however, we put them some place in school. I don't know if that's possible at this point, but we should take a look at it anyway to incorporate treatment suspension and still have them present in school, perhaps doing alternative school work instead of being out there in the community where they can very well get into further trouble and end up at HYCF. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2212, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 935-06) recommending that H.B. No. 2130, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2130, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'd just like to note my reservations on this measure. I am in support of maritime lands. However, I just believe this bill will create an unnecessary extra layer of oversight. And it might tie the hands of Department of Transportation Harbors Division from entering into leases, or short-term leases, or other operations that might be able to enhance the maritime industry and bring much needed revenue into the program. Thank you."

Representative Harbin rose in support of the measure with reservations, and asked that the remarks of Representative Stevens be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Yamane rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Our illustrious Speaker Emeritus, Joe Souki, our Chair of Transportation, has brought to the forefront the issue of harbors. And so if you look at the current situation ... I'm standing in strong support. We have to think of this in mind. It's estimated that 98% of all our goods consumed in our State are brought through our harbors.

"This bill will establish a commission which will look into these upcoming concerns that are facing our State. It is projected that there will be an increase of 27% of volume by 2010, 66% by 2015, and 93% by 2020. Our harbors handle an average of 8,800 20-foot containers per terminal acre. We're reaching a crisis, Mr. Speaker.

"It is projected that currently there is \$600 million in need and within the next four years, an additional \$125 million. We need to make that commitment now. This bill will, yes, part of it will develop the commission designed to look at these needs. Also part of this commission will map out the important harbor lands so that it is used most effectively.

"In this book that was completed by the harbor users in February 21, 2006, there's a little statement in there on page 27 and it reads, 'Given the scarcity of port lands suitable for maritime use, it may be that the best long-term strategy is not diminish the available maritime land resource base, but to protect it and preserve it,' and that's what this bill does, Mr. Speaker."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm going to be voting no on this measure. I think this just adds another layer of bureaucracy. I'm concerned about the broad powers being given to this commission without any real standards and criteria for identifying and designating both public and private important harbor lands.

"The bill suggests the commission will have the ability to identify and acquire private property the commission solely identifies as important harbor lands. The bill is silent on whether or not the acquisition will be by negotiation or eminent domain. If it was eminent domain, I don't think this commission will have the power to do that. So I think this bill needs a lot of work. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, please note my reservations based on some of conversation that we have had."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2130, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Third Reading by a vote of 49 ayes to 2 noes, with Representatives Meyer and Thielen voting no.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 936-06) recommending that H.B. No. 2444, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2444, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. This measure says the DOD and DOT, and I guess anybody else that gets federal funds, has to ask the Legislature's permission to spend any of that money and what they can spend it on. And I'm concerned as are they, that it may compromise the safety and security of our facilities, and more importantly the public.

"We must understand this is an anti-public safety measure. So limiting the ability of them to spend funds in a timely manner, it will restrict their expending of funds received by the Department of Transportation Port Security Grant. Port Security Grant. And the Department of Health grants from the Center for Disease Control. It's for avian flu. These Homeland Security grants do not pass through the DOD. The delay and limitation of federally mandated safety and security improvements for our transportation facilities.

"I urge the Committee to consider the sensitivity of the Hawaii Honolulu Security Implementation Strategy. The document is considered for official use only. It addresses our capability to respond to potential terrorist threat. The point is, there is no need that is within this to try to take care of our vulnerabilities. If we go to the Legislature and say we're going to spend this money on these vulnerabilities, it's released to the public because anything released to the Legislature is a public document. Therefore all the terrorist out there or anybody trying to cause us harm knows what our vulnerabilities are. I think that we have serious concerns about this measure. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. This is not an anti-public safety measure. This is a transparency measure. First of all to clarify in the House Committee on Finance, when we asked the people from the Department of Defense, if a report can be provided that would give the Legislature the ability to take a look at expenditures and where they went without compromising public safety or security concerns.

"Secondly, nowhere in this measure does it require legislative concurrence on the expenditure. All it asks is if we can get a report of what you spent and what are you going to plan to spend. It doesn't say that the Legislature has to appropriate, it doesn't say that the Legislature has to once it gets the report say, yes, you can spend the money. So I don't think it will impact timing either. I think this is something to foster transparency in the Homeland Security area. Thank you."

Representative Ito rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, this bill just requires the State to disclose a plan for Homeland Security. While it is important to ensure that Hawaii is safe from terrorists and threats of

harm, the public should have a general idea of what the priorities are and how their taxpayer dollars are being spent.

"For example, Mr. Speaker, Hawaii, as my good friend from Mililani, the Representative mentioned, that 98% of the shipment is dependent on food and other goods and containers being shipped into Honolulu Harbor and Neighbor Island harbors. Protection of this transportation hub would be critical for homeland security.

"Furthermore our hospitals and other industrial manufacturers use nuclear materials that could be used to build nuclear weapons. We need to know if our Homeland Security plan addresses the safeguards of such materials. We need to know what concerns are being addressed. Thank you."

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I rise in opposition. I believe this bill is unneeded because the Department of Defense already submits a biannual report to the Department of Homeland Security and the Legislature has access to this report. I believe that is what we should look at and not require additional reporting. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. The proposed bill prohibits the State and counties from expending federal funds under the Homeland Security Grant Program unless the Department submits to the Legislature a detailed report on expenditures, funding strategies, target capabilities, and outcome.

"Allowing the public to know how their tax dollars contribute to homeland security may provide stronger satisfaction with our State, however we do not want to adversely impact our capability to respond to potential terrorist attacks.

"While this measure seeks to help by monitoring State and county expenditure of federal funds, we have to be careful that this bill does not inhibit our ability to spend these funds in a timely manner and that submitting agendas and plans to the Legislature concerning communications interoperability, radiological monitoring, intelligence gathering, transportation security, and infrastructure protection does not compromise public safety.

"Fiscal responsibility is a good thing, but not if it exposes our weaknesses, allowing terrorists to succeed. It is prudent to consider the sensitivity of the Hawaii Homeland Security Implementation Strategy."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker, just remaining in opposition. When a report is released to the Legislature it is public it is a public documents. It must be released to the public as soon as anybody asks for it. There are things that we do for our homeland security that cannot be released because it becomes public to the terrorist also. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I rise in opposition with comments. Thank you, I'm reading the bill right now and it basically says here that the State or county shall expend any ... Okay so it basically says that no State or county agency, commission, corporation, or department or any other authority of this State or county shall expend any federal funds, and then it says if you don't do this. And then it

basically says, 'a detailed report on past, present, and planned future expenditures.'

"I mean I'm not sure, but when I take a look at this and say if they have a problem with, I don't know, finding records or whatever it might be, and it says a detailed report on past expenditures. To me that means that they cannot spend federal funds. And if I am reading that correctly then I continue to be in opposition. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2444, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 46 ayes to 5 noes, with Representatives Finnegan, Meyer, Moses, Stonebraker and Thielen voting no.

At 4:16 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2043, HD 2	H.B. No. 2212, HD 2
H.B. No. 2551, HD 2	H.B. No. 2130, HD 2
H.B. No. 2743, HD 2	H.B. No. 2444, HD 2
H.B. No. 1866, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 937-06) recommending that H.B. No. 2966, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2966, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 938-06) recommending that H.B. No. 2256, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2256, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I stand with reservations. Good first step. I'm very concerned about identity theft, but this one is talking about phishing and spyware, and financial data that is used in the daily theft and financial fraud. It also helps to prevent the use of programs that will slow down the computer or render the computer inoperative. Good things. Interfere with those protection programs that cause a computer to become hijacked and will spam generating network.

"The problems that I see is, according to the Attorney General the terms 'concerned and authorized user' are unclear because these terms are used interchangeably even though there are definitions for each of them to make them distinct.

"Also there's confusing referrals to the new solution software and the copying of software interchangeably. Of course installing and copying software are two separate and distinct actions.

"The Attorney General has also has requested to meet with the author of the bill to work out the changes, but the changes have not yet been adopted.

"One last thing, according to the DCCA there are questions of practicality of implementing the bill's provisions given the fact that most spyware is written on a global network, and the criminal could be in India, China, or Bangladesh, or wherever and perhaps making enforcement the problem. Thank you."

Representative Sonson rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker, in strong support. I would like to ask that this three-page speech be entered into the Journal. Yes. I like to respond to the prior previous speaker on at least one of the things that he said regarding the Attorney General.

"The Attorney General did meet with the originator of this bill, however because there was no time because of our deadlines, for the Attorney General to come up with an acceptable, I guess the acceptable language that would address their concern, they actually requested that we should go ahead and proceed with this bill and push it through.

"They like it, they want it. It's just that of course they want it perfected, and I agree with them that we should proceed that way. It has a July 1, 2020 defective date so we can work on it. Thank you."

Representative Sonson's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Standing Committee Report 938-06, for House Bill No. 2256, Relating to Consumer Protection. This measure has come a long way in a short time towards creating a viable, working defense against cyber-threats such as viruses, 'Trojan horse' software, spyware, and other forms of malicious software infecting the computer systems of the State of Hawaii.

"Mr. Speaker, each and every single one of us standing on this floor took an oath. We swore before Almighty God Himself to support and defend the Constitution and laws of the United States of America and laws of the State of Hawaii, and that we would faithfully discharge our duties to the best of our abilities. We have an obligation to remember this oath in considering House Bill No. 2256, a bill which aims to protect our State against harm, even if it comes in the form of an electronic threat.

"I am captivated by the enormity of opportunity that history has handed us in giving us the ability to pass Hawaii's first ever anti-spyware law. It is on an occasion such as this that I am reminded of the words of the late President John F. Kennedy on his inaugural address who said, 'Let the word go forth from this time and place, to friend and foe alike, that the torch has been passed to a new generation of Americans – born in this century, tempered by war, disciplined by a hard and bitter peace, proud of our ancient heritage, and unwilling to witness or permit the slow undoing of those human rights to which this nation has always been committed, and to which we are committed today at home and around the world. Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and the success of liberty.'

"House Bill No. 2256 is a bill whose spirit is worthy of comparison to such epic words as those. It is like unto a sentry standing guard at the gates of this State, boldly declaring to the world that we believe in protecting our citizens from all enemies, foreign and domestic, physical and digital. It is a reminder to all of us that in the Twenty-First Century, freedom means more than just guarding borders, or patrolling waterways, or even monitoring airspaces: it means keeping the Internet safe and the flow of our data protected.

"I have a son and a daughter. As Americans and more than that, as human beings, I hold these truths to be self-evident, that my son and daughter, as well as all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness. I want them to grow up in a State where they are free from harm over the Internet. I want them to be able to pursue life, liberty, and the pursuit of happiness without fear, because that is what the greatest freedom of all is: the ability to be free from fear. And that, Mr. Speaker, is what House Bill No. 2256 is designed to do: free our people from fear.

"Some people might ask, 'Representative Sonson, why would you care about Internet threats? What's the purpose of making a law to protect us against viruses and such?' Don't you know that hackers will always find a way to inflict harm, and that there will never be a clean Internet?"

"I'll tell you why I introduced this bill. I introduced this bill because, quite simply Mr. Speaker, I care. I care, and I am unwilling to allow our people to be harmed and misused simply because other people say that there is no way to stop that harm and misuse from taking place. We need House Bill No. 2256 to be enacted into law. We need to codify the fact that the Internet is a dangerous place to be, and danger always demands defenses.

"I'd like to share with you the story of a certain Daniel Paul de Gracia II, who in fact urged me to create Internet legislation on behalf of the people of Hawaii. In 2003, Daniel had received an e-mail from someone he trusted, and more than that, someone he loved very dearly by the name of Terie Ashom. He had been waiting for her to e-mail him for a very long time, and so, it was only logical for him to hastily open an e-mail that appeared to come from her when it arrived in his e-mail inbox. As it turned out, a virus had only hours earlier infected Terie's computer, taking control of it to turn it into a factory for sending hundreds of fake e-mails to people stored on her address book without her knowledge or permission. That same virus infected Daniel's computer, and used his computer to infect dozens of others in the span of just a few minutes from opening Terie's e-mail.

"Stories like these add real meaning to why we must make laws to protect our State against threats over the Internet. House Bill No. 2256 is the first step in that direction. It is a law that if enacted, will lead to other laws, forming the fabric of a safety net against digital harm. I now say to each and every single one of my colleagues regarding Internet legislation what Daniel said to me: 'Don't scuttle the Pacific.'

"House Bill No. 2256 has come a long way in a very short time. I hope that we will not allow our fears to dictate our future. The Senate companion of this bill SB 2869, was killed in Committee not because of a failure of democracy, but because of a failure of imagination. Fortunately, Mr. Speaker, this House has courageously brought House Bill 2256 one step closer to law. Let us hold the torch that has been passed to us, that bold, courageous, and new generation of Americans that we are, and let us place our hands to pass House Bill No. 2256.

"I urge my colleagues to support this measure and to vote in favor of House Bill No. 2256. We're going to do more than just write history by enacting this law; we're going to write the future.

"I thank you, Mr. Speaker, for this opportunity to speak in favor of such a worthy cause as this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2256, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 939-06) recommending that H.B. No. 2606, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2606, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 940-06) recommending that H.B. No. 2863, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2863, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ESTABLISHMENT OF THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY INNOVATION CORPORATION," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 941-06) recommending that H.B. No. 3056, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3056, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Chong rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support. Thank you."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I also rise in strong support, but with some concerns. Thank you, Mr. Speaker, we have another Attorney General's opinion that we still haven't gotten the language right on this, and by this I mean the bill that is Relating to Kawai Nui Marsh and will determine which entity is responsible for which provisions of the maintenance of the marsh, and which entity, the State or the City owns which segments.

"We still have a five-foot gap that isn't clarified, and we still have concern that this provisions that says the State is under no requirement to maintain the flood control program, has been removed.

"Mr. Speaker, this has been an ongoing difficult situation. We really want to move ahead with the marsh restoration projects. We need to recognize the City and County as the housekeeper. The City and County should be doing the maintenance of this facility. They're equipped to do that. They have the person power, they have the equipment. This State needs to do the other restoration project. The wildlife section, which is the State's purview.

"The bill still is not properly drafted. I've given the copy of the Attorney General's opinion to the introducer of the legislation and also to my colleague from Waimanalo/Lanikai because we all three are very interested in making sure this bill goes through, but that it goes through correctly. My hope is that the Senate side can correct it, and that a corrected version can come back which we can then adopt. Thank you.

"Excuse me, Mr. Speaker. I'm sorry, but may I request that the brief Attorney General's opinion be placed into the Journal. It's only double spaced, two pages."

The Chair responded, stating:

"Representative, I think you made reference to it so ..."

Representative Thielen: "No, I didn't give you the language and the concerns that are in this. If you want me to I'll read it now, but I would rather have it be in the Journal so people can see the exact wording.

At 4:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:24 o'clock p.m.

Representative Thielen rose to continue, stating:

"Thank you, Mr. Speaker. I just briefly will read a section of the memorandum from the Deputy Attorney General.

Although HD 2 retained the exclusion of the levee from the parcel of land to be transferred to the State, it did not correct the five-foot gap problem noted with HD 1. House Draft 1. HD 2 also amends the bill to include additional areas to be transferred that are described as "parcels owned by the City and County of Honolulu as part of the Oneawa Canal widening project." It is unclear from the draft which parcels are being referred to or where those parcels are located. HD 2 also removes the provision of Section 4, HD 1, that stated the State is under no requirement to maintain any flood control program relating to the Marsh.

"He concludes, 'In this regard, the draft is not free from doubt.'

"So, Mr. Speaker, there is work to be done and let's hope the Senate can do it. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3056, HD 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 942-06) recommending that H.B. No. 3053, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3053, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 51 ayes.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 943-06) recommending that H.B. No. 2175, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2175, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I appreciate the opportunity to speak in support of this bill, but to express major disappointment with it. A major disappointment. Thank you. I think 'major disappointment' is better than 'with reservations'.

"The bill is relating to energy and it was supposed to be really a very broad based, forward vision, energy plan for this State. It didn't end up that way. The bill has a couple of good things in it. It increases the renewable energy technology income tax credit for solar, thermal, wind power and photovoltaic energy systems. That's good. And it removes the tax credit sunset date and that's good. And then it authorizes a pilot project for schools. That's it. A pilot project to install photovoltaic systems at four schools. One on Oahu, one on the Big Island, one on Maui, one on Kauai.

"It promotes some green building practices, authorizes some general obligation bonds, and sets up a 'pay as you go' pilot project. This is supposed to be the Energy Self-Sufficiency Act of 2006.

"Now, Mr. Speaker, I would certainly think we could do better, and I certainly think we can be more visionary. I would certainly think that demonstration projects should not be used in lieu of meaningful reform.

"Mr. Speaker, you and the Members here know that we pay. Well first of all, we're the most oil dependent and energy vulnerable state in the nation. That we have the highest price of energy of all 50

states. We need integrated changes in this complex and interrelated energy field.

"Some of the things that are missing that would move us ahead, first and foremost is an energy cost adjustment clause. Mr. Speaker, I don't know if you know. When you look at your utility bill from Hawaiian Electric you see a fuel adjustment surcharge. It's about one third of your bill. Go look at your next utility bill. You will see you're getting zapped by Hawaiian Electric for the fuel adjustment surcharge.

"They don't care how much they pay for oil. They don't care how much they have to pay to bring it in here to provide the power for our islands because they put that surcharge directly through to you, and our consumers are paying one third, almost one third higher utility rates because of this surcharge.

"If we did something about this, and there was legislation that we had considered that did do it. We had it in our Energy and Environmental Protection Committee and it passed out. If we did something about that, and Hawaiian Electric could no longer pass through that fuel charge, Hawaiian Electric would be taking aggressive stances to bring forth renewable energy for the islands. If they had to suffer the price increase in fossil fuel, they would want to move away from fossil fuel.

"Mr. Speaker, I don't know if charts such as this one can be put into the Journal. You're shaking your head and you're saying no. In 1999, we barely paid anything to, why? In 1999 it was about standard. And then you can see the bars in this chart and how they're moving alarmingly upward to show you how much more that energy surcharge is because of the dependence on fossil fuel.

"No other state in the nation is using, like we are on this island, 93% of fossil fuel or coal to power the islands. No other state is doing that. They are just aghast at what we're allowing to happen here.

"You have to realize that one of the key things is Hawaiian Electric is a corporation with shareholders. It's in their best interest to provide the highest rate of return to the shareholders.

Representative Meyer rose to yield her time, and the Chair, "so ordered."

Representative Thielen continued, stating:

"Thank you so much. It's in Hawaiian Electric's best interest to provide, they must provide, the highest rate of return to their shareholders at the least risk. So what's the answer to them? They go ahead buy the fossil fuel, pass the charge on to you, you, you, everyone in this room and all of the consumers out there that are paying the highest utility rates in the nation.

"With this bill that we're considering before us, the bill in which I am so disappointed, doesn't do a thing to stop that. We don't have a provision in there saying that Hawaiian Electric is going to have to absorb that increased cost in fuel. If we had that, we would have meaningful progress in moving toward renewable energy projects here.

"We're also missing the Department of Business and Economic Development's inventory of State land and offshore areas for the citing of renewable energy projects. What would happen is they could develop subzones, they could streamline the permitting. We could get things on the move and get going.

"We're not being visionary with this bill. We're not being visionary at all. We're being pilot project like. Why are we moving to do that? Why are we not wanting to grab a hold of this and really move forward with a vision using our wind, using our ocean resources, using our solar. Why are we not doing that?

"It's also a difficulty that the general excise tax exemption for alcohol fuel blends will sunset shortly. It's not being extended in this provision, or in any provision that I'm aware of that's forward.

"Mr. Speaker, it's really sad to think that this is the best we can do and I think at the least, people will realize that if they try to go out and proclaim this as the Energy Self-Sufficiency Act of 2006, that they'll be laughed at because it's not. It's a big, big disappointment. Pilot project, but it's not getting us off that addiction to fossil fuel. Thank you."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, rise in support of this measure. I believe one of the best examples we as a state can set is an energy efficiency and conservation program for itself. Already this Body has seen emergency appropriations for the Department of Education in excess of \$5 million for additional electricity cost, to meet their additional electricity cost.

"So I believe the best thing that we can do as a Body is set an example for State buildings and agencies and that's what this bill does.

"The second point that I like to make is there are certain things we can do and set in policy, but there are certain issues where it's not appropriate to be debated in this Body or mandated by this Body. For example, the fuel adjustment charge.

"Right now the utility, HECO is going for rate increases before the PUC and in that case, it will account for the increase cost of fuel. I believe one of the reasons why we're seeing this pass-through, this high pass-through, in our utility bills is because it's been a long time since a rate increase was sought before the utilities, and rightfully before the PUC.

"Again I want to emphasize there are items that are properly debated at the Legislature regarding policies, and before the regulatory agency, the PUC. It was clear in the Committee on Energy and Environmental Protection that the Governor did not want to usurp the PUC's authority through mandates.

"This was in the discussion regarding the public benefit fund. She made it clear she did not want to usurp authority in that arena. But I think this is just one bill that we are moving through. There are various vehicles that are being debated before both Bodies, and we do have a strong emphasis on energy policy this Session. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2175, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 51 ayes.

At 4:37 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2966, HD 2	H.B. No. 3056, HD 2
H.B. No. 2256, HD 1	H.B. No. 3053, HD 1
H.B. No. 2606, HD 2	H.B. No. 2175, HD 2
H.B. No. 2863, HD 2	

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Luke introduced her husband Mr. Mike Luke, and their son Logan Luke, and asked the Members to wave to them.

THIRD READING

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 944-06) recommending that H.B. No. 2181, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2181, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, in I rise in favor of this measure, but I have some reservations. I think the reservations have to do more or less with the size of the appropriation. It's a \$100 million, and it's a \$100 million for the next 5 years. After that it's a half percent of the I think, the general revenues.

"It's an amazing amount of money just for high tech, although that's a very noble enterprise and I do believe we should appropriate some money for that cause. \$100 million may appear more like tucking it away to evade the general fund spending ceiling, or tucking it away anyway so we cannot use it for other important needs.

"When we appropriate in the out years I wonder if it's appropriate because I don't think we could bind future Legislatures to specific appropriations. This particular body, the funds that we are creating will be attached to the Department of Budget and Finance. Traditionally we have had these high tech organizations or bodies attached to DBEDT, so this is a real departure. DBEDT is the department that has the expertise in high tech.

"I think \$100 million should be spent where our priorities lay, and I think those priorities are in education and affordable housing and health programs and tax credits for our residents, and other issues that we are all interested in like long-term care.

"I would ask you to please maybe think in terms of paring down the amount as this bill advances to the end of Session. Thank you."

Representative Finnegan rose in support of the measure with reservations, and asked that the remarks of Representative Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Karamatsu rose to speak in support of the measure, stating:

"In support. Mr. Speaker, this is a Majority Package bill that will take Hawaii's technology, our life science, and our renewable energy industries to the next level. Basically you're putting \$100 million in this special fund to help with grants and also in investments.

"Right now Hawaii is in the beginning stages of developing these industries, and we don't have enough capital from the R&D, the research and development level to take it to the commercial level, which is the area we want to do so we can sell it to the world.

"Once we hit that level, we'll see more revenues being brought in to the State of Hawaii through sales, and also through those sales and also those businesses, you'll see more taxes coming into the State of Hawaii. So your ultimate goal is to create an industry to help also our existing industries, which are tourism, agricultural, military spending. When we hit that level, then you'll see new taxes being brought into the State of Hawaii. That's the ultimate goal. Thank you, Mr. Speaker."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I just want to support this with reservations. I have similar concerns as the Representative from Waialae, and that's all."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you support with reservations and I ask for the words of the Representative from Waialae be entered in the Journal as if my own.

"And just want to say we heard testimony in Finance that there's hundred of millions of dollars in venture capital out there, so the money is available. You might need some seed money here, but this is a lot of money. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 2181 – Relating to Economic Development. We are seeing a wealth of research activity emanating in Hawaii, from Waimea on Kauai to Kaka'ako on Oahu. Most of these companies need additional funding to continue in their pursuit in new technological areas and remain in Hawaii. This legislation will assist researchers and R&D companies advance their science and their chances for successful commercialization of that research. It's important to assist small technology businesses to establish themselves in our state.

"Creating the Hawaii Innovations Fund will yield tremendous benefits to the State. H.B. 2181 will accelerate the continuing expansion of the technology sector in Hawaii, thus recruiting developing tech companies and capitol from outside Hawaii, creating more meaningful jobs, and increasing non-tourism tax revenues."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you. With reservations. I'd like to say that the State has, as far I know has not ever shown any genius in these kind of fiscal ventures. Perhaps more partnership and direct funding would be better."

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. This is a very historical bill that will enable Hawaii to have a diversified economy by supporting Hawaii-based businesses in the fields of technology, life sciences, and renewable energy. Currently, Hawaii is in the beginning stages of establishing a strong knowledge-based industry. Unlike other areas of the United States and world, Hawaii-based businesses in these fields lack the amount of capital investments needed to move them from product development to commercial success.

"This measure will play a huge role in solidifying a new economy in Hawaii based on technology, life sciences, and renewable energy by establishing \$100,000,000 Hawaii innovations partnership special fund for the fiscal year 2006-2007 to invest in these entrepreneurial ventures through grants and capital investments. Thereafter, from 2007 to 2011, there will be an annual appropriation of one-half of one percent of the general revenues of the State into this fund."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2181, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC

DEVELOPMENT," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 945-06) recommending that H.B. No. 3115, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 3115, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm rising in support with some reservations. I believe that our experiment with the gas cap has been a failure. DBEDT did a study and they had some of their partners come up with their best estimate. I think they found that from September when the gas cap started until January, consumers here in the State of Hawaii paid roughly \$54 million for gasoline than they would have without the cap.

"This bill does call for repealing the cap, but not until '08 and suspending it starting in July of '07. But I have some problems with this all these requirements, additional requirements now that we're putting on the petroleum industry. We're asking them for information that we've not asked any other industry for. We're singling them out. I question whether that is constitutional.

"This bill has \$2 million in it to pay for all this manager and extra people that we'll have to keep track of it. Like any business the petroleum business has proprietary information that they're not going to want to be made public. I don't know that we can keep it really confidential, so I think there are problems with this bill. I realize it's early in the process and I'm grateful that the bill does call for repeal. Thank you, Mr. Speaker."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm once again going to be that lone voice that is voting no. First of all I really wonder if the oil industry is a business. I have some other concepts of what they are.

"I think if we take a look at some of the graphs and some of the studies that were done and just shown I think in the Senate. I really want to first of all send my thank you to the Senate Consumer Protection Chair. He really took some time to look into what I think is some real historic understanding of what is the oil industry versus being an oil business.

"First of all I find it really unbelievable that the PUC did not use their responsibility to do the right thing for the people of Hawaii in setting the caps. We gave them the opportunity to do a job. They didn't do the job, and now we are folding under the pressure of their I think, incorrect implementation of the gas cap.

"I was quite proud to be a part of this Body that was so brave to be the first in the nation to pass a gas cap. It stumbled. They stumbled. We have stumbled, but we don't kill it. We fix it. How proud I was to have our Majority Leader standing up there when I first came into office, taking hits left and right because of the gas cap, but he took it. I think we need to continue to take it and we need to fix it.

"One of the things this gas cap did not do is to regulate and give oversight to diesel. If we were to stop and take a look at what's happening to diesel in Hawaii and the impact it's having on businesses right now in delivering foods and goods to our people, in delivering construction to the sites. Diesel has gone up higher than gas. We have the highest diesel prices in the nation. We are being raped. We need to stop this. We need to step back and do something with the gas cap, and maybe set the cap lower.

"We gave them the benefit of the doubt. They took it, they ran with it and they said, 'Ha ha to you in Hawaii.' We're going to make an example of you in the world and in the United States. Let us not do that. Let's not fade. Let's show them that we can do it. To protect our people and our future. Please don't just gut, cut and paste what's coming over here from the Senate. Let's take a look at it.

"I've been there. I've done that. I was the President of the Gas Dealer's Association for four years. I saw this confidential data. We are being given a bill of goods. Let's not do it. No."

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. Just to respond to the previous speaker. I think comparing diesel to gasoline is like comparing apples to oranges. I will ask that my remarks be inserted into the Journal," and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I rise in favor of HB 3115, HD2, Standing Committee Report Number 945. This bill establishes a system for monitoring, analyzing, and reporting on the petroleum industry. More importantly, it suspends the gas cap as of the effective date of the Act and repeals the gas cap effective July 1, 2008. I have consistently opposed the gas cap and voted to delay implementation in 2004. I feel the gas cap has instituted a burden on Hawaii's citizens by driving up the price of gas even higher than it would have been without the cap law. We must repeal the gas cap as soon as possible. Monitoring the petroleum industry and instituting transparency is a better answer to our gas price problem."

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support with some comments. Now there are several parts to the bill. One of the parts of course you heard is actually the repeal of the gas cap, but it doesn't happen for a while. In the meantime it suspends it, which is good. And I always voted against the gas cap so I will vote for this suspension and repeal.

"But there's another part that transfers the petroleum industry information reporting data functions to the PUC and that will disrupt the progress that DBEDT has made just 8 months after we told them to do it. So it's kind of backtracking. So I'm concerned about all those things lumped into one bill. Thank you."

Representative Sonson rose in support of the measure and asked that the remarks of Representative Harbin be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Morita rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I just wanted to point out that the success of the gas cap was dependent on the implementation of the gas cap, and at this time especially with the Administration there's no political will to make it work. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Yes, Mr. Speaker, I wish to speak very strongly in favor of this bill. First of all I think it has been proven along the way, very noted consultants, those that we have hired in the past. The Stillwater Associates spoke against it. Said it wasn't going to work.

"Most recently we had in the *Star-Bulletin* an expose again, saying there has been a loss of approximately \$50 million, that's it not working. The price of oil is based on a global and not regional data. Right now the price of oil is about \$62 a barrel. It doesn't matter

whether it's in Singapore, or it's in New Orleans, or it is in California. It's \$62 a barrel.

"Oil prices can be triggered by anything. By the market, by crisis. All these factors enter in. By having a cap it has no affect at all on this global oil prices.

"So, Mr. Speaker, I would prefer a complete repeal of it, but this bill provides for a suspension only. It provides for a transparency period and to work with the oil refinery. If the oil refineries are not cooperative and we cannot get the immediate information, the gas cap will still be alive, and then that time maybe if we wish, or I would hope we just repeal it. But we can then resurrect it and make the appropriate changes. But I am very sure that the State of Hawaii will find that during the suspension period, we will be saving on the price of gas and not be paying more. Thank you very much.

"I wish to thank the House Leadership for having the courage to make the change. I know it was very difficult, especially the Majority Leader who was in the forefront speaking for the House for the gas cap. He has the fortitude and the guts now to say, 'Let's try something else. Let's try a repeal.' Mr. Speaker, for someone who has the guts like that, I have plenty of aloha for them. So Members, thank you very much. I hope that you all support this bill."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. I would like to adopt the words of the Speaker Emeritus, as well as just say that in my opinion, I do not think it is the implementation of the law, but the law itself."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3115, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Harbin voting no, and Representative Arakaki being excused.

At 4:52 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:03 o'clock p.m. with the Speaker presiding.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 946-06) recommending that H.B. No. 2555, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2555, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in strong support of this measure. Mr. Speaker, on behalf of many resident of Kakaako, I would just like to express my gratitude to the Chairs of the Water, Land, and Ocean Resources and Finance Committees for hearing this measure that's very important to the people of Kakaako. I would like to ask colleagues for their support. Thank you."

Representative Harbin rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in very strong support of this measure along with my neighbor Representative. The people of Kakaako, the grassroots, have worked very, very hard to bring this issue to the forefront at the Legislature. For a while there we thought we were going to get beaten by the timeline, but once again, what is right has prevailed. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Excuse me, is this the Kakaako Bill? I think that for years, 30 years now the HCDA has been buying and selling lands. In support, yes, with reservations. They have been even condemning lands, realigning streets, selling property, parcels, working with easements, and I think that they should continue to be allowed to deal with property on the *mauka* side of Nimitz Highway.

"This bill really restricts their activity and cramps their style, so I would hope that we would give them a little more flexibility to do what is necessary to redevelop Kakaako. Thank you very much."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker, I wish to speak for the bill with some reservations. One reservation I have on the bill is the prohibition of the selling of the land, fee simple. I believe that decision should be made with HCDA and not be made by law. HCDA should have the flexibility to determine whether they would want to sell the land by fee or by leasehold. Who knows what's going to be happening in the future and how this is going to be working out. I think it's too limiting for us to impose this on HCDA and put it into law. Thank you very much."

Representative Moses rose in support of the measure with reservations, and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I too would like to support it with the same reservations as Speaker Emeritus had, and Mr. Speaker, if I may just add a word or two. There was a project that HCDA was moving ahead with and that involved the sale of a little remnant piece of land. A little roadway of some sort. I don't have the exact details before me, but it involved the Whole Foods project. Whole Foods is the incredibly wonderful market that is so sought after by states throughout the nation. They have fresh fruits, produce that they buy locally which means that our farmers would have an automatic outlet for the produce that they develop or that they grow.

"It's a wonderful operation and it's one that I'm afraid by passing this bill we may prevent HCDA from moving ahead with that. That's why sometimes with the best of intentions we can overkill. I would hate to stop the Whole Foods project from being able to come here. I think that our consumers would not be very happy with this, at least those that have had an opportunity to hear about that wonderful market, and would want that to be here in Kakaako.

"The bill has a ways to go and if there is a way to work with HCDA to make sure that the language gives them the leeway to move ahead with that project, I would feel much more comfortable. Thank you."

Representative Kahikina rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. Thank you, Mr. Speaker, as we all know this is an attempt to try to address our housing and homeless crisis. Mr. Speaker, I'm very glad to hear the discussion on the Floor today and all the reservations that have been expressed. I just wanted to say that this Body should make the decision on all of the assets. And may I remind our Representatives in this House that we are limited in land. We're an island economy, and to hold the affordability of housing, and housing for our workforce, we're looking at not selling our State lands. I hope that

you would at least be open minded to preserving the affordability and the housing stock as we go forward in negotiating this bill."

Representative Meyer rose in support of the measure with reservations, and asked that the remarks of Representative Souki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Nishimoto rose in support of the measure with reservations, and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose in support of the measure with reservations, and asked that the remarks of Representative Souki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose in support of the measure with reservations, and asked that the remarks of Representative Souki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2555, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 947-06) recommending that H.B. No. 1368, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1368, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in strong support. Mr. Speaker, this measure, I support strongly because it remedies a grave and very unfortunate situation. On July 9, 2003 the Third Circuit Court on the Big Island invalidated all approvals previously granted by the County of Hawaii to 1250 Oceanside Partners for its 700 plus lot residential resort, Hokuli'a Development at Hokukano, South Kona, Hawaii.

"The basis for the court's decision to halt all construction activity was that this project located on sloping, marginal agriculturally zoned lands should have been reclassified to urban. I have always and continue to agree that these lands should have been reclassified because I've always opposed nonagricultural uses on agriculturally classified lands.

"Yes, Hokuli'a land should have been reclassified not to urban, but to rural because in my opinion it does not have the urban density component. Mr. Speaker and Members, please consider these facts however.

"First, there are at least 123 residential subdivisions on agriculturally classified lands, which have been similarly approved as the Hokuli'a development. 31 of these have gone into existence after Hokuli'a was approved. Right or wrong, Hokuli'a is not an exception but represents the rule.

"The approval of residential subdivisions on ag lands has always been the accepted practice throughout the State of Hawaii including

21 subdivisions on the Big Island, 3 after Hokuli'a; 54 on Kauai, 7 after Hokulia; 43 on Maui, 19 after Hokuli'a; and 5 on Oahu, 2 after Hokuli'a.

"Most if not all should have been reclassified, but were not. The fact is that we, both the counties and the State have allowed and permitted widespread residential nonagricultural development on agriculturally classified lands. In the face of clearly established precedent, how can anyone rule that Hokuli'a, but 1 of 123, is illegal?"

"Hokuli'a was subjected to an intense five-year approval process from 1993 to 1998 requiring 32 public hearings. There was very little opposition, but the primary concern only towards the size of the development. The project was accordingly downsized from approximately 1,500 lots to slightly over 700.

"It is in September 2000, nearly two and a half years following its approval that runoff, following unearthing activity and heavy rains severely polluted the ocean at Hokuli'a. A couple of inadvertent disturbances of burial sites and incorrect boundary delineation of a sacred pool or hill by DLNR. Anger and challenges began to mount.

"It was only then that the land reclassification issue legally surfaced, apparently as a hammer with which to halt the project. Despite approvals received and that millions of dollars had already been expended. Incidentally the suit relative to the burial disturbances was dismissed by the same judge.

"Here's some other facts to ponder about."

Representative Yamane rose to yield his time, and the Chair, "so ordered."

Representative Kanoho continued, stating:

"Thank you, Representative. During the five-year period from project approval in April 1998 to September 2003 when the project was halted, over \$300 million has been reportedly expended including the completion of an 18-hole golf course and clubhouse. Ground preparation and roadways were a significant part of these 700 plus lots ranging from one to three acres.

"As part of its April 1998 development agreement with Hawaii Country which permitted construction to commence, Hokuli'a almost finished the five mile, \$55 million highway between the development and Keauhou. A 140-acre public beach park with access and parking valued at substantial amount and cost was also completed as part of the development agreement community benefits package. As was future employee housing and additional acreage for a Kona Senior Park.

"At the time that the project was halted 190 lots were sold in the \$650,000 to \$2.5 million range with at least one home under construction.

"In view of past precedent that we in fact both the County of Hawaii and the State of Hawaii allowed this project to proceed prompting the developer to expend hundreds of millions of dollars in the five year period, because of that it's appropriate that we pass this bill.

"This bill is a must also to address the liability to the County, and primarily to the State because the County of Hawaii has no money, and State is the deep pocket entity, because of the impending suits by the lot owners.

"Having said all that, it is without question that this bill has served the purpose of propelling all the parties involved the 10 opponents, 5 plaintiffs, and 5 defendants into action to settle this case. So much so that a motion was filed with the Supreme Court I believe this past Friday for a motion to remand the case back to the Circuit Court, and for a stay of proceedings.

"The motion also calls for vacating the final judgment, the previously rendered, dismissing the plaintiffs claim, dissolving the induction of the judgment which had been rendered, and to enter a fourth amended final judgment. The remanding of the case is necessary because it's been on appeal to the Supreme Court and the parties have appeared obviously before the Third Circuit to settle this case, but they cannot do so until the Supreme Court acts that motion.

"So having said that, why do we need this bill? We need this bill for two reasons. To provide the incentive for the parties to continue in towards a settlement, and secondly it only addresses what had been done. We need to move forward because this bill really provides for legalizing nonconforming dwellings on agricultural lots, but at least this bill has served a good purpose in arriving with what we feel is a certain settlement. Otherwise the parties involved jointly filing this motion before the Supreme Court would not have done so. So it looks like we'll have a good ending after all, but for all the reason cited, this bill is a very appropriate action to take. Thank you, Mr. Speaker."

The Chair then stated:

"Members, any further discussion. For those Members who have submitted their comments on Second Reading, the Chair will allow you at this point in time. If you are with reservations or in opposition. Is there anyone else who would like to submit written comments into the Journal?"

Representative Shimabukuro rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"In opposition. As was stated by the Water Land Chair, all plaintiffs in the Hokulia lawsuit have agreed on a proposed settlement of this case. Therefore, this bill is unnecessary.

"It is not prudent to pass such sweeping legislation that would impact all existing agricultural subdivisions and prior land use law abuses.

"Illegally authorized subdivisions in the agricultural district should be placed in the rural district only on a case-by-case basis.

"The rural lands study and the important agricultural lands (IAL) process that we put in place last year should precede any attempt at grandfathering.

"A blanket grandfathering of agricultural subdivisions based on soil classification risks sweeping existing genuine farming areas into a residential category, circumventing the IAL process established last year.

"HB 1368, HD 2, not only grandfathers existing housing, but allows new housing if the lots are already in existence. This could literally change the landscape for tens of thousands of acres throughout Hawaii.

"Finally, grandfathering in existing illegal uses inappropriately rewards the counties and developers for violating the law, sending the wrong message to future developers and slighting those developers who played by the rules."

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. Agricultural lands of all types were lumped together, ranging from prime agricultural land to land not suitable for agriculture. By 1976, the State classified agricultural land by soil

types: A, B, C, D, E, and U. According to the Land Study Bureau, Class A lands are generally the best-suited and most productive for intensive agricultural use. Class B lands include areas that are, in general, definitely suited for intensive agricultural use. They are inferior to Class A lands for one or more reasons that may include crop productivity, less favorable rainfall or other climatic characteristics, steeper slopes, stonier, thinner, and more erosive soils. Class C lands of this classification have, in general, only fair to marginal suitability for production of intensive crops. They are inferior to Class B lands for essentially the same reasons as Class B lands are inferior to Class A areas. In spite of these limitations, some Class C tracts have been used for production of intensive crops. Class D and E lands are generally unsuited for intensive agriculture for one or more reasons that include infertility, stoniness, excessive or deficient rainfall, unfavorable temperatures, excessive cloudiness, erosiveness, and excessive slope. Finally, Class U lands are near-raw lands that are highly variable and among these areas are lava areas. These lands are stony with limited soil material, and erratic and choppy that discourages cultivation.

"The State identified agricultural land with A and B soils as prime agricultural land, thus identifying the land that Chapter 205 of the Hawaii Revised Statutes (HRS) intended to protect. For these lands, the State implemented restrictions contained in HRS §205-4.5(a), including that dwellings must qualify as "farm dwellings." In contrast, regarding C, D, E, and U agricultural lands or marginal agricultural lands, the State did not impose the same restrictions and allowed uses set forth in HRS §205-2(d). This section allows agricultural service and uses that support agricultural activities of the fee or leasehold owner of the property and accessory to agricultural activities, whether or not conducted on the same premises as the agricultural activities to which they are accessory, including but not limited to farm dwelling. Therefore, living dwellings are permissible and agricultural service and uses need only be accessory to agricultural activities. Further, the State gave the counties discretion to further define accessory agricultural uses on one-acre lots and to allow lot sizes of less than one acre if the counties find unreasonable economic hardship to the owner or lessee of the land that cannot otherwise be prevented or where land utilization is improved. As a result, counties have permitted the development of living dwellings on C, D, E, and U agricultural lands throughout the State.

"The controversy in legal interpretation is occurring today because the Land Use Commission placed uses permitted on A and B agricultural lands to C, D, E, and U agricultural lands. These rules conflicted with the statutes on what uses are permissible on A and B agricultural lands in comparison to uses permissible on C, D, E, and U agricultural lands.

"Currently, there is a case in the courts that could place thousands of single-family dwelling homes on C, D, E, and U agricultural lands in jeopardy and cost the counties millions of dollars should there be an unfavorable ruling. As a result, House Bill 1368 House Draft 1 intends to remove this legal cloud by permitting single-family dwellings on C, D, E, and U agricultural lands provided that not more than ten percent of the project area consists of soil classified as A or B. In the meantime, we must work on improvements to the statutes on agricultural lands to make it more clearly defined to avoid any future misinterpretation."

Representative Morita rose to speak in opposition to the measure, stating:

"In opposition. I would like to adopt the statements I made on Second Reading," and the Chair "so ordered." (By reference only.)

Representative Berg rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Berg's written remarks are as follows:

"Mr. Speaker, I stand in opposition to HB 1368, HD1.

"At a time when we face many long-term challenges – assuring the educational futures of our children, growing our economy to maintain our prosperity, providing housing, health care, and other most basic needs of all our people, and developing new approaches to sustainability – I regret that we are forced to focus our attention today on the past illegal actions a developer speculating that 1,500 acres of agricultural soil can be turned into a hugely profitable tropical fantasy to be marketed to mainland millionaires who already own multiple homes in other parts of the world.

"In my view, Mr. Speaker, this bill should not be before us today. This bill would retroactively authorize a development that has violated existing State laws established to preserve agricultural lands at a time when agricultural lifestyles and traditions are under sustained assault by relentless real estate speculation and development.

"This bill is special interest legislation.

"Some say this bill is not about Hokulia, but about the thousands of other residences also approved, perhaps under questionable circumstances, in agricultural districts. But the fact is that no one has challenged those other subdivisions and the opportunity for timely challenges is long since past. It is simply a scare tactic for development proponents to say that all other subdivisions on agricultural land are necessarily at risk.

"Others say it is not about Hokulia, but about traffic and the Mamalahoa bypass highway promised by the developers. While I certainly sympathize with the frustration caused by the pressures of past developments, it is ultimately unwise to allow statewide policies on such important matters to be shaped by the unusual circumstances of a situation like Hokulia.

Finally, there is no reason for the unusual haste with which this HD1 is being pushed forward. The Hokulia case is on appeal to the Hawaii Supreme Court, and the court's pending decision will tell us whether there are in fact legal ambiguities that need to be eliminated through further legislation. We should let the legal process take its course. Once the Supreme Court has ruled there will be ample time to address any outstanding issues with the care and thoroughness the public deserves.

"For these reasons, Mr. Speaker, please record my vote in strong opposition to HB 1368, HD1."

Representative Luke rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro requested that his written remarks submitted on February 17, 2006 for Standing Committee Report No. 630-06 and H.B. No. 1368, HD 1, on Second Reading be inserted by reference for Third Reading.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to ask for a ruling on a potential conflict of interest, similar to what I raised on Second Reading. I work for a law firm that is involved ongoing litigation with the Hokulia," and the Chair ruled, "you are excused."

Representative Caldwell rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, a potential conflict also. The law firm of which I am a partner represents the County in this lawsuit that's driving this settlement," and the Chair ruled, "you are excused."

Representative Lee rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise with reservations.

"HB 1368 HD2 allows agricultural areas to be converted to non-agricultural uses. I am voting with reservations at this time because it is not clear to me that the bill before us is in the best public interest, yet the testimony shows much support for the bill. The newspapers have reported that a settlement is close and that this legislation has forced the issue. The bill should go forward for discussion; however, I would like to quote a statement from the late Speaker Richard Kawakami:

"Today, we have agricultural subdivisions within agricultural districts, which can only be viewed as subterfuge of the spirit and intent of our land-use laws ... In practice, these agricultural subdivisions are not only circumventing county zoning provisions but are being offered at prices very few can afford and becoming, in fact, agricultural estates."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm still opposed to this bill and Mr. Speaker, a couple of new things that I would like to state. New concerns.

"The bill that's before us today would legalize the construction of single-family dwellings on lots that exist on the effective date of this Act. That's really broad, Mr. Speaker. I mean, this is in addition to the Hokuia land fix. But the it would mean that if the lots were already in existence, then they could be used for residential purposes rather than agricultural purposes.

"I thought that this was something that we wanted the counties to look at, and the counties to look at rural classification, and whether certain lots should remain rural rather than residential. Or whether certain lots should remain in the agricultural district. This bill really takes away that ability because it's a grand slam and it just automatically says, 'You guys are all residential now even if the lot has been developed.'

"You know how I feel about giving the Hokuia the go ahead. I think the developers were scofflaws, and I think that the developers should have to go through the court process to conclude that. I don't believe that we should fix the situation for them.

"It's such a message, Mr. Speaker, to developers that don't abide by our land use law. It's just, 'Hey, if you go persevere and then you run to the Capitol and say, 'C'mon and help us.' Then you can go ahead and violate the law and the Legislature will bail you out. I think the bill deserves to be defeated."

Representative Ching rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Mr. Speaker, I rise in opposition to H.B. 1368 -- Relating to Land Use.

"It appears that Oceanside ignored letters regarding Hokuia's project consistency with HRS Chapter 205, as well as advice from their own attorneys. The State Department of Agriculture, the Office of State Planning, and the Land Use Commission sent letters raising concerns over Hokuia's project consistency with HRS 205. Oceanside had express notice in 1994 that its proposed development

did not comply with governing State land use laws, which preempted any apparent county authority for residential residences on agricultural land. There were also objections pointing to the fact that the bill was not referred to or heard by the Committee on Agriculture.

"The premise of H.B. 1368 appears to be flawed and the process improper. Additionally, the measure sends the wrong message."

Representative Hale rose in opposition to the measure and asked that the remarks of Representative Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose in opposition to the measure and asked that the remarks of Representative Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Harbin rose to speak in support of the measure, stating:

"In support, Mr. Speaker, with my comments from Second Reading."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1368, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 32 ayes to 16 noes, with Representatives Berg, Carroll, Ching, Hale, Kahikina, Morita, Nishimoto, Pine, Schatz, Shimabukuro, Stevens, Stonebraker, Takumi, Thielen, Wakai and Waters voting no, and Representatives Arakaki, Caldwell and B. Oshiro being excused.

At 5:24 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2181, HD 2	H.B. No. 2555, HD 2
H.B. No. 3115, HD 2	H.B. No. 1368, HD 2

THIRD READING

H.B. No. 1935, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1935, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Third Reading by a vote of 50 ayes, with Representatives Arakaki and being excused.

H.B. No. 1796, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1796, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 3194, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3194, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 1930, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 2098, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 2457, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2457, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 1977, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1977, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STRUCTURED SETTLEMENTS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

At 5:25 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1935, HD 1	H.B. No. 2098, HD 1
H.B. No. 1796, HD 1	H.B. No. 2457, HD 1
H.B. No. 3194, HD 1	H.B. No. 1977, HD 1
H.B. No. 1930, HD 1	

H.B. No. 1995, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1995, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. Nos. 2250, HD 1; and 2895, HD 1:

Representative M. Oshiro moved that H.B. Nos. 2250, HD 1; and 2895, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Evans rose to speak in support of both measures, stating:

"Mr. Speaker. I rise in support of this and my comments that I'm going to give are on 648-06, as well as 645-06 because both of these have to do with sex crimes and statutes of limitations. One is for a criminal offense and the other is for civil action.

"I am actually very pleased that this is before the Body because it's basically changing the statutes of limitations I believe, from 6 years to 10 years. What I'd like to comment on is I don't think 10 years is enough, and I hope when it goes to the Senate that they understand that when people are sexually abused, that sometimes it takes years for them to get over the shame and the fear of what has happened to them. The ability to actually speak up and to deal with what happened to them. I'm really hoping that we change the 10 years and expand that out. That's my hope. Thank you."

Representative Lee rose in support of both measures and asked that the remarks of Representative Evans be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 2250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused; and

H.B. No. 2895, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATION OF ACTIONS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 2410, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2410, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 2780, HD 1:

Representative M. Oshiro moved that H.B. No. 2780, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"This bill allows a person sentenced for a first-time drug offense prior to 7/1/04, who has a satisfactory record of drug treatment and abstinence and a record free of any criminal conviction to apply for re-sentencing and expungement of related records.

"There are first time drug offenders, who are multi-time criminals. In the commission of a crime they would just keep drugs in their pocket while committing an offense to get a chance to get records expunged."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, on 647. Thank you, Mr. Speaker. I rise in opposition. I'm just concerned. This is expungement for first time drug offenses. We're having such a drug problem in the State and we're trying to crack down and be hard on drugs, and then we're going to expunge their first time drug offenses. I don't know. It just doesn't sit quite right. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2780, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Meyer, Moses and Thielen voting no, and Representative Arakaki being excused.

H.B. No. 2899, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2899, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

At 5:29 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1995, HD 1	H.B. No. 2780, HD 1
H.B. No. 2250, HD 1	H.B. No. 2895, HD 1
H.B. No. 2410, HD 1	H.B. No. 2899, HD 1

H.B. No. 3250, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUPERSEDEAS BONDS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 386, HD 1:

Representative M. Oshiro moved that H.B. No. 386, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against House Bill 386. It's the jury duty exemptions bill. Thank you. Mr. Speaker, if you take a look at this, you realize that the bill just frankly doesn't make sense.

"Sorry, I give due apologies to those who drafted the bill and sponsored it, but the exemptions are so narrow it would mean that people that are orthopedic surgeons, cancer surgeons, others that are in critical professions would have to go through the process of trying to get their jury duty service waived, and that takes them away from their primary profession which is life threatening and critical. So I would really prefer that we that we really just hold ... Well, it's going to be passed out. It'll go over to this Senate, but I would hope the Senate would have more wisdom than we did and not hear the bill."

Representative Sonson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Hale rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have very serious reservations for Standing Committee Report 651. Because I would just like to say that I really do not agree that just because somebody is 70, they should be excused."

Representative Karamatsu rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to H.B. 0386 – Relating to Jury Duty Exemptions. This measure repeals jury service exemptions for certain professionals, while adding jury exemptions for emergency medical services, fire, and police personnel.

"There are public policy considerations behind the current list of exemptions which, it should be noted, do not require the exclusion of a listed person but merely provide persons in those positions the option of claiming an exemption. For example, the patients of doctors and dentists who have appointments for treatment would be greatly inconvenienced if their doctor or dentist was suddenly unavailable. There could even be critical care issues involving surgeons, emergency room doctors, specialists, etc. Ministers and priests have traditionally been recognized as persons who should be given the option of claiming an exemption as an integral part of their calling is not to sit in judgment of others. Obviously, there are issues with putting lawyers and judges on juries due to the very real danger that lay jurors would be overly influenced by the opinions of such persons, especially as it relates to interpretation of law.

"Finally, it seems particularly inappropriate to delete active duty military personnel exemptions at a time when our military personnel are engaged in armed conflict in more than one area of the world."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I have strong, strong reservations."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 386, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Finnegan, Meyer, Moses, Sonson and Thielen voting no, and Representative Arakaki being excused.

H.B. No. 1233, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1233, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Meyer, Moses and Stonebraker voting no, and Representative Arakaki being excused.

H.B. No. 2208, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2208, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 2233, HD 1:

Representative M. Oshiro moved that H.B. No. 2233, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2233, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDEMNATION," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

H.B. No. 2404, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2404, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Third Reading by a vote of 50 ayes, with Representative Arakaki being excused.

At 5:33 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3250, HD 1	H.B. No. 2208, HD 1
H.B. No. 386, HD 1	H.B. No. 2233, HD 1
H.B. No. 1233, HD 1	H.B. No. 2404, HD 1

H.B. No. 2859, HD 1:

Representative M. Oshiro moved that H.B. No. 2859, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Halford rose to speak in opposition to the measure, stating:

"Mr. Speaker, on 656 I think I'm with reservations, or no. I'm not clear what the attractive nuisances might be that would draw an animal from one side of the fence to another. And I think this bill would be highly improved if it was specified exactly what would cause the animal to go over, and if I knew that then I might be for it. So I think for the moment I'm going to go no. Unless I hear otherwise in the next two minutes."

Representative Sonson rose to speak in opposition to the measure, stating:

"On 656. Mr. Speaker, this is the 'laughing cow' bill because fences and breaks and etc. You know this is actually being discussed at the UH. I'm in opposition. The bill actually says that if you have the legal use of your land and you happen to use it in such a way. For example, you hang your red dress on your fence or in your yard somewhere, and a cow on the other side, in this case maybe a big bull, happens to see it and runs across the fence. At this point you created a nuisance which created a damage to that fence because you did something that you could lawfully do on your own property, which created I guess a response from the cows and it came over."

"It could also be you planting alfalfa because you like the fresh alfalfa for your salad or something, and they see it. Can you eat alfalfa? I don't know. But the cow sees it and then goes over the fence and again, if damage occurs, according to this bill, you'll be responsible for that."

"It doesn't even state whether or not if you were there first before the ranchers came. It does not say anything other than to say that if you have a structure, a use or a condition on your own land and you knowingly creates or perpetuates or attracts animals. I don't know. I know that red makes bulls run, but does that mean that if I hang it there and the bull comes across and breaks the fence. I really don't know, Mr. Speaker."

"This is something to protect the, I guess the ranchers. I think it needs some work and I hope that the Senate would do something about this, just to clarify for those homeowners who are legally living in thousands of agricultural lots out there, especially the outer islands. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Brief comments in support, Mr. Speaker. This is not a laughing matter. This bill is designed to assist the ranchers on our Neighbor Islands. They're struggling every day to make ends meet. It's a difficult tough business where the profit margin is minimal, at best."

"What we're talking about are the many subdivisions that you see springing up on the Neighbor Islands in areas that are rural, agricultural, and also conservations, where you have ranching."

"A good example is Waikoloa. It's surrounded by ranch land, and what's happening is these fences are being knocked down because of things that are happening around the ranch land by homeowners who are not practicing proper fence management. And it's to try assist our ranchers in our State to make sure that they are able to survive and continue to provide the benefit we all enjoy. That's what this bill is about, Mr. Speaker. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I'm rising in opposition. I mean, I'm cleared that it was introduced for a good reason, but it's just the way that it reads, it's just open to arbitrary arguments and making claims, making adjoining landowners liable for damage to animals and

fences, if the landowner maintains a structure, use or condition that attracts animals, and causes them to break a lawful fence."

"Who knows what this attractive situation is? You know a bull will jump over big walls to get to cows when they're you know, at the proper time of the year. Animals do these things. Sometimes it's just, I don't know how you can quantify this and really nail it down. I mean, maybe it has to be worded in a different way, but the way it is now, I have to vote no. Thank you."

Representative Halford rose to respond, stating:

"Thank you, Mr. Speaker. Perhaps the Representative from Manoa has some further knowledge what exact, what practices have gone on adjacent lands to ranches that have caused the damage. If I had some clue what that is, I might change my vote. I am for ranching."

The motion was put to vote by the Chair and carried, and H.B. No. 2859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FENCING," passed Third Reading by a vote of 44 ayes to 7 noes, with Representatives Finnegan, Halford, Meyer, Moses, Sonson, Stonebraker and Thielen voting no.

H.B. No. 2455, HD 1:

Representative M. Oshiro moved that H.B. No. 2455, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'd like to enter my no vote, and I think to need to preface or follow up my no vote with a question of, 'Why now?' That's kind of a rhetorical question, but I have to keep ... Since this bill first came up on the Floor I've been asking myself that every day. Why now? And I still haven't been able to get the answer."

"I've spoken to many of my colleagues. I've spoken to other people voters and even they say, 'Why now?' Is there some type of an internal threat going on that we're concerned about who's going to be our next US Senator? Why now?"

"Again, I've got to bring some numbers to our attention, and I'm going to drill it down just a little bit more. There are about 630,000 registered voters in the State. 30,000 of them are members of the Democratic Party, maybe 10,000 of the Republican Party. I now find that this bill says that the appointment names shall be submitted by the Chair of the prevailing party, which in this case will probably be my colleagues."

"That particular Chair is voted upon and is in office at a convention of which maybe at the most, 2,000 people attend, And maybe at the most he gets 300 delegate votes. I really question that this is the right way for us to be doing this."

"We've had this process in place since the constitutional amendment. I really feel that we are in a rush to judgment. I really feel that this bill had only one hearing with four pieces of testimony. I really feel that is not a very good showing for us in the public, and I really want the whole world to know that I vote no. Thank you."

Representative Halford rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, this is 657? Mr. Speaker, just briefly, in opposition. This bill puts a Party ahead of their State and ahead of our people. So few people in Hawaii are officially partisan in the first place. To designate one of them or just a few of them to create a list of who might replace an absent US Senator, is a mistake."

"It's the current situation where our Governor is elected by a majority of the voters in the State of Hawaii has a lot more credibility

in this process. So I'm opposed to this because I believe it puts Party before people, and Party before the State of Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNITED STATES SENATE," passed Third Reading by a vote of 38 ayes to 13 noes, with Representatives Arakaki, Ching, Finnegan, Green, Halford, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no.

H.B. No. 2454, HD 1:

Representative M. Oshiro moved that H.B. No. 2454, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Once again to the world, to you, Mr. Speaker. Thank you very much, I must vote no. I'm probably the only one in this room that can really read through the underlying reasons for this particular bill and take it personally, and I do take it personally.

"With that being said, this particular type of measure continues to break down the belief of our people in what it is that we're trying to do here. I came into office with a whole bunch of hullabaloo and I tried, and I still am trying to do the best job that I can. I'm working very hard to get caught up and trying to do all that is expected of someone in my place.

"But to have a measure like this come sneaking through as a stealth bill to attempt once again, have the Chair of the Party make an appointment to the Governor, really, really flies, as I think, in the face of the democratic process. I have written letters to our Chair, who is now my Chair in Hawaii, who I respect very deeply and I encourage him to continue his good work because I had a very difficult time joining the party. I still haven't received my Party membership card.

"The problem is that we're asking a Party which is very partisan and has their own rules that they do not follow, and I have written letters asking them to explain, in making recommendations to the Governor who was elected by a majority rule. Let's not make these types of decisions hastily. Let's let the people decide who should be appointed, or who should be the appointing person, and in this case it's worked for 40 years. Let's leave it alone until the people can speak to it. My vote is no."

The motion was put to vote by the Chair and carried, and H.B. No. 2454, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," passed Third Reading by a vote of 40 ayes to 11 noes, with Representatives Ching, Finnegan, Halford, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no.

H.B. No. 767, HD 1:

Representative M. Oshiro moved that H.B. No. 767, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, I rise in opposition. Thank you. This bill is deeply concerning to me because what it says, even though the in the House Draft 1, the Committee took away permitting camping on ag land, the ability to camp on conservation land is amazing to me. That this is actually a consideration.

"The Department, DLNR, already has and it's established in the Hawaii Revised Statutes. It's in the bill. The Department already has the rule making ability for recreational to establish permitted uses for recreational pursuits. I would think that day and overnight camps

might be within that purview. My concern is that these proposals for these camping needs to go through an existing land use permitting process that the State and county levels have established.

"Our conservation land areas have four different zones. What this would imply is that a parking lot could be built, maybe not asphalt but a parking lot could be constructed on a Natural Area Reserves, on a NARS piece of land. We're so worried about pleasing visitors and giving them more of Hawaii to see that such a bill such as this would put us in jeopardy of those particular conservation areas.

"I received a letter here from a young student in the Moanalua area begging us to reconsider this because as she recognizes as a student, that there's unique plant life, insects, mammals. One of the things she brought up that I thought was interesting is that when people walk on certain areas, they leave the droppings of certain other plants will be on the shoes. When we go to the mainland we're asked whether or not we've been at farms because the other states don't want us bringing in our flora and fauna and destroying their areas.

"So I'm very concerned about this bill and I would wish that you would think more seriously, and I will be voting no. Thank you."

Representative Carroll rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm standing with reservations, very strong reservations. Like the previous speaker, I have the same concerns, but I would like to add that with DLNR's enforcement because of the lack of adequate services and the lack of resources, I see a potential for recreational user conflict in the near future. I know in my district I have a lot of squatters, and they would look at this as an opportunity to go and camp in these conservation districts. What's to say how the enforcement in DLNR is going to be able to control that because they already have a lack of resources. So with that I would just like to say, with reservations."

Representative Herkes rose to speak in support of the measure, stating:

"In support with some comments. I think we need to revisit the whole conservation uses because as a home built on the water on conservation land that has no business being there. Thank you"

The motion was put to vote by the Chair and carried, and H.B. No. 767, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPSITES," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Berg voting no.

H.B. No. 2319, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2319, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 51 ayes.

At 5:50 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2859, HD 1	H.B. No. 767, HD 1
H.B. No. 2455, HD 1	H.B. No. 2319, HD 1
H.B. No. 2454, HD 1	

H.B. No. 2330, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2330, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," passed Third Reading by a vote of 51 ayes.

H.B. No. 2453, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2453, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARDS," passed Third Reading by a vote of 51 ayes.

H.B. No. 1844, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1844, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," passed Third Reading by a vote of 51 ayes.

H.B. No. 2299, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2299, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," passed Third Reading by a vote of 51 ayes.

H.B. No. 3256, HD 1:

Representative M. Oshiro moved that H.B. No. 3256, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Luke rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Luke's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of House Bill 3256, HD1. I would like to thank the members of the Penal Code Review Committee, whose diligent effort to meet our Legislative deadline made it possible for us to move forward with this comprehensive update to Hawaii's Penal Code.

"I would like to take a moment to recognize the members of the committee for all their hard work and dedication:

Hon. Steven S. Alm, Chair
Circuit Court of the First Circuit

Hon. Marcia J. Waldorf, Reporter
Circuit Court of the First Circuit

Major Susan Ballard
Honolulu Police Department

Mark J. Bennett, Esq.
Attorney General State of Hawaii

Hon. Joseph E. Cardoza
Circuit Court of the Second Circuit

Peter B. Carlisle, Esq.
Prosecuting Attorney, City and County of Honolulu

Mei Chun
U.S. Attorney's Office, Department of Justice

Brook Hart, Esq.
Law Offices of Brook Hart, AAL, ALC

Charlene Y. Iboshi, Esq.
First Deputy Prosecuting Attorney, County of Hawaii

Tommy Johnson
Hawaii Paroling Authority

James S. Kawashima, Esq.
Department of the Attorney General

Leilani V. Lujan, Esq.
Law Office of Leilani Lujan

Howard K. K. Luke, Esq.
Law Office of Howard K. K. Luke

Joyce Matsumori-Hoshijo, Esq.
Attorney at Law

Hon. Craig H. Nakamura
Intermediate Court of Appeals

Lori Nishimura, Esq.
Attorney at Law

Hon. Richard K. Perkins
Circuit Court of the First Circuit

Hon. Richard W. Pollack
Circuit Court of the First Circuit

Ted Sakai
Department of Public Safety (ret. 2005)

Michael K. Soong, Esq.
Attorney at Law

Davelynn M. Tengan, Esq.
Prosecuting Attorney, County of Maui

John M. Tonaki, Esq.
Public Defender, State of Hawaii

Robert Toyofuku, Esq.
Advocate

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 3256, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Third Reading by a vote of 51 ayes.

H.B. No. 1826, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1826, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," passed Third Reading by a vote of 51 ayes.

At 5:51 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2330, HD 1	H.B. No. 2299, HD 1
H.B. No. 2453, HD 1	H.B. No. 3256, HD 1
H.B. No. 1844, HD 1	H.B. No. 1826, HD 1

H.B. No. 3254, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OATHS OF OFFICE," passed Third Reading by a vote of 51 ayes.

H.B. No. 1936, HD 1:

Representative M. Oshiro moved that H.B. No. 1936, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"In strong support of the measure, Mr. Speaker.

"This Body has supported over the years extending particular rights and privileges to condominium association members so that greater transparency and equality between the owner and management is facilitated.

"This bill, HB 1936, HD 1, merely permits members within Planned Community Associations to have greater access to documents, and thus, be better educated on the affairs and operation pertaining to their investment – that being their own home.

"Testimony on this measure revealed that there is a void, a lack of recourse for Planned Community Association members to exercise the very basics meant to assist them in preserving their investment. This measure fills in that void.

"In addition, the measure will provide the Department of Commerce and Consumer Affairs with the guidance and ability to ensure that the very laws protecting condo owners are rightfully extended to Planned Community Association members."

"FYI: Language from Rep. Cabanilla's Planned Community Association Bills, three of them: HB 2196 – Financial statements Shared for Duration Records Kept; HB 2197 – Notice for Providing Information; and HB 2653 – Documents Accessible by Request, Expanding Methods to Receive Documents, have been incorporated in the HB 1936, HD 1. HB 1936, HD 1 will now serve as the vehicle for members within Planned Community Associations to garner some of the same rights and privileges that have been extended to condominium owners.

"I met with Rep. Evans (who introduced HB 1936) to request certain language within HB 1936 be changed so that the member making the request is responsible for the costs to accommodate the request. HB 1936 originally had it where the association was to absorb the costs. This burden upon the membership is no longer within the bill and has been removed in House Draft 1.

"In addition, HB 1936, HD 1, includes new language to resolve disputes under the direction of the Department of Commerce and Consumer Affairs, or at least provide additional resources for that purpose within a Planned Community Association. This inclusion in HB 1936, HD 1, was also in response to another bill I introduced, HB 2195 that sought to expand the Condominium Dispute Resolution Pilot Program to those within Planned Community Associations."

The motion was put to vote by the Chair and carried, and H.B. No. 1936, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Third Reading by a vote of 50 ayes to 1 no, with Representative Morita voting no.

H.B. No. 1980, HD 1:

Representative M. Oshiro moved that H.B. No. 1980, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. The Legislature passed a 'no fee' law on Macy's-type gift cards just last year. So why are we now passing an exemption from this law for multiuse gift cards this year? Thank you very much."

Representative Meyer rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"In opposition. Exempting multi-use gift cards from Hawaii Revised Statutes (HRS) § 481B-13 which prohibits gift certificate issuers from charging service fees, is unfair and unwarranted. It is inequitable to bind retailers issuing single-merchant gift certificates to certain gift certificate regulations while sparing multi-use gift card issuers from those same regulations.

"This measure hurts Hawaii consumers as it subjects them to a slew of gift card-related fees including initial issuance fees, replacement fees, inactivity fees, and fees for adding value to the card or certificate, all of which will essentially reduce the face value of the card.

"This measure is particularly harmful as many consumers may be caught unawares. The multi-use gift cards are often similar in appearance and function to traditional or single-merchant gift certificates. Thus, many consumers who purchase the multi-use gift cards will be unpleasantly surprised (regardless of the disclosures) to discover that fees will be assessed for tasks as simple as adding more value to the card. Furthermore, the disclosure of initial issuance fees are easily overlooked especially in the case of electronic cards as the disclosure will be printed upon the electronic receipt rather than the face of the card.

"There is little merit to the argument raised by multi-use gift card issuers that service fees should be chargeable as these types of cards are more expensive to operate than gift certificates. Multi-use gift card issuers usually earn an interchange fee of about 1 to 2 percent from the merchant that accepts the gift card.¹ In turn, the merchant accepting the gift card reaps substantial benefits from gift card use as there is typically a reduction in merchandise returns and an increase in the sale of full-priced items as shoppers using gift cards are generally less concerned with taking advantage of discounts.² Thank you Mr. Speaker.

"If the multi-use gift card issuer claims it is not earning a profit, it should negotiate for a higher interchange fee with the merchants rather than imposing a heap of fees upon the consumer.

1. Testimony of Matthew M. Matsunaga of Schalck Ito Lockwood Piper & Elkind LLC.

2. New York Public Interest Research Group, "Many Unhappy Returns – A NYPIRG Report on Risky Holiday Shopping", available at http://www.nypirg.org/consumer/unhappy_returns/default.html (citing Press Release. National Retail Federation. "Gift Cards Emerge as perfect Choice for Person with Everything". November 20, 2003.; Engstrom, Tim and The Associated Press. "Fees Can Take Fun Out of Gift Cards". The News-Press, December 28, 2003. <http://www.news-press.com/news/business/031228giccards.html>; Cauley, H.M. "Guide to Gift Cards; Scrooge Lurks Inside Popular Holiday Gift". The Atlanta Journal-Constitution, December 18, 2003; Futrelle, David. "Cardsharps". Money. December 2003.).

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 1980, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GIFT CERTIFICATES," passed Third Reading by a vote of 45 ayes to 6 noes, with Representatives Finnegan, Halford, Marumoto, Meyer, Morita and Thielen voting no.

H.B. No. 3100, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Third Reading by a vote of 51 ayes.

H.B. No. 3225, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3225, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 51 ayes.

At 5:54 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 3254, HD 1	H.B. No. 3100, HD 1
H.B. No. 1936, HD 1	H.B. No. 3225, HD 1
H.B. No. 1980, HD 1	

H.B. No. 1871, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1871, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," passed Third Reading by a vote of 50 ayes, with Representative Evans being excused.

H.B. No. 2705, HD 1:

Representative M. Oshiro moved that H.B. No. 2705, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. First I'd like to get a ruling on whether I'm in conflict. I hang a lot of signs," and the Chair ruled, "no conflict."

Representative Sonson continued, in support of the measure, stating:

"I'm basically in support. I think we do need to clean up the way we hang signs. It should look pretty and it should look conforming to the property we are hanging it in, but I think this bill is too restrictive in a way.

"One thing it does, Mr. Speaker, it allows only signs that are 2 feet by 4 feet. That's the largest you can get, and that particular size might not be sufficient to accomplish the intended affect which is basically to attract attention to it from the passing cars if it's in the roadways or close to the roadways.

"If the affect was to ensure that the message gets across to the people that are driving, it should be big enough so they can see it. I just don't think that 2 feet by 4 feet will be sufficient for all I guess, strategic spots, for lack of a better term.

"Second, there is a limitation that you can only put a total of 16 square feet in any residential property. Now 16 square feet; that would be like two signs. If that was the case, the person that would come after the first two signs are, because there are many candidates running for office. So if the Governor puts up two signs, then Lieutenant Governor cannot put up a sign, or if the Mayor puts up a sign, then the Councilman cannot put up a sign.

"I'm not sure if this is sufficient. I think we should work on this a bit so it's not a one-size-fits-all. I do agree with the intent. We should keep it real clean. I think that what happens is there's been some, I mean not recent, but you know the last election it was a little too much. You could drive through I guess if Kalihi, Waipahu, pick a spot where there are passionate people, who are passionate about their politics and their opinions and they'll hang signs everywhere. Sometimes there's 50 to 100 hundred signs of one candidate and I think that's an overkill and it's kind of ugly. I would disagree with those.

"But on the other hand this one is a little restrictive and I think it's sort of it has a chilling effect on free speech. Thank you, Mr. Speaker."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you, simply reservations. Perhaps the counties, each county has different sensibilities about this issue. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, with reservations. I have the same concern. I think some counties would like to have some say in this. But also limiting a residential property owner to how many signs they can put in their yard, like if they want to support two different candidates like was brought up, say the mayor and the legislator, that's pretty bad I think. It might be a freedom of speech violation. Thank you."

Representative Karamatsu rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 2705, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Cabanilla voting no, and Representative Evans being excused.

H.B. No. 2897, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2897, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Third Reading by a vote of 50 ayes, with Representative Evans being excused.

H.B. No. 3101, HD 1:

Representative M. Oshiro moved that H.B. No. 3101, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, we're on 675? With strong reservations, please. I hope that as this bill moves along, that some changes would be made especially to the \$25,000 aggregate that the contributors have right now, on this bill. Thank you."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. Strong reservations on 675. I believe that you know, if we do what we keep on doing, which is to limit the access of poor candidates, such as Representative from Waipahu for donations etc., it really could end up so that any candidate, great candidates from other states, other districts who may want to run for higher office some day, will not be able to fund their election properly, versus a person that's wealthy who has unlimited use of his or her money or assets that they have. So it seems like it's being tilted towards the rich people to run for office, and that I don't think that's fair.

"I think there should be a policy in the State to ensure that there's participation from all walks of life. A great idea would be to have complete public spending on all races. If that would be at all possible. That would be the best thing so that we don't have to you know, look for money everywhere and worry about whether or not you're going to end up in jail because you accepted money from this entity and that entity.

"We keep making changes every single year on who we get money from. I'm sure that a lot of things we pass are great stuff and the public wants us to do that, but at the same time it is getting more and more difficult to raise funds. You know, those poor candidates like myself, Mr. Speaker, it's going to be very hard."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support of this measure. There's four things that this campaign spending limitation measure addresses, but I would like to cut down to just one item that I feel very passionate about.

"Contained in this measure is language that addresses a serious matter pertaining to the election process. When you or I receive a monthly billing statement from let's say the telephone company, gas company, or the cable company, you and I expect the material contained within the envelope to be just for the party to do the business at hand.

"However, imagine yourself instead of a billing statement, the material inside the envelope is a flyer soliciting you to vote for a particular candidate.

"Currently, when a candidate or a candidate's committee sends mailings, the envelope must be identified as containing campaign related material. In contrast, when a business conducts a mass mailing endorsing of a candidate and soliciting your vote, the business is not required to disclose on the mailing that the material contained in the mailing is campaign material.

"HB3101 HD 1 will ensure that when a business, as it is it's right, sends campaign material, that it merely identify on the envelope that the material inside is campaign related material. In this way, campaign matters may no longer be disguised as billing statements.

"This law is necessary, Mr. Speaker, because in 2002 and 2004, election of a property management companies, and there's a lot of them in possession of thousands of its clients' membership mailing lists, mailed in same envelopes it mails official association matters, campaign material related. Many thought this practice was deceptive and undermined the election process. This bill is a housecleaning measure and I ask my colleagues to support it. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, in support with slight reservations. Thank you. I just want to let people know that we're still not, well the Campaign Spending Commission is still unclear as to where we are with the last campaign spending laws that we made and it's kind of not clarified at this moment. So I think by adding more stuff on there, I think it's just going to give a lot of people just not only hesitancy, but just not having clarity at this moment. So I think we should maybe take a look at whether or not we want to add more things before we clarify on what's to be expected from the last time. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, with reservations. Just recently the Supreme Court has dealt with the State's campaign spending laws and said they're too restrictive, and it's an abridgement of the freedom of speech. I hope we don't go there. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and H.B. No. 3101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Third Reading by a vote of 50 ayes, with Representative Evans being excused.

H.B. No. 1242, HD 1:

Representative M. Oshiro moved that H.B. No. 1242, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in opposition to the measure, stating:

"Mr. Speaker, on 1242, SCR 676-06. Mr. Speaker, I would like to enter my no vote. My opposition has nothing to do with a woman's right to have an abortion done, but this bill, although it says it doesn't expand such things, it does do away with two things: the residency requirement; and operations done in hospitals only. I'm not sure if there is evidence that the hospitals are insufficient to meet the needs of abortion. And I'm not sure whether or not there's been some request of the Tourism Authority that they would like to come to Hawaii to perform an abortion, that we should remove that. There should be a need.

"If there are underserved people that want to have an abortion and cannot get it done, maybe we should change our existing laws. But I think this will just serve to, I guess, make Hawaii a place where they say you can go and stop and go. I'm not sure I would like to be associated with a State like that. Thank you."

Representative Cabanilla rose, stating:

"Mr. Speaker, there's three things that this bill does. I am in opposition to one part. Another part, I'm with reservations. And the other part, I am in support."

The Chair responded, stating:

"So, that's kanalua for us. What is your vote, before you proceed?"

Representative Cabanilla continued in opposition to the measure, stating:

"So if you want to know what my vote is, my vote is in opposition. The ones that I am in opposition with, let me start. The one is the part that repeals the residency requirement. Hawaii is known to be a very beautiful place. We are known for our beautiful and pristine beaches, and wholesome family vacation spots. And repealing the residency requirement would make us the 'go to for abortion' State. We're probably going to rank as one of the sin cities in the world.

"The other one that I have strong reservations going to it is that, and I can agree with the Vice Chair of Health, that it should have gone to the Health Committee because it expands the places where you can get an abortion. When this bill passes, you can now get an abortion in clinics and doctors' offices. And that will support the first thing that it asks, which is repealing that. Because we are now going to have a lot of people coming for abortions in our State, you might as well open it up to more places, and pretty soon we'll probably be doing it in the back seat of a car.

"That's why I say I'm with reservations because it feeds toward a purpose, maybe it's an evil intent, but it feeds to that.

"But I'm in support of the third thing that it does in which it allows for delivery or extraction or abortion, whatever word that you want, for stillborn pregnancies. I think that's a good health measure. Thank you, Mr. Speaker."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. On this particular measure, I rise in opposition. I agree with the previous speaker that the reputation of being a State that people can come here and know that they can get an abortion or termination doesn't sit well with me. Thank you."

Representative Green rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just with reservations. But I will like to comment, I do not agree with the previous two speakers. I don't think that the bill would have that intent at all. In fact, abortion is legal in the United States of America. I do want to register my reservations just about my Health Committee concern from before. Thank you."

Representative Stonebraker rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. You know well that I will be opposing this bill for a couple reasons. As was mentioned, Mr. Speaker, this is not a mild expansion of abortion. This is one of the most significant pieces of legislation to promote abortion that we've had in recent history.

"I believe, Mr. Speaker, there is a great debate amongst those who are pro-life and pro-abortion, and this is potentially the bill to argue over it. However, even those who are in favor of abortion I think would be hard-pressed to say that abortions are good things. They're usually the last option. They're not a positive thing. Nobody looks at an abortion procedure having been done as a great thing. It's nothing to be celebrated, Mr. Speaker. And I would venture to say that even those who are in favor of the practice would be hard-pressed to say that it is a good thing to get an abortion. And so why would we promote it in such a grand way; in such a broad, wide-sweeping way where we will remove safety measures like a residency requirement; where we will expand it into clinics rather than leaving it in hospitals.

"Mr. Speaker, I think that this is much more pervasive than most of the legislation here for a couple of reasons. First of all, it deals with the issue of the respect for life. I believe that if we disregard life at its earliest stages, I believe it defines who we are as a society. And the way that we treat the innocent, and the way we treat those who are helpless and cannot help themselves will be reflected in every other decision that we make in society. And so, by making a decision like this, in general, philosophically, all of our other decisions will be tainted and warped because we've undermined the very basic principles of human life and human dignity.

"Mr. Speaker, the other reason is that I believe that this legislation was put forth primarily for ideological motives. It's a bill that deals with hospitals, it deals with clinics, it deals with life. It deals with invasive surgery, it deals with patients, and yet it did not go to the Health Committee. Mr. Speaker, this bill should have gone to the Health Committee, but I believe that the authors of the bill intentionally diverted the bill away from the Health Committee to avoid the scrutiny that it deserves, and rather brought it to their own Committee, the Judiciary Committee, so that it could be snuck through in a back-room fashion. I believe that it's disingenuous, and I believe it violates not only our rights as legislators, Mr. Speaker, but the rights of all the people of Hawaii who deserve better than that. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. The hour is late so I will try to keep my comments very brief. First and foremost, I did want to address the fact that there are two measures that dealt with abortion as I said on Second Reading: HB 1242 and HB 1241.

"House Bill 1241 was referred to Health, but unfortunately, that bill did not move. That was the opportunity for the Health

Committee to address some of these issues. However, when HB 1242 was referred to Judiciary, the primary reason that it was only referred to Judiciary is because what we are doing is making sure that current practice conforms with what is already happening through case law. For those that don't understand, let me explain what case law is. There are two ways for laws to be made. One is through statute, and one is through court cases, and this is what's happening with Roe v. Wade.

"Roe v. Wade was issued in 1973, and since that time the Supreme Court has taken up the issue numerous times and issued multiple decisions such as The City of Akron Planned Parenthood v. Casey, and Planned Parenthood Kansas City v. Ashcroft. And in all of those cases, what they set forth are the parameters under which an abortion can occur, and cannot occur. And that are the legal parameters that we have set forth in this bill. Basically to say that the statute which is outdated, should actually conform with what's going on in current practice.

"Now the second question people may have is, why do we need it if that's what is already happening out there? The reason we need that is because there is the potential that Roe v. Wade could be overturned with the new appointments to the Supreme Court. Now, that is speculation and we don't know if that's exactly going to happen. But there is a case that the Supreme Court has accepted to take up this coming term. And they could issue a decision while we are not in Session, and then what would that do? It would create a cloud of uncertainty as to what is the practice that is allowed out there.

"And why do we feel that we can go forward with a bill like this, even if the Supreme Court overturns Roe v. Wade? And that is because, in our State Constitution, we have an explicit right to privacy. Unlike the federal Constitution, where basically the Supreme Court has sort of interpreted it in a thing called a *penumbra*, or an implied right, they actually found it was something that was part of the liberty interest, and that's why it's been criticized. In our State Constitution, Article I, Section 6, we have an explicit right to privacy. And in formulating that right to privacy, the framers of the Constitution said, "By amending the Constitution to include a separate and distinct Privacy right, it is the intent of your Committee to insure that Privacy is treated as a fundamental right for purposes of constitutional analysis. This privacy concept encompasses the notion that in certain highly personal and intimate matters, the individual choice should be afforded freedom of choice, absent a compelling state interest." And that is why we are moving forward with this bill.

"I do agree actually with the prior speaker. This is not something that we necessarily would celebrate. But sometimes, our individual rights are something that need to be protected, whether it is a decision that we agree with or not, it is the individual's choice. Thank you."

Representative Sonson rose to respond, stating:

"Just a couple of words in rebuttal. If we say that yes, we have a Constitution that is different from the federal Constitution in that this is to implement our Constitution, I would disagree. There is no case law in the State of Hawaii that says that we cannot have a residency requirement in our laws. There is no case law in Hawaii that says we cannot limit operations of abortions in be in hospitals only. Why is this moving forward? Because someone is looking at a crystal ball and what will happen in the future. I'm not sure if this is the right thing to do at this time. Mr. Speaker, I think the laws that we have are sufficient to serve the needs of those who want to have abortions. And we should keep it there unless there is a proven need.

"Another study or another way to look at this would be, if there is proof that there is a greater need that is not served by the current law, why should we expand it? And if there is no law that says our law is illegal, why should we change it?"

Representative Lee rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise to speak in favor of the measure.

"Mr. Speaker, more than 30 years after the *Roe v. Wade* decision, a woman's right to choose hangs by a thread in the U.S. Supreme Court. Some of our leaders in Washington, D.C. have chosen to attempt to eviscerate the constitutionally protected rights to reproductive freedom women currently enjoy. If you haven't read the paper, anti-choice forces continue to attack the right to privacy and a woman's right to choose.

"Hawaii was the first state in the union to decriminalize abortion. To assure the rights to privacy and choice in Hawaii, we need to update the Hawaii law that originally gave women in our State the right to choice. That law passed three years before the *Roe v. Wade* decision, and allowed to become law by a Catholic Governor, contains archaic and outdated provisions

"The Hawaii Legislature has never revisited this statute since it was passed in 1970, although we are clearly aware of the unconstitutional provisions.

"Section 453-16 requires that a woman be a resident of the State 90 days prior to her abortion. We know that any traveler to Hawaii can receive medical treatment in Hawaii, regardless of how long they have been here.

"The statute also says that all abortions must take place in hospitals. In fact, we know that abortions take place in clinics and physicians' offices, not just hospitals, and this is what makes abortions affordable to poor women.

"Hawaii, more than any other state, has clearly articulated the right to privacy. At a time when the U.S. Supreme Court is about to rule on a potential federal ban on abortion in *Gonzales v. Carhart* and when South Dakota has passed a complete ban, it is urgent that our State affirmatively declare its policy on a woman's right to choose.

"Mr. Speaker, may I also say that there was no need for this measure to be heard in the Health Committee as the changes needed are purely legal in nature. Of course, health issues cut strongly in favor of the right to choose. The blood, tears and often the lost lives of women who terminated their pregnancies illegally in the past, demonstrate that point too well. No wonder many of us who lived through the bad old times when there was no choice for safe, legal and accessible services say, 'Never again. Never again.'

"But look at what has been happening. Since 1993, anti-choice advocates have murdered three doctors, two clinic employees, a clinical escort and a security guard. They have inflicted permanent injuries including blindness upon many others. Opponents of choice have directed over 4,000 reported acts of violence against abortion providers since 1977, including bombings, arson, death threats, kidnappings and assaults. In addition, over 75,000 acts of disruption have been directed at clinics including bomb threats and harassing telephone calls.

"Mr. Speaker, reproductive rights are key to a woman's ability to control her own life and therefore central to a woman's autonomy and equality. The State must not interfere with nor deny a female's right to choose.

"Today we are carrying out our responsibilities. With our vote today, Hawaii will again lead to uphold a woman's right to decide whether and when she will be pregnant, but, most of all, we will be acknowledging that women should have an equal place at life's table and be respected as the decision-makers for their own future. Thank you, Mr. Speaker."

Representative Stonebraker rose to respond, stating:

"Thank you, Mr. Speaker. A brief rebuttal. It's not surprising that the proponents of abortion do not want to speak about the actual procedure. I'm not surprised about that they'll want to talk about what the Constitution may or may not say. The specious right to privacy. They'll talk about what somebody may have done years ago. They won't talk about the 40 million children that have been killed by abortion.

"And they won't talk about the underlying measure which was to promote partial birth abortion. A procedure which, Mr. Speaker, is brutal and most degrading to our society and to human nature. It's a procedure where a fully viable child in the womb, who can live outside the womb ..."

Representative Takai rose to a point of order, stating:

"Mr. Speaker, point of order. I believe this draft of the bill does not include that anymore. I think the speaker should confine his remarks to what's in the current draft."

Representative Stonebraker responded, stating:

"Mr. Speaker, I gave incredible leeway to the previous speaker's recitation about abortion doctors who were murdered and so forth and so on. Let me speak to the underlying measure that was ..."

The Chair addressed Representative Stonebraker, stating:

"The Chair will, Representative Stonebraker. The Chair will allow you, but can you really try to confine your remarks in regards to the legislation that is before us because it is not, quote unquote, addressing the process or procedures of abortion, but clarifying the language."

Representative Stonebraker continued, stating:

"For the information of the Body, the original measure was meant to promote the practice of partial birth abortion. This was the impetus for the legislation, and this was the desire of the drafters of the legislation. Partial birth abortion is when a fully viable child ..."

Representative Thielen rose, stating:

"Mr. Speaker. Thank you, Mr. Speaker. I take offense to that. That was not the intention of the drafters of the legislation. The intention of the drafters was merely to put the present state of the law into our statutes. It was not to enlarge that. That was clearly noted by the Vice Chair of Judiciary at the beginning of the hearing. The people who were there to testify were very glad to hear that and the proceeding went ahead.

"I believe that my colleague is going far beyond what was the intent of the drafters of the legislation. Thank you."

Speaker Say: "Representative Stonebraker, will you ... Can you confine ..."

Representative Stonebraker: "I appreciate the previous speaker's remarks being one of the authors of the original legislation. She was one of the authors and I respect the fact that she may be offended by any revelation of what the underlying measure may be."

Representative Thielen: "Mr. Speaker, I take offense to that. There should be no revelation because that was not our intention. Our intention was merely to codify to the existing law. Thank you."

Speaker Say: "Representative Thielen, you stand corrected. Representative Stonebraker, can you confine your remarks to the clarification ..."

Representative Stonebraker: "Yes, Mr. Speaker. I would love to, if ... If I was given the chance to, I would love to, Mr. Speaker. Thank you."

Speaker Say: "... and codification of the present laws that we have on the books.

Representative Stonebraker: "Thank you. I will, if I'm not interrupted again. Thank you. Partial birth abortion is when a fully viable fetus is ..."

Speaker Say: "Representative Stonebraker, you are out of order. Can you confine your remarks to the codification of the present law ..."

Representative Stonebraker: "Yes, Mr. Speaker. Please grant me the leeway to make the connection here. The point is a rebuttal to the Vice Chair of Judiciary's remarks."

Speaker Say: "He addressed his remarks in clarifying and codifying the present law in anticipation, if there is a ..."

At 6:24 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:28 o'clock p.m.

Representative Stonebraker continued, stating:

"Thank you, Mr. Speaker. The point is this. That much of the debate about this bill is the referral. Now the Vice Chair of Judiciary said that it didn't need to be referred to the Health Committee because of its contents now. My point is that the contents now were not the contents of the original drafted bill. The bill should have been referred to the Health Committee, without argument. It's amended now, yes. It's amended due to the immense testimony in opposition. But the underlying measure called for something completely different, and so for that reason I wonder if the Vice Chair, the Majority Floor Leader, would yield to a question at this time?"

The Chair addressed Representative B. Oshiro, stating:

"Representative Blake Oshiro, will you yield to a question?"

Representative B. Oshiro responded:

"Sure."

Speaker Say: "Representative Stonebraker, address your question to the Chair."

Representative Stonebraker: "Why was this measure not referred to the Health Committee as it was drafted for partial birth abortion?"

Speaker Say: "Representative Blake Oshiro, may I respond on behalf of this House? It has always been the Chair's policy to share the referral process with the House Majority Leadership. We have 13 members of that Committee that has a sheet that he or she writes what the Committee referral will be.

"In this particular case, it was just referred to the Committee on Judiciary, and the Chair of this Chamber takes full responsibility for the actions of the referral Committee which is made up of leadership. In prior years, it was totally different in terms of how former Speakers did their referral process. So it is the responsibility of the Chair, and I take full responsibility."

Representative Stonebraker: "In closing then, Mr. Speaker, I just appreciate you taking full responsibility. And with all due respect, Mr. Speaker, I think it was it was wrong to make that decision. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I just want to incorporate the words of the Vice Chair of Judiciary. I have to say, it confirmed for me, why we are all here. It couldn't have been stated better or clearer. And also the words of the Representative of Mililani and what she said about choice and life. Thank you very much, Mr. Speaker."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I also would like to adopt the remarks of the Representative from Mililani and the Vice Chair of Judiciary as my own," and the Chair "so ordered." (By reference only.)

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I just have to remark, I just heard a previous speaker talk about choice and life in the same sentence. I've said many times on this Floor, I'm pro-choice. I just choose life, and I hope everybody else does. But we found in this measure now, there is no residency requirement, and hospitals are not required. Abortions can be done in clinics. So I guess we really aren't concerned about the health of the mother because we're going to be able to do it in clinics, and I don't know what a clinic really is. I mean, how small could it be? Could it be somebody's desk in an office? I don't know.

"But I guess now we're going to be known as the 'health and abortion state', instead of the Health State. And I'd like to know, Mr. Speaker, where is this burning need? Where do we see the data that people are not getting the treatment that they request? And where are we seeing that people are flooding in to here; flying in to get abortions? I don't know, Mr. Speaker. To say that we're doing this because the Supreme Court, I hope, will overturn Roe v. Wade; I don't see that that will exempt the State from abiding by federal law. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Thank you for allowing me some comments in opposition. Thank you. You know, actually this is not an easy thing to debate. I can actually understand the feelings of the Representative from Mililani because she comes from a time when people did do these things with a hanger or vacuum or whatever it is. So listening to her comments, I can understand where she is coming from and why she feels the ways she does.

"I come from a little bit different time. I come from a time where these abortions are being done, and they're being done almost as easy as taking a birth control pill. It really does happen that way. I've met people who have come up to me and said that, 'Oh yeah. I've had seven or eight abortions.' When we get to that point, I think that, and what this measure does is, it makes it easier so that people don't have to basically struggle with this kind of decision. It does have a way of not respecting life.

"So as we move forward, I come from a different time, that wants to see a reversal of some of this stuff. These changes in the abortion law definitely don't sit well with me. Thank you."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of the measure. Mr. Speaker, I come from the same time as the Representative from Mililani. And it was a frightful time for young women; a very scary time. Some of them didn't live. Some of them were scarred permanently. Some of them never could bear children after those procedures, those illegal procedures that they had. I think it is very important that we codify our law, and that is all that we are doing.

We are not expanding it. We are not doing anything other than just putting it into our statutes. I would like to have the words of the speaker from Mililani in the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I also would like the words of the Vice Chair of Judiciary and the Representative of Mililani as my own. I'm sorry, it's getting late. Putting her words as my words in the Journal. I support very, very strongly. Thank you."

Representative Cabanilla rose to respond, stating:

"Mr. Speaker, just a quick rebuttal on this measure. This is in response to my colleague from Mililani. It bothers me that I have to rebut because I like her a lot. This bill doesn't ask that it repeals the right of a woman's choice. This bill doesn't repeal the right of privacy. My opposition, and the opposition of most of the people who are opposed to this measure on the Floor is the fact that it is expanding it to a lot more women that do not live in our State. It is enough that we carry our own cross, but I don't think we should carry everybody else's."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with just a couple of reservations. I do support a woman's right to choose because I believe women will make these difficult choices no matter what the law says. However, I am opposed to one provision in the bill. The purpose section of this measure seeks to improve the health and safety of women. But it seems to me to actually lower the standard of care by allowing these abortions to be done in clinics or offices, rather than in the safety of hospitals. That is my reservation and I hope that as it moves along that that might be corrected. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. Recently, some of us attended a Planned Parenthood fundraiser where a video was unveiled. It was produced by the noted videographer, Tom Coffman. Most of us are familiar with him. It chronicled the making of this law; how it was passed back in 1969 and '70. The Mililani Representative mentioned that it was at the time when Governor Burns was the Governor. He was a Catholic Governor and he allowed bill to become law without his signature.

"But they also chronicled the work of some lobbyists: Representative Pat Saiki, Representative George Loo who I believe was the House Judiciary Chair, and Senator Vince Yano who I think was the Senate Judiciary Chair. The aforementioned men were all Catholics, but they fought for this law knowing that the people who wanted to undergo this procedure could do so, and those who did not, did not have to. Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, just real briefly in strong support. I just wanted to clarify that the residency requirement and the striking out that the operation be only done in a hospital, those have not been the current practices in years. The residency requirement has been struck down as unconstitutional for years. And the doctors here, in their own offices, do perform abortions so it is not just being done in hospitals. That is why I just don't understand when the opponents saying that this is expanding the current practices. This is actually codifying the current practices because doctors do not look at the residency requirements. Doctors do not just perform abortions in hospitals. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 453-16, HAWAII REVISED STATUTES," passed Third Reading by a vote of 37 ayes to 13 noes, with Representatives Abinsay, Arakaki, Cabanilla, Carroll, Ching, Finnegan, Kahikina, Magaoay, Meyer, Moses, Pine, Sonson and Stonebraker voting no, and Representative Evans being excused.

At 6:41 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1871, HD 1	H.B. No. 3101, HD 1
H.B. No. 2705, HD 1	H.B. No. 1242, HD 1
H.B. No. 2897, HD 1	

H.B. No. 1984, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1984, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

H.B. No. 2282, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2282, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

H.B. No. 3014, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3014, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

H.B. No. 3016, HD 1:

Representative M. Oshiro moved that H.B. No. 3016, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Just briefly on 817, in opposition, Mr. Speaker. This just throws away outstanding warrants because we just can't handle them now. Why do we have laws and give people tickets, etc. Why do we bother? Why do we need the police that we talked about earlier today? Because if they arrest anybody and they don't show up for court for a long enough period of time, we just throw it out. What kind of message does this send?"

The motion was put to vote by the Chair and carried, and H.B. No. 3016, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and Representative Herkes being excused.

H.B. No. 2412, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2412, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Third Reading by a vote of 50 ayes, with Representative Herkes being excused.

H.B. No. 1026, HD 1:

Representative M. Oshiro moved that H.B. No. 1026, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. The bill is titled, Income Tax. The original bill was gutted and it was replaced by this present bill in front of us. What does it do? It raises the TAT on timeshares. It's a tax increase. Right now, according to this bill, they're going to be taxed on the fair market rental value. That amount was one half of a percent of the building maintenance fee. It is going to be raised to twice the percent; twice the fee. Well actually, it's zeroed-out, so it's not in the current measure. But we know what the intent was. So, it's raised four times the amount that it was. I think there's a problem there.

"Mr. Speaker, also the tourism industry is the foundation of the State's economy. This tax increase on this segment of the economy would be inadvisable I believe. Owners of timeshares enhance the economy by employing local people in jobs such as maintaining the property, property sales, call centers, etc. The increase in taxes may hurt jobs for locals. The timeshare owners are already paying their fair share of taxes, and according to a survey released by the American Resort Development Association, timeshare visitors spend about 44% more per visit, than other Hawaii visitors from the mainland. Timeshares have the potential to bring renewed investment to run-down hotels. Additionally, the timeshare industry spends its own revenue marketing the destination, adding to the State's economy. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1026, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Stonebraker voting no, and Representative Herkes being excused.

At 6:45 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 1984, HD 1	H.B. No. 3016, HD 1
H.B. No. 2282, HD 1	H.B. No. 2412, HD 1
H.B. No. 3014, HD 1	H.B. No. 1026, HD 1

H.B. No. 2312, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2312, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE EMERGENCY BUDGET AND RESERVE FUND," passed Third Reading by a vote of 51 ayes.

H.B. No. 2836, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2836, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION SECURITY," passed Third Reading by a vote of 51 ayes.

H.B. No. 1466, HD 1:

Representative M. Oshiro moved that H.B. No. 1466, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, I rise to speak in support of this measure. The scourge of crystal methamphetamine has been with us since the 1980s. Many, many

people did not recognize it for what it was back then. Hospital emergency rooms showed a great increase in the number of psychosis diagnosis in young adults. No one knew what it meant. In hindsight, this was the first signs of the epidemic we talk about now. Over the past several years, this issue has been sensationalized, humanized and politicized. We all agree that this problem required a comprehensive approach: prevention, treatment and enforcement.

"Your Members on this side of the aisle have never wavered from the belief, and have taken Majority Members to task on this Floor when we felt you were ignoring part of the comprehensive approach. But this bill before us Mr. Speaker, focuses mostly on the other aspects of the comprehensive approach: prevention and treatment.

"Mr. Speaker, we need to stay on course on this issue. It will not be solved overnight, and it will not miraculously disappear with this bill. Although many of my colleagues wish that this could happen, it just won't. It will require commitment by us and our successors, this Administration and successive administrations, and many others. These funds represent our commitment. They are necessary and they are a little step dealing with this ice epidemic. And once again Mr. Speaker, I have to commend this Body for piggy-backing on the Lt. Governor's initial eight complex project and expanding upon it. Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. Let me just let the record show that the ice initiative, I believe was the initiative of the Legislature. We are happy that the Administration actually piggy-backed on the initiative of the Legislature with the Ice Task Force that went out to all the islands. That went to pretty much all segments of the community on Oahu and came out with a comprehensive report.

"I do agree with the Representative from Makakilo that it was three-pronged approach: prevention, treatment, and also law enforcement. I believe we did that with Act 40 and Act 44. Unfortunately, the Administration didn't agree with the prevention and treatment, and we continue to struggle with trying to make sure that the funds that were appropriated by the Legislature go to those people who are in need.

"I think there is no doubt that the Legislature has taken a hard stand against manufacturers and distributors of this drug, and we continue to have this battle of making tough decisions and tough penalties against those people who really need to be in jail. At the same time, we need to continue the treatment and prevention section. So because of that, I am in strong support."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in strong support of SCR 822. I was on the Ice Task Force and it was a real revelation. We went to all kinds of treatment places here and on the Neighbor Islands. We had all kinds of experts come talk to us, people in the Narcotics Division. This is a really tough problem to crack.

"We had a bill here earlier today that I was really pleased has passed. This was one that the law enforcement people had wanted. I think that is the section that we didn't get passed a few years ago on getting tougher on crime and not treating dealers as if they were just addicts. That's a big step in the right direction. But I'm very happy to support this. We really need to put money into prevention and pay a lot more attention to young folks, adolescents, because it's a lot easier to turn a young person around than it is somebody who's been smoking ice for 10 or 12 years.

"At the same time, we need to support prevention because when people hit the bottom and they want to do something about it, they need that kind of help and support because it's not an easy thing. We have to keep working at it. We have to be reasonable. I think that

this is \$14 million plus, well spent. And I hope that we can keep this going to Final Reading. Thank you, Mr. Speaker."

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker. I just want to stand in strong support of the measure. I just want to say that I think it was referred to earlier today in the *Advertiser* editorial where it said, 'What happened to the war against ice?' I think we've seen on the Floor today that we are indeed working on fighting the war on ice. Thank you."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support and I ask that I have written comments inserted in the Journal. One comment that I did want to make is, I have been here for two terms now and I don't recall the Administration ever not being in favor of prevention. That is my recollection. If I stand corrected, so be it. But my recollection is that the Administration has always been in strong on prevention."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this measure which institutes and funds school programs in local anti-drug community education prevention programs.

"H.B. 1466 provides the State with a strategy which equips and allows our schools additional funding to combat the drug epidemic. Substance abuse prevention is imperative in protecting our youth. Substance abuse has proven to be extremely costly and a widespread problem among our Hawaiian youth today. H.B. 1466 allows \$5,250,000 worth of funding for prevention and intervention youth programs. \$3,150,000 is incorporated into neighborhood and family support education programs and \$6,300,000 is allocated for continuing care assistance.

"Education is a tool we as a State can use to confront and halt the greatest threat to our youth – drug use. Expanding and funding substance abuse programs displays a strong commitment from the State of Hawaii, that substance abuse will not be tolerated.

"Immediate and mandatory action must be taken in response to Hawaii's epidemic substance abuse."

The motion was put to vote by the Chair and carried, and H.B. No. 1466, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 51 ayes.

H.B. No. 1795, HD 1:

Representative M. Oshiro moved that H.B. No. 1795, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Halford rose to speak in opposition to the measure, stating:

"On 823, in opposition. Mr. Speaker, this bill is asking to increase the number of Board members for the Health Systems. Mr. Speaker, I don't know why we might need any more than the number that we have now. But certainly this process, if this comes about, will dilute the influence of those Board members that are there representing a geographical area. There is no specification where the four new members might come from. And so a Board member from Maui, for example, their input would be diluted by this. And I don't see that as a favorable thing. At some point, you get too many Board members and effective decision making can be hampered.

"I think if we really want to help the Health Systems Corporation, and I presume the purpose of this is to improve the Health Systems Corporations. That this isn't a political move, a move for purposes or just for political influence. So in the favorable scenario that this is to

help the Health Systems Corporation, and they do need help, that the most important thing we could do for them is to fund their unfunded mandates.

"We've asked them to keep facilities open that are certain to lose-money facilities; Lanai being one, Ka'u being another. And the losses can be computed in advance within a few percent. We do not actively seek that number and reimburse them for that. Secondly, we ask them to fund indigent care; people that could not ever pay for care, we ask them to fund that. And third, they have the burden of a collective bargaining system that does not match a hospital system. And I'm for all of those mandates, Mr. Speaker. But unless we fund them, by us not having funded them, we have diminished the quality of care in the Health Systems Corporation. If we do that, we won't need to look for excuses why we might need more Board members to make our hospital system better. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1795, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Third Reading by a vote of 41 ayes to 10 noes, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no.

H.B. No. 1800, HD 1:

Representative M. Oshiro moved that H.B. No. 1800, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This is a tax increase, again. Although you might say, well, but it's not on our residents, and that's correct. It started off as a 20% increase and now it's over 20% withholding. Let's not say increase. And now it's down to an 8.25% increase. I'm in opposition. Thank you.

"And we say, 'so what' because it's non-residents. Well, I need to point out that I believe this bill may be unconstitutional because we are treating non-residents differently than residents and I thought we just heard another bill that said we couldn't do that. But this is based on the sales price. Property sales price. It's not based on the price that they actually realize, the profit price. They could actually lose money but we're withholding 8.5% on their sales price and it's just withholding. We have to give it back unless they actually made a profit.

"So I don't understand what good it's doing for us, except for scaring away foreign investors, I guess. Maybe it's a protectionist measure. We don't want them to buy any real property in Hawaii. That could be. But if that's the case, I don't know if that's what we want to do either. Thank you."

Representative Souki rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I want to declare a potential conflict of interest. I am a realtor," and the Chair ruled, "no conflict."

Representative Souki continued in support of the measure with reservations, stating:

"Thank you very much. I have strong reservations on this measure based on the possible constitutionality."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition with a few comments. Thank you. I realize that this is not a tax increase, but it is an increase to withhold the amount that say an escrow company will hold if they sell an investment property that's owned by a non-

resident. The problem I have is not necessarily that we're increasing it, but what we're doing ... Well I do have a problem with it being increased.

"The problem I have with this bill is that for these non-residents, say the non-resident sells it and they need the money. We are increasing the amount whether or not there is a capital gains on that particular property being sold. We hold on to that amount until it can be clarified through their tax returns, and then maybe their tax returns will give them back their money. Basically what it is is that you're withholding money, you're increasing the withholding of money whether or not there's a capital gains. And it's based upon the sales price from my understanding and not the capital gains price.

"Again, I do understand that this is not a tax increase, however people need their money, that's probably why they sell. So for those reasons, I'm in opposition. Thank you."

Representative Pine rose to speak in opposition to the measure, stating:

"Yes Mr. Speaker, in opposition. I tried to relate this situation, or what this bill would do to perhaps a local family who maybe a majority of them moved away to the mainland and no longer residents. What if their grandmother died and they had to sell the house and there's large debts looming that they had to pay? To sell this house would help them to pay those debts. For those reservations, Mr. Speaker, I'm voting no. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1800, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY," passed Third Reading by a vote of 42 ayes to 9 noes, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Stonebraker voting no.

H.B. No. 2274, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2274, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," passed Third Reading by a vote of 51 ayes.

At 7:00 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2312, HD 1	H.B. No. 1795, HD 1
H.B. No. 2836, HD 1	H.B. No. 1800, HD 1
H.B. No. 1466, HD 1	H.B. No. 2274, HD 1

The Chair announced:

"Members, at this time, we will be taking House Bill No. 2972, HD 2, out of order."

H.B. No. 2972, HD 2:

Representative M. Oshiro moved that H.B. No. 2972, HD 2, be recommitted to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Stonebraker rose, stating:

"Yes, which bill is this?"

The Chair responded, stating:

"House Bill No. 2972, Relating to Electrical Licensing. Stand. Com. Report 828. It is a recommital."

The motion was put to vote by the Chair and carried, and H.B. No. 2972, HD 2, entitled: "A BILL FOR AN ACT RELATING TO

ELECTRICAL LICENSING," was recommitted to the Committee on Consumer Protection & Commerce.

H.B. No. 2419, HD 1:

Representative M. Oshiro moved that H.B. No. 2419, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Takai rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Just briefly Mr. Speaker, I just wanted to point out to our colleagues, especially the ones across the aisle, that there are times when the State looks at the creation of a special fund as something good. And I would like to specifically ask the Representative from Makakilo to pay particular attention to this particular measure. We create special funds in certain cases to incentivize people, helping the State bring in additional revenue. In this particular case, it's the Tax Department that has asked for this measure and for this special fund because they feel it necessary to hire these businesses that would then go out and seek after these delinquent taxpayers.

"Mr. Speaker, I strongly support this measure and I would urge my colleagues to take a real good look at this and understand why we need these types of funds. And Mr. Speaker, I would like to ask also to insert written comments into the Journal," and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker: As I mentioned earlier, I believe that our esteemed colleague from Kapolei and all our members, for that matter, need to understand the importance of special funds.

"As a point of information, I provide the following excerpts from the *House Journal* regarding comments made previously by our colleague from Kapolei.

HB 2609, HD 1. 2002 session, Day 23, "I have problems with special funds"

HB 2040, HD 1. 2004 session, Day 16, "I thought it was a good idea but it also creates a special fund so just because I really don't care for special funds, I just want to raise my reservations."

HB 2844, HD 1. 2004 session, Day 26, "I'm sorry Mr. Speaker, but I have reservations on this measure. And one is that it's creating a special fund of course."

SB 575, SD 1, HD 1. 2005 session, Day 39, "It's just that it's another special fund and I just have a problem with creating more and more special funds."

SB 575, SD 1, HD 1. 2005 session, Day 41, "I'm just always opposed to creating more special funds."

"Thank you, Mr. Speaker."

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. My problem with special funds is when they lack a nexus, and when we continually raid them. I think that neither will happen or won't be raided in this case. And there is a nexus. So I support this special fund. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2419, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 51 ayes.

H.B. No. 2835, HD 1:

Representative M. Oshiro moved that H.B. No. 2835, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Just a couple of short comments. I do see this as a very positive measure as we are increasing the low-income refundable tax credit per exemption from \$35 to \$75, from \$25 to \$50, and from \$10 to \$20. Let's just keep in mind that we are one of the highest states that taxes the poor and I would like to see measures that make significant improvement in that. So I do support the bill. I'm anxious to see if we're going to see more of this. Thank you."

Representative Sonson rose to speak in support of the measure, stating:

"Mr. Speaker, in support of 827. I hope that when this moves forward that we could find it in the budget to ensure that it could be expanded to people with \$50,000 of income and below. Maybe \$100 per exemption. I believe if you do it that way, the total amount of money going forward would be \$70.7 million. I don't know what this bill as written would cost, but if you were to expand it to incomes of \$50,000 and below, that would cost about \$70.7 million."

The motion was put to vote by the Chair and carried, and H.B. No. 2835, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME REFUNDABLE TAX CREDIT," passed Third Reading by a vote of 51 ayes.

H.B. No. 3193, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3193, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 51 ayes.

At 7:04 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

H.B. No. 2419, HD 1 H.B. No. 3193, HD 1
H.B. No. 2835, HD 1

The Chair announced:

"Members, at this time, we are at the end of the calendar. We will be taking up the items that were moved this morning to the end of the calendar. So members can we go back to page 4 of the Order of the Day, and it is Standing Committee Report No. 728-06."

END OF CALENDAR

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 728-06) recommending that H.B. No. 2696, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2696, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

At 7:05 o'clock p.m., Representative Caldwell requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:13 o'clock p.m.

The Chair announced:

"Thank you very much members of the House for your patience and indulgence. We are on Stand. Com. Report No. 728, the Chair would like to acknowledge Representative B. Oshiro."

At this time, Representative M. Oshiro withdrew his previous motion that Standing Committee Report No. 728-06 be adopted, and that H.B. No. 2696, HD 2, pass Third Reading, and Representative B. Oshiro withdrew his second.

Representative M. Oshiro then moved that notwithstanding the recommendation of Standing Committee Report No. 728-06, that H.B. No. 2696, HD 2, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro and carried with Representatives Halford, Sonson and Waters being excused.

At 7:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:15 o'clock p.m.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 775-06) recommending that H.B. No. 2589, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 2589, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I have here a letter from the University of Hawaii at Manoa, Department of Psychology, from Elaine M. Heiby, Ph.D. I'm in opposition to the measure. She is of the UH Manoa Department of Psychology and her job is to train clinical psychologists so I guess she knows what she's talking about. Again, she is a psychologist.

"She says, 'This bill will permit licensed psychologist to prescribe medication with less medical training than any other prescribing professional. The bill requires less than half of the training of most practitioners, and less than one third the training the physicians must undergo in order to prescribe medication.'

"She says, 'The psychologists who wish to enhance access to psychoactive drugs can currently do so by completing the required and widely accepted training for advanced nurse practitioners or physicians. Psychologists have done so in many states. This solution to concerns about access requires no legislation, no new training programs that duplicate those already offered at the University of Hawaii, and no new regulatory agents. Had psychologists who've been pursuing the privilege to practice medicine for the past 15 years undergone training in nursing and medicine, there would be no access problem in the State of Hawaii.'"

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. It's late and I won't go over all the points just now about why we need to do this. But I would like to make one or two quick points. Colleagues, the people that we're specifically here to fight for the people that don't have a voice here at the Capitol, that don't have a voice in healthcare. They are often not registered voters. They certainly don't have the capacity to wave signs or to support us in our campaigns. That's not the reason that we're here. We're here because these people have great needs. They don't have fax machines to fax us testimony. They don't have telephones, in many cases, to call. These are people that are often very poor, or people who have very severe mental health problems.

"I've personally, colleagues, seen too many suicide attempts and too many suicides completed, in person, in the emergency department, to tell people with mental health problems that we're not going to seek new ideas to get them care. It just is not going to be okay. I'd like to devote this bill to a gentleman named Baron. And

when I say that, I want to say also that we will honor the dead, because Baron is dead. He died two weeks ago. He was a gentleman, a Hawaiian, who had schizophrenia. He didn't die from his schizophrenia. He died from diabetes and heart disease at age 49.

"He was an incredibly nice person who lived in Ka'u. But because he had schizophrenia and he didn't get care, all too often he couldn't even think clearly enough to get his medications. I saw him in the emergency department almost every single time I was on call. His family couldn't take care of him. He could not get care. He couldn't get his medicines. The Ka'u Mental Health Clinic, woefully understaffed, has no providers. The Ka'u Community Health Center that has a doctor has always been in flux; often in flux since I left there as it's primary care provider a couple of years ago.

"This gentleman is the person we're looking out for. The people that don't have care. We can make every argument; we can hear every argument from people who have interests as psychiatrists, good providers of care. We can listen and read letters that come out of the blue, but we won't hear those voices that are crying out for help. We need to take care of the people that can't get it otherwise. We're here as Legislators. We're here to produce new ideas. We're here to take care of people. So colleagues, please pass this bill. Think of the gentleman named Baron who had schizophrenia and could not get any care. That is the real reason we are here colleagues. Thank you, Mr. Speaker."

Representative Yamane rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm standing with reservations. I want to stand and explain my reservations on this bill. The issues that have been expressed, I've worked with both professions. I've worked with psychologists, as well as psychiatrists. I've been working with adolescents since 1990 in a number of areas. The concerns brought out about the psychologists' qualifications to be able to prescribe medications, to me, are very valid. I have strong reservations and I hope that as this measure passes through, that these issues are addressed.

"However, I've also done social work in areas in Puna, Waimea, Honokaa, Kohala; and on Waianae, Waimanalo. And I've worked in areas dealing with rural issues. The reason why I think these issues need to continue in the discussion is, as a provider we had difficulty getting the appropriate services to communities. We need to solve that problem. So that is why I think this measure should continue on for further discussion. Thank you."

Representative Kanoho rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support but with reservations. I just want to express my appreciation that the bill has narrowed the exclusionary formulary list, number one. And number two, the prescribing psychologist has to be employed or contracted, will practice the prescribing authority, at a federally qualified health center or health clinic, in a medically underserved area. And this prescribing psychologist must do so under the supervision of a psychotropic prescribing authority. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on this measure. We've all received a lot of testimony, but one caught my eye because this is from a Dr. Kenneth Hirsch. I noticed it because he said he has a Ph.D. in clinical psychology and an MD with board certification in psychiatry. He is opposed to this measure. He points out that although this is based on the Department of Defense Psychopharmacology Demonstration Project, that the bill before us does not even begin to come up to the standards of the Department of Defense measure. He says that it does not even approach the requirement in the very successful program by which Advanced

Practice Registered Nurses may prescribe in Hawaii. So if this passes, the training for psychologists will have to be 'beefed up'.

"Where the bill requires only 450 hours of didactic training, the DOD program requires over 2,000 hours. This bill requires only 400 hours of supervised practice by a physician, and not necessarily a psychiatrist, compared to the DOD program which requires over 2,000 hours. This bill allows medications to be given to the elderly and to children, and the Department of Defense program did not allow that. This bill permits independent prescribing practice by psychologists after an additional two years supervised practice, not necessarily under the supervision of a psychiatrist. It is getting late.

"But it could be very dangerous, especially if the allowed formulary allows mood-stabilizing agents which are very dangerous. The Formulary Advisory Committee has more psychologists than doctors or psychiatrists, and there's an imbalance there.

"So this bill needs quite a bit of work. I understand the Department of Defense program was discontinued and it was not very successful. We'll have to be fed-up if we're going to pass this. Thank you very much."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I would like to start by commending my Vice Chair. This is about the fourth year that we are considering a measure like this. Last year was the first time that we seriously considered such a proposal, but rather than push it through, we decided to study it further. The Vice Chair was tasked with forming a taskforce to come up with a reasonable proposal for this Session. And true to form, I think all of us as legislators realize how important the art of compromise is. We had probably the perfect person heading this taskforce; a medical doctor who knows about prescribing, and also one who works in a rural area. So I thought he would really search for a fair and reasonable compromise.

"But obviously, like all the other prescriptive privileges, the ones giving up part of their privilege or giving up ground are not going to go quietly. They always have to be pulled in kicking and screaming. I think without this bill, there wouldn't be any compromise. Although it's been diluted quite a bit, I think it's a reasonable start, and a reasonable place to demonstrate. I believe we put in all safeguards. There is a sunset. There is a requirement for a study. So I believe we are taking a cautious approach. The real thing we have to focus on is how do we care for our people who need it the most? And how do we provide access to the care?

"Again, my kudos to the Vice Chair. I know it was a frustrating experience. Unfortunately at times, we have to take measures like this to bring people together. I believe this is a start. I hope the Members will support this and move the measure along. Thank you, Mr. Speaker."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. I had a nice speech I wanted to give, but I can't find it so I guess everybody's pretty lucky. I'm just going to ask that I can insert it in the Journal," and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am very much opposed to House Bill 2589, which seeks to make exceptions in the rigorous standards in place for the mental health care profession. As pointed out in the testimonies accompanying this bill, it would be extremely dangerous to entrust psychologists with the ability and authority to prescribe prescription drugs to mentally ill patients. It has been compared to giving an engine mechanic the keys to an airplane full of people and wishing him good luck, or allowing someone who has read a lot about

surgery to perform operations without supervision. While the bill provides some additional requirements for psychologists to be able to prescribe, and limits the drugs at their disposal, it still is a very careless way of dealing with our mentally ill population.

"Entrusting inadequately trained psychologists with limited education and no background in medicine, the responsibility of deciding what drug to prescribe for a mentally ill person is a dangerous thing to do. This could easily create a situation where the psychologist misdiagnoses the patient's condition and the drug he prescribes makes the illness worse and creates additional problems both mental and physical.

"Lowering the standards for the education and preparation for medical doctors to prescribe treatments would be scoffed at, so why are we entertaining a bill that would do the same for the mental health professional? Mr. Speaker, are minds not as important as bodies? The mind is, perhaps, more sensitive and more important than the body and deserves greater care in the treatment of its illnesses, not lesser substitutes."

Representative Schatz rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I rise to disclose a potential conflict of interest. I'm the Executive Director of a not-for-profit that provides psychiatric services to adults with mental illness," and the Chair ruled, "no conflict."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition, with a no vote. I'm very concerned when we start diluting the practice of medicine into the hands of psychologists. I fear for incidents of psychologists prescribing medications that could run counter to other medications that patients are on considering they may not themselves know what the counter reactions are.

"I've talked with numerous physicians, psychiatrists, and just regular doctors, pediatricians. They have very, very deep concerns about this type of a measure. I also wonder if we're headed down a slippery slope. What's going to be next? Are psychologists going to be able to prescribe for workers' comp people who have mental problems or are depressed? I think we need to really, really take hold of what a physician is and what they go through to become a physician before we start giving away these very dangerous drugs into the hands of non-physicians.

Representative Marumoto rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I request a ruling on a potential conflict. My daughter is a psychiatrist," and the Chair ruled, "no conflict."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, just brief comments about my reservations on this measure. I do want to say that I sympathize with my colleague from the Big Island, that he has needs, that he needs to fill it, that he has a void of need that he needs to fill. And I appreciate the services of the psychologists. My reservations is that this is an inconvenience to the line of authority, the collaborative effort. I believe that the collaboration should be with the psychologists and psychiatrists.

"Right now, this bill states that the psychologist works with a general practice doctor. I think that the potency of psychotropics need to be addressed by a psychiatrist. We now have telemedicine. We have cell phones and what not. If a psychiatrist is not available in these underserved areas, they can be reached through telephone conferencing, or telephone conversation, or any form of telemedicine

that a collaborative effort can be achieved. Thank you, Mr. Speaker."

Representative Sonson rose to speak in opposition to the measure, stating:

"Whew. Mr. Speaker, I wish I could change my mind. I wanted to, but I can't. I'm voting no. Here's the reasons. What makes me want to vote no is the fact that we can discuss this and say the curriculum is enough or not enough. I don't think we're in a position to make a decision on that. I think the experts themselves, who are the psychiatrists and the psychologists will have to sit down together and form a formulation that says, 'Here, this is the curriculum that you need to do to fulfill. And here, this is the formulary that you are allowed to dispense.'

"What we need to take a look at, which really makes me want to vote no on this is that federally qualified health centers, for one, have federal legislation that does not permit their funding source to pay for psychiatrists. That doesn't mean that they can't pay for it with other money. They just choose not to. That seems to be clear. Because there are three different federally qualified health centers that do have psychiatrists. At the Waimanalo federally qualified health center, that's right here. It's on the same island where a lot of psychiatrists live. Why can't they contract? It seems to me that they choose not to. If that is the reason, the access issue is not true. It's created.

"It's created by federal legislation, and created by administration of these health centers choosing not to. The clincher really is that we can debate the sufficiency of the curriculum, but at the same time we say, 'Wait a second. There are primary doctors that went to med school. There are primary physicians in federally qualified health centers. There's no shortage of that. They can prescribe this medication, why don't they?' Well, the reason seems to be Mr. Speaker, is that they don't feel qualified to do so. If they are not qualified to do so, then we basically are looking at curriculum that may not be sufficient at all. So I'm totally confused by this.

"And I think that the taskforce did not do their job. They did not come up with a recommendation. It is not something that we in the Legislature ought to do. An example or a way we should do this is that the Chair of CPC told two parties, not in this bill but in another bill, who actually says go out and make a decision and then you come back. That's what we did last Session, but they did not come back with anything. I think it is premature for us to grant them this authority this year.

"There is also two states now in the nation that allows psychologists to prescribe, but we don't know how well they are doing. I think it's a good, prudent step for us to wait at least a year to see how they turn out. Using this time, we can have these parties again, together. I don't think that the consumers, our people, should be subjected to something that we in the Legislature who have no expertise to decide, decide on a law that will allow something that may be unsafe. That's why I'm very uncomfortable.

"But Mr. Speaker, I'm standing here in opposition, but I'm not saying that psychologists should not be allowed to prescribe. That is not it. I'm just saying that the bill in its current form is not something I could support.

"Let me point out something before I forget. This is supposed to be limited to the practice ... The scope of practice this bill allows is supposed to be only for federally qualified health centers and clinics in areas where they are underserved. But the words in the bill itself have to be clarified to ensure that it is only in these areas. Right now it just says if you are a psychologist with a certificate, and you are contracted to work at federally qualified health centers or clinics, then you can prescribe. But it does not say that you cannot have your own private practice and also prescribe. So it does not actually limit it, Mr. Speaker. It is a statewide certificate that you are allowed to practice this ..."

Representative Carroll rose to yield her time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"It is late. Thank you, Representative. I don't have much time left because I'm confusing myself as I stand here. But I hope that this will clarify it for me, at least. But I want the psychologist to prescribe because, Dr. Hirsch who was mentioned earlier. I respect that man. He was a psychologist, now he's a psychiatrist. He actually said his mind, 'I don't have any opposition to that. We just have to ensure that they are qualified to do so.' And I think that between these two parties, very important, intelligent parties, to come up with some kind of resolution to this. It should not be left up to us. I'm very uncomfortable. Thank you very much, Mr. Speaker."

Representative Herkes rose to respond, stating:

"Can I please correct something that the previous speaker said? In support. I did ask both parties to try to arrive at some compromise, and we met them extensively. Members of my staff spent hours. The psychiatrists would not move even a sixteenth of an inch. They were absolutely firm. The psychologists on the other side made great movement. On my own, to educate myself on this issue, I talked to the head of Hilo Hospital who said that there are 12 psychiatrists in Hilo. Only 2 have hospital privileges; the other 10 don't want anything to do with emergency room procedures. They don't want to do it.

"So what happens in Hilo Hospital is that the nurses are making the psychiatric evaluations in the emergency rooms. In the view of the head of the Hospital, it would be much better if it were a psychologist with some limited prescriptive authority making those decisions rather than the nurses.

"I called Ka'u Hospital. Well, there's nothing. There's nothing. And so the struggle with this issue was the argument on the side of the psychiatrists that psychologists weren't trained. And then the other side, the psychologists argued about the availability of the service. And there are so many in our position that comes from a very rural district, this is a very real issue for me. I have heard the same argument when we gave prescriptive authority to advanced practice nurses. It took several years to do that, and in the mean time, the doctors said to me, 'We will make sure that there is good medical coverage in Ka'u and South Kona.' It never happened. Never happened. And then when we gave prescriptive authority to APRNs, the doctors just gave us all kinds of reasons of how drastic that would be. Nothing ever happened.

"We did the same thing with dental hygienists when we gave them block anesthesia, and all of the concerns from the dentists. Never happened. We did the same thing with optometrists and ophthalmologists. If somebody out in Kohala had something in their eye, an optometrist couldn't take it out. They would have to drive into Hilo and go to an ophthalmologist, and that didn't make any sense. So we've been through this road a number of times. We've heard all the arguments, and the sky didn't fall in. We need the coverage. Dr. Green, the Representative from the 6th District is absolutely right, and he is closer to the issue than I am. But I'm pretty close to the issue. Thank you, Mr. Speaker."

Representative Yamane rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I have to ask for a ruling on a potential conflict. In my pondering of the issues, I needed to explain that my direct supervisor and Executive Director of the non-profit that I work, is a licensed Ph.D. psychologist," and the Chair ruled, "no conflict."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition and a few remarks. When we think about our physical being and every part of who we are, to me in comparison, what could be more complex than the mind. It is the most complex part of the body. And I've had friends who are neurosurgeons. I had friends who are psychiatrists and psychologists. It's a very intricate, interesting, fascinating part of the body; the mind.

"When I think about who I would send my family to if they were in needed of some sort of care for that part of the mind, I just know that for me and my conscience, I wouldn't want my family going to anyone but a psychiatrist for certain things, because I respect that part of the body, as a complex part. And so to me, if I cannot have my own family take a second tier in their quality of care for such an important part of the body, I cannot with conscience vote for other people to have it."

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I really have very different reasons for being in favor of this bill and I do support the bill. But this is a very difficult subject for me since I have a very emotional reaction because I lost my only son less than two years ago, who was schizophrenic. Therefore, I would like to put in the Journal my written remarks. Thank you," and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"My involvement with this issue has been very emotional since the death of my only son who was schizophrenic. I went to almost every psychiatrist in Hilo to try to help him, but none of them could. After hearing the testimony in the Committee on Health, I realized that maybe psychologists could help and maybe we should give them a chance with the proper education."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition with some comments. Mr. Speaker, like many have expressed, this is not an easy decision to make. We're talking about accessibility to medication for those who need it. And the reason why I'm going no, and I've actually kind of went back and forth, with reservations and no, throughout the past couple of weeks. One of my big reasons for going reservations is because I didn't want to hinder the ability of someone who is suicidal to get their medication.

"So one of the things I did was I went and I spoke to someone I trust tremendously, a friend of mine who is a pharmacist as well as a psychologist; now a practicing psychologist. And she told me that, for one thing, she would not want the liability of it. But for the second thing, she said, 'What's your concern?' and I said, 'Well, my concern is accessibility, and that those who have these schizophrenia and other types of mental disorders, that they get their medication, especially in the times where they are suicidal.' She brought up to me, and I guess the Representative from Kona would know whether or not this is true. But she basically said, 'If they're suicidal, then immediately take them to the emergency room. And forcefully take them to the emergency room.' I'm not sure if that's the cure. I don't think that that is the cure. But I also don't think that we should be looking at psychologist as prescribing as the cure as well, because there are risks that we take in making that decision as well.

"In regards to schizophrenia, my husband's father, that he did not grow up with throughout his childhood, was schizophrenic as well. One of the things in regards to schizophrenia is it just depends too. I know that every time he gets on that phone, he asks his dad, 'Are you taking your medication?' And he has full access to medication and to services. So, even though I still go back between reservations and no, I think I'm going to have to keep my no vote for now."

Representative Green rose to respond, stating:

"I guess I'll just close with, Mr. Speaker, that I do appreciate all the opinions that have been expressed. In the case of the gentleman or gentlewoman that has schizophrenic or suicidal problems, who actually is actively suicidal. Yes, we would like them to go to see a doctor. Yes, we would like them to see a psychiatrist. Yes, we would love them to get care in the emergency department. But they don't get there too often. That's exactly the crux of the problem.

"We don't have available services. This bill's about creating available services safely, in a collaborative relationship with the doctor. Having the psychiatrist work on the formulary. Having the psychiatrists and doctors work on the training period. This is about solving a problem and not putting it off a year. Not putting it off a decade, or a generation as people go untreated. Thank you, Mr. Speaker."

Representative Arakaki rose to respond, stating:

"Mr. Speaker, just one final comment. Again, in support. I really feel the need to support and defend my Vice Chair because I don't agree with the point that was made that the taskforce didn't do their job. I believe they did. But if there's no sincerity and no genuine collaboration, it's really difficult to do the job properly. I think he did do his best, and I believe he was the best person to lead this taskforce. As far as no one here being able to make this kind of determination, I believe we do have someone like that. Just as I would trust the legal opinion of the Chair of Human Services, I trust the medical opinion of my Vice Chair. What he prescribes, I totally agree with. Thank you, Mr. Speaker."

Representative Sonson rose to respond, stating:

"I'm compelled to stand up to clarify something. When I said the taskforce did not do its job, I just simply mean, Mr. Speaker, that the taskforce did not come up with a recommendation that they should have come up; whether or not we should allow this legislation to go forward.

"I have complete confidence in my friend from the Big Island. He's a great guy. I know he did a great job, and I know for a fact that the parties did not agree. So it's not because of his leadership that it failed. It's because the parties themselves failed to come up with recommendations for this Body. I think for them doing that, it puts us in this position where we have to choose from one side or the other. It's a very uncomfortable position, Mr. Speaker. And I hope that as this bill goes forward however, it should focus not only on the perceived access issues, but also on the safety of our consumers."

The Chair then addressed the Members, stating:

"Thank you very much, Members of this House. I think we've had a lot of debate and discussion on this particular issue. The Chair recognizes that it is a very emotional issue, but is one where we have this lively debate, you can rest assured that your vote has counted."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2589, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," passed Third Reading by a vote of 29 ayes to 21 noes, with Representatives Berg, Chang, Ching, Chong, Evans, Finnegan, Harbin, Ito, Karamatsu, Magaoay, Meyer, Moses, Pine, Sonson, Stevens, Stonebraker, Tanaka, Thielen, Tsuji, Wakai and Yamashita voting no, and Representative Halford being excused.

At 7:48 o'clock p.m., the Chair noted that HB No. 2589, HD 2, passed Third Reading:

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 31 through 35) and concurrent resolutions (H.C.R. Nos. 44 through 50) were referred to Printing and further action was deferred:

H.R. No. 31, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST IN DEVELOPING COMMUNITY-BASED PROGRAMS ON THE BIG ISLAND THAT ENCOURAGE POSITIVE YOUTH OUTCOMES, INCLUDING LEADERSHIP DEVELOPMENT," was offered by Representative Takamine.

H.R. No. 32, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND UNITED STATES DEPARTMENT OF EDUCATION TO SUPPORT THE GOALS OF THE NO CHILD LEFT BEHIND ACT (NCLB) BY INCREASING FUNDS FOR FEDERAL EDUCATION INITIATIVES AND AFFORDING MORE FLEXIBILITY TO STATES IN RELATION TO NCLB," was jointly offered by Representatives Takumi, Abinsay, Berg, Carroll, Evans, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, Shimabukuro, Sonson, Takai, Tanaka, Tsuji, Wakai, Waters and Souki.

H.R. No. 33, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT IMPROVING THE QUALITY OF THE NATION'S PUBLIC SCHOOLS BY SUBSTANTIALLY INCREASING EDUCATION FUNDING," was jointly offered by Representatives Takumi, Abinsay, Arakaki, Berg, Carroll, Chang, Chong, Evans, Green, Herkes, Kahikina, Kanoho, Karamatsu, Kawakami, Luke, Magaoay, Morita, Nishimoto, Shimabukuro, Takai, Tsuji, Wakai, Waters, Yamane, Yamashita, Hale and Souki.

H.R. No. 34, entitled: "HOUSE RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT ALLOW NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE TO RETIRE WITH FULL RETIREMENT BENEFITS," was jointly offered by Representatives Takai, Chong and Ito.

H.R. No. 35, entitled: "HOUSE RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE AND APPROPRIATE FUNDS TO ALLOW ALL MEMBERS OF THE ARMED FORCES RESERVE COMPONENT TO ACCESS THE TRICARE PROGRAM," was jointly offered by Representatives Takai, Chong and Ito.

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION URGING CULTURAL PERPETUATION IN RURAL HAWAIIAN COMMUNITIES," was jointly offered by Representatives Magaoay, Carroll, Schatz and Waters.

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST IN DEVELOPING COMMUNITY-BASED PROGRAMS ON THE BIG ISLAND THAT ENCOURAGE POSITIVE YOUTH OUTCOMES, INCLUDING LEADERSHIP DEVELOPMENT," was offered by Representative Takamine.

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND UNITED STATES DEPARTMENT OF EDUCATION TO SUPPORT THE GOALS OF THE NO CHILD LEFT BEHIND ACT (NCLB) BY INCREASING FUNDS FOR FEDERAL EDUCATION INITIATIVES AND AFFORDING MORE FLEXIBILITY TO STATES IN RELATION TO NCLB," was jointly offered by Representatives Takumi, Abinsay, Berg, Carroll, Evans, Kahikina, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, Shimabukuro, Takai, Tsuji, Wakai, Waters and Souki.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT IMPROVING THE QUALITY OF THE NATION'S PUBLIC SCHOOLS BY SUBSTANTIALLY INCREASING EDUCATION FUNDING," was jointly offered by Representatives Takumi, Arakaki, Berg, Carroll, Chang, Chong, Evans, Green, Herkes, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, Shimabukuro, Takai, Tanaka, Tsuji, Wakai, Waters, Yamane, Yamashita, Abinsay, Hale, Sonson and Souki.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT ALLOW NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE TO RETIRE WITH FULL RETIREMENT BENEFITS," was jointly offered by Representatives Takai, Chong and Ito.

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE AND APPROPRIATE FUNDS TO ALLOW ALL MEMBERS OF THE ARMED FORCES RESERVE COMPONENT TO ACCESS THE TRICARE PROGRAM," was jointly offered by Representatives Takai, Chong and Ito.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO OFFER MISS HAWAII A CONTRACT FOR SERVING AS THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII IN PROMOTING HAWAII'S PRODUCTS TO THE WORLD," was jointly offered by Representatives Chang, Kanoho, Karamatsu, Kawakami, Lee, Marumoto, Takai, Tsuji, Yamashita, Abinsay, Hale, Ito, Luke, Magaoay, Say, Shimabukuro, Sonson and Wakai.

ANNOUNCEMENTS

At 7:49 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:51 o'clock p.m.

Representative B. Oshiro: "Mr. Speaker, I would like to announce that we will be having a brief caucus after this. Very brief."

Representative Finnegan: "Mr. Speaker, I would just like to wish our Minority Floor Leader a happy birthday tomorrow. I don't know how old she will be, but she's probably the most 'young at heart' out of all of us."

Representative Meyer: "I would like to thank you for that and I wanted to announce that there's another person in the Chamber who will also be having a birthday tomorrow and that's Representative Bob Nakasone."

ADJOURNMENT

At 7:52 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Thursday, March 9, 2006. (Representative Halford was excused.)

HOUSE COMMUNICATION

"March 7, 2006

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bills, copies of which are attached hereto:

H.B. No. 1917, H.D. 2, entitled:

"PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION."

H.B. No. 2177, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION."

Said measures passed Third Reading in the Hawaii House of Representatives on this date.

Respectfully,

/s/ Patricia Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Paul T. Kawaguchi, Clerk of the Senate
Dwayne Yoshina, Chief Election Officer"

TWENTY-SEVENTH DAY

Thursday, March 9, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Anthony Young, after which the Roll was called showing all members present with the exception of Representatives Chang, Harbin, Meyer and Stonebraker, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Thielen and carried, reading of the Journals was dispensed with and the Journals of the Sixteenth, Seventeenth, Eighteenth, Nineteenth, Twentieth, Twenty-First and Twenty-Second Days were approved. (Representatives Chang, Harbin, Meyer and Stonebraker were excused.)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 26 through 389) were received and announced by the Clerk:

Sen. Com. No. 26, transmitting S.B. No. 54, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 27, transmitting S.B. No. 87, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 28, transmitting S.B. No. 173, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 29, transmitting S.B. No. 301, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 30, transmitting S.B. No. 304, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 31, transmitting S.B. No. 333, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 32, transmitting S.B. No. 627, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 33, transmitting S.B. No. 679, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TESTIMONY OF DEFENDANTS IN CRIMINAL CASES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 34, transmitting S.B. No. 916, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 35, transmitting S.B. No. 917, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 36, transmitting S.B. No. 918, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 37, transmitting S.B. No. 940, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 38, transmitting S.B. No. 1061, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 39, transmitting S.B. No. 1294, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 40, transmitting S.B. No. 1311, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 41, transmitting S.B. No. 1659, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 42, transmitting S.B. No. 2004, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 43, transmitting S.B. No. 2018, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 44, transmitting S.B. No. 2021, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 45, transmitting S.B. No. 2025, entitled: "A BILL FOR AN ACT RELATING TO COLLECTION OF IMPACT FEES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 46, transmitting S.B. No. 2036, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 47, transmitting S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 48, transmitting S.B. No. 2051, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 49, transmitting S.B. No. 2057, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARE ZONING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 50, transmitting S.B. No. 2063, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 51, transmitting S.B. No. 2065, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 52, transmitting S.B. No. 2067, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 53, transmitting S.B. No. 2071, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STIPENDS FOR ASSISTANT ATHLETIC DIRECTORS AND COACHES EMPLOYED BY THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 54, transmitting S.B. No. 2072, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ATHLETIC HEALTH CARE TRAINERS IN PUBLIC SCHOOLS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 55, transmitting S.B. No. 2073, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 56, transmitting S.B. No. 2074, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 57, transmitting S.B. No. 2076, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 58, transmitting S.B. No. 2079, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 59, transmitting S.B. No. 2082, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 60, transmitting S.B. No. 2090, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 61, transmitting S.B. No. 2091, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 62, transmitting S.B. No. 2095, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIFE INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 63, transmitting S.B. No. 2109, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 64, transmitting S.B. No. 2125, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 65, transmitting S.B. No. 2132, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 66, transmitting S.B. No. 2133, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 67, transmitting S.B. No. 2134, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 68, transmitting S.B. No. 2139, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX ASSAULT HEALTH," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 69, transmitting S.B. No. 2141, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SEX ASSAULT SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 70, transmitting S.B. No. 2143, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 71, transmitting S.B. No. 2145, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 72, transmitting S.B. No. 2148, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ATTORNEY GENERAL," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 73, transmitting S.B. No. 2150, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 74, transmitting S.B. No. 2155, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 75, transmitting S.B. No. 2156, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 76, transmitting S.B. No. 2158, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 77, transmitting S.B. No. 2159, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 78, transmitting S.B. No. 2161, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 79, transmitting S.B. No. 2162, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 80, transmitting S.B. No. 2166, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 81, transmitting S.B. No. 2185, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SERVICE CENTERS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 82, transmitting S.B. No. 2188, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 83, transmitting S.B. No. 2189, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE

COMMISSION ON FATHERHOOD," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 84, transmitting S.B. No. 2190, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 85, transmitting S.B. No. 2194, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM EMPLOYEES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 86, transmitting S.B. No. 2209, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 87, transmitting S.B. No. 2213, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 88, transmitting S.B. No. 2214, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 89, transmitting S.B. No. 2215, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 90, transmitting S.B. No. 2222, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STREAMLINED SALES AND USE TAX," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 91, transmitting S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 92, transmitting S.B. No. 2226, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 93, transmitting S.B. No. 2227, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 94, transmitting S.B. No. 2229, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS' HOUSING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 95, transmitting S.B. No. 2235, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF AGRICULTURE LOANS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 96, transmitting S.B. No. 2237, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 97, transmitting S.B. No. 2239, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 BOARD," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 98, transmitting S.B. No. 2240, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 99, transmitting S.B. No. 2243, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 100, transmitting S.B. No. 2244, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 101, transmitting S.B. No. 2246, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 102, transmitting S.B. No. 2248, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 103, transmitting S.B. No. 2259, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION CHARGING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 104, transmitting S.B. No. 2260, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 105, transmitting S.B. No. 2263, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 134," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 106, transmitting S.B. No. 2265, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 107, transmitting S.B. No. 2272, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 108, transmitting S.B. No. 2273, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 109, transmitting S.B. No. 2274, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 110, transmitting S.B. No. 2276, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 111, transmitting S.B. No. 2280, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 112, transmitting S.B. No. 2282, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 113, transmitting S.B. No. 2283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 114, transmitting S.B. No. 2289, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 115, transmitting S.B. No. 2290, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 116, transmitting S.B. No. 2292, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 117, transmitting S.B. No. 2293, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 118, transmitting S.B. No. 2294, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 119, transmitting S.B. No. 2295, entitled: "A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 120, transmitting S.B. No. 2296, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 121, transmitting S.B. No. 2297, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 122, transmitting S.B. No. 2298, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 123, transmitting S.B. No. 2299, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE ACCESS FOR UNLICENSED ACTIVITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 124, transmitting S.B. No. 2300, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 125, transmitting S.B. No. 2305, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 126, transmitting S.B. No. 2323, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 127, transmitting S.B. No. 2327, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 128, transmitting S.B. No. 2328, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 129, transmitting S.B. No. 2329, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCREASING CAPACITY FOR HOME AND COMMUNITY-BASED LONG-

TERM CARE SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 130, transmitting S.B. No. 2332, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 131, transmitting S.B. No. 2333, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR GENERAL ASSISTANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 132, transmitting S.B. No. 2334, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 133, transmitting S.B. No. 2337, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 134, transmitting S.B. No. 2339, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 135, transmitting S.B. No. 2340, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 136, transmitting S.B. No. 2343, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 137, transmitting S.B. No. 2345, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 138, transmitting S.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 139, transmitting S.B. No. 2348, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 140, transmitting S.B. No. 2357, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 141, transmitting S.B. No. 2358, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 142, transmitting S.B. No. 2360, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 143, transmitting S.B. No. 2364, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 144, transmitting S.B. No. 2379, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX WITHHOLDING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 145, transmitting S.B. No. 2381, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TAX ADMINISTRATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 146, transmitting S.B. No. 2382, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 147, transmitting S.B. No. 2385, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 148, transmitting S.B. No. 2406, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 149, transmitting S.B. No. 2408, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF FIREARM OWNERS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 150, transmitting S.B. No. 2412, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 151, transmitting S.B. No. 2413, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 152, transmitting S.B. No. 2416, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE REHIRING OF RETIREES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 153, transmitting S.B. No. 2417, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 154, transmitting S.B. No. 2421, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERSE POSSESSION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 155, transmitting S.B. No. 2423, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 156, transmitting S.B. No. 2424, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 157, transmitting S.B. No. 2430, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 158, transmitting S.B. No. 2433, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION UNITS AND VICTIM

WITNESS ASSISTANCE PROGRAMS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 159, transmitting S.B. No. 2443, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A TASK FORCE TO DETERMINE VISITATION RIGHTS FOR GRANDPARENTS AND HANAI INDIVIDUALS WHO ARE INFORMALLY RAISING THESE CHILDREN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 160, transmitting S.B. No. 2454, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 161, transmitting S.B. No. 2456, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 162, transmitting S.B. No. 2459, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 163, transmitting S.B. No. 2461, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 164, transmitting S.B. No. 2462, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAKENAKEONEOIO GOVERNMENT ROAD," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 165, transmitting S.B. No. 2470, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LANDLORD-TENANT CODE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 166, transmitting S.B. No. 2474, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO POST-FOSTER CARE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 167, transmitting S.B. No. 2476, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 168, transmitting S.B. No. 2478, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 169, transmitting S.B. No. 2479, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 170, transmitting S.B. No. 2480, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 171, transmitting S.B. No. 2482, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 172, transmitting S.B. No. 2484, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 173, transmitting S.B. No. 2485, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 174, transmitting S.B. No. 2486, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 175, transmitting S.B. No. 2487, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 176, transmitting S.B. No. 2488, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDITS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 177, transmitting S.B. No. 2489, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 178, transmitting S.B. No. 2492, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 179, transmitting S.B. No. 2493, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 180, transmitting S.B. No. 2499, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 181, transmitting S.B. No. 2501, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 182, transmitting S.B. No. 2502, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 183, transmitting S.B. No. 2503, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 184, transmitting S.B. No. 2504, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 185, transmitting S.B. No. 2505, S.D. 2, entitled: "A BILL FOR AN ACT MAKES APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 186, transmitting S.B. No. 2506, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 187, transmitting S.B. No. 2507, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 188, transmitting S.B. No. 2542, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED

ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 189, transmitting S.B. No. 2545, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 190, transmitting S.B. No. 2546, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 191, transmitting S.B. No. 2550, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 192, transmitting S.B. No. 2551, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 193, transmitting S.B. No. 2558, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 194, transmitting S.B. No. 2559, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 195, transmitting S.B. No. 2563, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SAGE PLUS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 196, transmitting S.B. No. 2569, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 197, transmitting S.B. No. 2570, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 198, transmitting S.B. No. 2571, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 199, transmitting S.B. No. 2572, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 200, transmitting S.B. No. 2574, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 201, transmitting S.B. No. 2575, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 202, transmitting S.B. No. 2576, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 203, transmitting S.B. No. 2577, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR

WAIANAE COAST COMPREHENSIVE HEALTH CENTER," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 204, transmitting S.B. No. 2581, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BACKLOG IN UNSERVED ARREST WARRANTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 205, transmitting S.B. No. 2582, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 206, transmitting S.B. No. 2587, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 207, transmitting S.B. No. 2593, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 208, transmitting S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 209, transmitting S.B. No. 2600, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 210, transmitting S.B. No. 2603, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 211, transmitting S.B. No. 2606, entitled: "A BILL FOR AN ACT RELATING TO BAIL," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 212, transmitting S.B. No. 2615, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 213, transmitting S.B. No. 2616, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MEAL BREAKS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 214, transmitting S.B. No. 2617, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 215, transmitting S.B. No. 2630, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 216, transmitting S.B. No. 2635, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 217, transmitting S.B. No. 2640, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 218, transmitting S.B. No. 2643, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 219, transmitting S.B. No. 2648, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 220, transmitting S.B. No. 2650, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 221, transmitting S.B. No. 2651, S.D. 1, entitled: "A BILL FOR AN ACT WAIPAHU CENTENNIAL MEMORIAL," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 222, transmitting S.B. No. 2652, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 223, transmitting S.B. No. 2662, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 224, transmitting S.B. No. 2663, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 225, transmitting S.B. No. 2667, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 226, transmitting S.B. No. 2679, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 227, transmitting S.B. No. 2687, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 228, transmitting S.B. No. 2688, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 229, transmitting S.B. No. 2704, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 230, transmitting S.B. No. 2705, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 231, transmitting S.B. No. 2707, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 232, transmitting S.B. No. 2708, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 233, transmitting S.B. No. 2709, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 234, transmitting S.B. No. 2713, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY IDENTIFICATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 235, transmitting S.B. No. 2718, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 236, transmitting S.B. No. 2719, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 237, transmitting S.B. No. 2720, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 238, transmitting S.B. No. 2721, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 239, transmitting S.B. No. 2724, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 240, transmitting S.B. No. 2725, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTHY START," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 241, transmitting S.B. No. 2727, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 242, transmitting S.B. No. 2729, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 243, transmitting S.B. No. 2732, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE BLIND PERSONS' AND LITERACY RIGHTS AND EDUCATION ACT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 244, transmitting S.B. No. 2733, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 245, transmitting S.B. No. 2737, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE INVERTEBRATES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 246, transmitting S.B. No. 2738, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS TO SUPPLEMENT ANY SHORTFALL TO ACQUIRE LAND TO EXPAND KAHUKU HIGH AND INTERMEDIATE SCHOOL," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 247, transmitting S.B. No. 2753, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 248, transmitting S.B. No. 2762, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 249, transmitting S.B. No. 2764, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 250, transmitting S.B. No. 2773, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 251, transmitting S.B. No. 2774, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 252, transmitting S.B. No. 2797, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION RELATING TO JUDGES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 253, transmitting S.B. No. 2806, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 254, transmitting S.B. No. 2813, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 255, transmitting S.B. No. 2818, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS AND MAKING AN APPROPRIATION FOR A REGIONAL BIO-CONTAINMENT LABORATORY FACILITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 256, transmitting S.B. No. 2821, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LIBRARIAN POSITIONS AT WAIALUA LIBRARY AND KAHUKU PUBLIC SCHOOL LIBRARY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 257, transmitting S.B. No. 2836, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT FUND," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 258, transmitting S.B. No. 2838, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 259, transmitting S.B. No. 2850, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 260, transmitting S.B. No. 2861, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 261, transmitting S.B. No. 2879, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 262, transmitting S.B. No. 2882, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO THE CIVIL AIR PATROL," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 263, transmitting S.B. No. 2884, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 264, transmitting S.B. No. 2886, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 265, transmitting S.B. No. 2887, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 266, transmitting S.B. No. 2897, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 267, transmitting S.B. No. 2898, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 268, transmitting S.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 269, transmitting S.B. No. 2909, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 270, transmitting S.B. No. 2911, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 271, transmitting S.B. No. 2913, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 272, transmitting S.B. No. 2916, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 273, transmitting S.B. No. 2917, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 274, transmitting S.B. No. 2922, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 275, transmitting S.B. No. 2924, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 276, transmitting S.B. No. 2926, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 277, transmitting S.B. No. 2929, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 278, transmitting S.B. No. 2930, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 279, transmitting S.B. No. 2931, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 280, transmitting S.B. No. 2935, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS AND MAKING AN APPROPRIATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 281, transmitting S.B. No. 2938, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY NOTIFICATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 282, transmitting S.B. No. 2941, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 283, transmitting S.B. No. 2943, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO HIRE MONITORS FOR OUT-OF-STATE CORRECTIONAL FACILITIES THAT HOUSE HAWAII INMATES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 284, transmitting S.B. No. 2945, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A WOMEN'S CORRECTIONAL CENTER AND FACILITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 285, transmitting S.B. No. 2946, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 286, transmitting S.B. No. 2947, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 287, transmitting S.B. No. 2948, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 288, transmitting S.B. No. 2949, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 289, transmitting S.B. No. 2954, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 290, transmitting S.B. No. 2955, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 291, transmitting S.B. No. 2956, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 292, transmitting S.B. No. 2957, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 293, transmitting S.B. No. 2958, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 294, transmitting S.B. No. 2961, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 295, transmitting S.B. No. 2965, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL APPROPRIATIONS ACT OF 2005," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 296, transmitting S.B. No. 2972, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPOSIT BEVERAGE CONTAINER PROGRAM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 297, transmitting S.B. No. 2973, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 298, transmitting S.B. No. 2974, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 299, transmitting S.B. No. 2980, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 300, transmitting S.B. No. 2984, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 301, transmitting S.B. No. 2985, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 302, transmitting S.B. No. 2986, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 303, transmitting S.B. No. 2997, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 304, transmitting S.B. No. 3000, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 305, transmitting S.B. No. 3003, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 306, transmitting S.B. No. 3008, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 307, transmitting S.B. No. 3009, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 308, transmitting S.B. No. 3011, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 309, transmitting S.B. No. 3012, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 310, transmitting S.B. No. 3016, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 311, transmitting S.B. No. 3020, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 312, transmitting S.B. No. 3021, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 313, transmitting S.B. No. 3022, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 314, transmitting S.B. No. 3031, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNINTERRUPTED MEDICAL TREATMENT FOR WORK-RELATED INJURIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 315, transmitting S.B. No. 3033, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 316, transmitting S.B. No. 3034, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 317, transmitting S.B. No. 3035, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 318, transmitting S.B. No. 3040, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO EXCESS REVENUES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 319, transmitting S.B. No. 3049, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 320, transmitting S.B. No. 3051, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 321, transmitting S.B. No. 3054, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 322, transmitting S.B. No. 3059, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 323, transmitting S.B. No. 3065, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 324, transmitting S.B. No. 3066, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 325, transmitting S.B. No. 3072, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 326, transmitting S.B. No. 3076, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 327, transmitting S.B. No. 3077, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 328, transmitting S.B. No. 3078, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 329, transmitting S.B. No. 3084, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 330, transmitting S.B. No. 3086, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LEASES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 331, transmitting S.B. No. 3090, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE

PROVIDERS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 332, transmitting S.B. No. 3093, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 333, transmitting S.B. No. 3096, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE STATE AGRICULTURAL WATER USE AND DEVELOPMENT PLAN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 334, transmitting S.B. No. 3098, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 335, transmitting S.B. No. 3101, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 336, transmitting S.B. No. 3102, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STUDENTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 337, transmitting S.B. No. 3105, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 338, transmitting S.B. No. 3110, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PARK ACQUISITIONS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 339, transmitting S.B. No. 3111, S.D. 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 340, transmitting S.B. No. 3112, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 341, transmitting S.B. No. 3114, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY WORK DAY PROGRAM," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 342, transmitting S.B. No. 3118, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 343, transmitting S.B. No. 3119, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 344, transmitting S.B. No. 3120, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 345, transmitting S.B. No. 3121, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 346, transmitting S.B. No. 3136, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS

SCHOOL," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 347, transmitting S.B. No. 3138, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 348, transmitting S.B. No. 3146, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 349, transmitting S.B. No. 3147, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF WAIMEA VALLEY, OAHU," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 350, transmitting S.B. No. 3162, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 351, transmitting S.B. No. 3168, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF REAL PROPERTY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 352, transmitting S.B. No. 3170, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 353, transmitting S.B. No. 3179, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FERTILIZER," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 354, transmitting S.B. No. 3180, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 355, transmitting S.B. No. 3181, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 356, transmitting S.B. No. 3182, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 357, transmitting S.B. No. 3185, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 358, transmitting S.B. No. 3186, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 359, transmitting S.B. No. 3187, S.D. 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR ENERGY EFFICIENCY IN STATE FACILITIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 360, transmitting S.B. No. 3191, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 361, transmitting S.B. No. 3192, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 362, transmitting S.B. No. 3194, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 363, transmitting S.B. No. 3195, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 364, transmitting S.B. No. 3197, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 365, transmitting S.B. No. 3200, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 366, transmitting S.B. No. 3202, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL CARE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 367, transmitting S.B. No. 3205, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 368, transmitting S.B. No. 3215, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 369, transmitting S.B. No. 3218, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLACEMENT OF HARMED CHILDREN," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 370, transmitting S.B. No. 3219, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PLACEMENT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 371, transmitting S.B. No. 3224, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 372, transmitting S.B. No. 3229, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CHORE SERVICE PROGRAMS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 373, transmitting S.B. No. 3231, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL LICENSURE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 374, transmitting S.B. No. 3233, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PARENTING PLANS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 375, transmitting S.B. No. 3247, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 376, transmitting S.B. No. 3252, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 377, transmitting S.B. No. 3253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 378, transmitting S.B. No. 3254, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOME AND

COMMUNITY-BASED SERVICES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 379, transmitting S.B. No. 3261, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SPECIALISTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 380, transmitting S.B. No. 3262, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 381, transmitting S.B. No. 3270, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 382, transmitting S.B. No. 3272, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REIMBURSEMENT TO THE COUNTIES FOR THE ISSUANCE OF PARKING PLACARDS TO PERSONS WITH DISABILITIES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 383, transmitting S.B. No. 3273, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 384, transmitting S.B. No. 3274, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE REFUNDABLE CAREGIVER TAX CREDIT," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 385, transmitting S.B. No. 3275, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE ASSESSMENTS FOR UNINSURED STUDENTS," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 386, transmitting S.B. No. 3277, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 387, transmitting S.B. No. 3278, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 388, transmitting S.B. No. 3279, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY," which passed Third Reading in the Senate on March 7, 2006.

Sen. Com. No. 389, transmitting S.B. No. 3283, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," which passed Third Reading in the Senate on March 7, 2006.

On motion by Representative B. Oshiro seconded by Representative Thielen and carried, the following Senate bills passed First Reading by title and further action was deferred: (Representatives Chang, Harbin, Meyer and Stonebraker were excused.)

S.B. No.	54	SD2	S.B. No.	2598
S.B. No.	87	SD2	S.B. No.	2600 SD1
S.B. No.	173	SD2	S.B. No.	2603 SD1
S.B. No.	301	SD2	S.B. No.	2606
S.B. No.	304	SD3	S.B. No.	2615 SD2
S.B. No.	333	SD2	S.B. No.	2616 SD1
S.B. No.	627	SD1	S.B. No.	2617 SD2
S.B. No.	679	SD1	S.B. No.	2630 SD2
S.B. No.	916	SD1	S.B. No.	2635 SD1

S.B. No. 917	SD2	S.B. No. 2640	SD1	S.B. No. 2224		S.B. No. 2917	
S.B. No. 918	SD1	S.B. No. 2643	SD1	S.B. No. 2226		S.B. No. 2922	SD1
S.B. No. 940	SD2	S.B. No. 2648	SD2	S.B. No. 2227	SD2	S.B. No. 2924	SD1
S.B. No. 1061		S.B. No. 2650	SD2	S.B. No. 2229	SD2	S.B. No. 2926	SD1
S.B. No. 1294	SD2	S.B. No. 2651	SD1	S.B. No. 2235	SD1	S.B. No. 2929	
S.B. No. 1311	SD2	S.B. No. 2652	SD2	S.B. No. 2237	SD1	S.B. No. 2930	SD1
S.B. No. 1659	SD2	S.B. No. 2662	SD1	S.B. No. 2239	SD2	S.B. No. 2931	SD1
S.B. No. 2004	SD1	S.B. No. 2663		S.B. No. 2240	SD2	S.B. No. 2935	SD1
S.B. No. 2018	SD1	S.B. No. 2667	SD2	S.B. No. 2243	SD1	S.B. No. 2938	SD1
S.B. No. 2021	SD2	S.B. No. 2679	SD1	S.B. No. 2244	SD1	S.B. No. 2941	SD1
S.B. No. 2025		S.B. No. 2687		S.B. No. 2246	SD1	S.B. No. 2943	SD1
S.B. No. 2036	SD1	S.B. No. 2688	SD2	S.B. No. 2248	SD2	S.B. No. 2945	SD1
S.B. No. 2050		S.B. No. 2704	SD2	S.B. No. 2259	SD1	S.B. No. 2946	SD1
S.B. No. 2051		S.B. No. 2705	SD1	S.B. No. 2260	SD1	S.B. No. 2947	SD2
S.B. No. 2057	SD2	S.B. No. 2707	SD2	S.B. No. 2263	SD1	S.B. No. 2948	SD1
S.B. No. 2063		S.B. No. 2708	SD2	S.B. No. 2265	SD1	S.B. No. 2949	SD2
S.B. No. 2065	SD2	S.B. No. 2709	SD1	S.B. No. 2272		S.B. No. 2954	SD2
S.B. No. 2067	SD1	S.B. No. 2713	SD2	S.B. No. 2273	SD2	S.B. No. 2955	SD2
S.B. No. 2071	SD1	S.B. No. 2718	SD1	S.B. No. 2274	SD1	S.B. No. 2956	SD2
S.B. No. 2072	SD1	S.B. No. 2719	SD2	S.B. No. 2276	SD1	S.B. No. 2957	SD2
S.B. No. 2073	SD2	S.B. No. 2720	SD2	S.B. No. 2280		S.B. No. 2958	SD2
S.B. No. 2074	SD1	S.B. No. 2721		S.B. No. 2282	SD2	S.B. No. 2961	SD1
S.B. No. 2076	SD2	S.B. No. 2724	SD2	S.B. No. 2283	SD1	S.B. No. 2965	SD2
S.B. No. 2079	SD2	S.B. No. 2725	SD2	S.B. No. 2289	SD2	S.B. No. 2972	SD1
S.B. No. 2082		S.B. No. 2727	SD1	S.B. No. 2290	SD2	S.B. No. 2973	SD1
S.B. No. 2090	SD2	S.B. No. 2729	SD1	S.B. No. 2292	SD2	S.B. No. 2974	SD1
S.B. No. 2091	SD1	S.B. No. 2732	SD2	S.B. No. 2293	SD2	S.B. No. 2980	SD2
S.B. No. 2095	SD1	S.B. No. 2733	SD2	S.B. No. 2294	SD1	S.B. No. 2984	SD1
S.B. No. 2109	SD1	S.B. No. 2737	SD1	S.B. No. 2295		S.B. No. 2985	SD2
S.B. No. 2125	SD2	S.B. No. 2738	SD1	S.B. No. 2296	SD1	S.B. No. 2986	SD2
S.B. No. 2132	SD2	S.B. No. 2753	SD1	S.B. No. 2297	SD1	S.B. No. 2997	SD1
S.B. No. 2133	SD2	S.B. No. 2762	SD1	S.B. No. 2298	SD1	S.B. No. 3000	SD2
S.B. No. 2134	SD2	S.B. No. 2764	SD2	S.B. No. 2299		S.B. No. 3003	SD2
S.B. No. 2139	SD1	S.B. No. 2773	SD3	S.B. No. 2300	SD1	S.B. No. 3008	
S.B. No. 2141	SD2	S.B. No. 2774	SD2	S.B. No. 2305	SD2	S.B. No. 3009	SD2
S.B. No. 2143	SD2	S.B. No. 2797	SD1	S.B. No. 2323	SD2	S.B. No. 3011	SD1
S.B. No. 2145	SD2	S.B. No. 2806	SD2	S.B. No. 2327	SD2	S.B. No. 3012	SD1
S.B. No. 2148	SD1	S.B. No. 2813	SD1	S.B. No. 2328	SD2	S.B. No. 3016	SD2
S.B. No. 2150	SD1	S.B. No. 2818	SD1	S.B. No. 2329	SD1	S.B. No. 3020	SD2
S.B. No. 2155	SD2	S.B. No. 2821	SD1	S.B. No. 2332	SD2	S.B. No. 3021	SD2
S.B. No. 2156	SD2	S.B. No. 2836	SD2	S.B. No. 2333	SD2	S.B. No. 3022	SD1
S.B. No. 2158	SD2	S.B. No. 2838	SD2	S.B. No. 2334	SD2	S.B. No. 3031	SD2
S.B. No. 2159	SD2	S.B. No. 2850	SD2	S.B. No. 2337	SD1	S.B. No. 3033	SD2
S.B. No. 2161	SD2	S.B. No. 2861	SD2	S.B. No. 2339	SD2	S.B. No. 3034	SD2
S.B. No. 2162	SD2	S.B. No. 2879	SD1	S.B. No. 2340	SD1	S.B. No. 3035	SD1
S.B. No. 2166	SD2	S.B. No. 2882	SD1	S.B. No. 2343	SD2	S.B. No. 3040	
S.B. No. 2185	SD2	S.B. No. 2884	SD2	S.B. No. 2345	SD1	S.B. No. 3049	SD1
S.B. No. 2188	SD1	S.B. No. 2886	SD2	S.B. No. 2347	SD1	S.B. No. 3051	SD2
S.B. No. 2189	SD1	S.B. No. 2887	SD1	S.B. No. 2348	SD1	S.B. No. 3054	SD2
S.B. No. 2190	SD1	S.B. No. 2897	SD2	S.B. No. 2357		S.B. No. 3059	SD2
S.B. No. 2194		S.B. No. 2898	SD2	S.B. No. 2358	SD2	S.B. No. 3065	SD1
S.B. No. 2209	SD1	S.B. No. 2901		S.B. No. 2360	SD2	S.B. No. 3066	SD1
S.B. No. 2213	SD2	S.B. No. 2909	SD1	S.B. No. 2364	SD2	S.B. No. 3072	SD1
S.B. No. 2214	SD2	S.B. No. 2911	SD1	S.B. No. 2379		S.B. No. 3076	SD1
S.B. No. 2215	SD2	S.B. No. 2913	SD1	S.B. No. 2381	SD1	S.B. No. 3077	SD2
S.B. No. 2222	SD2	S.B. No. 2916	SD1	S.B. No. 2382	SD2	S.B. No. 3078	SD2

S.B. No. 2385 SD1	S.B. No. 3084 SD2
S.B. No. 2406 SD1	S.B. No. 3086 SD1
S.B. No. 2408 SD1	S.B. No. 3090 SD2
S.B. No. 2412 SD1	S.B. No. 3093 SD2
S.B. No. 2413 SD1	S.B. No. 3096 SD1
S.B. No. 2416 SD2	S.B. No. 3098 SD2
S.B. No. 2417 SD2	S.B. No. 3101 SD2
S.B. No. 2421 SD1	S.B. No. 3102 SD2
S.B. No. 2423 SD2	S.B. No. 3105 SD2
S.B. No. 2424	S.B. No. 3110 SD1
S.B. No. 2430 SD2	S.B. No. 3111 SD1
S.B. No. 2433 SD2	S.B. No. 3112 SD2
S.B. No. 2443 SD1	S.B. No. 3114 SD2
S.B. No. 2454 SD1	S.B. No. 3118 SD2
S.B. No. 2456 SD1	S.B. No. 3119 SD2
S.B. No. 2459	S.B. No. 3120 SD2
S.B. No. 2461 SD1	S.B. No. 3121 SD2
S.B. No. 2462 SD1	S.B. No. 3136 SD2
S.B. No. 2470 SD1	S.B. No. 3138
S.B. No. 2474 SD1	S.B. No. 3146 SD2
S.B. No. 2476 SD2	S.B. No. 3147 SD1
S.B. No. 2478 SD1	S.B. No. 3162 SD2
S.B. No. 2479	S.B. No. 3168 SD1
S.B. No. 2480 SD1	S.B. No. 3170 SD1
S.B. No. 2482 SD2	S.B. No. 3179 SD2
S.B. No. 2484 SD1	S.B. No. 3180 SD1
S.B. No. 2485 SD2	S.B. No. 3181 SD2
S.B. No. 2486 SD2	S.B. No. 3182 SD2
S.B. No. 2487	S.B. No. 3185 SD2
S.B. No. 2488 SD1	S.B. No. 3186 SD2
S.B. No. 2489	S.B. No. 3187 SD1
S.B. No. 2492 SD1	S.B. No. 3191 SD1
S.B. No. 2493 SD1	S.B. No. 3192 SD1
S.B. No. 2499 SD2	S.B. No. 3194 SD2
S.B. No. 2501 SD1	S.B. No. 3195 SD2
S.B. No. 2502 SD2	S.B. No. 3197 SD2
S.B. No. 2503 SD1	S.B. No. 3200 SD2
S.B. No. 2504 SD2	S.B. No. 3202 SD1
S.B. No. 2505 SD2	S.B. No. 3205 SD2
S.B. No. 2506	S.B. No. 3215 SD1
S.B. No. 2507 SD2	S.B. No. 3218 SD1
S.B. No. 2542 SD1	S.B. No. 3219 SD2
S.B. No. 2545 SD2	S.B. No. 3224 SD2
S.B. No. 2546 SD1	S.B. No. 3229 SD2
S.B. No. 2550 SD2	S.B. No. 3231 SD2
S.B. No. 2551 SD1	S.B. No. 3233 SD2
S.B. No. 2558 SD1	S.B. No. 3247 SD2
S.B. No. 2559 SD1	S.B. No. 3252 SD2
S.B. No. 2563 SD1	S.B. No. 3253 SD1
S.B. No. 2569 SD1	S.B. No. 3254 SD2
S.B. No. 2570 SD2	S.B. No. 3261 SD1
S.B. No. 2571	S.B. No. 3262 SD1
S.B. No. 2572 SD2	S.B. No. 3270 SD2
S.B. No. 2574 SD1	S.B. No. 3272 SD2
S.B. No. 2575 SD2	S.B. No. 3273 SD2
S.B. No. 2576 SD1	S.B. No. 3274 SD2

S.B. No. 2577 SD1	S.B. No. 3275 SD2
S.B. No. 2581 SD1	S.B. No. 3277 SD2
S.B. No. 2582	S.B. No. 3278 SD1
S.B. No. 2587 SD1	S.B. No. 3279 SD2
S.B. No. 2593	S.B. No. 3283 SD1

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Carroll introduced Ms. Mary Matsukawa, the Program Specialist on Maui for the Hawaii State Planning Council on Developmental Disabilities, and Ms. Christina Chang, President of the La'a Kea Foundation.

Representative Carroll also introduced the following individuals: from Moloka'i, Jersula Manaba, Yolanda Tanielu and Sheila Awai; from Lana'i, Christina Ehret-Gaedje, Elfred Bolo, Dylan Sanders and Cheryl Haban; from Hana, Maui, JoAnn Ahuna, Ashley Carreira and Ariel Carreira; and from Haiku, Maui, Penny Olson, Sarah Garbutt and Caren Pantezzi.

Representative Tanaka introduced from Lahaina, Maui, Stephanie Kratzman, Joan Ballard, Aimee Ballard, Shirley Sue Sargent, Anja Shields and George Lee; and from Kihei, Maui, Ann Maher.

Representative Yamashita introduced from Kula, Maui, Shawn Prickett; and from Olinda, Maui, Ramoda Anand, Anthony Simmons and Ashley Cutland.

Representative Carroll introduced from Wailuku, Maui, Paul Vargas, Pualani Kamaunu, Deborah Hill, Jeremy Hill and Sally Iwankiw.

Representative Tsuji introduced members from the East Hawaii Development Disabilities Committee led by Mr. Howard Marks, and the West Hawaii Development Disabilities Committee led by Mr. Curtis Tyler.

Representative Ito introduced Mr. Dave Horadovsky, President and Chief Executive Officer of the Evangelical Lutheran Good Samaritan Society; Ms. Luann Foos, Executive Director of the Pohai Nani Good Samaritan Retirement Community; Ms. Lorraine Shin, State Director of USDA; Mr. Tao Kumo, assistant to Ms. Shin; Barry Shain, financial consultant; Ms. Mareen from Pohai Nani; and Mr. George Okuda, his Committee Clerk.

Representative Arakaki introduced the Developmental Disabilities Council Staff: Ms. Waynette Cabral, Executive Administrator; Mr. Joe Shacter, Planner; Ms. Debbie Miyasaka-Gushiken, Community and Legislative Liaison; Ms. Eleanor Doi, Kauai Program Specialist; Ms. Mary Matsukawa, Maui Program Specialist; Mr. Howard Marks, Big Island Program Specialist; Susan Kawano, Secretary; and Ms. Rachel Gonzales, Clerk Typist.

Representative Tanaka introduced Ms. Rowena Young and Mr. Christian Young.

Representative Kahikina introduced close friends from Nanakuli, Mata and wife, Robin.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following bills were referred to committee by the Speaker:

S.B.
Nos.

Referred to:

54, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	2049, SD1	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
87, SD2	Committee on Labor & Public Employment, then to the Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2050	Committee on Transportation, then to the Committee on Judiciary
173, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2051	Committee on Transportation, then to the Committee on Judiciary
301, SD2	Jointly to the Committee on Judiciary and the Committee on Labor & Public Employment, then to the Committee on Finance	2055	Jointly to the Committee on Transportation and the Committee on Energy & Environmental Protection, then to the Committee on Finance
304, SD3	Jointly to the Committee on Higher Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2057, SD2	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
333, SD2	Committee on Finance	2063	Committee on Finance
627, SD1	Committee on Judiciary	2065, SD2	Committee on Transportation, then to the Committee on Judiciary
679, SD1	Committee on Judiciary, then to the Committee on Finance	2067, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
916, SD1	Jointly to the Committee on Hawaiian Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance	2071, SD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
917, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance	2072, SD1	Committee on Education, then to the Committee on Finance
918, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Judiciary	2073, SD2	Committee on Judiciary
940, SD2	Committee on Health, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	2074, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1061	Committee on Judiciary	2076, SD2	Committee on Housing, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1294, SD2	Committee on Hawaiian Affairs, then to the Committee on Finance	2079, SD2	Committee on Judiciary
1311, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	2082	Jointly to the Committee on Health and the Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
1659, SD2	Committee on Education, then to the Committee on Finance	2090, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Legislative Management, then to the Committee on Finance
2004, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance	2091, SD1	Committee on Consumer Protection & Commerce
2018, SD1	Committee on Consumer Protection & Commerce	2092, SD1	Committee on Consumer Protection & Commerce
2021, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	2095, SD1	Committee on Consumer Protection & Commerce
2025	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2109, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary
2036, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on International Affairs, then to the Committee on Finance	2125, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance

2132, SD2	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	2194	Committee on Labor & Public Employment, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2133, SD2	Committee on Health, then to the Committee on Judiciary	2209, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
2134, SD2	Jointly to the Committee on Human Services and the Committee on International Affairs, then to the Committee on Judiciary	2213, SD2	Committee on Tourism & Culture, then to the Committee on Judiciary
2139, SD1	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance	2214, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2141, SD2	Committee on Judiciary, then to the Committee on Finance	2215, SD2	Committee on Transportation, then to the Committee on Judiciary
2143, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	2222, SD2	Committee on Economic Development & Business Concerns, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2145, SD2	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	2224	Committee on Consumer Protection & Commerce
2148, SD1	Committee on Judiciary, then to the Committee on Finance	2226	Committee on Health, then to the Committee on Consumer Protection & Commerce
2150, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2227, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2155, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2229, SD2	Committee on Education, then to the Committee on Finance
2156, SD2	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	2235, SD1	Committee on Agriculture, then to the Committee on Finance
2158, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2237, SD1	Committee on Finance
2159, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2239, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
2161, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2240, SD2	Committee on Judiciary, then to the Committee on Finance
2162, SD2	Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2243, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance
2166, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary	2244, SD1	Committee on Judiciary
2185, SD2	Committee on Human Services, then to the Committee on Finance	2246, SD1	Committee on Judiciary, then to the Committee on Finance
2188, SD1	Committee on Human Services, then to the Committee on Finance	2248, SD2	Jointly to the Committee on Judiciary and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2189, SD1	Committee on Human Services, then to the Committee on Finance	2255, SD1	Committee on Judiciary
2190, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	2259, SD1	Committee on Judiciary
2193, SD1	Committee on Consumer Protection & Commerce	2260, SD1	Committee on Judiciary

2261	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2323, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance
2263, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2327, SD2	Jointly to the Committee on Education and the Committee on Human Services, then to the Committee on Judiciary
2265, SD1	Committee on Judiciary	2328, SD2	Committee on Human Services, then to the Committee on Judiciary
2272	Committee on Labor & Public Employment, then to the Committee on Finance	2329, SD1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
2273, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	2332, SD2	Committee on Housing, then to the Committee on Judiciary
2274, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	2333, SD2	Committee on Human Services, then to the Committee on Finance
2276, SD1	Committee on Consumer Protection & Commerce	2334, SD2	Jointly to the Committee on Human Services and the Committee on Judiciary, then to the Committee on Finance
2280	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Labor & Public Employment	2337, SD1	Committee on Health, then to the Committee on Finance
2282, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2338	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2283, SD1	Committee on Consumer Protection & Commerce	2339, SD2	Committee on Health, then to the Committee on Finance
2289, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2340, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2290, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2343, SD2	Jointly to the Committee on Labor & Public Employment and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2292, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2345, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
2293, SD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2347, SD1	Committee on Health, then to the Committee on Finance
2294, SD1	Committee on Consumer Protection & Commerce	2348, SD1	Committee on Health, then to the Committee on Finance
2295	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce	2357	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance
2296, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce	2358, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2297, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce	2360, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2298, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	2364, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2299	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	2379	Committee on Finance
2300, SD1	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2381, SD1	Committee on Finance
2305, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance		

2382, SD2	Committee on Finance	2478, SD1	Committee on Agriculture, then to the Committee on Finance
2385, SD1	Committee on Transportation, then to the Committee on Judiciary	2479	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
2406, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance	2480, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance
2408, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	2482, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2412, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2484, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance
2413, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	2485, SD2	Committee on Agriculture, then to the Committee on Judiciary, then to the Committee on Finance
2416, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	2486, SD2	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
2417, SD2	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance	2487	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2421, SD1	Committee on Hawaiian Affairs, then to the Committee on Judiciary	2488, SD1	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2423, SD2	Committee on Hawaiian Affairs, then to the Committee on Judiciary, then to the Committee on Finance	2489	Committee on Judiciary
2424	Committee on Hawaiian Affairs	2492, SD1	Committee on Agriculture, then to the Committee on Judiciary
2430, SD2	Committee on Judiciary	2493, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2433, SD2	Committee on Judiciary, then to the Committee on Finance	2499, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2443, SD1	Jointly to the Committee on Human Services and the Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	2501, SD1	Committee on Water, Land, & Ocean Resources
2454, SD1	Committee on Tourism & Culture, then to the Committee on Consumer Protection & Commerce	2502, SD2	Committee on Health, then to the Committee on Finance
2456, SD1	Committee on Transportation, then to the Committee on Judiciary	2503, SD1	Committee on Health, then to the Committee on Judiciary
2459	Committee on Transportation, then to the Committee on Finance	2504, SD2	Jointly to the Committee on Health and the Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
2461, SD1	Committee on Housing, then to the Committee on Finance	2505, SD2	Committee on Health, then to the Committee on Education, then to the Committee on Finance
2462, SD1	Committee on Transportation, then to the Committee on Finance	2506	Committee on Judiciary
2470, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	2507, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
2474, SD1	Committee on Human Services, then to the Committee on Finance	2542, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2476, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	2545, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance

2546, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Finance	2601	Committee on Judiciary
2550, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2602, SD1	Committee on Judiciary
2551, SD1	Committee on Judiciary	2603, SD1	Committee on Judiciary
2558, SD1	Committee on Judiciary	2604	Committee on Judiciary
2559, SD1	Committee on Judiciary	2606	Committee on Judiciary, then to the Committee on Finance
2563, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Labor & Public Employment, then to the Committee on Finance	2607, SD1	Committee on Judiciary
2569, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	2608	Committee on Judiciary
2570, SD2	Committee on Tourism & Culture, then to the Committee on Finance	2609, SD1	Committee on Judiciary
2571	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance	2610, SD1	Committee on Judiciary, then to the Committee on Finance
2572, SD2	Committee on Housing, then to the Committee on Finance	2611	Committee on Judiciary
2574, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2615, SD2	Committee on Human Services, then to the Committee on Judiciary
2575, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Finance	2616, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
2576, SD1	Committee on Judiciary	2617, SD2	Committee on Human Services, then to the Committee on Finance
2577, SD1	Committee on Health, then to the Committee on Finance	2630, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
2581, SD1	Committee on Judiciary	2635, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2582	Committee on Judiciary	2640, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
2587, SD1	Committee on Education, then to the Committee on Finance	2643, SD1	Committee on Labor & Public Employment, then to the Committee on Finance
2591	Committee on Judiciary	2648, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2593	Committee on Judiciary, then to the Committee on Finance	2650, SD2	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
2596	Committee on Judiciary	2651, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2597	Committee on Judiciary	2652, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
2598	Committee on Judiciary, then to the Committee on Finance	2662, SD1	Committee on Transportation, then to the Committee on Finance
2599	Committee on Judiciary	2663	Committee on Transportation, then to the Committee on Finance
2600, SD1	Committee on Judiciary, then to the Committee on Finance	2667, SD2	Committee on Tourism & Culture, then to the Committee on Judiciary

2679, SD1	Committee on Energy & Environmental Protection, then to the Committee on Judiciary, then to the Committee on Finance	2762, SD1	Committee on Housing, then to the Committee on Judiciary
2687	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2764, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2688, SD2	Committee on Human Services, then to the Committee on Judiciary, then to the Committee on Finance	2773, SD3	Committee on Housing, then to the Committee on Finance
2704, SD2	Committee on Education, then to the Committee on Finance	2774, SD2	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2705, SD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	2797, SD1	Committee on Judiciary, then to the Committee on Finance
2707, SD2	Committee on Education, then to the Committee on Finance	2806, SD2	Committee on Legislative Management, then to the Committee on Finance
2708, SD2	Committee on Education, then to the Committee on Finance	2813, SD1	Committee on Tourism & Culture, then to the Committee on Finance
2709, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance	2818, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2713, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2821, SD1	Committee on Education, then to the Committee on Finance
2718, SD1	Committee on Education, then to the Committee on Finance	2836, SD2	Committee on Education, then to the Committee on Finance
2719, SD2	Committee on Education, then to the Committee on Labor & Public Employment, then to the Committee on Finance	2838, SD2	Committee on Education, then to the Committee on Finance
2720, SD2	Committee on Education, then to the Committee on Finance	2850, SD2	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
2721	Committee on Education	2861, SD2	Committee on Human Services, then to the Committee on Education, then to the Committee on Finance
2724, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Education, then to the Committee on Finance	2879, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2725, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2882, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance
2727, SD1	Committee on Health, then to the Committee on Finance	2884, SD2	Committee on Education, then to the Committee on Finance
2729, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	2886, SD2	Jointly to the Committee on Education and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
2732, SD2	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance	2887, SD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
2733, SD2	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance	2896, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2737, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary	2897, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Legislative Management, then to the Committee on Finance
2738, SD1	Committee on Education, then to the Committee on Finance	2898, SD2	Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance
2753, SD1	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	2901	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation, then to the Committee on Finance

2909, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary, then to the Committee on Finance	2954, SD2	Committee on Agriculture, then to the Committee on Finance
2911, SD1	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2955, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2913, SD1	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	2956, SD2	Committee on Education, then to the Committee on Finance
2916, SD1	Committee on Consumer Protection & Commerce	2957, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2917	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	2958, SD2	Committee on Housing, then to the Committee on Finance
2922, SD1	Committee on Judiciary	2961, SD1	Committee on Health, then to the Committee on Finance
2924, SD1	Committee on Judiciary	2965, SD2	Committee on Finance
2926, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2972, SD1	Committee on Energy & Environmental Protection, then jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2929	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs	2973, SD1	Jointly to the Committee on Agriculture and the Committee on Tourism & Culture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2930, SD1	Committee on Judiciary	2974, SD1	Committee on Tourism & Culture, then to the Committee on Judiciary, then to the Committee on Finance
2931, SD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	2980, SD2	Committee on Labor & Public Employment, then to the Committee on Higher Education, then to the Committee on Finance
2935, SD1	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance	2984, SD1	Committee on Housing, then to the Committee on Finance
2938, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Judiciary	2985, SD2	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture, then to the Committee on Labor & Public Employment, then to the Committee on Finance
2941, SD1	Committee on Judiciary	2986, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2943, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance	2997, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2945, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance	3000, SD2	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2946, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Finance	3003, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
2947, SD2	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary, then to the Committee on Finance	3008	Committee on Labor & Public Employment
2948, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance	3009, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
2949, SD2	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance	3011, SD1	Committee on Labor & Public Employment, then to the Committee on Finance

3012, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	3084, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance
3016, SD2	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	3086, SD1	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
3020, SD2	Committee on Labor & Public Employment, then to the Committee on Finance	3090, SD2	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3021, SD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	3093, SD2	Committee on Education, then to the Committee on Finance
3022, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Energy & Environmental Protection and the Committee on Agriculture, then to the Committee on Finance	3096, SD1	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
3031, SD2	Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3098, SD2	Committee on Transportation, then to the Committee on Finance
3033, SD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	3101, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
3034, SD2	Jointly to the Committee on Labor & Public Employment and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	3102, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
3035, SD1	Committee on Labor & Public Employment, then to the Committee on Finance	3105, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3040	Committee on Judiciary, then to the Committee on Finance	3110, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
3049, SD1	Committee on Agriculture, then to the Committee on Consumer Protection & Commerce	3111, SD1	Committee on Finance
3051, SD2	Committee on Finance	3112, SD2	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Transportation, then to the Committee on Finance
3054, SD2	Committee on Education, then to the Committee on Finance	3114, SD2	Committee on Tourism & Culture, then to the Committee on Finance
3059, SD2	Committee on Education, then to the Committee on Finance	3118, SD2	Committee on Higher Education, then to the Committee on Finance
3065, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	3119, SD2	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Finance
3066, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	3120, SD2	Jointly to the Committee on Higher Education and the Committee on Labor & Public Employment, then to the Committee on Finance
3072, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance	3121, SD2	Committee on Higher Education, then to the Committee on Finance
3076, SD1	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance	3124	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
3077, SD2	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	3136, SD2	Committee on Finance
3078, SD2	Committee on Agriculture, then to the Committee on Finance	3138	Committee on Economic Development & Business Concerns, then to the Committee on Finance

3146, SD2	Committee on Health, then to the Committee on Finance	3200, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Judiciary
3147, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	3202, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
3162, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3205, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
3168, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	3215, SD1	Jointly to the Committee on Human Services and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
3170, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	3218, SD1	Jointly to the Committee on Human Services and the Committee on Hawaiian Affairs and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
3179, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary	3219, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
3180, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance	3224, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3181, SD2	Committee on Energy & Environmental Protection, then to the Committee on Finance	3229, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
3182, SD2	Committee on Energy & Environmental Protection, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance	3231, SD2	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3183, SD1	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3233, SD2	Committee on Human Services, then to the Committee on Judiciary
3185, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3247, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
3186, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance	3252, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
3187, SD1	Committee on Energy & Environmental Protection, then to the Committee on Finance	3253, SD1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Legislative Management, then to the Committee on Finance
3191, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary, then to the Committee on Finance	3254, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
3192, SD1	Jointly to the Committee on International Affairs and the Committee on Economic Development & Business Concerns, then to the Committee on Finance	3261, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
3194, SD2	Jointly to the Committee on Education and the Committee on Higher Education and the Committee on Labor & Public Employment, then to the Committee on Finance	3262, SD1	Jointly to the Committee on Health and the Committee on Economic Development & Business Concerns and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
3195, SD2	Committee on Education, then to the Committee on Finance	3270, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
3197, SD2	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance	3272, SD2	Jointly to the Committee on Transportation and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

- 3273, SD2 Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
- 3274, SD2 Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
- 3275, SD2 Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
- 3277, SD2 Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
- 3278, SD1 Committee on Consumer Protection & Commerce
- 3279, SD2 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Judiciary
- 3283, SD1 Jointly to the Committee on Health and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 948-06) recommending that H.C.R. No. 30, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 30, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you. Mr. Speaker, I'm rising in support of the resolution, but with some serious concerns if I may express them please. Thank you. Mr. Speaker, this resolution is asking the Hawaii Community Development Authority to immediately rescind any contract or agreement awarded or commitment made to Alexander and Baldwin for the development of Kakaako Makai. Then it further asks the HCDA, I believe to just to withdraw its request for proposals as well.

"The concern I have, Mr. Speaker, is that I think it's unrealistic for us to believe that that area can be developed with a lot of the things that we were hoping to see there for public purpose, unless there's an engine driving it that will bring in the money to allow the public purpose facilities to be developed.

"We can't expect HCDA without any money to go ahead and put in all of the different things that we had wanted -- the wish list of different improvements for the public.

"Alexander and Baldwin, granted, came up first with its three towers, residential towers that it planned to sell the fee interest in those condominiums to buyers. I can understand and I fully support opposing this sale of fee interest in the land, but I think that we need to really let HCDA look at a way that a much scaled back residential component for that area could work, where there would be rentals, workforce housing rentals. Moderate-income rentals that would be available for people that certainly work in Waikiki and the downtown core.

"If you create a sterile area where there are no people living, what you do is when you turn out the lights from the restaurants or

whatever other facilities are there and go away then you're going to find the drug dealers will move in and other elements that you wouldn't like to have really be on our public land.

"If you have a live, thriving community which includes people living there, then you have a much more viable section of our *makai* lands.

"It's something that we're now saying to HCDA basically do the impossible. Go out and figure out how you can make the improvements, but you're not going to have a way to get the money to do them. We're not going to appropriate the money.

"So what will happen is the area gets fenced off and it stays kind of a disheveled area and maybe someday people will put something up on the fence saying, 'shortsightedness', that this could have been a viable multiuse area.

"So I'm concerned about tying HCDA's hands. We created that entity, or those who were here before us created that entity for a purpose and gave them the authority to move ahead with development and renovation of that area. We're now saying we're taking it away at least for a certain section of the lands.

"I think we really should think this out more. The measure will go over to the Senate and maybe we will just step back and say, 'Wait a minute, think of the areas that you have visited yourself where you have your combinations of different uses including residential.' And there are a lot of those not just on the mainland but I've been privileged to see some of those areas in the United Kingdom and the continent.

"They're alive, they're vibrant. People are out walking. People then go up to their homes. The areas aren't taken over by drug dealers and it's a much more viable way to have our *makai* lands be used. Thank you."

Representative Souki rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, I wish to speak against this particular resolution. Thank you very much, if I can I state a few words please. Mr. Speaker, I never thought this would happen in all my years in the Legislature, but I wish to incorporate the remarks of the legislator from Kailua as my own. In fact, I'm going to have I think, a very difficult time sleeping tonight because of this remark here.

"But Mr. Speaker, I just want to go on to say that I think that is a gross exaggeration of the action of the Legislature on what has happened with HCDA and supposedly A&B. I believe we should not get involved at this point. It should be the responsibility of HCDA. We gave them that responsibility, we should not take it away. Thank you very much."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you, Mr. Speaker. As one of the Representatives for the Aiea, Pearl City area otherwise known as the heart of Oahu. I also represent the border of Pearl Harbor and one of the things we looked at for our community is what could have been for our community had it not been for development on the *makai* side of Kam Highway. And we struggled days and nights, weeks, months, and years understanding why either the City or the State or the landowners decided years ago to make development on that side.

"We have now as an approved plan, the Pearl Harbor Historic Trail which stretches the entire border of Pearl Harbor and goes all the way out to Ewa. But one of the frustrations that we have in our community is that despite the fact that we have this beautiful easement set aside, the old Oahu rail line and also Kam Highway

right next to it, there's still huge ugly edifices, buildings, concrete that mars our scenic view from Kam Highway *makai*.

"And I think that this measure, our hope is to preserve whatever we can for the *makai* property, *makai* of Ala Moana Boulevard in the area of Kakaako. And for the reasons that we face in our community, I recommend to our colleagues to support this and encourage HCDA to get rid of this idea of creating huge towering towers *makai* of Ala Moana Boulevard for that particular parcel. Thank you, Mr. Speaker."

Representative Nishimoto rose in opposition to the measure and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm going to vote for this resolution but with some grave reservations because I believe it could open us up to lawsuits big time.

"I would be much happier if the resolution was addressed to Alexander and Baldwin, asking that corporation to rescind the agreement and also asking HCDA to allow A&B to revise its plan if possible, to have shops and restaurants and park extension, cultural center, hula stage, a farmer's market. We need to find a way to pay for these amenities.

"If HCDA aborts the project unilaterally, the State will get sued. Probably not, since Alexander and Baldwin is a good, responsible corporate entity, but more importantly we will lose construction projects and a nice economic development area. We will lose many jobs and many happy places to be able to enjoy life under the Hawaiian sun.

"Colleagues, there's still time to broaden this House Concurrent Resolution so that it is not so drastic. Please think about it. Thank you."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support with a few comments. Mr. Speaker and Members, it was not without considerable deliberation that this resolution was introduced and passed.

"Clearly, the sentiments of the public had not been served with the plans that have been issued. And there lies the problem, that the Kakaako Waterfront business plan did not engage the public. And so the public was really unaware of what it looked like and unfortunately throughout the RFP process because of the confidential nature of the RFP process the plans could not be shared until one was selected, and then there was an uproar.

"And so while this Chair is hopeful that we can have such things as the residential component, leased of course, and enabling affordability for people such as school teachers, and firemen, or policemen. This resolution is silent on that.

"The resolution asks that HCDA continue actually going back to square one and be sure that the public is engaged in all of its future plans and for all those reasons I think that this is an appropriate approach.

"Although, usurping previously given authority to any State agency is a very, very serious matter. But without this it appeared that HCDA would have continued with the issuance of accepting that response to the RFP, which clearly would not have been in the public's interest. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I like to have the words of the speakers from Kailua and Waialae entered as if my own," and the Chair "so ordered."

Representative Moses continued, stating:

"And I just want to add, this is rescinding authority from an agency that we gave authority to but more than, we're opening ourselves up to liability, I believe. And we're not really getting anything fixed.

"If we wanted to just fix the problem, again ask A&B to voluntarily rescind, or at least delay, go back to the public, modify whatever, but don't just kick them out. We're just telling them get out and I'm just wondering if the force behind this resolution isn't really to get A&B out of the project and to open it up for somebody else to step in. Because we're not telling HCDA not to do anything there.

"We're telling them to go back to the public and then come back with another proposal with another developer. And I'm just wondering if there isn't more behind this than what we can see on the surface. Thank you."

Representative Stevens rose to speak in support of the measure, stating:

"Yes, Mr. Speaker. In support. I have been following this issue because I lived there for several years. And there really was not much public input in the planning process that HCDA followed prior to issuing the RFP. Actually, there was in their HCDA's own rules and regulations, it was prohibited to have residential on the *makai* side of Ala Moana.

"However, at a board meeting that was very sparsely attended and very poorly advertised, they changed the rules to allow residential on the *makai* side and that was actually after the RFP had been issued asking developers to provide plans with residential on that side.

"So the process that was followed for the RFP was difficult at best and it was difficult for the residents to understand. For that reason, I'm very much in support of taking a step back, allowing the RFP to be rescinded and revised, start again. And I don't see anything in this resolution that prohibits A&B from reapplying to the new RFP or any other plan or any other developer who would like to apply. For those reasons and many of the reasons mentioned by the Chair of the Water, Land, and Ocean Resources Committee, I stand in support of this resolution. Thank you."

Representative Finnegan rose in support of the measure with reservations, and asked that the remarks of Representatives Thielen and Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose in opposition to the measure and asked that the remarks of Representatives Marumoto and Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 30, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC., FOR THE DEVELOPMENT OF

KAKAAKO MAKAI," was adopted, with Representatives Halford, Moses, Nishimoto, Pine and Souki voting no, and with Representatives Cabanilla, Chang, Harbin, Meyer, Nakasone and Stonebraker being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 36 through 54) and concurrent resolutions (H.C.R. Nos. 51 through 70) were referred to Printing and further action was deferred:

H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ASSIST IN THE PRIVATIZATION OF ITS PALOLO VALLEY HOMES PROJECT," was jointly offered by Representatives Say and Kahikina.

H.R. No. 37, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO HELP PARENTS UNDERSTAND THE RESPONSIBILITIES AND LIABILITIES OF PARENT-TEACHER ASSOCIATIONS AND PARENT-TEACHER GROUPS," was jointly offered by Representatives Lee, Abinsay, Chang, Evans, Herkes, Kanoho, Takai, Tsuji, Chong, Green, Hale, Ito, Kahikina, Kawakami, Luke, Say, Shimabukuro, Sonson, Takumi, Wakai and Yamashita.

H.R. No. 38, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," was offered by Representative Souki.

H.R. No. 39, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH COUNTY ORDINANCES AND STANDARDS RELATING TO OUTSIDE LIGHTING AT AIRPORTS AND HARBORS, AND TO PROVIDE CUT-OFF OR FULLY SHIELDED LENS FIXTURES TO DIRECT ARTIFICIAL LIGHTING DOWNWARD TO PREVENT DIFFUSION THE LIGHT INTO THE ATMOSPHERE, ON THE ISLAND OF HAWAII AND THE ISLAND OF MAUI," was offered by Representative Souki.

H.R. No. 40, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL GRANTS FROM THE UNITED STATES OFFICE FOR DOMESTIC PREPAREDNESS FOR THE STATE DEPARTMENT OF DEFENSE," was offered by Representative Souki.

H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE CAPITAL IMPROVEMENT PROJECTS OF THE DEPARTMENT OF TRANSPORTATION," was offered by Representative Souki.

H.R. No. 42, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," was offered by Representative Souki.

H.R. No. 43, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE ON SUPPLY OF CONTRACTORS AND TRADESMEN IN TIMES OF NATURAL DISASTER TO STUDY THE EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN AND THE ESTABLISHMENT OF PRICE CONTROLS ON BUILDING MATERIALS," was offered by Representative Souki.

H.R. No. 44, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE EXECUTIVE OFFICE ON AGING TO COLLABORATE ON PROVIDING TRANSPORTATION TO SENIORS AND TO VISUALLY IMPAIRED PERSONS, AND EXPRESSING THE LEGISLATURE'S SUPPORT FOR FEDERAL LEGISLATION TO PROVIDE FUNDING FOR ITNAMERA FOR A FIVE-YEAR NATIONAL ROLL-OUT AND GRANTS," was offered by Representative Souki.

H.R. No. 45, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO RECOMMEND WHETHER THE DEPARTMENT OF TRANSPORTATION SHOULD ADOPT THE BASIC RIDER COURSE OF THE MOTORCYCLE SAFETY FOUNDATION AS A COMPREHENSIVE EDUCATIONAL PROGRAM FOR THE ENTIRE MOTORCYCLE COMMUNITY," was offered by Representative Souki.

H.R. No. 46, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO AUTHORIZE THE STATE FIRE COUNCIL TO EMPLOY AN ADMINISTRATOR AND AN ADMINISTRATIVE ASSISTANT," was offered by Representative Souki.

H.R. No. 47, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES OFFICE OF PERSONNEL MANAGEMENT TO TREAT HAWAII FEDERAL EMPLOYEES WITH REGARD TO PAY AND RETIREMENT BENEFITS THE SAME AS FEDERAL EMPLOYEES WHO RESIDE IN THE FORTY-EIGHT CONTIGUOUS UNITED STATES," was jointly offered by Representatives Takai and Caldwell.

H.R. No. 48, entitled: "HOUSE RESOLUTION SUPPORTING THE RELOCATION OF THE PACIFIC CENTER FOR RESIDENTIAL REHABILITATION PROGRAM TO THE HILO VETERANS HOME," was jointly offered by Representatives Chang, Evans, Green, Hale, Herkes, Ito, Kanoho, Karamatsu, B. Oshiro, Tsuji, Wakai, Waters, Yamane, Berg, Carroll, Chong, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, M. Oshiro, Say, Schatz, Shimabukuro, Souki, Takamine and Takumi.

H.R. No. 49, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK IN KAPOHO, HAWAII," was offered by Representative Hale.

H.R. No. 50, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was offered by Representative Hale.

H.R. No. 51, entitled: "HOUSE RESOLUTION IN SUPPORT OF INTERNATIONAL WOMEN'S DAY AND REQUESTING THE UNITED STATES SENATE TO RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," was offered by Representative Hale.

H.R. No. 52, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO PLAN FOR ENROLLMENT INCREASES AT PAHOA HIGH AND INTERMEDIATE SCHOOL AND TO PLAN FOR THE SEPARATION OF THE INTERMEDIATE SCHOOL UNIT FROM THE HIGH SCHOOL UNIT," was offered by Representative Hale.

H.R. No. 53, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Carroll, Chong, Evans, Green, Hale, Kahikina, Luke, Magaoay, Nishimoto, Tsuji, Wakai, Waters, Caldwell, Finnegan, Halford, Herkes, Ito, Kanoaho, Kawakami, Souki, Takamine, Takumi, Tanaka and Yamane.

H.R. No. 54, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH, AND DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PUBLIC-PRIVATE PARTNERSHIP PILOT PROJECT WITH THE STUDENT FUTURE AWARENESS PROGRAM TO PROVIDE EARLY INTERVENTION SERVICES TO MINIMIZE DRUG USE, GANG ACTIVITY, AND VIOLENCE AMONG HAWAII'S SCHOOL-AGE YOUTH," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Carroll, Hale, Kahikina, Kanoaho, Lee, Luke, Magaoay, Nishimoto, B. Oshiro, Takai, Tsuji, Wakai, Yamane, Berg, Chong, Evans, Finnegan, Green, Halford, Herkes, Kawakami, Souki, Takamine, Takumi and Tanaka.

H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ASSIST IN THE PRIVATIZATION OF ITS PALOLO VALLEY HOMES PROJECT," was jointly offered by Representatives Say and Kahikina.

H.C.R. No. 52, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND BOARD OF EDUCATION TO HELP PARENTS UNDERSTAND THE RESPONSIBILITIES AND LIABILITIES OF PARENT-TEACHER ASSOCIATIONS AND PARENT-TEACHER GROUPS," was jointly offered by Representatives Lee, Abinsay, Chang, Evans, Herkes, Kanoaho, Magaoay, Takai, Tsuji, Chong, Green, Hale, Ito, Kahikina, Kawakami, Luke, Say, Shimabukuro, Sonson, Takumi, Wakai and Yamashita.

H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," was offered by Representative Souki.

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH COUNTY ORDINANCES AND STANDARDS RELATING TO OUTSIDE LIGHTING AT AIRPORTS AND HARBORS, AND TO PROVIDE CUT-OFF OR FULLY SHIELDED LENS FIXTURES TO DIRECT ARTIFICIAL LIGHTING DOWNWARD TO PREVENT DIFFUSION THE LIGHT INTO THE ATMOSPHERE, ON THE ISLAND OF HAWAII AND THE ISLAND OF MAUI," was offered by Representative Souki.

H.C.R. No. 55, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL GRANTS FROM THE UNITED STATES OFFICE FOR DOMESTIC PREPAREDNESS FOR THE STATE DEPARTMENT OF DEFENSE," was offered by Representative Souki.

H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE CAPITAL IMPROVEMENT PROJECTS OF THE DEPARTMENT OF TRANSPORTATION," was offered by Representative Souki.

H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," was offered by Representative Souki.

H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE ON SUPPLY OF CONTRACTORS AND TRADESMEN IN TIMES OF NATURAL DISASTER TO STUDY THE EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN AND THE ESTABLISHMENT OF PRICE CONTROLS ON BUILDING MATERIALS," was offered by Representative Souki.

H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE EXECUTIVE OFFICE ON AGING TO COLLABORATE ON PROVIDING TRANSPORTATION TO SENIORS AND TO VISUALLY IMPAIRED PERSONS, AND EXPRESSING THE LEGISLATURE'S SUPPORT FOR FEDERAL LEGISLATION TO PROVIDE FUNDING FOR ITNAMERICA FOR A FIVE-YEAR NATIONAL ROLL-OUT AND GRANTS," was offered by Representative Souki.

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO RECOMMEND WHETHER THE DEPARTMENT OF TRANSPORTATION SHOULD ADOPT THE BASIC RIDER COURSE OF THE MOTORCYCLE SAFETY FOUNDATION AS A COMPREHENSIVE EDUCATIONAL PROGRAM FOR THE ENTIRE MOTORCYCLE COMMUNITY," was offered by Representative Souki.

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO AUTHORIZE THE STATE FIRE COUNCIL TO EMPLOY AN ADMINISTRATOR AND AN ADMINISTRATIVE ASSISTANT," was offered by Representative Souki.

H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES OFFICE OF PERSONNEL MANAGEMENT TO TREAT HAWAII FEDERAL EMPLOYEES WITH REGARD TO PAY AND RETIREMENT BENEFITS THE SAME AS FEDERAL EMPLOYEES WHO RESIDE IN THE FORTY-EIGHT CONTIGUOUS UNITED STATES," was jointly offered by Representatives Takai and Caldwell.

H.C.R. No. 63, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE RELOCATION OF THE PACIFIC CENTER FOR RESIDENTIAL REHABILITATION PROGRAM TO THE HILO VETERANS HOME," was jointly offered by Representatives Chang, Evans, Green, Hale, Herkes, Ito, Kanoho, Karamatsu, B. Oshiro, Tsuji, Wakai, Waters, Yamane, Berg, Carroll, Chong, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, M. Oshiro, Say, Schatz, Shimabukuro, Souki, Takamine and Takumi.

H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AND SECURE PASSAGE OF FEDERAL LEGISLATION ESTABLISHING A CATASTROPHIC REINSURANCE FUND TO SUPPORT STATE EFFORTS TO KEEP HOMEOWNERS' DISASTER INSURANCE AFFORDABLE," was jointly offered by Representatives Say, Abinsay, Berg, Cabanilla, Caldwell, Carroll, Chang, Ching, Chong, Evans, Finnegan, Hale, Halford, Herkes, Ito, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, B. Oshiro, M. Oshiro, Schatz, Shimabukuro, Sonson, Stevens, Takai, Takumi, Tsuji, Wakai, Waters, Yamane, Yamashita, Green, Harbin, Marumoto, Nakasone, Pine, Souki, Takamine and Tanaka.

H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK IN KAPOHO, HAWAII," was offered by Representative Hale.

H.C.R. No. 66, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was offered by Representative Hale.

H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF INTERNATIONAL WOMEN'S DAY AND REQUESTING THE UNITED STATES SENATE TO RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," was offered by Representative Hale.

H.C.R. No. 68, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO PLAN FOR ENROLLMENT INCREASES AT PAHOA HIGH AND INTERMEDIATE SCHOOL AND TO PLAN FOR THE SEPARATION OF THE INTERMEDIATE SCHOOL UNIT FROM THE HIGH SCHOOL UNIT," was offered by Representative Hale.

H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Carroll, Chong, Evans, Green, Hale, Kahikina, Luke, Magaoay, Nishimoto, Tsuji, Wakai, Waters, Caldwell, Halford, Herkes, Ito, Kanoho, Kawakami, Souki, Takamine, Takumi, Tanaka and Yamane.

H.C.R. No. 70, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION, DEPARTMENT OF HEALTH, AND DEPARTMENT OF HUMAN SERVICES TO IMPLEMENT A PUBLIC-PRIVATE PARTNERSHIP PILOT PROJECT WITH THE STUDENT FUTURE AWARENESS PROGRAM TO PROVIDE EARLY INTERVENTION SERVICES TO MINIMIZE DRUG USE, GANG ACTIVITY, AND VIOLENCE AMONG HAWAII'S SCHOOL-AGE YOUTH," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Caldwell, Carroll, Chang, Hale, Kahikina, Kanoho, Karamatsu, Lee, Luke, Magaoay, Nishimoto, B. Oshiro, Shimabukuro, Takai, Tsuji, Wakai, Waters, Yamane, Berg, Chong, Evans, Finnegan, Green, Halford, Herkes, Kawakami, Nakasone, Souki, Takamine, Takumi and Tanaka.

ANNOUNCEMENTS

Representative Yamane: "Mr. Speaker, I rise with a heavy heart and make a request for a moment of silence. Mr. Speaker, yesterday, there was an accident that happened on Maui, which took the lives of three heroes in the Hawaii Air Ambulance plane crash. I would like to read their names.

"The people were Brien Eisaman, Peter Miller, and Marlena Yomes. Mr. Speaker, I talked to several people, paramedics, and they were quite affected by the accident. And these are heroes that go out and save our lives and save our families' lives. So again, I'd like to request a moment of silence."

At this time, the House of Representatives stood for a moment of silence in memory of the crew in the Hawaii Air Ambulance accident on Maui, Mr. Peter Miller, Ms. Brien Eisaman and Ms. Marlena Yomes.

Representative Berg: "Yes, thank you, Mr. Speaker. I'd like to take this opportunity to encourage my colleagues. I think they might have received tickets as I did to Nanakuli's Learning Arts Learning Center at Nanakuli High School. The production of Joseph and the Amazing Technicolor Dreamcoat. I went out last Sunday and it is a fabulous production, so it's a good ending of our weekend. If my colleagues would go and take in the show at Nanikuli High. Thank you."

The Chair announced:

"The Chair has one announcement for the Members of this House. I think it may belong to one of our male colleagues. Has anyone lost their ring? It was found in the men and ladies' locker room yesterday and the name is Naomi. Mr. Kuroda, I have this gold wedding band that was found in the men and ladies' locker room. None of the Members of the House has lost this gold band with the words or the name, Naomi?"

Representative Kahikina: "Thank you, Mr. Speaker, that's my lovely wife. That's mine."

Speaker Say: "Okay, Representative Kahikina. You can come and pick it up later."

ADJOURNMENT

At 12:44 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, March 10, 2006. (Representatives Cabanilla, Chang, Harbin, Meyer, Nakasone and Stonebraker were excused.)

TWENTY-EIGHTH DAY

Friday, March 10, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Maude Nakasone, after which the Roll was called showing all members present with the exception of Representatives Berg, Harbin, Meyer and Saiki, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Seventh Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 390 through 395) were received and announced by the Clerk:

Sen. Com. No. 390, transmitting S.B. No. 218, S.D. 4, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on March 9, 2006.

Sen. Com. No. 391, transmitting S.B. No. 640, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF EDUCATION," which passed Third Reading in the Senate on March 9, 2006.

Sen. Com. No. 392, transmitting S.B. No. 2006, S.D. 3, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," which passed Third Reading in the Senate on March 9, 2006.

Sen. Com. No. 393, transmitting S.B. No. 2959, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO LABOR," which passed Third Reading in the Senate on March 9, 2006.

Sen. Com. No. 394, transmitting S.B. No. 3037, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RELIEF OF MANOA FLOOD VICTIMS," which passed Third Reading in the Senate on March 9, 2006.

Sen. Com. No. 395, transmitting S.B. No. 3161, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on March 9, 2006.

On motion by Representative B. Oshiro seconded by Representative Thielen and carried, the following Senate bills passed First Reading by title and further action was deferred: (Representatives Berg, Harbin, Meyer and Saiki were excused.)

S.B. No. 218	SD4	S.B. No. 2959	SD3
S.B. No. 640	SD3	S.B. No. 3037	SD2
S.B. No. 2006	SD3	S.B. No. 3161	SD3

INTRODUCTION

The following introduction was made to the members of the House:

Representative B. Oshiro introduced students from the University of the Ryukyus School of Law, and faculty members: Dean Tetsuo Shimabukuro, Professor Yasue Inaba, Professor Tetsumi Takara, Professor Tadashi Higa and Associate Professor Masanori Takeda; accompanied by his law school classmate, Mr. Spencer Kimura and Mr. Ed Kuba.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following concurrent resolutions and resolutions were referred to committee by the Speaker:

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
36	Committee on Health
37	Committee on Health, then to the Committee on Finance
38	Committee on Legislative Management, then to the Committee on Finance
39	Committee on Transportation
40	Committee on Transportation
41	Committee on Human Services
42	Committee on Tourism & Culture, then jointly to the Committee on Finance and the Committee on Legislative Management
43	Committee on Transportation
44	Committee on Hawaiian Affairs
45	Committee on Education

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
27	Committee on Education
28	Committee on Human Services
29	Committee on Higher Education
30	Committee on Water, Land, & Ocean Resources
31	Committee on Education

The following bills were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
218, SD4	Committee on Health, then to the Committee on Labor & Public Employment, then to the Committee on Finance
640, SD3	Committee on Education, then to the Committee on Judiciary, then to the Committee on Finance
2006, SD3	Committee on Water, Land, & Ocean Resources, then to the Committee on Judiciary
2959, SD3	Committee on Labor & Public Employment, then to the Committee on Higher Education, then to the Committee on Finance

- 3037, Committee on Water, Land, & Ocean Resources, then
SD2 to the Committee on Finance
- 3161, Committee on Energy & Environmental Protection,
SD3 then to the Committee on Consumer Protection &
Commerce, then to the Committee on Finance

COMMITTEE REASSIGNMENT

The following bill was re-referred to committee by the Speaker:

S.B.
No.

Re-referred to:

- 2581, Committee on Public Safety & Military Affairs, then to
SD1 the Committee on Judiciary

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 61) was announced by the Clerk and the following action taken:

H.R. No. 61, entitled: "HOUSE RESOLUTION RECOGNIZING THE CASTLE PERFORMING ARTS CENTER FOR RECEIVING THE COMING UP TALLER AWARD AND BEING NAMED ONE OF THE TOP AFTER-SCHOOL ARTS PROGRAMS IN THE UNITED STATES," was jointly offered by Representatives Chong, Ito and Waters.

Representative Chong, moved that H.R. No. 61 be adopted, seconded by Representative Ito.

Representative Chong recognized the Castle Performing Arts Center for being named one of the top after-school programs in the country, and congratulated them on receiving the Coming Up Taller Award presented by the President's Committee on Arts and Humanities.

Representative Ito then introduced Ms. Karen Meyer, Director of the Castle Performing Arts Center; and Representative Chong introduced Mr. Ron Bright, Musical Director of the Ron Bright Theater, who were seated on the floor of the House.

Representative Chong also introduced friends and 'Bright Babies' who were seated in the gallery:

Mrs. Moira 'Aunty Mo' Bright, wife of Mr. Ron Bright; and

Bright Babies: Ms. Joyce Johnson, and her children, Isaac and Rebecca; Ms. Malia Mano; and Ms. Janine Tully.

The motion was put to vote by the Chair and carried, and H.R. No. 61 was adopted with Representatives Berg, Harbin, Meyer, Nakasone, Saiki and Thielen being excused.

The following resolution (H.R. No. 62) was announced by the Clerk and the following action taken:

H.R. No. 62, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE CAST AND CREW OF ABC TELEVISION'S DRAMA SERIES, "LOST" ON ITS RECENT SUCCESSES IN WINNING NUMEROUS ENTERTAINMENT AWARDS," was jointly offered by Representatives Karamatsu, Berg, Chang, Kanoho, Kawakami, Magaoay, Schatz, Shimabukuro, Takumi, Tsuji, Wakai, Waters, Cabanilla, Caldwell, Carroll, Chong, Evans, Hale, Harbin, Herkes, Lee, Luke, Morita, Nakasone, Sonson, Souki, Takamine, Tanaka and Yamane.

Representative Karamatsu, moved that H.R. No. 62 be adopted, seconded by Representative Chang.

Representative Karamatsu congratulated the cast and crew of the ABC Television Drama "LOST" on their many Emmy, Golden Globe, and Screen Actors Guild nominations and awards, and introduced the following individuals seated on the floor of the House:

Ms. Jean Higgins, Supervising Producer;

Mr. Harold Perrineau, Actor; and his wife and actress, Mrs. Brittany Perrineau;

Ms. Kaleen Yamase, Assistant to Ms. Higgins; and Ms. Kristin Jackson, Publicist.

Representative Karamatsu also introduced others who were seated in the gallery:

Attorneys Mr. Roy Tjioe and Mr. Rick Galindez of Goodsil Anderson representing the production team;

Ms. Donne Dawson, Director of the Hawaii State Film Office, and staff members, Ms. Mynette Louie and Mr. Brent Anbe; and

Ms. Walea Constantineau, Director of the Honolulu Film Office.

The motion was put to vote by the Chair and carried, and H.R. No. 62 was adopted with Representatives Berg, Harbin, Meyer, Nakasone, Saiki and Thielen being excused.

At 12:27 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Public Safety & Military Affairs presented two reports:

(Stand. Com. Rep. No. 949-06) recommending that H.R. No. 9, be adopted; and

(Stand. Com. Rep. No. 950-06) recommending that H.C.R. No. 15, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 9 and H.C.R. No. 15, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker, if I could I would like to take them both together. Thank you, I'm rising in opposition to both measures. I have no problem with the Legislature knowing what's going on with Homeland Security and due deference to the originators of these bills, but I'm concerned about some of the language and some of the things that are involved in it.

"Under the 'be it resolved', it says that a plan that is submitted to the Legislature must include, one, an assessment of the threat of the terrorist incident. And two, the development of plans to deal with terrorist incidents. Three, training and exercises to implement such plans. And four, the procurement of equipment, materials, and supplies essential to meet the potential threats of conventional, chemical, biological, radiological, and nuclear weapons.

"If you look at that, Mr. Speaker, what we're doing is we're telling the enemy exactly where our vulnerabilities lie, what we're trying to

do to assess it, and the equipment, etc., that we're using to correct those vulnerabilities, which just tells them exactly where to attack us.

"Also the Department of Defense and I believe, that the House Resolution is unnecessary, both of them. The State Homeland Security Implementation Strategy or plan is approved by the US Department of Homeland Security as a prerequisite to obtain a Homeland Security grants, so it's already approved by somebody.

"Emergency response organizations at the State, County, and federal levels to include certain nongovernmental organizations have collaborated in developing a Hawaii Homeland Security implementation strategy or plan. The plan includes risk assessments, goals and objectives to reduce these risks, measures to implement national preparedness goals for all hazards including terrorism. The State and county programs that address training exercises and equipment acquisition.

"And from its inception initially as the domestic preparedness program of the US Department of Justice, and through this transfer and transition under the US Department of Homeland Security, the program has increasingly targeted to reduce our vulnerabilities and improve our response capabilities as the first responder or county level.

"Again, Mr. Speaker, I understand the Legislature wants to make sure that our residents are safe and looked after. And I agree with that and I agree with those concerns. But you've got to understand, if we publish this document, and we as the Legislature, and it has to be published because if it's given to us it's a public document. It's made available to anybody who asks. If we publish this document, anybody out there knows where our weaknesses are, our vulnerabilities, what we can and cannot do, how far away we are from sealing the breaches if you will, and it's just very dangerous I believe.

"I have an alternative to offer and that might be that we establish a committee in this Legislature, it could be in both bodies. And this committee would have members that seek and receive national background checks and therefore security clearances. And through then entitled to receive this information that is maybe otherwise classified. They're also then sworn to secrecy and cannot divulge it. And even the Office and Information Practices will understand the security clearance and secured information under that is not able to be given to the public.

"So that's my offer, Mr. Speaker. If you will, my suggestions how we can do this so we can get the information as a legislative body and yet keep it secure and safe from anybody who wishes us harm. Thank you."

Representative Stonebraker rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Ito rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support. Mr. Speaker, these resolutions request the State Department of Defense to present the Homeland Security plan to the Legislature. We're not asking them to reveal any sensitive, top secret, or classified information.

"All we all are merely doing is asking them to provide us with the general knowledge of the State's priorities and how the more than \$45 million in funding from the federal government is being spent. That's all we're asking.

"How can we assure Hawaii's citizens that our State is secure from the threat of terrorism without knowing that our current Homeland Security plan has addressed the unique situation as an island state?

"Our docks, harbors, utilities, airports, and even aquifers for drinking water. We need to know these essential components of our economy and well-being are being safeguarded. I urge all of you to support this resolution. Thank you."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him on both measures, and the Chair "so ordered."

Representative Ching rose in support of both measures with reservations, and asked that the remarks of Representative Moses be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Sonson rose to speak in support of both measures, stating:

"In support, Speaker. I request that the words of the Chair of Public Safety be entered in the Journal as my own also," and the Chair "so ordered."

Representative Sonson continued, stating:

"And further comment. Any federal funds that come through the State do not belong to an agency or the department that it goes to. Any federal funds that go to the State of Hawaii belongs to the State of Hawaii and its people.

"An expenditure, federal funds or general funds, does belong to the Legislature; the appropriation rights by Constitution. The Constitution directly says that it is the Legislature that has oversight on all expenditures. It doesn't matter where the money comes from, Mr. Speaker. We as a Legislature have a right to make sure that this money will go to its best use no matter where it comes from. This resolution merely does that.

"It ensures that we exercise our duty as a legislative body to ensure that the funds go and purchase services or whatever it goes to, to ensure that it is, well ... So that we get the best 'bang for the buck.' Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 9, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was adopted, with Representatives Finnegan and Moses voting no, and with Representatives Berg, Harbin, Luke, Meyer, Nishimoto, Saiki and Thielen being excused; and

H.C.R. No. 15, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was adopted, with Representatives Finnegan and Moses voting no, and with Representatives Berg, Harbin, Luke, Meyer, Nishimoto, Saiki and Thielen being excused.

The Chair announced:

"Members, please note the 48-hour notice for Stand. Com. Rep. No. 951-06."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 951-06) recommending that H.B. No. 2500, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 951-06 on H.B. No. 2500, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 2500, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 952-06) recommending that H.B. No. 1900, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1900, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'd like to vote in favor of this and bring up an important reservation."

The Chair then stated:

"Representative Halford, can we address your reservations on Third Reading since this is just Second Reading? This is just a voice vote at this point. Or would you like to state ... Okay, please proceed, with reservations."

Representative Halford continued, stating:

"Mr. Speaker, I will defer to you if you will give me a little extra time. Thank you."

The Chair then stated:

"You'll get your minimum or five minutes. Yes."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1900, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg, Harbin, Luke, Meyer, Nishimoto, Saiki and Thielen being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 55 through 60) and concurrent resolutions (H.C.R. Nos. 71 through 81) were referred to Printing and further action was deferred:

H.R. No. 55, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL, THE CORPORATIONS COUNSEL, AND THE COUNTY CHIEFS OF POLICE TO STUDY WAYS TO OBTAIN COMPLETE AND ACCURATE MENTAL HEALTH INFORMATION ON APPLICANTS FOR A PERMIT TO ACQUIRE A FIREARM WITHOUT JEOPARDIZING THE SAFETY OF MENTAL HEALTH PROFESSIONALS PROVIDING THE INFORMATION," was offered by Representative Thielen.

H.R. No. 56, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM MODEL IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANDED ACCESS PROGRAM," was offered by Representative Herkes.

H.R. No. 57, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE A STATUS REPORT ON THE PROGRESS OF A PLANNED CORRECTIONAL FACILITY LOCATED ON PUUNENE ON THE ISLAND OF MAUI," was offered by Representative Chong.

H.R. No. 58, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE HEALTH IMPACTS OF THE WAIMANALO GULCH SANITARY LANDFILL," was jointly offered by Representatives Kahikina and Shimabukuro.

H.R. No. 59, entitled: "HOUSE RESOLUTION SUPPORTING A FAIR AND EQUITABLE CONTRACT FOR UNION WORKERS AT THE HAWAII TRIBUNE-HERALD," was jointly offered by Representatives Takamine, Caldwell, Chong, Ito, Luke, Morita, M. Oshiro, Takai, Tsuji, Wakai, Waters, Yamane, Arakaki, Berg, Cabanilla, Carroll, Chang, Evans, Hale, Herkes, Kahikina, Kanoho, Kawakami, Lee, Marumoto, Nishimoto, B. Oshiro, Say, Shimabukuro, Sonson, Souki, Takumi, Tanaka and Yamashita.

H.R. No. 60, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT CHANGES TO THE MEDICARE PART D PROGRAM," was jointly offered by Representatives Takumi, Berg, Luke, Morita, Wakai, Caldwell, Green, Herkes, Karamatsu, Kawakami, Nishimoto, Tanaka, Tsuji, Waters and Yamane.

H.C.R. No. 71, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL, THE CORPORATIONS COUNSEL, AND THE COUNTY CHIEFS OF POLICE TO STUDY WAYS TO OBTAIN COMPLETE AND ACCURATE MENTAL HEALTH INFORMATION ON APPLICANTS FOR A PERMIT TO ACQUIRE A FIREARM WITHOUT JEOPARDIZING THE SAFETY OF MENTAL HEALTH PROFESSIONALS PROVIDING THE INFORMATION," was offered by Representative Thielen.

H.C.R. No. 72, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM MODEL IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANDED ACCESS PROGRAM," was offered by Representative Herkes.

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO CONSIDER EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN FOLLOWING A NATURAL DISASTER," was offered by Representative Herkes.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE A STATUS REPORT ON THE PROGRESS OF A PLANNED CORRECTIONAL FACILITY LOCATED ON PUUNENE ON THE ISLAND OF MAUI," was offered by Representative Chong.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO MCKINLEY HIGH SCHOOL PHYSICAL EDUCATION AND ATHLETIC FACILITIES," was jointly offered by Representatives Takumi and Berg.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE HEALTH IMPACTS OF THE WAIMANALO GULCH SANITARY LANDFILL," was jointly offered by Representatives Kahikina and Shimabukuro.

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING A FAIR AND EQUITABLE CONTRACT FOR UNION WORKERS AT THE HAWAII TRIBUNE-HERALD," was jointly offered by Representatives Takamine, Chong, Luke, Morita, M. Oshiro, Takai, Tsuji, Wakai, Waters, Yamane, Arakaki, Berg, Cabanilla, Carroll, Chang, Evans, Hale, Herkes, Ito, Kahikina, Kanoho, Kawakami, Lee, Marumoto, Nishimoto, B. Oshiro, Say, Schatz, Shimabukuro, Sonson, Souki, Takumi, Tanaka and Yamashita.

H.C.R. No. 78, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ENTER INTO A LEASE-PURCHASE AGREEMENT FOR THE CONSTRUCTION OF A NEW OFFICE FACILITY ON HAWAIIAN HOME LANDS IN EAST KAPOLEI TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," was jointly offered by Representatives Saiki, Carroll, Kahikina and Kanoho.

H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HARBORS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PROCEED WITH EXECUTING THE TEN-YEAR LEASE APPROVED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR PACIFIC SHIPYARDS INTERNATIONAL TO CONTINUE TO PROVIDE VITAL SHIP REPAIR SERVICES TO THE MARITIME COMMUNITY FROM ITS EXISTING HONOLULU HARBOR FACILITY," was offered by Representative Souki.

H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT CHANGES TO THE MEDICARE PART D PROGRAM," was jointly offered by Representatives Takumi, Berg, Green, Luke, Morita, Wakai, Caldwell, Herkes, Karamatsu, Kawakami, Nishimoto, Tanaka, Tsuji, Waters and Yamane.

H.C.R. No. 81, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU CONDUCT A STUDY ON SAFE AND REASONABLE ALTERNATIVES FOR PRIVATE SCHOOL PUPIL TRANSPORTATION TO AND FROM CO-CURRICULAR AND EXTRACURRICULAR ACTIVITIES," was offered by Representative Takumi.

OTHER COMMUNICATION

The following communication was received by the Clerk on March 10, 2006:

"The Senate
The Twenty-Third Legislature
of the
State of Hawaii
STATE CAPITOL
HONOLULU, HAWAII 96813

March 10, 2006

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

S.B. No. 679, S.D. 1
"PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO TESTIMONY OF DEFENDANTS IN CRIMINAL CASES."

S.B. No. 2148, S.D. 1
"PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ATTORNEY GENERAL."

S.B. No. 2246, S.D. 1
"PROPOSING AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT."

S.B. No. 2797, S.D. 1
"PROPOSING AN AMENDMENT TO THE HAWAII STATE CONSTITUTION RELATING TO JUDGES."

Respectfully,
/s/Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate

PTK:law
Enclosure

cc: Patricia Mau-Shimizu
Clerk of the House"

ANNOUNCEMENTS

Representative Karamatsu: "Mr. Speaker. There's going to be a reception for the cast and crew of Lost in our Majority Caucus Room. Everyone is invited."

Representative Ito: "Mr. Speaker, we're going to have a breakfast from the Hawaii Coalition on Organ Donations. It's going to be on Tuesday, March 14th, and it's going to be in Room 325 at 7:45 in the morning. So if you come to work early that morning, drop by, and have breakfast and listen to the informational presentation. Thank you."

ADJOURNMENT

At 12:46 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Moses and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, March 13, 2006. (Representatives Berg, Harbin, Luke, Meyer, Nishimoto, Saiki, Schatz and Thielen were excused.)

TWENTY-NINTH DAY

Monday, March 13, 2006

COMMITTEE ASSIGNMENTS

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

Mr. Ryan Tsuji, Team Manager of the UH Manoa Wahine Volleyball Program and son of Representative Tsuji, introduced Ms. Cayley Thurlby, Captain of the UH Manoa Wahine Volleyball Program. The invocation was then delivered by Ms. Thurlby, after which the Roll was called showing all members present with the exception of Representatives Meyer, Stonebraker and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Eighth Day was deferred.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. Nos. 396) was received and announced by the Clerk:

Sen. Com. No. 396, transmitting S.C.R. No. 6, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING PRESIDENT BUSH AND THE UNITED STATES CONGRESS TO NOT PRIVATIZE SOCIAL SECURITY," which was adopted by the Senate on March 10, 2006.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Takai introduced participants in The Arc in Hawaii Legislative Internship Program:

On-site coordinators: Ms. Jessie Hayakawa and Ms. Jessica Palikiko;

Supervisory interns: Mr. Terry Arakaki and Mr. Julian Matsumoto;

Mr. Jace Flores interning with Representative Harbin;
Ms. Melita Lani interning with Representative B. Oshiro;
Mr. Allen Higa interning with Representative Evans;
Mr. Cheyenne Felix interning with Representative Meyer;
Ms. June Arakaki interning with Representative Ching;
Mr. Peter Tengan interning with Representative Arakaki;
Ms. Donna Stevens interning with Representative Wakai;
Ms. Carol Edwards interning with Representative Hale;
Ms. Cheryl Derby interning with Representative Takai;
Mr. Neal Fujioka interning with Representative Berg;
Ms. April Mira interning with Representative Moses;
Mr. Derek Tani interning with Representative Carroll;
Mr. Leslie Billand interning with Representative Kahikina; and
Ms. Beverly Costales interning with Representative Cabanilla.

Representative Tsuji introduced Mr. John Larson of Concordia University in Irvine, California. He was accompanied by his friend, Ms. Caley Thurlby who gave today's invocation.

At 12:14 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

The following concurrent resolutions and resolutions were referred to committee by the Speaker:

H.C.R.Nos.Referred to:

46	Committee on Education
47	Committee on Education
48	Committee on Public Safety & Military Affairs
49	Committee on Public Safety & Military Affairs
50	Committee on Tourism & Culture
51	Committee on Housing
52	Committee on Education
53	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs
54	Committee on Transportation
55	Committee on Public Safety & Military Affairs
56	Committee on Transportation, then to the Committee on Finance
57	Committee on Human Services
58	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce
59	Jointly to the Committee on Transportation and the Committee on Human Services, then to the Committee on Judiciary
60	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
61	Committee on Labor & Public Employment, then to the Committee on Finance
62	Committee on Labor & Public Employment
63	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Human Services
64	Committee on Consumer Protection & Commerce
65	Committee on Water, Land, & Ocean Resources
66	Committee on Education
67	Jointly to the Committee on International Affairs and the Committee on Judiciary
68	Committee on Education
69	Committee on Health

ORDER OF THE DAY

70	Jointly to the Committee on Education and the Committee on Health and the Committee on Human Services	45	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
71	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	46	Committee on Labor & Public Employment, then to the Committee on Finance
72	Committee on Human Services	47	Committee on Labor & Public Employment
73	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	48	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Human Services
74	Committee on Public Safety & Military Affairs	49	Committee on Water, Land, & Ocean Resources
75	Committee on Education	50	Committee on Education
76	Committee on Energy & Environmental Protection	51	Jointly to the Committee on International Affairs and the Committee on Judiciary
77	Committee on Labor & Public Employment, then to the Committee on Finance	52	Committee on Education
78	Committee on Hawaiian Affairs, then to the Committee on Finance	53	Committee on Health
79	Committee on Transportation	54	Jointly to the Committee on Education and the Committee on Health and the Committee on Human Services
80	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance	55	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
81	Committee on Education, then to the Committee on Finance	56	Committee on Human Services
		57	Committee on Public Safety & Military Affairs
		58	Committee on Energy & Environmental Protection
		59	Committee on Labor & Public Employment, then to the Committee on Finance
		60	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

H.R.
Nos.

Referred to:

32	Committee on Education
33	Committee on Education
34	Committee on Public Safety & Military Affairs
35	Committee on Public Safety & Military Affairs
36	Committee on Housing
37	Committee on Education
38	Jointly to the Committee on Transportation and the Committee on Public Safety & Military Affairs
39	Committee on Transportation
40	Committee on Public Safety & Military Affairs
41	Committee on Transportation, then to the Committee on Finance
42	Committee on Human Services
43	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce
44	Jointly to the Committee on Transportation and the Committee on Human Services, then to the Committee on Judiciary

S.B.
Nos.

Re-referred to:

2090, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Legislative Management, then to the Committee on Finance
2572, SD2	Committee on Housing, then to the Committee on Judiciary, then to the Committee on Finance
2733, SD2	Committee on Judiciary, then to the Committee on Finance
2738, SD1	Committee on Finance
2957, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3162, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker:

3183, SD1 Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

3185, SD2 Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance

3262, SD1 Committee on Health, then to the Committee on Judiciary

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 951-06) recommending that H.B. No. 2500, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Takamine, seconded by Representative Kawakami and carried, the report of the Committee was adopted and H.B. No. 2500, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Third Reading by a vote of 44 ayes, with Representatives Arakaki, Kahikina, Meyer, Morita, Saiki, Stonebraker and Thielen being excused.

At 12:58 o'clock p.m., the Chair noted that H.B. No. 2500, HD 2, passed Third Reading.

INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 74) was announced by the Clerk and the following action taken:

H.R. No. 74, entitled: "HOUSE RESOLUTION RECOGNIZING THE OFFICE OF HAWAIIAN AFFAIRS FOR TWENTY-FIVE YEARS OF OUTSTANDING SERVICE TO THE HAWAIIAN COMMUNITY AND THE STATE OF HAWAII COMMUNITY AT LARGE," was jointly offered by Representatives Kanoho, Arakaki, Caldwell, Chang, Ching, Chong, Green, Halford, Karamatsu, Kawakami, Luke, Magaoay, Moses, Nakasone, Nishimoto, B. Oshiro, Say, Schatz, Shimabukuro, Takai, Tanaka, Thielen, Wakai, Waters, Berg, Cabanilla, Carroll, Evans, Finnegan, Harbin, Ito, Kahikina, Marumoto, Meyer, Morita, M. Oshiro, Pine, Saiki, Sonson, Stevens, Takamine, Takumi, Tsuji, Yamane and Yamashita.

Representative Kanoho, moved that H.R. No. 74 be adopted, seconded by Representative Carroll.

Representative Kanoho and Representative Carroll recognized the work of the Office of Hawaiian Affairs and acknowledged them on twenty-five years of service to the Hawaiian community.

Representative Kanoho introduced the present Trustees, Chair Haunani Apoliona, Vice Chair John Waihe'e, Trustee Rowena Akana, Trustee Donald Cataluna, Trustee Linda Dela Cruz, Trustee Colette Machado, Trustee Boyd Mossman, Trustee Oswald Stender, and Administrator Clyde Namu'o.

Representative Kanoho then introduced the former Trustees, Mr. Peter Apo, Ms. Jean Beniamina, Mr. Hayden Burgess, Mr. Clarence Ching, Mr. Louis Hao, Senator Clayton Hee, Mr. Joseph Kealoha, Jr., Ms. Nalani Olds, and Mr. Walter Ritte, Jr.

The motion was put to vote by the Chair and carried, and H.R. No. 74 was adopted with Representatives Caldwell, Marumoto, Meyer, Nakasone, Stonebraker and Thielen being excused.

At 12:44 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:58 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Moses and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Arakaki, Kahikina, Meyer, Morita, Saiki, Stonebraker and Thielen were excused.)

UNFINISHED BUSINESS

THIRD READING

H.B. No. 1900, HD 1:

Representative Takamine moved that H.B. No. 1900, HD 1, pass Third Reading, seconded by Representative Kawakami.

Representative Takamine rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in support of this measure.

"Mr. Speaker, the budget process has always been a collective effort. We've always acknowledged the effort of the many individuals who've worked long and hard on this product, but perhaps this year it's even more important to do so. Because there was so much demand on the resources available, it was even more critical that this budget be the result of many voices and that it could strike a good balance.

"I'd first like to thank the Leadership and all the Committee Chairs for providing the framework for this budget. All the hard work of the various interim workgroups led by your Committee Chairs as they held hearings and briefings statewide to find answers to the critical issues we face today, all have culminated in the priorities of this budget.

"I'd also like to thank the efforts of the members of the Finance Committee. Beginning last summer – in August – the Finance Committee members embarked on the site visits that would encompass all islands. These visits allowed us to see first hand the challenges faced by our various communities. Following the site visits, we began budget briefings in earnest about 3 weeks before the Session opened, Mr. Speaker. I'd like to thank the Members of the Committee for their support and for asking the tough questions during the very long budget briefings.

"Mr. Speaker, I'd like thank the Finance Committee staff for all their hard work in organizing our site visits, and for their dedicated service and long hours in analyzing the details of the budget and the other bills that affect the budget. They made a tremendous difference.

"Mr. Speaker, I would be remiss if I didn't acknowledge the hard work of your Grants-in-Aid subcommittee Chair, Representative Magaoay. Although we have not included any operating Grants-in-Aid in the budget at this time, he has a difficult task in helping us to prioritize over \$45 million in Grants-in-Aid requests from across the State. I would also like to thank Representative Nakasone and his staff, Ron and Lani, for all their hard work on the CIP budget. Just to give you an idea of the challenge he faced, Mr. Speaker, we all know that the budget submitted by the Governor had over \$260 million in additional CIP projects. The Grant-in-Aid requests alone, that we received this year totaled over \$180 million.

"And finally, Mr. Speaker, I'd like to acknowledge and thank the tremendous contribution of Vice Chair Kawakami. Not only has she

made sure that the Committee is well fed, but her insight and knowledge of the budget has been invaluable over the years. Vice Chair, thank you for all your support over the years.

"Mr. Speaker, a responsible government, like a responsible family, balances taking care of the needs of today with planning and investing in the future. We care very much about the well-being of the next generation, so investing in that future is not a luxury, it is a necessity. In many respects, Mr. Speaker, we are beneficiaries of a legacy of sacrifice that created many opportunities and a better quality of life for all of us. We owe it to our children to honor and follow in the footsteps of our parents and grandparents who sacrificed so much so that we could enjoy better lives.

"With this in mind, Mr. Speaker, we began this Session with a projected budget surplus much greater than any other year. For the first time in a long time, we didn't begin the Session wondering where we would be forced to cut the budget. However, with over a decade of pent up demand for numerous programs and projects, deciding what to fund was perhaps even more challenging.

"Mr. Speaker, the choices we make reflect our values. The choices we make reflect on the values we have learned from our parents and our *kupuna*.

"We value education and believe that our children deserve a safe, clean, and stimulating learning environment.

"We value lifelong learning and knowledge, and believe that investing in higher education will not only help prepare our workforce for the future, but will also inspire new ideas and new industries.

"We value people and believe that everyone should be provided with basic needs such as food, healthcare, shelter, and safety.

"We value economic strength and diversification. We believe that investing in our economic infrastructure will be the key to our ability to provide satisfying, well-paying jobs for our citizens."

Representative Takai rose to yield his time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"We value our energy resources, and understand that our quality of life depends on our responsible use of those resources. Finding new ways to conserve energy, and developing the technologies that allow us to decrease our dependence on oil are important priorities.

"The extent of the projected surplus provides us with a unique chance to make substantial progress in improvements to our infrastructure, that has long suffered neglect. At the same time, we have an historic opportunity to enhance and invent a continuum of services, to ensure long-term economic growth and support the essential services and programs. Mr. Speaker, to that end, the budget before us does the following.

"It invests in the Department of Education and the University of Hawaii system not only to fix our public schools and university facilities, but to better prepare our children.

"It provides resources to assist the homeless population and ensure the availability of affordable housing now and in the future.

"It creates high quality jobs by ensuring the availability of venture capital for high technology corporations.

"It initiates and funds educational and workforce development programs to ensure our ability to fill the demands, created by a robust job market, especially as it applies to the high quality jobs.

"It increases healthcare coverage by enhancing or increasing efforts to insure more people and providing critical funding to rural health clinics and hospitals,

"And, Mr. Speaker, it protects the people of Hawaii by retrofitting public facilities to serve as emergency shelters in case of disasters.

"Mr. Speaker, our children are our most precious resource. Our first, and perhaps our greatest, single priority is to ensure them a safe and prosperous future. That future begins in a safe, clean, and productive learning environment. The Finance Committee and the Ways and Means Committee dedicated many hours traveling to various schools and colleges across the State.

"Throughout all our visits, there was one message that we heard loud and clear. "Please fix our schools."

"Mr. Speaker, we can't expect our children to learn if the roof is about ready to fall on their heads. We can't expect our children to have the best attitude about learning if the walls have holes in them. We can't expect our children to learn if they don't have supplies or textbooks. We can't expect our children to learn if the lights are going to be turned off on them.

"When we examined the Governor's budget, we found that she provided the DOE with \$40 million for repair and maintenance of our schools. Mr. Speaker, that's simply not enough. The DOE has a backlog of over \$520 million.

"In House Bill 1900 House Draft 1, we have provided over \$230 million to fix our schools, which will be a substantial step forward. This includes \$160 million that will allow whole school renovation of 96 schools statewide; and another \$75 million for major repairs and maintenance.

"We also provide critical funding for basic needs such as electricity and student transportation that was significantly underfunded in the Governor's submittal. The Governor's budget, for example, only provided \$5.3 million for electricity. Once again, that's not enough. The DOE needs \$13.1 million to make sure the lights don't go out on our children. Mr. Speaker, the budget proposal before you, fully funds this essential need.

"The Department of Education has done a good job of getting the State out from under court oversight in the Felix consent decree. But we are not out of the woods yet. We're better at identifying those children who need additional help, and we're getting better at providing the services that these children need. The \$17 million plus we're adding to the budget will serve children with special needs, those who are medically fragile, suffer from autism, or just need a little more help from an occupational therapist or a speech pathologist.

"Another category of students, the gifted and talented, have long been ignored because, during times of more limited resources, there were other students who appeared to have greater needs. This budget includes funding for those top achievers in our public schools. We know that this investment will support and assist these students in their quest for excellence.

"Mr. Speaker, on many occasions, we have talked about building a strong foundation for our future, on this House floor."

Representative Luke rose to yield her time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Today we put our money where our mouth is. When totaled up, this budget proposal invests over \$350 million additional dollars in our children. Mr. Speaker, let me say that again. When we total the funding for our public schools, we are investing more than \$350 million additional dollars in our children.

"This is an investment that will pay big dividends, Mr. Speaker. This is a major investment in our future quality of life.

"Mr. Speaker, we could have the best primary educational system available, but it would be wasted, if it wasn't also a door to higher learning opportunities. In the course of our statewide visits, we found that our Community College System and University System was suffering from a very similar problem - decaying infrastructure. The Governor proposed to provide the University System with just \$10 million to address all of its critical repair needs. Once again, that's simply not enough.

"The UH system has a backlog of over \$160 million. Our budget proposes over \$80 million to take a major bite out of the repair and maintenance backlog. But this is only a beginning Mr. Speaker. After adding up the many programs and opportunities funded in this budget for higher education, we are investing over \$150 million additional dollars. Again, Mr. Speaker the investment in our students, to have them be prepared for higher quality jobs, and to ensure a highly educated and skilled workforce is an additional \$150 million.

"Mr. Speaker, when you add \$350 million to \$150 million for our public schools and University of Hawaii, this is significant and meaningful investment in our public education system. This also reflects longer term planning and investment over instant gratification.

"Mr. Speaker, all of this would matter less, if we didn't have a strong economy and challenging jobs waiting for our children when they are ready to enter the workforce. The budget before you provides long-term and short-term solutions to support various segments of our economy and create more jobs.

"The Hawaii Innovations Partnership Special Fund will provide valuable venture capital funding to fledgling technology companies that are ready to take it the next level, and in the process, create jobs that our graduates can attain without having to leave home for the mainland

"A new College of Pharmacy at UH-Hilo, and support for the John A. Burns School of Medicine, the Cancer Research Center, Centers for Disease Control facility, and Nursing School all will ensure that Hawaii has a core workforce in the health and life science industries. These are all high value segments of a diversified economy that is quickly reaching critical mass in Hawaii."

Representative Kawakami rose to yield her time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Mr. Speaker, we are at a turning point in our State's history. The many sacrifices that we have collectively made, have brought us to this point where economic diversity is no longer just a buzz-word, it is part of reality, and it is starting to blossom. We stand on the edge of a brighter future for the State that has its origins on a foundation built over a decade of visionary, steadfast, and difficult decisions.

"We have long lamented Hawaii's dependence on tourism. But after a decade of work, after a decade of supporting legislation to diversify the economy, we are finally seeing the results. I hearken back to your opening day speech, Mr. Speaker, and the talented, motivated individuals representing our fledgling high tech industry who joined us on the floor of this House that morning. The timing couldn't have been better. Technology, life sciences, diversified agriculture, construction, these are the industries that are burgeoning in Hawaii, and will sustain our State into the future.

"Mr. Speaker, in the process of building a stronger, more prosperous Hawaii, we cannot lose sight of our responsibility to the

most vulnerable in our communities. If we are to invent a new future for us, we cannot afford to leave anyone behind.

"Many economists have advised us that we're too late to do anything about the affordable housing crunch. That doesn't mean that we shouldn't tackle the problem head on. Increasing the inventory of affordable housing and rentals is the goal of several initiatives in the budget as well as other bills. Hand in hand with the issue of housing is support for our homeless population. As a start, \$20 million has been set aside to provide for an array of services for this population.

"In addition, this budget provides over \$34 million to decrease the number of people in this State without health insurance. It provides for dental services for low-income families; and supports our rural hospitals in the delivery of efficient, high-quality healthcare services.

"Finally, Mr. Speaker, we must be able to protect and care for our citizens in times of crisis or natural disaster. This budget continues the work initiated by your Committee on Public Safety and Military Affairs last year in trying to address the issue of outdated civil defense maps and facilities. Last year we provided resources to update our maps. This year, \$10 million has been included to retrofit and harden public buildings that will be needed to serve as emergency shelters.

"Mr. Speaker, you started the 2006 Session with these words:

"Most parents work hard trying to make life better for their kids - better than it was for us when we were growing up. The value of doing this is taught by almost every religion and culture on the planet. It is called stewardship. We must be good stewards today to build a better Hawaii for tomorrow."

"Mr. Speaker, H.B. 1900 H.D.1, attempts to answer your call on opening day. It is about making life better for our children and the next generation. It is about investing in and strengthening, an already strong foundation for our future. And it is about acknowledging and honoring a special set of values, about making the necessary sacrifices, to achieve the longer term collective goals.

"I urge my colleagues' support for this measure. Thank you very much, Mr. Speaker."

Representative Moses rose to speak in support of the measure, stating:

Thank you, Mr. Speaker, rising in support with comments. Thank you, Mr. Speaker.

"First of all, I like to thank the hard working Finance staff they put in many long hours, lot of hard work in the physical preparation of the budget.

"Mr. Speaker, our current budget surplus of \$574 million with another \$50 million just forecast by the Council on Revenue, reflects prosperous times brought about by past practices such as tax decreases, investment in tourism, high technology and research, the health and life sciences, entertainment and film production industries, and supported by the reduction or streamlining of fees and regulations.

"Together they do promote a Hawaii open for business. We used the surplus to invest in public safety, healthcare, human services, alternative energy, transportation, and other infrastructure, and of course in education, both lower and higher. All of these are fundamental services needed to make our State a better place to live for us and our *keiki*. Yet, while investing in all of these areas, a choice was apparently made to disregard the hard working families in Hawaii whose taxes help generate these very large surpluses, even those earning at or near the poverty level.

"At most this Body passed out some small tax relief measures previously, but this budget allocates almost all of the \$600 million surplus, not leaving anything for meaningful tax relief. While this Body takes great pride in investing in Hawaii's future, it appears that it doesn't recognize the need to invest in Hawaii's taxpayers, who after all, Mr. Speaker, are truly the economic engine of our State.

"Now I believe we would agree that our UH system and facilities are in need of funds. Especially the Manoa campus after the flooding. However, as the Rep. for Kapolei I must add, while support for a system is obvious in this budget, I note with some concern the lack of mention of the UH West Oahu Campus in this Committee Report, and insufficient capital funds for it. This is an institution needed to serve the fastest growing urban area in the State and the area designated as the Second City.

"And while I'm talking about Kapolei, I need to point out that the Judiciary Complex is faced with cost overruns, as are most other projects, due to high petroleum prices, as well as our booming economy, and low unemployment rate, and is likewise in need of more bond funding.

"These two major projects will not only bring jobs to West Oahu and reduce commute time, they are an investment in Hawaii's future.

"Moving on to lower education, I'm not opposed to spending more money on DOE required items, nor I believe, is anyone else. There are few causes more noble. None of us can condone a lack of books or paper in the classrooms, but where is the accounting? Where does the more than \$2 billion the Legislature so generously appropriated to the Department of Education each year go? Again, I ask why do we see fit to appropriate funds for a specific type of textbooks? This year it's science. Two years ago, math. We are not abiding by the laws we previously passed in allowing each School Council to determine what their individual schools need. After all, each school is unique.

"Nor do we begrudge funding needed school repairs and improvements, nevertheless, whenever a large government bureaucracy is given too much money they may be unable to spend it in a proper and timely manner. In fact, according to Board of Education member, Breene Harimoto on January 25th, over the previous three years, \$557 million have been appropriated to the Department of Education and the Governor had released \$344 million of that. But of that amount, the DOE had failed at that time to spend over \$149 million. The specific numbers may change, but the problem it illustrates remain."

Representative Stevens rose to yield her time, and the Chair, "so ordered."

Representative Moses continued, stating:

"Thank you, Mr. Speaker. Time and again, DOE has proved that they have the capacity to spend just over \$100 million annually on such projects. So wouldn't it make fiscal sense to appropriate an amount the DOE has the capacity to spend? Of course it would.

"However, that is not what we have done. We have included an additional \$256 million in this budget. Therefore we are preventing this money from circulating through the economy. Simply put, our tax dollars should be working for us, for all of us. Not tucked away under a mattress.

"Some will say the recent transfer of some DAGS personnel to DOE will solve the problem. I say that if this proves to be true and the backlog and encumbering funds is reduced, then we can and should give more.

"Surely we could invest our budget surplus more responsibly. Surely some of the money should go to tax relief for our hard working families who in turn would circulate it back in the marketplace and make our economy even stronger. After all, as the

Committee report provides, the circumstances leading to the surplus are based upon tax relief measures.

"According to the *Honolulu Star-Bulletin*, what Hawaii needs is to change a tax structure that takes \$373 a year from a single-parent of three, with income at the federal poverty level of \$15,557. It extracts \$470 from a two-parent family of four with poverty level income of \$19,961. It collects \$185 from a two-dependent parent earning just \$13,000 at a minimum wage job.

"The lack of a meaningful tax refund and tax relief initiatives for Hawaii's residents remains a tremendous disappointment in this budget."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'll speak in support of the budget with some serious reservations. Mr. Speaker, while the numbers in the budget may be the best available, the realism and practical value of the numbers are uncertain.

"This Legislature, through our Legislative Auditor has never done regular and comprehensive performance audits. Never done regular and comprehensive management audits of all State activities. Performance audits and management audits are important for many reasons. In addition to being required by the State Constitution for one, anticipated scrutiny sharpens pencils.

"Mr. Speaker, if every program, department, agency anticipated regular management and performance audits. They knew every other year that it was coming, their management practices would improve right away. Their pencils would be sharper because they know scrutiny is coming, and that would save us money.

"If we did these management and performance audits, we would identify management practices that are counterproductive. And some of those management practices, Mr. Speaker, are driven by obsolete laws that we passed many years ago for probably for very good reasons, but now no longer are useful. There's an adage, a wise adage that if we're doing things like we did five years ago, we're doing them wrong. For us to be able to identify those areas that are obsolete, we need management and performance audits.

"Another reason is to identify non-performing programs. Mr. Speaker, you recall that the storeroom at the DOE, teachers for over a decade let us know that that was a wasteful program. They weren't getting the goods delivered and it was very inefficient. It wasn't until we did a management and performance audit that we saw how poor the performance was and we eliminated that program in deference to another way to get supplies to teachers.

"The list of good reasons for implementing management and performance audits goes on and on, but the bottom line is we need these audits in order to get value for the dollars we spend. Mr. Speaker, when I came into office, 1995 our budget was in the vicinity of \$4 billion a year. Now we're discussing a budget that exceeds \$10 billion a year. The growth in spending exceeds any reasonable economic measure. Whether it's increased wages, gross domestic product, just name a measure. The growth in our State's spending exceeds that and I don't know that we can say that the increase in services has gone up to match that increase in spending. I think we would find, Mr. Speaker, that when doing management and performance audits that it is wasteful spending, that is causing the increase in spending.

"Mr. Speaker, every State employee can tell you of waste in their own area that they work in. I say that without exception and Mr. Speaker, we need to do management and performance audits to identify waste, identify management practices that are nonproductive, and start giving our State our taxpayers value for the taxes they pay.

"Mr. Speaker, there's no need for anyone to yield their time. I know you would have given me extra time anyway since I had deferred to you on Friday, on Second Reading. Thank you very much."

The Chair then stated:

"Members, we have had a lot of discussion. For those of you who would like to submit your written comments on the proposed House Draft of our Budget Bill, you are given the opportunity at this present time because of the time constraints we are under. I think a lot of you were invited to a luncheon this afternoon with the Office of Hawaiian Affairs and the Chair would like to have all of you attend that particular luncheon."

Representative Waters rose to speak in support of the measure, stating:

"I'll take one minute of your time and then I'll submit the rest to the Journal. In support.

"Everyday we struggle with issues like crime, drugs, and poverty. Daily we discuss and debate various solutions to these problems and invariably, the solution I always come back to is education. Education is the anti-drug, it is the anticrime, and it is the anti-poverty. The great equalizer, it's a means to raise one standard of living. Education opens doors, fulfills dreams, and is access to opportunity, therefore we must support education. That's exactly what this House budget does.

"It is providing over \$150 million to the University of Hawaii. This money is for nursing, dental hygiene, teaching, social work, a construction academy, a pharmacy school, travel industry management, an academy for creative media, the College of Tropical Agriculture, the Medical School, cancer research, extending library hours, campus security, financial aid scholars, financial aid counselors. We are also providing or funding a B+ scholarship for Hawaii high school students who maintain a B+ average, a Hawaii scholar's program providing free tuition for our top students to stay at home and study here, and over \$1 million for West Oahu – more than the Board of Regents had approved and asked for, and \$84 million in repair and maintenance. Thank you."

Representative Waters' written remarks are as follows:

"Mr. Speaker, your Committee on Higher Education worked hard to reach out to the University community, Administration, students, professors, and staff. Your Committee traveled to UH-Manoa, UH-Hilo, Hawaii Community College, and Windward Community College to listen to hours of testimony.

"At UH Manoa's Campus Center Ballroom, over 150 testifiers showed up and we listened to five hours of testimony.

"At UH Hilo and Hawaii Community College, over 50 testifiers came out on a weekend to testify at a five hour hearing—many of them so expressive that it brought us to tears.

"At Windward Community College, we sat in their cramped, crippled, deteriorating, library and heard three hours of testimony from Windward Students, followed by another two hours of testimony via telecom from each of the other community colleges.

"We heard impressive testimony of how community colleges have changed people's lives. How one student went from living under a bridge to becoming a journalist. Another, from abused wife and mother, to attorney at law. And yet another, from cold and hungry, living under a bridge, to a successful counselor."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I would really like to have my five minutes, or less. I'll try to make it as quick as possible. Thank you, Mr. Speaker. I'm with reservations. I did want to thank everyone for working so hard on this. I know it's not easy and it's still a work in progress, however, I did want to mention a few things.

"One of the big disappointments that I didn't see in this bill Mr. Speaker, is the lack of tax relief. It's a very important issue not only for our Caucus and individually, but also for the people of Hawaii.

"I do know that just in this weekend, in talking with a few friends of mine, how in this robust economy that we are finding that there are more and more people struggling. I have a friend of mine who is married, has two kids, has a foster child that she is now taking care of because the foster child came from a neglectful and abusive home. As well as one of her cousins that also his single parent passed away so she is taking care of this other child. They have to buy a home. The rental costs were getting up there so they went out and bought the cheapest home that they could find at \$300,000. They make barely over \$50 – 60,000, Mr. Speaker. And they are living paycheck to paycheck. They do not have any relief in sight for them.

"These are the people we are fighting so hard for to try to get some significant tax relief, because these are the people that are on the verge of either being homeless or not having food for their kids. One of the things that I just don't get is that we take money from them in the way of taxes to give it back to them in some kind of government assistance. Let them keep their money. Have some self-respect and pride. Allow them to keep some money in their pockets. I don't understand that.

"Aside from the property values going up, rising costs in health care, we talked about rent, property taxes, electric bills. In some family homes we don't spend any more, or use up any more electricity, but our bills are rising \$50, \$100, \$150 a month. That's huge, as well as gas. We know that for a fact that our gas budgets are going up. For people who are making \$50,000, even \$100,000 in combined income, it's not much in Hawaii. That tax relief that is target to those who make \$50 and below for a single income or a household income of \$100 below, is not that much in Hawaii.

"I'd like to go forward and also talk about our education. Actually, you know what that's way too big of a subject to go into at this point and time, and I will save that for my written comments.

"Mr. Speaker, we need to look and we need to give them encouragement, people who cannot live from day to day. This is not ... When I fight for this, it's not this oblivious ... I see faces. I see faces of people who don't know what to do in our robust economy, getting raises, but even more so not being able to make it from paycheck to paycheck. That doesn't make sense.

"One of the other things that I just like to talk about is just the ability ... I know that I found it pretty hard to go through the budget to be able to find out what the plan is and what the overall plan is, and just as a suggestion, maybe next time we could give a little bit more than the 48 hours as a courtesy to people to be able to follow the budget. It doesn't seem like that the 48 hours, especially over the weekend when we can't make those calls to people to find out, you know, what's in it and all of that, that it would be much more transparent and it will allow the community be more part of this process.

"Thank you, Mr. Speaker. I have a lot more to say, but I will keep that for written comments. Thank you."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, regarding the Department of Education section, 24.4 million for DOE transitioning to a single school calendar, I do not necessarily disagree, however, I would like to raise some concerns. I did not have the time to check to see if my understanding of this line item is correct or not. My understanding is that not all teachers will

be treated the same. It seems to all be dependent on the amount of pay periods between the school schedule a teacher currently is on and the DOE single school schedule that is to be implemented. It is possible for some teachers to be paid this differential twice if they have made transfers among schools with different calendars in the past.

"In support of Act 51's Weighted Student Formula, we should be looking at how we can infuse any new operating money into the lump sum so that the priorities of the school level community can be implemented. Creating more line items in the budget makes it even harder for us to move forward with Weighted Student Formula's intent.

"Many, if not all, of these things that we are funding in the DOE budget are worthwhile items. I have participated in school level discussions indicating that if schools had some additional funds, the discussions of priorities would be funding student assessment software or more professional training or replacing counselors. My point is, the wisdom of the WSF is to force the money to be spent on student focus measures first instead of placing the bureaucracy needs first.

"In the Department of Human Services portion of this bill, the House is handcuffing the Executive again by directing TANF block grant funds to go straight into a "cash assistance only" spending mode instead of allowing these funds to be spent with the flexibility that TANF funds have during the first year. This first year's flexibility of funds allows states to be able to spend on prevention programs. When I inquired if there were other states in the nation that restricted funds in this way, I was told that no other state restricts it like Hawaii does. Most states are pushing for the flexible use of these funds for prevention measures and the Legislature's right to decide on how to spend it. But, none want this money to go straight into reserve. Also, we currently have 140 million dollars in reserves currently that can only be used for "cash assistance" payments.

"In this draft, the House underfunded Medicaid by 12.2 million for this fiscal year, encouraging DHS to rollover these payments to the next fiscal year. I believe this is bad policy. Medicaid payments already cause healthcare providers to suffer with the low reimbursement rates, we should not try to make it even more difficult for on their businesses by negatively affecting their cash flow. Why do we want to do this now that we have a surplus? We are telling DHS to purposely pay providers late. Decisions like these give government a bad rap.

"The CIP request for the Department of Hawaiian Home Lands I believed to be quite important for Hawaiians and affordable housing. Although I haven't had the opportunity to speak with Director Micah Kane, the recent awardee for being the Housing Advocate of the Year in 2005, I'm sure this may have some negative effect on their housing plans.

"I am sure that I am missing some other very important issues, however, I will look to this supplemental budget as a "work in progress".

"The overall totals for this budget looks like the House moved some cash spending over to GO Bond spending. This indicates to me that we are not being wise in our spending. In a time of a surplus we should not be replacing cash spending with borrowed spending, this is a way to surely pass on our bad habits to our children, the future tax payers of Hawaii.

"Lastly, it is extremely difficult to understand at this point whether or not we are going to be able to pass out a balanced budget. It would be more responsible of us to share with the public the House's 6 or 8 year financial plan so that we may envision what things will look like in the out years. I hope that as the Session nears the end, I will be able to put my full stamp of approval by endorsing the budget with a 6-year financial plan."

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I am rising to speak in favor of the budget, and I would like to have my remarks in the Journal with the proviso that I just explained to you that my speech that I will insert has to do with the expenditure ceiling, the constitutional spending ceiling, which has a lot to do with the budget. Everything to do with the budget that's before us.

"The rebate provision of the Constitution, and the size of the budget will perhaps determine the rebate, and the possible amendment to the rebate, which may decrease the size of it. And therefore I see the rebate being a form of tax relief for our beleaguered taxpayers and I do hope that it is will be significant by the end of Session. Thank you very much."

Representative Marumoto's written remarks are as follows:

"I am rising to speak in favor of HB 1900, HD 1 and to point out that two important constitutional measures impinge upon this bill. I am speaking as a former delegate and member of the Finance Committee of the 1978 Constitutional Convention

"This House budget, as well as the budget proposed by the Governor, exceeds the constitutional general fund expenditure ceiling that is pegged on the average increase in the total personal index for the past 3 years. We have had a stupendous increase in revenues totaling over \$600 million. But, of course, it is always better to have too much money rather than not enough. It's a good problem to have.

"The general fund ceiling was designed to keep the budget in line with the growth in personal income and, hand in hand with that is the rebate provision that directs the Legislature to consider a rebate when a large surplus occurs.

"One school of thought to deal with this embarrassment of riches, is one to which I subscribe. Budget carefully within the constitutional spending ceiling, then give a substantial portion of it back to the taxpayers.

"The other is to spend it all or tuck it away into special funds so that the amount is not reflected in the general fund; therefore, not subject to the spending ceiling.

"The most important aspect of this amendment is to let legislators know when we are going to bust through the ceiling. This way we can keep increases in check to parallel the increase in the economy and total personal income – or the TPI as established by the federal government.

"Any surplus can be returned to the taxpayer. At least this was how the 1978 Constitutional Convention envisioned our State finances. It proposed, and the people ratified, the Expenditure Ceiling. Then the Tax Rebate Amendment was also enacted so that the Legislature could determine, in surplus years, how much money could be rebated to Hawaii's people.

"We are barreling though the spending ceiling, and this is easy and painless to do. All we need on Final Reading is a declaration that we are doing this, mention in each appropriation bill that it is part of the problem, then we pass the bill by a 2/3 affirmative vote in both houses.

"We must still deal with the rebate when it exceeds a certain percentage from the previous year. In the past we have returned as much as \$125 to each person. In other years we have given back only a dollar. But this year, there is a bill moving to be able to put a portion of the money into the Rainy Day Fund. If this passes, I don't think the taxpayer will see any tax relief this year or any year. Taxpayers deserve tax relief. We have not passed significant and broad tax breaks last week, and we speak up now to encourage positive action before we adjourn in May.

"I think there are those that don't want to return any money to the people and instead spend it all. But please do not forget that the Expenditure Ceiling and Rebate amendments were duly passed by the '78 Con Con and then ratified by our voters. Please remember that a rebate or tax relief are investments in Hawaii's people."

Representative Wakai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I rise in support of this measure. Mr. Speaker, House Bill 1900 is a responsible document and can be described with a pair of words. I call it the 'repair and prepare' budget.

"With it, we are repairing our schools, our harbors, our roads, our stadium. We are also preparing for the rising tide of housing needs. Preparing for an eminent natural disaster, preparing our students for an ever changing workforce. Mr. Speaker, lawmakers of the past were responsible in deferring maintenance of our State's infrastructure because money just wasn't available back then. To do so now, would be sheer negligence.

"Having said that there is room for a tax relief as you so eloquently mentioned. That is evident with numerous bills we have passed out of the Finance Committee. Let me mention a couple of them or an assortment of them actually. We are broadening tax brackets, we have bills to provide an earned income tax credit, we have bills to increase a low income tax credit, increase of standard deduction, increase renewable energy tax credits, and encourage people to purchase long term care insurance with a tax credit.

"I'm not sure how the Representative from Kapolei can say we are disregarding families. These are not small tax relief measures. These are significant bills that will put money in the pockets of our residents.

"And let's look at a policy that does not allow for money to circulate in Hawaii. The Administration is addicted to sending money abroad. Last year we spent \$33 million to send our inmates to prisons on the mainland. This year we added that figure by the sum of \$11.7 million. How in the world does spending \$45 million for prison inmates being sent to the mainland, circulate in our economy?

"The public deserves responsible, fiscal policy and Mr. Speaker, the public deserves this repair and prepare budget. Thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. In support. I support the initiatives of this budget which reflect efforts at increasing the efficiency of the Department of Education. The educational system has a profound impact on a student's behavioral, emotional, social, and decision-making skills, values, self-esteem, and lifelong learning ability.

"There were measures introduced within the budget that attempt to address the long awaited hopes of students, teachers, families, and most of all taxpayers to see improvement in the educational system which serves the children of our State. It's appropriate that our priority should be to maximize our students' learning capacity and use current resources to pave the way for a child's healthy and successful development. Measures such as Certificates of Participation (COPs) and debit cards for public school teachers are valuable educational tools that would provide flexibility in education.

"However introduced this Session as well, were measures which would have addressed much-needed tax relief and it is a shame that these initiatives did not receive much recognition.

"My support for this bill is based on the legislation that presents the opportunity to improve the Department of Education's infrastructure and make the most of our taxpayers' hard earned dollars."

Representative Takumi rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takumi's written remarks are as follows:

"Mr. Speaker, I've mentioned a number of times on the Floor that the budget is not just a bunch of numbers and words, but it truly is a moral document that defines us as a collective body. It represents in a very real sense where we believe we must invest in so that we can realize the hopes and dreams of the people we represent.

"Other Members have and will touch upon various aspects of the measure before us. But let me take a few minutes to elaborate what it does for public education.

"When the Reinventing Education Act or Act 51 was passed in 2004, all of us who were here remember that, unfortunately, it became a political and partisan battle and resulted in the Governor vetoing the bill and everyone on the other side of the aisle supporting the Governor. I clearly remember attending a town meeting after the Session ended and the Governor's Senior Policy Adviser saying that he didn't think the Legislature could come up with something that would make the public school system worse, but with Act 51, we succeeding in doing just that and described it as "fake" reform.

"Yet, here we are two years later, and neither the Governor nor the Minority Caucus has proposed legislation that will denigrate or diminish Act 51 and I would like to express my appreciation for this.

"The measure before us continues what we did two years ago. It continues to acknowledge that effective change can only come from those who are stakeholders in the system. And it continues to realize that we must remain true to one of its main tenets: giving as much authority, autonomy and flexibility to the individual schools while at the same time providing the resources necessary to get the job done.

"This is of critical importance. We must allow and enable the system from the individual schools to the Superintendent's office to implement Act 51 in a thoughtful, patient and prudent manner. We must resist the temptation to go in another direction before the system has time to embrace this new change.

"I am reminded of educator William Bagley decrying the "waves and fads and reforms that sweep through the educational system at periodic intervals." He wrote this in 1907 and it's as true today as it was then.

"It really is about the basics. About schools, about students, and about teachers.

"Schools are undergoing tremendous change. Establishing school community councils. Developing academic and financial plans. Converting to a single school calendar. All of us have heard from schools in our districts that are dealing with the impact of the weighted student formula. Based on the BOE's recommendation, 140 schools ended up with fewer dollars than they had the previous year. There are 140 reasons why this is so, but nevertheless, it is clear that the comfort level is still not there on how to make the adjustment to this innovative approach. The House budget increased the amount going to the weighted student formula by \$20 million.

"Make no mistake, Mr. Speaker. These dollars are not to make the schools that lost whole. We look forward to working closely with the DOE and the BOE to best ascertain how we can apply these additional funds to all schools in a way that is fair and transparent.

"Students need a safe and clean learning environment. The Governor described the current state of our schools as "peeling paint, lack of electrical power, broken fixtures or worse." We have heard this as well. The Executive budget had \$40 million for CIP. We have quadrupled that to \$160 million that will be dedicated for whole school renovation that will impact 96 schools. The Executive budget had \$23 million. We have doubled that to \$50 million and with last year's appropriation, it's a total of \$75 million.

"Students need qualified teachers. The House budget includes \$500,000 for advanced placement teacher training to ensure our gifted and talented students get what they deserve. We included over \$17 million for special education needs to ensure our most vulnerable students are given an opportunity to succeed. We have also included over \$1 million for ESL learners to ensure their transition into our society.

"Teachers need to determine student achievement. We have put in \$175,000 so that all 10th graders can take the PSAT as a necessary benchmark of achievement. There is an additional \$5 million for information technology to better enable the aggregation of critical data to help the teachers in the classrooms. We have appropriated \$2 million for science textbooks as an addition to what we did in Act 51 when we did the same for math textbooks.

"Teachers need assistance in the classroom for expenses that we know they take out of their own pockets. There is \$2.4 million so that every classroom teacher will receive a \$200 debit card to be used as they see fit to help their students in the classroom. I would like to acknowledge the role of the Representative from Liliha in raising this in the first place. As I said on another day, a good idea is a good idea. After all, when it comes to education, let's do what is best for our students.

"Lastly, Mr. Speaker, there are other competing needs on the budget. I want to thank the Chair and Vice-Chair and members of the Finance Committee for putting a priority on education.

"I firmly believe that in the long run, the solution to prisons is education. The solution to human services is education. The solution to a strong economy is education. I urge all of us to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1900, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Third Reading by a vote of 46 ayes, with Representatives Meyer, Morita, Saiki, Stonebraker and Thielen being excused.

At 1:42 o'clock p.m., the Chair noted that H.B. No. 1900, HD 1, passed Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 63 through 73 and 75 through 77) and concurrent resolutions (H.C.R. Nos. 82 through 104) were referred to Printing and further action was deferred:

H.R. No. 63, entitled: "HOUSE RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was offered by Representative Herkes.

H.R. No. 64, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," was jointly offered by Representatives Yamane, Karamatsu, Lee, Magaoay, M. Oshiro and Sonson.

H.R. No. 65, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO SHOW THE COSTS ASSOCIATED WITH, AND THE ADVISABILITY OF MANDATING THE USE OF SEAT BELTS FOR MINORS IN EVERY SCHOOL BUS," was jointly offered by Representatives Yamane, Chang, Morita, Carroll, Chong, Evans, Hale, Herkes, Ito, Kanoho, Karamatsu, Kawakami, Magaoay, Nakasone, Souki, Takamine, Tanaka and Yamashita.

H.R. No. 66, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNITED STATES NAVY PARTNER WITH THE STATE TO DEVELOP AND IMPLEMENT A PLAN TO UTILIZE DECOMMISSIONED NAVAL SHIPS AS SHELTERS FOR THE HOMELESS," was jointly offered by Representatives Cabanilla, Hale, Kahikina, Arakaki, Chong, Green, Herkes, Ito, Lee, Moses, Nishimoto, Sonson, Souki, Takumi and Tanaka.

H.R. No. 67, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF FACILITY MAINTENANCE TO ENGAGE IN A DISPUTE RESOLUTION DIALOGUE WITH RESIDENTS IN THE WEST LOCH VILLAGES DEVELOPMENT," was jointly offered by Representatives Cabanilla, Evans, Green, Kahikina, Sonson, Arakaki, Chong, Hale, Herkes, Nishimoto, Souki and Tanaka.

H.R. No. 68, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNITED STATES NAVY PARTNER WITH THE STATE TO DEVELOP AND IMPLEMENT A PLAN TO UTILIZE DECOMMISSIONED NAVAL SHIPS AS PRISON FACILITIES FOR CERTAIN CRIMINAL OFFENSES," was jointly offered by Representatives Cabanilla, Sonson, Chong, Hale, Herkes, Ito, Kahikina, Lee, Shimabukuro, Souki, Tanaka and Tsuji.

H.R. No. 69, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO RELAX RESTRICTIONS ON THE ISSUANCE OF TEMPORARY NONIMMIGRANT B2 VISAS TO ALLOW GRADUATE NURSES TO ENTER THE UNITED STATES FOR THE PURPOSE OF TAKING THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR REGISTERED AND PRACTICAL NURSES, AND TO ALLOCATE MORE EMPLOYMENT VISAS TO INDIVIDUALS TO ENTER THE UNITED STATES TO WORK AS NURSES," was jointly offered by Representatives Cabanilla, Arakaki, Hale, Herkes, Marumoto, Meyer, Moses, Sonson, Tsuji, Chong, Evans, Ito, Kahikina, Karamatsu, Magaoay, Nishimoto, Shimabukuro, Souki, Takumi, Tanaka and Yamashita.

H.R. No. 70, entitled: "HOUSE RESOLUTION COMMENDING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR WORKING WITH COMMUNITY-BASED ORGANIZATIONS TO TACKLE THE PROBLEM OF ILLEGAL DISPOSAL OF SOLID WASTE AND URGING THESE DEPARTMENTS TO INCREASE THEIR EFFORTS TO PROVIDE COMMUNITY-BASED ORGANIZATIONS WITH THE TOOLS TO CREATE EFFECTIVE ILLEGAL DUMPING PREVENTION PROGRAMS," was jointly offered by Representatives Waters, Chong, Kanoho, Morita, Schatz and Thielen.

H.R. No. 71, entitled: "HOUSE RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY'S CORRECTIONAL INDUSTRIES PROGRAM," was jointly offered by Representatives Ito, Chong, Lee, Shimabukuro, Tanaka, Yamane, Nakasone and Souki.

H.R. No. 72, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION EXEMPT THE HIGH CORE PROGRAM'S COMPREHENSIVE SCHOOL ALIENATION PROGRAM FUNDING FROM THE WEIGHTED STUDENT FORMULA BUDGETING PROCESS AS WAS INTENDED BY THE COMMITTEE ON WEIGHTS AND THE BOARD OF EDUCATION," was offered by Representative M. Oshiro.

H.R. No. 73, entitled: "HOUSE RESOLUTION CONDEMNING THE USA PATRIOT ACT AS CONTRARY TO THE LONG STANDING TRADITION OF PROTECTING CIVIL LIBERTIES IN HAWAII AND THE UNITED STATES," was jointly offered by Representatives Schatz, Herkes, Morita, B. Oshiro, Shimabukuro, Arakaki, Berg, Caldwell, Carroll, Chang, Chong, Green, Karamatsu, Luke, Nishimoto, M. Oshiro, Saiki, Sonson, Souki, Takamine, Takumi, Tanaka, Tsuji and Waters.

H.R. No. 75, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF ALLOWING CAMPING WITHIN STATE AGRICULTURAL DISTRICTS AND IF FEASIBLE, TO SPECIFY UNDER WHAT CONDITIONS CAMPING SHOULD BE ALLOWED," was jointly offered by Representatives Kanoho, Thielen, Abinsay and Tsuji.

H.R. No. 76, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON ASIA-PACIFIC EDUCATION TO ENSURE THAT HAWAII'S PUBLIC SCHOOL STUDENTS MEET HIGH PERFORMANCE STANDARDS IN EDUCATION ABOUT ASIA AND THE PACIFIC AND UNDERSTAND THE IMPACT OF THE STATE'S RELATIONSHIP WITH THE REGION," was offered by Representative Hale.

H.R. No. 77, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE COMMUNITY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK AT KEHENA BEACH, HAWAII," was offered by Representative Hale.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII," was jointly offered by Representatives Karamatsu, Herkes, Magaoay, Waters, Carroll, Green, Lee, Nishimoto, Shimabukuro, Tanaka, Tsuji and Wakai.

H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was offered by Representative Herkes.

H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE AVAILABLE SCIENTIFIC RESEARCH ON DEACABROMODIPHENYL ETHER AND ASSESS THE AVAILABILITY OF SAFER, EFFECTIVE, AND TECHNICALLY FEASIBLE FLAME RETARDANTS THAT CAN BE USED IN ITS PLACE," was offered by Representative Herkes.

H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE INSURANCE COMMISSIONER TO INVESTIGATE METHODS OF EXPANDING ACCESS TO QUALITY END-OF-LIFE, PALLIATIVE CARE," was jointly offered by Representatives Green, Cabanilla, Kahikina and Sonson.

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," was jointly offered by Representatives Yamane, Karamatsu, M. Oshiro, Lee, Magaoay and Sonson.

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO SHOW THE COSTS ASSOCIATED WITH, AND THE ADVISABILITY OF MANDATING THE USE OF SEAT BELTS FOR MINORS IN EVERY SCHOOL BUS," was jointly offered by Representatives Yamane, Chang, Green, Morita, Carroll, Chong, Evans, Hale, Herkes, Ito, Kanoho, Karamatsu, Kawakami, Magaoay, Nakasone, Souki, Takamine, Tanaka and Yamashita.

H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Green, Lee, Sonson, Hale, Kahikina, Nishimoto, and M. Oshiro.

H.C.R. No. 89, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES NAVY PARTNER WITH THE STATE TO DEVELOP AND IMPLEMENT A PLAN TO UTILIZE DECOMMISSIONED NAVAL SHIPS AS SHELTERS FOR THE HOMELESS," was jointly offered by Representatives Cabanilla, Hale, Kahikina, Sonson, Arakaki, Chong, Green, Herkes, Ito, Lee, Moses, Nishimoto, Souki and Takumi.

H.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF FACILITY MAINTENANCE TO ENGAGE IN A DISPUTE RESOLUTION DIALOGUE WITH RESIDENTS IN THE WEST LOCH VILLAGES DEVELOPMENT," was jointly offered by Representatives Cabanilla, Evans, Green, Kahikina, Sonson, Arakaki, Chong, Hale, Herkes, Nishimoto, Souki and Tanaka.

H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES NAVY PARTNER WITH THE STATE TO DEVELOP AND IMPLEMENT A PLAN TO UTILIZE DECOMMISSIONED NAVAL SHIPS AS PRISON FACILITIES FOR CERTAIN CRIMINAL OFFENSES," was jointly offered by Representatives Cabanilla, Sonson, Chong, Hale, Herkes, Ito, Kahikina, Lee, Shimabukuro, Souki, Tanaka and Tsuji.

H.C.R. No. 92, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO RELAX RESTRICTIONS ON THE ISSUANCE OF TEMPORARY NONIMMIGRANT B2 VISAS TO ALLOW GRADUATE NURSES TO ENTER THE UNITED STATES FOR THE PURPOSE OF TAKING THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR REGISTERED AND PRACTICAL NURSES, AND TO ALLOCATE MORE EMPLOYMENT VISAS TO INDIVIDUALS TO ENTER THE UNITED STATES TO WORK AS NURSES," was jointly offered by Representatives Cabanilla, Arakaki, Hale, Herkes, Marumoto, Meyer, Moses, Sonson, Tsuji, Chong, Evans, Ito, Kahikina, Karamatsu, Nishimoto, Shimabukuro, Souki, Takumi, Tanaka and Yamashita.

H.C.R. No. 93, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR WORKING WITH COMMUNITY-BASED ORGANIZATIONS TO TACKLE THE PROBLEM OF ILLEGAL DISPOSAL OF SOLID WASTE AND URGING THESE DEPARTMENTS TO INCREASE THEIR EFFORTS TO PROVIDE COMMUNITY-BASED ORGANIZATIONS WITH THE TOOLS TO CREATE EFFECTIVE ILLEGAL DUMPING PREVENTION PROGRAMS," was jointly offered by Representatives Waters, Chong, Kanoho, Morita, Schatz and Thielen.

H.C.R. No. 94, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY'S CORRECTIONAL INDUSTRIES PROGRAM," was jointly offered by Representatives Ito, Chong, Lee, Shimabukuro, Tanaka, Yamane, Nakasone and Souki.

H.C.R. No. 95, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY AND ANALYSIS OF THE ADEQUACY OF PAYMENTS FOR HEALTH CARE FUNDED BY THE STATE AND THE ADEQUACY OF PAYMENTS FOR HEALTH CARE USING RATES ESTABLISHED BY THE STATE," was offered by Representative Arakaki.

H.C.R. No. 96, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION EXEMPT THE HIGH CORE PROGRAM'S COMPREHENSIVE SCHOOL ALIENATION PROGRAM FUNDING FROM THE WEIGHTED STUDENT FORMULA BUDGETING PROCESS AS WAS INTENDED BY THE COMMITTEE ON WEIGHTS AND THE BOARD OF EDUCATION," was offered by Representative M. Oshiro.

H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Schatz, Berg, Carroll, Evans, Kanoho, Morita and Waters.

H.C.R. No. 98, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE FERAL PIG POPULATION IN THE TANTALUS AREA," was jointly offered by Representatives Schatz, Evans, Kanoho, Morita, Waters, Berg and Carroll.

H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE STATE DEPARTMENT OF DEFENSE TO CONDUCT A STUDY OF THE FEASIBILITY OF USING RENEWABLE ENERGY RESOURCES IN THE STATE'S EMERGENCY RESPONSE PLAN," was jointly offered by Representatives Schatz, Berg, Carroll, Evans, Kanoho, Morita and Waters.

H.C.R. No. 100, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING THE USA PATRIOT ACT AS CONTRARY TO THE LONG STANDING TRADITION OF PROTECTING CIVIL LIBERTIES IN HAWAII AND THE UNITED STATES," was jointly offered by Representatives Schatz, Berg, Morita, B. Oshiro, Shimabukuro, Arakaki, Caldwell, Carroll, Chang, Chong, Green, Herkes, Karamatsu, Luke, Nishimoto, M. Oshiro, Saiki, Sonson, Souki, Takamine, Takumi, Tanaka, Tsuji and Waters.

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF ALLOWING CAMPING WITHIN STATE AGRICULTURAL DISTRICTS AND IF FEASIBLE, TO SPECIFY UNDER WHAT CONDITIONS CAMPING SHOULD BE ALLOWED," was jointly offered by Representatives Kanoho, Thielen, Abinsay and Tsuji.

H.C.R. No. 102, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HEALTH SYSTEMS CORPORATION TO DISCLOSE OWNERSHIP INTERESTS IN ANY OF THE VENDORS WITH WHOM THE CORPORATION DOES BUSINESS," was jointly offered by Representatives Nakasone and Nishimoto.

H.C.R. No. 103, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE ON ASIA-PACIFIC EDUCATION TO ENSURE THAT HAWAII'S PUBLIC SCHOOL STUDENTS MEET HIGH PERFORMANCE STANDARDS IN EDUCATION ABOUT ASIA AND THE PACIFIC AND UNDERSTAND THE IMPACT OF THE STATE'S RELATIONSHIP WITH THE REGION," was offered by Representative Hale.

H.C.R. No. 104, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE COMMUNITY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK AT KEHENA BEACH, HAWAII," was offered by Representative Hale.

ANNOUNCEMENTS

Representative Ito: "Thank you, Mr. Speaker. Mr. Speaker and Members, please join members of the Hawaii Coalition on Organ Donation for a legislative breakfast tomorrow morning at 7:45 a.m. in Conference Room 325. There'll be an informational presentation on organ, tissue, and eye donation and transplantation. Thank you."

Representative Caldwell: "Thank you, Mr. Speaker. I have some very sad news to announce to our Caucus. This morning, Senator Inouye's wife, Maggie Inouye passed away. And when you think back to their over 50 years of marriage, to the many battles they've gone through, through the ups and downs, and their great joys they've shared, it's a real moment of sadness for our State.

"They were a great team that did wonderful things for everyone in this Caucus, and for the generations past, and for those going forward, and therefore I would like to request a moment of silence for Mrs. Inouye. Thank you."

At this time, the House of Representatives stood for a moment of silence in memory of Mrs. Maggie Inouye, wife of US Senator Daniel Inouye.

Representative Kahikina, of the Committee on Housing, requested a waiver of the 48-hour advance notice requirement for the purpose of conducting a public hearing with decision making to follow on Senate Bill 2572, SD 2, Relating to Special Purpose Revenue Bonds, on Wednesday March 15, 2006 at 11:15 a.m. in Conference Room 329, and the Chair, "so ordered."

Representative Moses: "Thank you, Mr. Speaker. I just want to announce to this Body that our marines from Kaneohe 3rd Battalion 3rd Marines, is deploying again to Iraq to continue the war on terrorism."

ADJOURNMENT

At 1:45 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Moses and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Tuesday, March 14, 2006. (Representatives Meyer, Morita, Saiki, Stonebraker and Thielen were excused.)

THIRTIETH DAY

Tuesday, March 14, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Rhys Kia'aina of Oahu Church of Christ, after which the Roll was called showing all members present with the exception of Representatives Evans, Ito, Stonebraker and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Twenty-Ninth Day was deferred.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 244) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 244, dated March 10, 2006, transmitting the Hawaii Department of Agriculture Annual Report, Fiscal Year 2005.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 397) was received and announced by the Clerk:

Sen. Com. No. 397, transmitting S.C.R. No. 7, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO RELEASE \$4,500,000 TO RENOVATE AND BUILD A COMMUNITY CENTER AT THE MAKIKI COMMUNITY LIBRARY," which was adopted by the Senate on March 13, 2006.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Sonson, on behalf of the Filipino Caucus and its Chair, Representative Abinsay, and the Kupuna Caucus and its Chair, Representative Arakaki, announced today's Day at the Capitol for Care Givers and recognized all the caregivers and care home operators seated in the gallery.

Representative Abinsay introduced the following caregiver organizations:

Members of the Board of the Adult Foster Home Association and President, Ms. Ruthie Agbayani;

Members of the United Group of Home Operators, and President Esther Pascual, and Vice President Acela Garcia; and

Members of the Adult Residential Care Administration and President, Mr. Ron Gallegos.

Representative Yamane introduced students from Brigham Young University, Hawaii Pacific University and the University of Hawaii, accompanied by Ms. Debbie Shimizu from the National Association of Social Workers.

Representative Cabanilla introduced Ms. Donna Smidth, Mr. Eugene Malalis, Ms. Margie Berueda and other case managers.

Representative Cabanilla also introduced Ms. Beatrice Ramos-Razon, President of the Filipino Nurses Association.

Representative Waters introduced Mr. Ken Lee, Mr. Jesse Alvarado, Mr. Paul Reid, and Mr. Vern Fernandez of the House Sergeant-at-Arms staff.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
2901	Committee on Transportation, then to the Committee on Finance
2911, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2980, SD2	Committee on Labor & Public Employment, then jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
3124	Committee on Judiciary, then to the Committee on Finance
3161, SD3	Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3194, SD2	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on Finance
3224, SD2	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 78) was announced by the Clerk and the following action taken:

H.R. No. 78, entitled: "HOUSE RESOLUTION CONGRATULATING THE KAIMUKI HIGH SCHOOL BULLDOGS VARSITY BOYS' BASKETBALL TEAM ON WINNING THE 2006 OAHU INTERSCHOLASTIC ASSOCIATION CHAMPIONSHIP," was jointly offered by Representatives Nishimoto, Chang, Chong, Karamatsu, Magaoay, Say, Saiki, Sonson, Takai, Wakai, Waters, Abinsay, Arakaki, Cabanilla, Green, Herkes, Kahikina, Kawakami, Lee, Luke, Marumoto, M. Oshiro, Souki, Stevens, Takumi, Tanaka and Tsuji.

Representative Nishimoto, moved that H.R. No. 78 be adopted, seconded by Representative Saiki.

Representative Nishimoto congratulated the Kaimuki High School Bulldogs Varsity Boys' Basketball Team on their winning season and OIA Championship.

Representative Saiki then introduced team members, who were seated on the floor of the House:

Head Coach, Mr. Kelly Grant; and players, Mr. Jarett Shiu, Mr. Phillip Miyasaka, Mr. Swaine Seto-Mook, and Mr. Shadrak Ramos-Dias.

Representative Saiki also introduced team members and school staff, who were seated in the gallery:

Mr. Beau Albrekson, Mr. Craig Cabudol, Mr. Daniel Colon, Mr. Shaun Dela Calzada, Mr. Alike Higa, Mr. Ryan Kakitani, Mr. Bryan Lim, Mr. Thomas Pyo, and Mr. Keone Reyes; and

Kaimuki High School Principal, Mr. Dennis Manalili; and Athletic Director, Mr. Fred Lee.

The motion was put to vote by the Chair and carried, and H.R. No. 78 was adopted with Representatives Evans, Halford, Nakasone, Stonebraker and Thielen being excused.

The following resolution (H.R. No. 79) was announced by the Clerk and the following action taken:

H.R. No. 79, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE NATIONAL KIDNEY FOUNDATION OF HAWAII," was jointly offered by Representatives Marumoto, Berg, Cabanilla, Caldwell, Chang, Ching, Evans, Finnegan, Green, Halford, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Moses, Nishimoto, M. Oshiro, Shimabukuro, Sonson, Souki, Stevens, Takumi, Tanaka, Thielen, Tsuji, Wakai, Waters, Yamane and Yamashita.

Representative Marumoto, moved that H.R. No. 79 be adopted, seconded by Representative Lee.

Representative Marumoto commended the work of the Kidney Foundation, and recognized Mr. Siegfried Kagawa, recipient of the 2005 Renaissance Award for the National Kidney Foundation of Hawaii, and Chair of the 2006 fundraiser honoring the late U.S. Senator Hiram Fong.

Representative Marumoto then introduced the honorees representing the National Kidney Foundation of Hawaii, who were seated on the floor of the House:

Mr. Glenn Hayashida, Chief Executive Officer; Ms. Linda Kitagiri, President of the Board of Directors; and on behalf of Mr. Siegfried Kagawa and the fundraising tribute committee, former Representative Bertha Leong.

Representative Lee then introduced former Representative Sam Lee, Chair of the Senator Fong Commission; and members of the Fong family, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 79 was adopted with Representatives Evans, Halford, Nakasone, Stonebraker and Thielen being excused.

At 12:27 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolution (H.R. No. 80) and concurrent resolutions (H.C.R. Nos. 105 through 109) were referred to Printing and further action was deferred:

H.R. No. 80, entitled: "HOUSE RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT TO CHECK VEHICLE STATUS PRIOR TO TOWING TO ENSURE TOWING FEES ON STOLEN VEHICLES WILL NOT BE PASSED ON TO THE VICTIMS," was jointly offered by Representatives Shimabukuro, Carroll, Tanaka, Wakai, Chong, Evans, Ito, Morita, Souki, Takamine, Tsuji and Yamane.

H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR A PARKING STRUCTURE FOR MAUI MEMORIAL MEDICAL CENTER IN WAILUKU, MAUI TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," was offered by Representative Nakasone.

H.C.R. No. 106, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO CONDUCT A FEASIBILITY STUDY ON PREVENTING AN AVIAN INFLUENZA PANDEMIC BY NEUTRALIZING THE FERAL CHICKEN POPULATION OF HAWAII," was jointly offered by Representatives Sonson, Arakaki, Kahikina, Karamatsu, Berg and Wakai.

H.C.R. No. 107, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII YOUTH CORRECTIONAL FACILITY TO CONVENE A WORKING GROUP TO IMPLEMENT A SIX SIGMA MANAGEMENT PROGRAM TO ENSURE ADEQUATE TRAINING OF CORRECTION FACILITY STAFF AND OPTIMIZED CARE FOR INCARCERATED YOUTHS," was jointly offered by Representatives Sonson, Arakaki, Cabanilla, Tanaka, Caldwell, Carroll, Evans, Green, Hale, Herkes, Ito, Morita, Wakai and Yamane.

H.C.R. No. 108, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT TO CHECK VEHICLE STATUS PRIOR TO TOWING TO ENSURE TOWING FEES OF STOLEN VEHICLES WILL NOT BE PASSED ON TO THE VICTIMS," was jointly offered by Representatives Shimabukuro, Carroll, Tanaka, Chong, Evans, Ito, Morita, Souki, Takamine, Tsuji, Wakai and Yamane.

H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PLANNED COMMEMORATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE FUKUOKA AND HAWAII SISTER-STATE RELATIONSHIP," was offered by Representative Hale.

ANNOUNCEMENTS

Representative Morita: "Thank you, Mr. Speaker. This morning a disaster occurred in my district. Two dams broke, there are five to seven people unaccounted for. It's my understanding that before we went into session, a body was recovered by the Coast Guard. At the appropriate time, I would like to ask you for a moment of silence and ask for strength for our Kilauea community on Kauai to deal with this problem and the families affected by this tragedy. Thank you."

Representative Kanoho, for the Committee on Water, Land & Ocean Resources, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing H.B. No. 2476, Relating to Lands Controlled by the State, and the Chair "so ordered."

Representative Kanoho: "Thank you, Mr. Speaker, this bill would have been heard on Friday, but because it's a triple referral, to meet the legislative deadline on Thursday for filing, this measure will be heard on Thursday at 10:00 in Room 312. This is on behalf of both your Committees on Water, Land, and Ocean Resources and Legislative Management. Thank you, Mr. Speaker."

Representative Yamashita: "Thank you, Mr. Speaker. This year my office has been challenged to put together a cookbook as a fundraiser for the Hawaii Foodbank. I'd like to thank the Members that have submitted recipes, but urge those who have not to please do so before March 20th. Your participation in this would make it a very successful fundraiser. All proceeds of the cookbook will go to the Hawaii Foodbank. Thank you."

Representative Sonson: "Thank you very much, Mr. Speaker. Members, we would like to invite you to a luncheon at Room 329. The Filipino Caucus and Kupuna Caucus have joined together to bring you Filipino food, 329. Thank you very much, Mr. Speaker."

At this time, the House of Representatives stood for a moment of silence in memory of the victims of the dam bursts on Kauai.

At 12:41 o'clock p.m., Representative Takamine requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

Representative Kanoho: "Thank you, Mr. Speaker. I inadvertently referred to the measure 2476 as the House Bill. It's Senate Bill 2476, Relating to Lands Controlled by the State. Thank you."

ADJOURNMENT

At 12:42 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, March 15, 2006. (Representatives Evans, Halford, Moses, Nakasone, Stonebraker and Thielen were excused.)

THIRTY-FIRST DAY

Wednesday, March 15, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:11 o'clock p.m., with Vice Speaker Takai presiding.

The invocation was delivered in song by Mr. Palani Vaughan.

At 12:16 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

The Roll was called showing all members present with the exception of Representatives Morita, Sonson and Stonebraker, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirtieth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 245 and 246) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 245, dated March 9, 2006, transmitting a Report Pursuant to House Concurrent Resolution 96, Urging the Department of Health and the Department of Human Services to Develop Methods to Support Family Caregivers Who Provide At-home Care to Qualified Relatives.

Gov. Msg. No. 246, dated March 9, 2006, transmitting the Department of Hawaiian Home Lands reporting requirements of Act 178, Section 166, SLH 2005.

MISCELLANEOUS COMMUNICATIONS

The following miscellaneous communications (Misc. Com. Nos. 10 and 11) were received by the Clerk and were placed on file:

Misc. Com. No. 10, transmitting the Hale Kipa Annual Report 2005.

Misc. Com. No. 11, dated March 8, 2006, from Denise C. De Costa, City Clerk, Office of the City Clerk, City and County of Honolulu, informing that on March 1, 2006, the Council of the City and County of Honolulu adopted the following Resolutions:

- | | |
|-------------------|--|
| Resolution 06-042 | Urging The Hawaii State Legislature To Enact The Proposals Contained In The 2000 Law Enforcement Coalition Legislative Package. |
| Resolution 06-043 | Urging The State Legislature To Enact Legislation Creating A Board Of Information Practices. |
| Resolution 06-046 | Supporting The Queen's Medical Center's Request For State Funding To Increase Its Power Generation Capacity To Ensure Uninterrupted Medical Services In The Event Of A Disaster. |

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Finnegan introduced participants in the Teen Pact Hawaii 2006:

Mr. Tim Echols, Founder and President; Ms. Karen Shimabukuro, Class Mom and Teen Pact State Coordinator; and Teen Pact staff members, Samantha Gilbert, Jessinah Schaefer, John Moore, Colleen Wilson, Kiana Bieber and Danielle Howe.

Students, Sean Arakawa, Jonathan Ching, Christine Choy, Shelley Choy, Briana Drinkwater, Rachael Duncan, Scott Duncan, Jade Fernandez, Kynan Fernandez, Elijah Howe, Christian Jacky, Ashley Janicki, Randie Megan Janicki, Aaron Kamakawiwoole, Joshua Kamakawiwoole, Shawnah Kamakawiwoole, Kelia Kawahara, Jessica Keizer, Thomas Kenney, Elisabeth Kurashige, Nina Martinez, Emily Metcalf, Thomas Metcalf, Joshua Mossman, Zachary Mossman, Kayla Nowack, Chase Owen, Joshua Prager, Brittany Rits, Tyler Rits, Jeremy San Nicolas, Justin San Nicolas, Grace Shimabukuro, Matthew Tanoue, Kelli Takamori, Ariel Terpstra, Keeley Terpstra, John Thourson, Leilani Thourson, Lyndsey Tsuruda, Bree'Ana Vellalos, Jeremy Vellalos, Amber Yoshikawa, Jasmyn Yoshikawa, Mari Yoshimura, Ryan Yoshimura, Nicholas Young,

Representative Takamine, on behalf of the Big Island delegation, introduced high students from the Big Island and their advisors: Mr. Nathan Morita and students of Hilo High School; Mrs. Angella Brandt and students of Honokaa High School, and Mrs. Greta Pung and students of Laupahoehoe High School.

Representative Takamine also introduced staff members of the Hawaii Office of Economic Opportunity Council's Dropout Prevention Program: Ms. Jessica Yamamoto, Supervisor; Ms. Sasha Payao, Pahoa High School; Ms. Evelyn Lee, Waiakea High School; Mrs. Maria Auld, Kanawaena High School, and Mr. Norman Liboria of Honokaa High and Laupahoehoe High School. The were accompanied by Mr. George Yokoyama and Mr. Larry Manliguis of the Hawaii Office of Economic Opportunity Council.

Representative Herkes also recognized students of Ka'u High School and Konawaena High School who were here at the Capitol.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
87, SD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
2421, SD1	Committee on Hawaiian Affairs
2423, SD2	Committee on Hawaiian Affairs
2479	Committee on Judiciary, then to the Committee on Finance
2959, SD3	Jointly to the Committee on Labor & Public Employment and the Committee on Higher Education, then to the Committee on Finance

- 2980, SD2 Jointly to the Committee on Labor & Public Employment and the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
- 3090, SD2 Committee on Labor & Public Employment, then to the Committee on Finance
- 3283, SD1 Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 953-06) recommending that S.B. No. 2505, SD 2, pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2505, SD 2, entitled: "A BILL FOR AN ACT MAKES APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," passed Second Reading and was referred to the Committee on Education with Representatives Morita, Sonson and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 954-06) recommending that S.B. No. 3231, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3231, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL LICENSURE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Morita, Sonson and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 955-06) recommending that S.B. No. 2898, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2898, SD 2, HD 1, passed Second Reading and was referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to request a ruling on a potential conflict. Similar to the House vehicle, this has to do with procurement for HHSC, and they are one of my clients at my law firm. I was excused on the House vehicle" and the Chair ruled, "you are excused."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2898, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Morita, B. Oshiro, Sonson and Stonebraker being excused.

Representatives Arakaki and Souki, for the Committee on Health and the Committee on Transportation presented a report (Stand. Com. Rep. No. 956-06) recommending that S.B. No. 2504, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2504, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Morita, Sonson and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 957-06) recommending that S.B. No. 2360, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2360, SD 2, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Morita, Sonson and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 958-06) recommending that S.B. No. 3077, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3077, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Morita, Sonson and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 959-06) recommending that S.B. No. 3084, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3084, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Morita, Sonson and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 960-06) recommending that S.B. No. 3110, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3110, SD 1, HD 1, passed Second Reading and was referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak against Senate Bill 3110. Thank you.

"Mr. Speaker, the purpose of the bill is to provide State money to purchase a beach park on the Island of Maui. The park supposedly consist of 1.6 acres, but the property is severely eroding away. It's been operated by Maui County as a beach park and it's much more appropriate that the County expend its funds to purchase that property.

"The State isn't in the business of operating county beach parks and the State primarily has areas that are much more like wilderness areas or have a different focus. The counties operate the county parks. So I don't believe it's the proper use of State funds.

"This is one where the county should step up and put its money on the table and acquire that parcel. It should be quite devalued and I believe that the corporation that owns it is not seeking an unreasonable amount of money for the property. But it has eroded to such an extent that some of the county structures, the restrooms, have been had to be demolished. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3110, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARK ACQUISITIONS," passed Second Reading and was referred to the Committee on Finance with Representative Thielen voting no, and, with Representatives Morita, Sonson and Stonebraker being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 81 through 264) and concurrent resolutions (H.C.R. Nos. 110 through 328) were referred to Printing and further action was deferred:

H.R. No. 81, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DETERMINE A METHOD OF GATHERING DATA ON GENETICALLY MODIFIED ORGANISM CROP RESEARCH PROJECTS IN THE STATE AND THEIR LOCATIONS AND MAKE THIS DATA AVAILABLE TO FARMERS IN HAWAII," was jointly offered by Representatives Thielen, Morita and Kanoho.

H.R. No. 82, entitled: "HOUSE RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO IMPROVE THE SYNCHRONIZATION OF TRAFFIC SIGNALS ON ALA MOANA BOULEVARD BETWEEN PUNCHBOWL STREET AND KALAKAUA AVENUE, AND TO ASSUME JURISDICTION OF THAT SAME PORTION OF ROAD IN THE INTEREST OF PROMOTING SAFE TRAFFIC FLOW," was offered by Representative Souki.

H.R. No. 83, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH AN APPROPRIATE FEE FOR COURT-ORDERED FORENSIC EVALUATIONS AND TO PROVIDE COPIES OF THE EXAMINATION REPORTS TO THE DEPARTMENT OF HEALTH," was jointly offered by Representatives Arakaki, Chong, Green, Ito, Nishimoto, Sonson and Hale.

H.R. No. 84, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO SUPPORT AND ADVOCATE FOR THE DEVELOPMENT AND FUNDING OF COMMUNITY AND YOUTH CENTERS IN HAWAIIAN HOMESTEAD COMMUNITIES WITH PRIVATE, COUNTY, STATE, AND FEDERAL FUNDING," was jointly offered by Representatives Kahikina, Carroll, Kawakami and Waters.

H.R. No. 85, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO INCLUDE ASSISTED AND INDEPENDENT LIVING HOUSING FOR KUPUNA IN ITS DEVELOPMENT PLANS," was jointly offered by Representatives Kahikina, Carroll and Kawakami.

H.R. No. 86, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF THE HEALTH IMPACTS OF THE PVT LANDFILL," was jointly offered by Representatives Kahikina and Shimabukuro.

H.R. No. 87, entitled: "HOUSE RESOLUTION URGING THE BUSH ADMINISTRATION AND THE UNITED STATES CONGRESS TO FULLY RESTORE THE BUDGET CUTS TO THE EQUIPMENT AND PERSONNEL BUDGET OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE UNITED STATES," was jointly offered by Representatives Takai, Chong and Ito.

H.R. No. 88, entitled: "HOUSE RESOLUTION REQUESTING THE HOUSE AND SENATE COMMITTEES ON HUMAN SERVICES TO CONDUCT A JOINT STUDY OF THE DEPARTMENT OF HUMAN SERVICES' REUNIFICATION AND KINSHIP PLACEMENT POLICIES AND PROCEDURES," was jointly offered by Representatives Sonson, Arakaki, Luke, Say, Cabanilla, Carroll, Ching, Finnegan, Hale, Karamatsu, Lee, Magaoay, Marumoto, B. Oshiro, M. Oshiro, Schatz, Souki, Tanaka, Tsuji, Wakai and Yamane.

H.R. No. 89, entitled: "HOUSE RESOLUTION URGING HAWAII'S COUNTY, STATE, AND FEDERAL LEVEL GOVERNMENT OFFICIALS TO PLAY AN ACTIVE ROLE IN CREATING "HEART HEALTHY COMMUNITIES"," was jointly offered by Representatives Lee, Arakaki, Green, Herkes, Karamatsu, Magaoay, Pine, Thielen, Abinsay, Chang, Ching, Halford, Kahikina, Marumoto, Nishimoto, Saiki, Souki, Stevens, Takumi, Waters and Yamashita.

H.R. No. 90, entitled: "HOUSE RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was jointly offered by Representatives Lee, Abinsay, Arakaki, Cabanilla, Hale, Kawakami, Magaoay, Shimabukuro, Sonson, Berg, Carroll, Green, Luke, Marumoto, Meyer, Morita, Pine, Stevens and Yamane.

H.R. No. 91, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR AND THE STATE LIBRARIAN TO RESTORE LIBRARY HOURS FOR THE HAWAII STATE PUBLIC LIBRARY SYSTEM TO MEET THE NEEDS OF LIBRARY SYSTEM MEMBERS," was jointly offered by Representatives Lee, Berg, Hale, Kawakami, Luke, Marumoto, Schatz, Shimabukuro, Yamane, Carroll, Meyer, Morita, Pine, Stevens and Tanaka.

H.R. No. 92, entitled: "HOUSE RESOLUTION ENCOURAGING THE ENTRANCE OF MEN INTO THE NURSING FIELD," was jointly offered by Representatives Lee, Abinsay, Arakaki, Cabanilla, Carroll, Hale, Kawakami, Magaoay, Marumoto, Meyer, Pine, Shimabukuro, Berg, Green, Luke, Morita, Stevens and Yamane.

H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A COMPREHENSIVE STATEWIDE PEDESTRIAN SAFETY ACTION PLAN," was offered by Representative Souki.

H.R. No. 94, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A BLUE RIBBON PANEL TO INVESTIGATE IMPLEMENTATION OF THE CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT BY THE CORRECTIONS DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY," was jointly offered by Representatives Ito, Chong, Lee, Shimabukuro, Tanaka, Yamane, Nakasone and Souki.

H.R. No. 95, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO REPORT ON THE OVERCROWDED CONDITIONS AT HAWAII'S JAILS AND PRISONS AND THE HOUSING OF HAWAII'S INMATES AT MAINLAND FACILITIES," was jointly offered by Representatives Ito, Chong, Lee, Shimabukuro, Tanaka, Yamane, Nakasone and Souki.

[Note: The following House Resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO STUDY THE FEASIBILITY OF ESTABLISHING A HAWAII PORT AUTHORITY," was jointly offered by Representatives Hale, Berg, Evans, Kanoho, Kawakami and Morita.

H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH USER ADVISORY COMMITTEES FOR THE SMALL BOAT HARBORS," was jointly offered by Representatives Hale, Evans, Kanoho, Berg, Carroll, Morita and Schatz.

H.R. No. 98, entitled: "HOUSE RESOLUTION REQUESTING SUPPORT FOR THE ESTABLISHMENT OF A SEPARATE ELECTRICIANS LICENSING BOARD," was offered by Representative Herkes.

H.R. No. 99, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO REQUIRE FULL DISCLOSURE OF ALL CHEMICAL AND GENETIC MODIFICATION ACTIONS TO THE PUBLIC AND LEGISLATURE WHEN COMPANIES CONDUCT ANY OPEN AIR FIELD TESTING ON GENETICALLY MODIFIED ORGANISMS," was jointly offered by Representatives Green, Arakaki, Berg, Chang, Herkes, Schatz, Evans, Hale, Takamine and Tsuji.

H.R. No. 100, entitled: "HOUSE RESOLUTION REQUESTING THE ADJUTANT GENERAL TO PROVIDE HEALTH SCREENING FOR DEPLETED URANIUM EXPOSURE TO MEMBERS AND VETERANS OF THE ARMED FORCES AND TO REPORT ON THE SCOPE AND ADEQUACY OF DEPLETED URANIUM STORAGE AND DISPOSAL IN HAWAII," was jointly offered by Representatives Shimabukuro, Carroll, Hale, Kahikina, Moses, B. Oshiro, Schatz, Tanaka, Abinsay, Arakaki, Berg, Caldwell, Chong, Green, Halford, Ito, Lee, Morita, Nakasone, Saiki, Souki, Takumi, Waters, Yamane and Yamashita.

H.R. No. 101, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO REAFFIRM THEIR COMMITMENT TO MAINTAINING A SYSTEMWIDE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS AND TO FILL THE VACANT POSITION OF THE VICE PRESIDENT FOR STUDENT AFFAIRS," was jointly offered by Representatives Takai, Arakaki, Karamatsu, Luke, Nishimoto, Say, Waters and Saiki.

H.R. No. 102, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON DECABROMODIPHENYLETHER," was jointly offered by Representatives Thielen, Arakaki, Green, Lee and Morita.

H.R. No. 103, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONDUCT A STUDY ON EXISTING FARMS THAT PRACTICE AGRICULTURAL TOURISM TO EXAMINE THE IMPACT THAT OVERNIGHT ACCOMMODATIONS FOR AGRICULTURAL TOURISM HAS ON AGRICULTURAL LANDS," was jointly offered by Representatives Yamashita, Abinsay, Chang, Herkes, Karamatsu, Magaoay and Tsuji.

H.R. No. 104, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO PURCHASE THE MOANALUA GARDENS," was jointly offered by Representatives Wakai, Arakaki, Lee, Luke, B. Oshiro, Ito, Karamatsu, Kawakami, Nishimoto and Yamane.

H.R. No. 105, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION TO ADDRESS PUBLIC INTERESTS AND COMMUNITY NEEDS FOR LOCAL MEDIA, INCLUDING NEWS, ACCESS, AND OWNERSHIP," was jointly offered by Representatives Wakai, Cabanilla, Kanoho, Kawakami, Luke, M. Oshiro, Shimabukuro, Abinsay, Arakaki, Green, Ito, Karamatsu, Lee, Meyer, Nishimoto, B. Oshiro, Schatz, Tsuji and Yamane.

H.R. No. 106, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING ADMINISTRATION AND THE HAWAII HOUSING FINANCE AND DEVELOPMENT ADMINISTRATION TO IMPOSE CONDITIONS ON AGREEMENTS WITH ELIGIBLE HOUSING DEVELOPERS TO DEVELOP HOUSING PROJECTS IN SUBSTANTIAL COMPLIANCE WITH THEIR INITIAL PROPOSALS," was jointly offered by Representatives Cabanilla, Thielen, Abinsay, Berg, Hale, Herkes, Kahikina, Lee, Meyer, B. Oshiro, Say, Shimabukuro, Tanaka, Tsuji and Yamashita.

H.R. No. 107, entitled: "HOUSE RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE DEVELOPMENT OF A SUBMERSIBLE VEHICULAR TUNNEL FROM EWA TO DOWNTOWN HONOLULU," was jointly offered by Representatives Cabanilla, Kahikina, Kanoho, Marumoto, Moses, Nishimoto, M. Oshiro, Sonson, Takai, Abinsay, Arakaki, Carroll, Ching, Hale, Halford, Herkes, Ito, Karamatsu, B. Oshiro, Say, Shimabukuro, Souki, Stevens and Tsuji.

H.R. No. 108, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES TRADE REPRESENTATIVE TO PURSUE THE INSERTION OF AN INTERPRETIVE NOTE IN THE UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT TO CLARIFY THAT MEDICAID AND PHARMACEUTICAL ASSISTANCE PROGRAMS UNDER THE MEDICARE MODERNIZATION ACT ARE NOT INCLUDED IN THE AGREEMENT," was jointly offered by Representatives Takumi, Arakaki, Green, Lee, Shimabukuro, Tsuji, Abinsay, Chang, Karamatsu, Magaoay, Saiki and Yamashita.

H.R. No. 109, entitled: "HOUSE RESOLUTION CLARIFYING AND DECLARING THE LEGISLATURE'S INTENTION TO TREAT ALL INDIVIDUAL SOCIAL CARE PROVIDERS WHO CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES TO PERFORM ATTENDANT CARE AND DAY CARE SERVICES AUTHORIZED BY THE DEPARTMENT OF HUMAN SERVICES UNDER THE SOCIAL SECURITY ACT, AS AMENDED, AS RECIPIENTS OF SOCIAL SERVICE PAYMENTS," was jointly offered by Representatives Cabanilla, Evans, Kahikina, Nishimoto, Sonson, Ito, Say and Tanaka.

H.R. No. 110, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AND THE UNITED STATES CONGRESS TO KEEP THE TOXICS RELEASE INVENTORY PROGRAM INTACT BY REJECTING THE PROPOSAL TO REDUCE THE PROGRAM'S REPORTING REQUIREMENTS," was offered by Representative B. Oshiro.

H.R. No. 111, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DETERMINE THE AMOUNT OF MOTOR VEHICLE SUN SCREENING REQUIRED TO PROTECT INDIVIDUALS WITH VITILIGO WHILE DRIVING," was jointly offered by Representatives Takamine, Evans, Green and Herkes.

H.R. No. 112, entitled: "HOUSE RESOLUTION REQUESTING THE DISABILITY AND COMMUNICATION ACCESS BOARD TO CONDUCT AN ASSESSMENT CONCERNING THE BEST MANNER IN WHICH TO MAKE PERSONAL MOBILITY DEVICES MORE NOTICEABLE TO DRIVERS," was jointly offered by Representatives Takamine, Evans, Green and Herkes.

H.R. No. 113, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF AGRICULTURE TO STUDY THE IMPACT OF RATE INCREASES ON FARMER USERS OF THE MOLOKAI IRRIGATION SYSTEM TO ASSIST FARMERS TO INCREASE PRODUCTION," was jointly offered by Representatives Carroll, Berg, Evans, Kahikina, Karamatsu, Shimabukuro, Arakaki, Chang, Nakasone, M. Oshiro, Souki, Tsuji and Yamashita.

H.R. No. 114, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON WHETHER A FOOTBALL PROGRAM SHOULD BE ESTABLISHED AT MOLOKAI HIGH SCHOOL," was jointly offered by Representatives Carroll, Arakaki, Berg, Chang, Evans, Kahikina, Karamatsu, Nakasone, M. Oshiro, Shimabukuro, Souki, Tsuji and Yamashita.

H.R. No. 115, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE THE FEASIBILITY OF REDEVELOPING THE OLD NAHIKU SCHOOL SITE AND MAKING IT AVAILABLE AS A COMMUNITY FACILITY," was jointly offered by Representatives Carroll, Chong, Abinsay, Arakaki, M. Oshiro, Stevens and Tsuji.

H.R. No. 116, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO DEVELOP A PLAN TO PROVIDE EQUAL PUBLIC, EDUCATION, AND GOVERNMENTAL ACCESS FACILITIES, EQUIPMENT, AND OPERATIONS OF CABLE TELEVISION SYSTEMS TO ALL MARKETS THROUGHOUT THE STATE," was jointly offered by Representatives Carroll, Abinsay, Arakaki, Chong, M. Oshiro, Stevens and Tsuji.

H.R. No. 117, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DEVELOP A LONG-RANGE, COMPREHENSIVE PLAN FOR THE FUTURE OF KALAUPAPA," was jointly offered by Representatives Carroll, Arakaki, Chong, Abinsay, M. Oshiro, Stevens and Tsuji.

H.R. No. 118, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO STUDY THE FEASIBILITY OF ESTABLISHING ENVIRONMENTAL COURTS IN THE STATE OF HAWAII," was jointly offered by Representatives Carroll, Berg, Kahikina, Shimabukuro, Arakaki, Chang, Evans, Karamatsu, M. Oshiro, Souki, Tsuji and Yamashita.

H.R. No. 119, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, WITH ASSISTANCE FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DEVELOP A STATEWIDE GREENBELTS STRATEGY," was jointly offered by Representatives Carroll, Berg, Shimabukuro, Arakaki, Chang, Evans, Kahikina, Karamatsu, Nakasone, M. Oshiro, Souki, Tsuji and Yamashita.

H.R. No. 120, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT H.R. NO. 3468 TO CONTROL THE INTRODUCTION AND SPREAD OF INVASIVE SPECIES AND DISEASES IN HAWAII," was jointly offered by Representatives Carroll, Arakaki, Chang, Evans, Kahikina, M. Oshiro, Shimabukuro, Tsuji, Abinsay, Karamatsu, Nakasone, Souki and Yamashita.

H.R. No. 121, entitled: "HOUSE RESOLUTION REQUESTING THAT THE AGRIBUSINESS DEVELOPMENT CORPORATION COORDINATE WITH THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE OFFICE OF HAWAIIAN AFFAIRS TO ASSIST MOLOKAI HOMESTEADERS AND FARMERS TO DIVERSIFY, INCREASE, AND PROMOTE THEIR AGRICULTURAL PRODUCTS," was jointly offered by Representatives Carroll, Berg, Chang, Evans, Kahikina, Karamatsu, M. Oshiro, Shimabukuro, Tsuji, Arakaki, Nakasone, Souki and Yamashita.

H.R. No. 122, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO STUDY THE ECONOMIC IMPACT OF THE FAILURE OF MOLOKAI HOMESTEADERS TO RECEIVE THE LEGISLATIVELY ALLOCATED TWO-THIRDS OF THE WATER IN THE MOLOKAI IRRIGATION SYSTEM AND WORK WITH THE BOARD OF AGRICULTURE TO MAXIMIZE THE BENEFITS OF THE SYSTEM FOR ALL USERS," was jointly offered by Representatives Carroll, Berg, Kahikina, Shimabukuro, Arakaki, Chang, Evans, Karamatsu, Nakasone, M. Oshiro, Souki, Tsuji and Yamashita.

H.R. No. 123, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was offered by Representative Luke.

H.R. No. 124, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT ALL COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was offered by Representative Luke.

H.R. No. 125, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO RECONSIDER ITS REORGANIZATION PLAN FOR THE ISLAND OF HAWAII TO ELIMINATE ITS CHILD WELFARE SERVICES OFFICES IN KAU, KAMUELA, AND CAPTAIN COOK," was jointly offered by Representatives Evans, Chang, Green, Hale, Herkes, Tsuji and Takamine.

H.R. No. 126, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO DEVELOP A WEST HAWAII COMMUNITY COLLEGE CAMPUS," was jointly offered by Representatives Evans, Chang, Green, Herkes, Shimabukuro, Tsuji, Carroll, Hale and Takamine.

H.R. No. 127, entitled: "HOUSE RESOLUTION REQUESTING THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES IN FACILITATING THE PLANNING, DESIGN, AND CONSTRUCTION OF A VEHICULAR ESCAPE ROUTE AT PUAKO ON THE ISLAND OF HAWAII," was offered by Representative Evans.

H.R. No. 128, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO PLAN FOR ENROLLMENT INCREASES AND THE ESTABLISHMENT OF ADDITIONAL SCHOOLS IN SOUTH KOHALA ON THE ISLAND OF HAWAII," was offered by Representative Evans.

H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVITALIZE LALAMILO STATION WITH THE COLLABORATION OF THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," was offered by Representative Evans.

H.R. No. 130, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO REQUIRE ONE HUNDRED HOURS OF COMMUNITY SERVICE FROM EACH STUDENT PRIOR TO GRADUATION FROM HIGH SCHOOL," was jointly offered by Representatives Evans, Ching and Waters.

H.R. No. 131, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO CONTINUE THEIR EFFORTS TO SEEK AUTHORIZATION FROM THE UNITED STATES FOREIGN-TRADE ZONES BOARD TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY'S SCIENCE AND OCEAN TECHNOLOGY PARK AT KAILUA-KONA ON THE ISLAND OF HAWAII," was jointly offered by Representatives Evans and Herkes.

H.R. No. 132, entitled: "HOUSE RESOLUTION EXPRESSING APPRECIATION TO THE AIRLINES SERVING THE STATE OF HAWAII AND REQUESTING A PARTNERSHIP BETWEEN THE AIRLINES AND THE STATE TO PERPETUATE HAWAII'S NATURAL RESOURCES," was jointly offered by Representatives Evans, Hale, Karamatsu and Takamine.

H.R. No. 133, entitled: "HOUSE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO FACILITATE THE TRANSFER OF PUBLIC LANDS IN KEALAKEHE TO THE DIVISION OF BOATING AND OCEAN RECREATION AS AN EXPANSION OF HONOKOHAU SMALL BOAT HARBOR," was jointly offered by Representatives Evans, Kanoho and Waters.

H.R. No. 134, entitled: "HOUSE RESOLUTION URGING THE DESIGNATION OF `AWA AS THE OFFICIAL STATE BEVERAGE," was jointly offered by Representatives Shimabukuro, Kahikina, Moses, M. Oshiro, Arakaki, Berg, Cabanilla, Carroll, Chong, Ito, Karamatsu, Lee, Saiki, Souki, Stevens, Takumi, Tanaka, Tsuji, Waters and Yamane.

H.R. No. 135, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO AMEND THEIR SUBDIVISION ORDINANCES TO FACILITATE THE SUBDIVISION OF LAND FOR AGRICULTURAL PURPOSES," was jointly offered by Representatives Abinsay, Say and Tsuji.

H.R. No. 136, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A WORK-FAMILY TASK FORCE TO REVIEW HAWAII'S WORK-FAMILY LAWS AND POLICIES, AND REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY OTHER STATES' LAWS AND PRACTICES THAT PROMOTE GOOD WORK-FAMILY POLICY," was jointly offered by Representatives Arakaki, Caldwell, Green, Lee, Magaoay, Shimabukuro and Finnegan.

H.R. No. 137, entitled: "HOUSE RESOLUTION SUPPORTING SOCIAL EQUALITY FOR ALL OF HAWAII RESIDENTS," was jointly offered by Representatives Arakaki, Berg, Cabanilla, Green, Shimabukuro and Takumi.

H.R. No. 138, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE ON THE STATUS OF THE PARTS B AND C FORMULA GRANT AWARD APPLICATION PACKAGES FOR 2006 UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT," was jointly offered by Representatives Arakaki, Cabanilla, Green and Hale.

H.R. No. 139, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY ON THE EXCLUSION OF DOMESTIC SERVICES, AUTHORIZED AND SUBSIDIZED BY THE DEPARTMENT OF HUMAN SERVICES, FROM THE STATE EMPLOYMENT SECURITY LAW, WORKERS' COMPENSATION LAW, TEMPORARY DISABILITY INSURANCE LAW, AND THE PREPAID HEALTH CARE LAW," was jointly offered by Representatives Arakaki, Cabanilla, Green, Berg and Takumi.

H.R. No. 140, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO EXPEDITE THE ADOPTION OF RULES IN ACCORDANCE WITH CHAPTER 91, HAWAII REVISED STATUTES, AND TO OBTAIN ANY FEDERAL WAIVERS, IF NECESSARY, TO DISALLOW MEDICAID COVERAGE FOR ROUTINE CIRCUMCISION FOR NEWBORN MALE INFANTS IN HAWAII," was jointly offered by Representatives Arakaki, Green, Hale and Nishimoto.

H.R. No. 141, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII STUDY THE COST AND FEASIBILITY OF USING AVATAR TECHNOLOGY TO DEVELOP LAPTOP COMPUTERS FOR INSTANTANEOUS TRANSLATION AND INTERPRETATION SYSTEMS FOR THE DEAF AND HEARING-IMPAIRED," was jointly offered by Representatives Arakaki, Cabanilla, Caldwell, Carroll, Green, Schatz, Shimabukuro and Waters.

H.R. No. 142, entitled: "HOUSE RESOLUTION REQUESTING THE STATE ADMINISTRATION, THE DEPARTMENT OF EDUCATION, AND THE UNIVERSITY OF HAWAII TO JOIN THE LEGISLATURE IN SPONSORING A CONTEST FOR PUBLIC AND PRIVATE HIGH SCHOOL AND MIDDLE SCHOOL STUDENTS TO FIND A SOLUTION TO THE ALGAE AND WATER QUALITY PROBLEM AT THE STATE CAPITOL REFLECTING POOL," was jointly offered by Representatives Arakaki, Abinsay, Berg, Herkes, Lee, Souki, Takumi and Wakai.

H.R. No. 143, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM THAT FOCUSES UPON, BUT IS NOT NECESSARILY LIMITED TO, PERSONS BETWEEN THE AGES OF TEN AND TWENTY-FOUR," was jointly offered by Representatives Arakaki, Green and Waters.

H.R. No. 144, entitled: "HOUSE RESOLUTION ESTABLISHING A FORENSIC MENTAL HEALTH COMMISSION TO STUDY THE INTERACTION BETWEEN THE MENTAL HEALTH AND PUBLIC SAFETY SYSTEMS IN HAWAII WITH RESPECT TO INDIVIDUALS WITH MENTAL ILLNESS," was jointly offered by Representatives Arakaki, Chong, Green and Ito.

H.R. No. 145, entitled: "HOUSE RESOLUTION REQUESTING LOCAL HOSPITALS TO SPONSOR OUT-OF-STATE PHYSICIANS," was offered by Representative Arakaki.

H.R. No. 146, entitled: "HOUSE RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO INVESTIGATE INCENTIVES TO PROMOTE ENERGY STORAGE SYSTEMS," was offered by Representative Morita.

H.R. No. 147, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOLOGICAL DIVERSITY," was offered by Representative Morita.

H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was jointly offered by Representatives Say and Abinsay.

H.R. No. 149, entitled: "HOUSE RESOLUTION ENCOURAGING HAWAII'S LANDOWNERS, INVESTORS, COUNTY GOVERNMENTS, AND REGULATED ELECTRIC UTILITIES TO PURSUE DEVELOPMENT AND CONVERSION OF FUEL CROPS FOR ELECTRICITY GENERATION, AND REQUESTING THE HAWAII ENERGY POLICY FORUM TO MAKE RECOMMENDATIONS," was jointly offered by Representatives Say, Chang, Evans, Hale, Takamine and Tsuji.

H.R. No. 150, entitled: "HOUSE RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII," was jointly offered by Representatives Say and Waters.

H.R. No. 151, entitled: "HOUSE RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was offered by Representative Say.

H.R. No. 152, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF RETURNING THE KAPALUA-WEST MAUI AIRPORT TO PRIVATE OPERATION," was offered by Representative Say.

H.R. No. 153, entitled: "HOUSE RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was jointly offered by Representatives Say and Kahikina.

H.R. No. 154, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN ANALYSIS OF INCENTIVES TO PROMOTE LANDOWNER PROTECTION OF IMPORTANT MAUKA FOREST LANDS," was jointly offered by Representatives Say and Kanoho.

H.R. No. 155, entitled: "HOUSE RESOLUTION REQUESTING THE DEVELOPMENT OF A STRATEGY TO ESTABLISH AND OPERATE A TECHNOLOGY-BASED CONSORTIUM SUPPORTING K-12 EDUCATION, MEDICAL RESEARCH AND DEVELOPMENT ACTIVITIES, AND MEDICAL RESEARCH AND DEVELOPMENT INCUBATOR AND INNOVATION CENTER FOR TECHNOLOGY-BASED COMPANIES ON STATE LAND IN KAKAOKO, MAUKA AND ADJACENT TO THE MOTHER MARY WALDRON PARK," was jointly offered by Representatives Say and Kanoho.

H.R. No. 156, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE OFFICE OF HAWAIIAN AFFAIRS, THE UNITED STATES ARMED FORCES IN HAWAII, AND THE COUNTIES TO STUDY THE USE OF TRAILER PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S AFFORDABLE HOUSING CRISIS," was offered by Representative Say, by request.

H.R. No. 157, entitled: "HOUSE RESOLUTION EXPRESSING OPPOSITION TO THE PROPOSED NATIONAL SECURITY PERSONNEL SYSTEM," was jointly offered by Representatives Caldwell, Ito, Luke, B. Oshiro, M. Oshiro, Chong, Nakasone, Shimabukuro and Souki.

H.R. No. 158, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," was jointly offered by Representatives Caldwell, B. Oshiro, Chong, Herkes, Ito, Nakasone, M. Oshiro, Shimabukuro and Souki.

H.R. No. 159, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT SUBMIT A TIMETABLE TO IMPLEMENT THE CONVERSION OF EXEMPT EMPLOYEES TO CIVIL SERVICE AS REQUIRED UNDER SECTION 144 OF ACT 253, SESSION LAWS OF HAWAII 2000," was jointly offered by Representatives Caldwell, Herkes, Shimabukuro, Chong, Ito, Nakasone, M. Oshiro and Souki.

H.R. No. 160, entitled: "HOUSE RESOLUTION REQUESTING THE INVESTIGATION OF MEANS TO RESTORE OR REPLACE THE DOLE PINEAPPLE-SHAPED WATER TANK IN THE IWILEI DISTRICT OF HONOLULU," was offered by Representative Marumoto.

H.R. No. 161, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF DIFFERENT WAGE CLASSES AND MEDICAL BENEFITS FOR LONG-TERM AND SHORT-TERM PUBLIC SCHOOL SUBSTITUTES, AND OF THE NEED FOR A COLLECTIVE BARGAINING UNIT OR UNION FOR SUBSTITUTE TEACHERS," was offered by Representative Yamane.

H.R. No. 162, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO CONSIDER FREEZING INCREASES IN TAX RATES FOR RESIDENTIAL PROPERTIES," was jointly offered by Representatives Yamane, Kahikina, B. Oshiro, Sonson, Wakai, Abinsay, Arakaki, Caldwell, Chong, Ito, Kanoho, Kawakami, Lee, Luke, Magaoay, Morita, Nishimoto, Shimabukuro, Souki, Takumi, Tanaka and Waters.

H.R. No. 163, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HIRE A PART-TIME PEST INSPECTION TECHNICIAN FOR THE ISLAND OF MOLOKAI TO ERADICATE AND CONTROL INVASIVE SPECIES ON THE ISLAND," was jointly offered by Representatives Carroll, Shimabukuro, Arakaki, Berg, Chang, Evans, Kahikina, Karamatsu, Nakasone, Souki, Tsuji and Yamashita.

H.R. No. 164, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE AHUPUAA OF MUOLEA AS A COMMUNITY BASED SUBSISTENCE FISHING AREA," was offered by Representative Carroll.

H.R. No. 165, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REPORT ON A POTENTIAL CONTAMINANT SPILL ON THE ISLAND OF MOLOKAI," was offered by Representative Carroll.

H.R. No. 166, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF AGRICULTURE MINIMIZE THE IMPACT OF ANY INCREASE IN WATER CHARGES FOR THE MOLOKAI IRRIGATION SYSTEM TO DEPARTMENT OF HAWAIIAN HOME LANDS HOMESTEADERS AND FARMERS," was offered by Representative Carroll.

H.R. No. 167, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON CREATING CONTRIBUTORY AFFORDABLE HOUSING SOLUTIONS THROUGH MANDATED STATE SPECIAL ASSESSMENTS AGAINST REAL PROPERTY AND IMPROVEMENTS THAT ACCRUE TO COMMERCIAL AND INDUSTRIAL LESSORS THROUGH THE EXERCISE OF FULL-TERM EXPIRATORY REVERSION CLAUSES IN GROUND LEASE CONTRACTS ENTERED INTO AFTER DECEMBER 31, 1963," was jointly offered by Representatives Say and Kahikina.

H.R. No. 168, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO DEVELOP A PLAN FOR OPERATING AND FUNDING AN AUTOMATED VICTIM NOTIFICATION SYSTEM," was jointly offered by Representatives Thielen and Lee.

H.R. No. 169, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO APPLY THE PRECAUTIONARY PRINCIPLE IN EVALUATING ALL PERMIT APPLICATIONS," was jointly offered by Representatives Berg, Carroll and Wakai.

H.R. No. 170, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO REQUIRE PVIOUS PAVEMENT TO BE USED TO PAVE SIDEWALKS, DRIVEWAYS, AND ROADS FOR NEW RESIDENTIAL, COMMERCIAL, AND PUBLIC CONSTRUCTION PROJECTS," was jointly offered by Representatives Berg, Evans, Carroll and Wakai.

H.R. No. 171, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR LEGISLATIVE CONSIDERATION IN THE STATE'S 2007-2008 BUDGET," was jointly offered by Representatives Arakaki, Cabanilla, Green, Hale, Lee, Marumoto, and B. Oshiro.

H.R. No. 172, entitled: "HOUSE RESOLUTION REQUESTING COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964," was jointly offered by Representatives Arakaki, Cabanilla, Green, Hale, B. Oshiro, and M. Oshiro.

H.R. No. 173, entitled: "HOUSE RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE MERITS OF CREATING A MONUMENT TO THE CITIZENS OF THE KINGDOM OF HAWAII IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KUPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Waters, Evans, Kahikina, Kanoho, Kawakami, Schatz and Shimabukuro.

H.R. No. 174, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS ON THE APPROPRIATE LEASE RENT FOR THE MAUNA KEA SUMMIT LANDS," was jointly offered by Representatives Waters, Evans, Kahikina, Kawakami, Schatz and Shimabukuro.

H.R. No. 175, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU, HONOLULU COMMUNITY COLLEGE, AND VARIOUS OTHER ENTITIES TO PURSUE DEVELOPMENT OF A MIXED-USE URBAN CORE IN KALIHI AND REQUESTING ENTERPRISE HONOLULU TO SUBMIT A REPORT RELATING TO THE MIXED-USE URBAN CORE," was jointly offered by Representatives Waters, Abinsay, Arakaki and Evans.

H.R. No. 176, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO PROVIDE REAL PROPERTY TAX RELIEF TO LOCAL RESIDENTS WHO LIVE ON FIXED INCOMES OR WHOSE EARNINGS FALL IN THE LOW- TO MIDDLE-INCOME BRACKETS," was offered by Representative Waters.

H.R. No. 177, entitled: "HOUSE RESOLUTION SUPPORTING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES REGARDING THE RIGHT OF ALL CITIZENS OF THE UNITED STATES TO A PUBLIC EDUCATION OF EQUAL HIGH QUALITY," was offered by Representative Waters, by request.

H.R. No. 178, entitled: "HOUSE RESOLUTION URGING SUPPORT FOR MALAMA O KAMAL'I MAKAMAE IN ITS EFFORTS TO DEVELOP CARE HOME FACILITIES FOR ENDANGERED YOUNG CHILDREN FROM LOW-INCOME HOUSEHOLDS, INCLUDING NATIVE HAWAIIAN CHILDREN AT HIGH RISK," was jointly offered by Representatives Meyer, Arakaki, Marumoto, Moses, Takai, Halford, Karamatsu, Kawakami, Lee, Nishimoto and Tanaka.

H.R. No. 179, entitled: "HOUSE RESOLUTION STRONGLY REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENFORCE ITS MOORAGE PERMITTING RULES IN KANEOHE BAY," was jointly offered by Representatives Meyer, Marumoto, Thielen and Ito.

H.R. No. 180, entitled: "HOUSE RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," was jointly offered by Representatives Meyer, Marumoto, Thielen, Arakaki, Halford, Karamatsu, Lee, Nishimoto and Tanaka.

H.R. No. 181, entitled: "HOUSE RESOLUTION CALLING FOR AN INVESTIGATION OF WARRANTLESS WIRETAPPING OF AMERICAN CITIZENS BY THE NATIONAL SECURITY AGENCY," was jointly offered by Representatives Caldwell and Lee.

H.R. No. 182, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR APPORTIONED FEDERAL FUNDING TO ESTABLISH A SAFE ROUTES TO SCHOOL PROGRAM IN HAWAII AND TO RECRUIT AND HIRE A FULL-TIME COORDINATOR FOR THE PROGRAM," was jointly offered by Representatives Lee, Kanoho, Say, Schatz, Waters, Caldwell, Ito and Souki.

H.R. No. 183, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAINTAIN CURRENT SCIENTIFIC DATA ON COMMUNITY EXPOSURE TO ACTUAL AND POTENTIAL SOURCES OF ENVIRONMENTAL HEALTH HAZARDS," was jointly offered by Representatives Nishimoto and Wakai.

H.R. No. 184, entitled: "HOUSE RESOLUTION CONDEMNING THE GENOCIDE IN WESTERN SUDAN AND URGING CONGRESS WITH THE SUPPORT OF THE PRESIDENT TO ENGAGE THE INTERNATIONAL COMMUNITY TO TAKE ACTION TO PROTECT THE PEOPLE OF DARFUR," was jointly offered by Representatives Green, Cabanilla, Hale, Shimabukuro and Waters.

H.R. No. 185, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO STUDY THE IMPACT OF DELAYS IN MEDICAID/QUEST ELIGIBILITY ON ACUTE CARE AVAILABILITY AND HOSPITAL REIMBURSEMENTS FOR WAIT-LISTED PATIENTS," was jointly offered by Representatives Sonson, Arakaki, and M. Oshiro.

H.R. No. 186, entitled: "HOUSE RESOLUTION REQUESTING DEL MONTE AND THE CAMPBELL ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT KUNIA CAMP UNTIL AT LEAST UNTIL DECEMBER 2008, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was jointly offered by Representatives Magaoay, Lee, M. Oshiro, Abinsay, Kahikina and Yamane.

H.R. No. 187, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO NEGOTIATE RECREATION-RESIDENCE USE LEASES IN KOKEE WITH CERTAIN EXISTING LESSEES," was jointly offered by Representatives Schatz, Evans, Kanoho and Harbin.

H.R. No. 188, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE DEPARTMENT OF TRANSPORTATION," was jointly offered by Representatives Souki and Takamine.

H.R. No. 189, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was jointly offered by Representatives Takamine, Tsuji and Herkes.

H.R. No. 190, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING "RECEIVING HOMES" IN EAST AND WEST HAWAII," was jointly offered by Representatives Takamine, Tsuji and Herkes.

H.R. No. 191, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON ESTABLISHING A HAWAII STATE GEOLOGICAL SURVEY," was jointly offered by Representatives Abinsay and Tsuji.

H.R. No. 192, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE THE FEASIBILITY OF CONTRACTING WITH A PRIVATE NONPROFIT CORPORATION TO MANAGE THE ALA WAI SMALL BOAT HARBOR," was jointly offered by Representatives Abinsay and Tsuji.

H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was jointly offered by Representatives Abinsay and Tsuji.

H.R. No. 194, entitled: "HOUSE RESOLUTION REQUESTING HAWAIIAN AIRLINES TO RECONSIDER ITS DECISION TO DISALLOW THE TRANSPORT OF LIFE SAVING ORGANS FOR ORGAN TRANSPLANTS ON ITS FLIGHTS," was jointly offered by Representatives Abinsay, Arakaki, Lee, Magaoay, Caldwell, Ito and Souki.

H.R. No. 195, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," was jointly offered by Representatives Abinsay, Karamatsu, Magaoay, Tsuji, Wakai, Yamashita, Halford and Herkes.

H.R. No. 196, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE APPLICABILITY AND USE OF THE AGRICULTURAL INCOME CAPITALIZATION APPROACH AND OTHER METHODOLOGIES TO STABILIZE THE REOPENING OF RENTS FOR DEPARTMENT OF AGRICULTURE'S AGRICULTURAL PARKS," was jointly offered by Representatives Abinsay, Halford, Magaoay, Tsuji, Herkes, Karamatsu and Wakai.

H.R. No. 197, entitled: "HOUSE RESOLUTION ESTABLISHING THE SELECT HOUSE COMMITTEE ON HOMELAND SECURITY REVIEW," was jointly offered by Representatives Say and Ito.

H.R. No. 198, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE KOMOHANA RESEARCH AND EXTENSION CENTER IN HONOR OF TADASHI HIGAKI," was jointly offered by Representatives Chang, Abinsay, Carroll, Chong, Evans, Green, Hale, M. Oshiro, Takai, Tsuji, Waters, Yamane, Yamashita, Herkes and Takamine.

H.R. No. 199, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE AND ENACTMENT OF THE MEDICARE ACCESS TO REHABILITATION SERVICES ACT OF 2005, TO PERMANENTLY REMOVE THE MEDICARE OUTPATIENT REHABILITATION THERAPY MONETARY CAPS," was jointly offered by Representatives Chong, Arakaki and Green.

H.R. No. 200, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONSIDER RESURFACING THE FLOORS OF THE STATE CAPITOL TO ADDRESS SAFETY CONCERNS," was offered by Representative Chong.

H.R. No. 201, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE ON THE RELATIONSHIP BETWEEN VARIOUS KAILUA WATERWAYS, INCLUDING THE KAELEPULU POND, AND THE WATER QUALITY AND NATURAL RESOURCES OF KAILUA BEACH AND KAILUA BAY," was jointly offered by Representatives Chong, Kanoho, Schatz, Arakaki, Green, Ito and Waters.

H.R. No. 202, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEOHE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET," was jointly offered by Representatives Chong, Karamatsu, Ito and Souki.

H.R. No. 203, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INVEST IN A MULTIMEDIA LEARNING CENTER EACH AT CASTLE HIGH SCHOOL AND KAILUA HIGH SCHOOL FOR USE BY THE SCHOOLS AND THEIR SURROUNDING COMPLEX SCHOOLS," was jointly offered by Representatives Chong, Ito and Takumi.

H.R. No. 204, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE AIR COOLING NEEDS OF EACH SCHOOL COMPLEX AND TO REVIEW THE FEASIBILITY OF USING ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS," was jointly offered by Representatives Chong, Herkes, Ito, Takumi and Wakai.

H.R. No. 205, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A PUBLIC SCHOOL PHOTOVOLTAIC PILOT PROJECT," was jointly offered by Representatives Chong, Morita and Ito.

H.R. No. 206, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO COLLABORATE WITH THE DEPARTMENT OF TRANSPORTATION TO PURSUE ON A PRIORITY BASIS THE RELOCATION OF THE UNIVERSITY OF HAWAII MARINE CENTER FROM THE FORMER KAPALAMA MILITARY RESERVATION, HONOLULU HARBOR," was jointly offered by Representatives Yamane and Souki.

H.R. No. 207, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR ULUPALAKUA RANCH FOR THE ENVIRONMENTAL STEWARDSHIP AWARD," was jointly offered by Representatives Yamashita, Carroll and Souki.

H.R. No. 208, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO ESTABLISH STANDARDS OF BRAILLE PROFICIENCY AND INSTRUCTION," was offered by Representative Takumi.

H.R. No. 209, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was jointly offered by Representatives Arakaki, Berg, Ching, Finnegan, Kahikina, Green and Hale.

H.R. No. 210, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was jointly offered by Representatives Arakaki and Shimabukuro.

H.R. No. 211, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR, THE COUNTY MAYORS AND COUNTY COUNCILS, WITH THE ASSISTANCE OF THE TAX REVIEW COMMISSION, THE CITY AND COUNTY OF HONOLULU'S TAX POLICY COMMITTEE AND COMPARABLE COMMITTEES OF KAUAI, MAUI, AND HAWAII COUNTIES TO REVIEW THE STATE AND COUNTIES' TAX AND REVENUE SYSTEM," was offered by Representative M. Oshiro.

H.R. No. 212, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INSPECT ALL DAMS IN THE STATE TO DETERMINE WHETHER THERE ARE ANY DAMS THAT ARE IN IMMINENT OR SHORT-TERM DANGER OF FAILURE," was jointly offered by Representatives Magaoay, Arakaki, Berg, Carroll, Ito, Kahikina, Karamatsu, Lee, Nishimoto, Sonson, Tanaka, Tsuji, Souki, Takumi and Yamashita.

H.R. No. 213, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO TAKE ALL NECESSARY STEPS TO RELOCATE, IN AN EXPEDITIOUS MANNER, THE PROPOSED NEW CANCER RESEARCH CENTER OF HAWAII FROM THE KAKAOKO DISTRICT OF OAHU TO A SITE NEAR THE CENTER'S PRESENT LOCATION CLOSE TO THE QUEEN'S HOSPITAL," was jointly offered by Representatives Stevens, Berg, Cabanilla, Carroll, Evans, Halford, Kanoho, Lee, Meyer, Nishimoto, Shimabukuro, Souki, Tanaka and Tsuji.

H.R. No. 214, entitled: "HOUSE RESOLUTION ENCOURAGING THE LEGISLATURE, THE ADMINISTRATION, THE UNIVERSITY OF HAWAII, AND HAWAII'S CONGRESSIONAL DELEGATION TO WORK COLLABORATIVELY WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JAPAN AEROSPACE EXPLORATION AGENCY, AND OTHER PUBLIC AND PRIVATE AEROSPACE-RELATED AGENCIES AND INSTITUTIONS, TO EXPAND AND DIVERSIFY THE AEROSPACE INDUSTRY THROUGH THE DEVELOPMENT OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," was offered by Representative Stevens.

H.R. No. 215, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW HOW IT ALLOCATES FUNDING FOR HIGH SCHOOL ATHLETIC TEAM TRAVEL AND TO EXPLORE THE FEASIBILITY OF ESTABLISHING PERMANENT OVERNIGHT ACCOMMODATIONS ON EACH ISLAND FOR TRAVELING HIGH SCHOOL ATHLETIC TEAMS," was jointly offered by Representatives Carroll, Chong, Ito, Shimabukuro, Tanaka, Tsuji, Yamashita, Arakaki, Kahikina, Kanoho, Nishimoto, M. Oshiro, Souki and Takumi.

H.R. No. 216, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE IMPACT OF WASTE-DERIVED FERTILIZERS, ANIMAL FEED, SOIL AMENDMENTS, AGRICULTURAL MINERALS, AUXILIARY SOIL, AND PLANT SUBSTANCES ON THE HEALTH AND SAFETY OF CONSUMERS, FARMERS, AND THE GENERAL PUBLIC," was offered by Representative Morita.

H.R. No. 217, entitled: "HOUSE RESOLUTION EXPRESSING OUTRAGE AT RECENT CONGRESSIONAL CUTS TO STUDENT LOAN PROGRAMS," was jointly offered by Representatives Schatz, Berg, Evans, Kanoho, Nishimoto, Takai, Tanaka, Thielen, Arakaki, Caldwell, Chang, Harbin, Ito, Sonson, Souki and Wakai.

H.R. No. 218, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY TO DETERMINE THE MEANS TO ESTABLISH AN "AGING IN PLACE" TAX CREDIT FOR HAWAII TAXPAYERS," was jointly offered by Representatives Schatz, Arakaki, Kanoho, Morita, Nishimoto, Caldwell, Ito, Karamatsu, Sonson and Souki.

H.R. No. 219, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO END THE UNITED STATES' RULE IN THE MILITARY OCCUPATION OF IRAQ AND TO TAKE NECESSARY ACTION TO BEGIN WITHDRAWAL OF UNITED STATES TROOPS FROM IRAQ," was jointly offered by Representatives Schatz, Berg, Caldwell, Kanoho, Tanaka, Karamatsu, Nishimoto, Souki and Wakai.

H.R. No. 220, entitled: "HOUSE RESOLUTION CONDEMNING WARRANTLESS WIRETAPPING OF AMERICAN CITIZENS BY THE NATIONAL SECURITY AGENCY AS UNCONSTITUTIONAL, ILLEGAL, AND IMMORAL IN LIGHT OF THE IMPORTANCE THAT PEOPLE OF THIS COUNTRY BE FREE FROM TYRANNY," was jointly offered by Representatives Schatz, Berg, Kanoho, Karamatsu, Lee, Nishimoto, Souki, Tanaka and Wakai.

H.R. No. 221, entitled: "HOUSE RESOLUTION URGING THE OFFICE OF PLANNING TO UPDATE ITS 1991 "STATE LAND USE DISTRICT BOUNDARY REVIEW, URBAN LAND REQUIREMENTS STUDY" TO DETERMINE THE AMOUNT OF URBAN LAND AVAILABLE FOR THE DEVELOPMENT OF AFFORDABLE HOUSING," was offered by Representative Shimabukuro.

H.R. No. 222, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY OF ALL STREAMS AND DRAINAGE CHANNELS IN THE STATE OF HAWAII," was jointly offered by Representatives Ito, Caldwell, Chong, Kahikina, Kanoho, Magaoay, Morita, Say and Waters.

H.R. No. 223, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES AND THE ADJUTANT GENERAL TO CONDUCT A STUDY OF ALL PUBLIC AND PRIVATELY OWNED DAMS IN THE STATE," was jointly offered by Representatives Ito, Caldwell, Chong, Kahikina, Kanoho, Magaoay, Morita, Say and Waters.

H.R. No. 224, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM A TASK FORCE TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT IN WAILOA RIVER AND HILO BAY," was jointly offered by Representatives Chang, Ito, Kanoho, Karamatsu, Magaoay, Tsuji and Souki.

H.R. No. 225, entitled: "HOUSE RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was offered by Representative Arakaki.

H.R. No. 226, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AGE-APPROPRIATE STANDARDS FOR PRESCHOOL AGE CHILDREN WITH SPECIAL NEEDS," was offered by Representative Arakaki.

H.R. No. 227, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO ASSESS THE FAMILY COURT SERVICES AND PROCESSES," was offered by Representative Arakaki.

H.R. No. 228, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITY OF THE STATE DEVELOPING AND OPERATING MANUFACTURED-HOUSING PARKS TO HELP ALLEVIATE HAWAII'S AFFORDABLE HOUSING CRISIS," was offered by Representative Arakaki.

H.R. No. 229, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FACILITATE AN AUDIT OF EACH AGENCY THAT RECEIVES HEAD START FUNDING FROM THE STATE," was offered by Representative Arakaki.

H.R. No. 230, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH AN APPROPRIATE FEE FOR COURT-ORDERED FORENSIC EVALUATIONS AND TO PROVIDE COPIES OF THE EXAMINATION REPORTS TO THE DEPARTMENT OF HEALTH," was offered by Representative Arakaki.

H.R. No. 231, entitled: "HOUSE RESOLUTION REQUESTING THAT SIGN LANGUAGE INSTRUCTION BE COORDINATED," was offered by Representative Arakaki.

H.R. No. 232, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE PRACTICES OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was jointly offered by Representatives Caldwell, and M. Oshiro.

H.R. No. 233, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF BUDGET AND FINANCE, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was offered by Representative Kanoho.

H.R. No. 234, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A LAND USE WORKING GROUP UNDER THE AUSPICES OF THE STATE LEGISLATURE AND THE LAND USE COMMISSION TO ADDRESS LAND ISSUES RELATING TO NON-AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS," was offered by Representative Kanoho.

H.R. No. 235, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE'S LANDING FEES AND DETERMINE WHETHER THE LANDING FEES AT STATE AIRPORTS SHOULD BE INCREASED," was offered by Representative Berg.

H.R. No. 236, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO SUSPEND CONSIDERATION OF ALL APPLICATIONS FOR GOLF COURSE PROJECTS UNTIL JULY 1, 2010, WHILE THE OFFICE OF PLANNING CONDUCTS A STUDY AND PRODUCES A PLAN OF ACTION FOR GOLF COURSE DEVELOPMENT," was offered by Representative Berg.

H.R. No. 237, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SPONSOR A SERIES OF PUBLIC POLICY DIALOGS ON OPEN GOVERNMENT," was offered by Representative Berg.

H.R. No. 238, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO REQUIRE ALL NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENTS BE EQUIPPED WITH WATER CONSERVATION DEVICES," was offered by Representative Berg.

H.R. No. 239, entitled: "HOUSE RESOLUTION SUPPORTING THE KYOTO PROTOCOL ON CLIMATE CHANGE AS A SIGNIFICANT MEANS TO REDUCE GREENHOUSE GAS EMISSIONS AND STABILIZE THE GLOBAL ATMOSPHERE, AND AS A NECESSARY FIRST STEP TOWARD MAINTAINING THE HEALTH AND QUALITY OF LIFE FOR FUTURE GENERATIONS OF HAWAII RESIDENTS, AND URGING THE GOVERNOR TO REQUEST THE PRESIDENT TO PURSUE RATIFICATION OF THIS AGREEMENT," was jointly offered by Representatives Berg, Arakaki, Green, Shimabukuro, Takumi and Waters.

H.R. No. 240, entitled: "HOUSE RESOLUTION URGING THE MAYOR OF EACH COUNTY TO ADOPT THE PROVISIONS OF THE KYOTO PROTOCOL, SIGN THE U.S. MAYORS' CLIMATE PROTECTION AGREEMENT, AND GUIDE THE COUNTY COUNCIL TOWARDS REDUCTION OF GREENHOUSE GAS EMISSIONS," was jointly offered by Representatives Berg, Arakaki, Green, Shimabukuro, Takumi and Waters.

H.R. No. 241, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCLUDE THE USE OF BIOREMEDIATION METHODS TO PREVENT AND MITIGATE POLLUTION IN ITS BEST MANAGEMENT PRACTICES AND PROGRAMS," was offered by Representative Berg.

H.R. No. 242, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH, DESIGN, SUPERVISE, AND CONDUCT ECONOMICS EDUCATION TRAINING FOR STATE OFFICERS," was offered by Representative Berg.

H.R. No. 243, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN FOR ALL PUBLIC SCHOOL PRINCIPALS, VICE-PRINCIPALS, AND TEACHERS TO SATISFACTORILY COMPLETE AT LEAST ONE COURSE IN HAWAIIAN LANGUAGE AND CULTURE INSTRUCTION AS PART OF THEIR LICENSING REQUIREMENTS," was offered by Representative Berg.

H.R. No. 244, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO APPROVE LEGISLATION REQUIRING THE UNITED STATES POSTAL SERVICE TO PROVIDE MAIL RECIPIENTS THE OPTION OF BEING INCLUDED ON A LIST OF THOSE NOT WISHING TO RECEIVE ANY UNSOLICITED COMMERCIAL MAIL," was offered by Representative Berg.

H.R. No. 245, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO IMPOSE A MORATORIUM ON THE DISPOSITION OF PUBLIC LAND IN FEE SIMPLE UNTIL 2010," was offered by Representative Berg.

H.R. No. 246, entitled: "HOUSE RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," was offered by Representative Berg.

H.R. No. 247, entitled: "HOUSE RESOLUTION RECOGNIZING, ACKNOWLEDGING, AND COMMENDING THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF OAHU FOR ITS OUTSTANDING SERVICE TO THE COMMUNITY FOR THE PAST ONE HUNDRED YEARS AND FOR CREATING OPPORTUNITIES FOR WOMEN'S GROWTH, LEADERSHIP, AND POWER IN PURSUIT OF PEACE, JUSTICE, FREEDOM, AND DIGNITY FOR ALL PEOPLE," was offered by Representative Berg.

H.R. No. 248, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVIEW AND REPORT ON THE LONG-TERM DEVELOPMENT OF OBSERVATORY SITES ON THE SUMMIT OF MAUNA KEA," was offered by Representative Kanoho.

H.R. No. 249, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF BUDGET AND FINANCE, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was offered by Representative Kanoho.

H.R. No. 250, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH AS "CHRONIC KIDNEY DISEASE AWARENESS MONTH" IN HAWAII IN THE HOPE THAT ALL POSSIBLE SUPPORT WILL CONTINUE TO BE EXTENDED TO END-STAGE RENAL DISEASE PATIENTS IN HAWAII AND THROUGHOUT THE COUNTRY AND WORLD," was offered by Representative Lee.

H.R. No. 251, entitled: "HOUSE RESOLUTION COMMENDING THE EFFORTS OF THE ONE CAMPAIGN AND INVITING ALL CITIZENS TO JOIN IN RECOGNIZING AND SUPPORTING THE ONE CAMPAIGN AS IT SPREADS ITS MESSAGE THROUGHOUT THE NATION AND THE WORLD," was offered by Representative Takai.

H.R. No. 252, entitled: "HOUSE RESOLUTION CALLING UPON THE GOVERNOR TO TAKE IMMEDIATE STEPS TO WITHDRAW THE HAWAII ARMY AND AIR NATIONAL GUARD TROOPS FROM IRAQ NOW," was jointly offered by Representatives Caldwell, and M. Oshiro.

H.R. No. 253, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE HOUSE RESOLUTION 4167, THE "NATIONAL UNIFORMITY FOR FOODS ACT OF 2005", AND TO ENCOURAGE ONGOING DIALOGUE TO RETAIN STATE AND LOCAL GOVERNMENT CONTROL OVER FOOD SAFETY ISSUES," was offered by Representative Abinsay.

H.R. No. 254, entitled: "HOUSE RESOLUTION SUPPORTING THE PRESERVATION OF JAPANESE SHRINES AND TEMPLES IN HAWAII," was jointly offered by Representatives Ching, Cabanilla, Marumoto, Berg, Chong, Morita, Pine, Shimabukuro, Sonson, Stevens, Tanaka and Wakai.

H.R. No. 255, entitled: "HOUSE RESOLUTION SUPPORTING, AND REQUESTING ADDITIONAL FINANCIAL SUPPORT OF, HISTORIC PRESERVATION," was jointly offered by Representatives Ching, Cabanilla, Marumoto, Berg, Chong, Morita, Pine, Shimabukuro, Sonson, Stevens, Tanaka.

H.R. No. 256, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HONOR THE FIRST MONDAY IN MAY AS HAWAII HISTORIC PRESERVATION AWARENESS DAY," was jointly offered by Representatives Ching, Arakaki, Thielen, Ito, Kanoho, Karamatsu, Lee, Nishimoto, M. Oshiro, Souki and Takumi.

H.R. No. 257, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ALLOW PUBLIC SCHOOL TEACHERS ACCESS TO A DEBIT CARD FOR THE PURCHASE OF THEIR ALLOTTED CLASSROOM SUPPLIES," was jointly offered by Representatives Ching, Marumoto, Berg, Morita, Pine, Shimabukuro, Sonson, Tanaka and Wakai.

H.R. No. 258, entitled: "HOUSE RESOLUTION SUPPORTING THE STUDY OF HISTORIC PRESERVATION AT THE LOWER LEVELS OF EDUCATIONAL CURRICULA WITHIN THE STATE OF HAWAII," was jointly offered by Representatives Ching, Berg, Marumoto, Meyer, Pine, Shimabukuro, Tsuji and Wakai.

H.R. No. 259, entitled: "HOUSE RESOLUTION HONORING THE MANY SERVICES AND TALENTS THAT WORKING DOGS PROVIDE FOR PEOPLE IN TODAY'S SOCIETY," was jointly offered by Representatives Ching, Berg, Meyer, Sonson and Tsuji.

H.R. No. 260, entitled: "HOUSE RESOLUTION SUPPORTING A FOUR-YEAR DEGREE PROGRAM IN HISTORIC PRESERVATION AT THE UNIVERSITY OF HAWAII," was jointly offered by Representatives Ching, Cabanilla, Marumoto, Berg, Chong, Morita, Pine, Shimabukuro, Sonson, Stevens and Tanaka.

H.R. No. 261, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO CREATE A PRIORITIZED ACTION PLAN FOR PRESERVING ALL BUILDINGS BUILT BEFORE WORLD WAR II THAT ARE CONSIDERED ELIGIBLE FOR THE NATIONAL AND/OR STATE REGISTER OF HISTORIC PLACES," was jointly offered by Representatives Ching, Thielen, Arakaki, Kanoho, Karamatsu, Lee, Nishimoto, M. Oshiro and Souki.

H.R. No. 262, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CREATE A HAWAII STATE HISTORY MUSEUM," was jointly offered by Representatives Ching, Thielen, Arakaki, Ito, Kanoho, Karamatsu, Lee, Magaoy, Nishimoto, M. Oshiro, Souki and Takumi.

H.R. No. 263, entitled: "HOUSE RESOLUTION CALLING FOR THE ESTABLISHMENT OF A TASK FORCE TO STUDY HOW MOPEDS CAN BE MADE SAFER, QUIETER, AND LESS LIKELY TO BE USED FOR ILLEGAL PURPOSES," was jointly offered by Representatives Ching, Berg, Meyer, Sonson and Tsuji.

H.R. No. 264, entitled: "HOUSE RESOLUTION URGING THE GOVERNOR TO CEASE THE QUESTIONABLE USE OF PUBLIC-SERVICE ANNOUNCEMENTS FOR HER OWN POLITICAL CAMPAIGNING PURPOSES," was jointly offered by Representatives M. Oshiro, Luke, and B. Oshiro.

H.C.R. No. 110, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DETERMINE A METHOD OF GATHERING DATA ON GENETICALLY MODIFIED ORGANISM CROP RESEARCH PROJECTS IN THE STATE AND THEIR LOCATIONS AND MAKE THIS DATA AVAILABLE TO FARMERS IN HAWAII," was jointly offered by Representatives Thielen, Morita and Kanoho.

H.C.R. No. 111, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO IMPROVE THE SYNCHRONIZATION OF TRAFFIC SIGNALS ON ALA MOANA BOULEVARD BETWEEN PUNCHBOWL STREET AND KALAKAUA AVENUE, AND TO ASSUME JURISDICTION OF THAT SAME PORTION OF ROAD IN THE INTEREST OF PROMOTING SAFE TRAFFIC FLOW," was offered by Representative Souki.

H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was offered by Representative Herkes.

H.C.R. No. 113, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE STATUTORY AND PUBLIC POLICY CHANGES TO DECREASE THE CENSUS AT HAWAII STATE HOSPITAL AND ENHANCE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS," was jointly offered by Representatives Arakaki, Chong, Green, Ito, Nishimoto, Sonson and Hale.

H.C.R. No. 114, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO SUPPORT AND ADVOCATE FOR THE DEVELOPMENT AND FUNDING OF COMMUNITY AND YOUTH CENTERS IN HAWAIIAN HOMESTEAD COMMUNITIES WITH PRIVATE, COUNTY, STATE, AND FEDERAL FUNDING," was jointly offered by Representatives Kahikina, Carroll, Kawakami and Waters.

H.C.R. No. 115, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO INCLUDE ASSISTED AND INDEPENDENT LIVING HOUSING FOR KUPUNA IN ITS DEVELOPMENT PLANS," was jointly offered by Representatives Kahikina, Carroll and Kawakami.

H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONDUCT A STUDY OF THE HEALTH IMPACTS OF THE PVT LANDFILL," was jointly offered by Representatives Kahikina and Shimabukuro.

H.C.R. No. 117, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE PRESIDENT OF THE SENATE TO CONVENE A JOINT LEGISLATIVE SUBCOMMITTEE TO ORGANIZE A HAWAII STATE PRAYER BREAKFAST," was offered by Representative Kahikina.

H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION, WITH THE ASSISTANCE OF THE DIRECTOR OF HEALTH, TO ESTABLISH A ONE-YEAR PILOT PROGRAM IN SELECTED PUBLIC ELEMENTARY SCHOOLS ON THE WAIANAE COAST TO PROVIDE FREE EYE EXAMINATIONS TO CHILDREN ENTERING KINDERGARTEN, OR ANY OTHER ELEMENTARY GRADE LEVEL IF ENTERING THE STATE PUBLIC SCHOOL SYSTEM FOR THE FIRST TIME, WITH A VIEW TO SCREENING FOR EYE HEALTH, AND VISION PROBLEMS, AND ENSURING THAT STUDENTS ARE NOT ERRONEOUSLY DIAGNOSED AS HAVING ATTENTION DEFICIENT HYPERACTIVITY DISORDER," was jointly offered by Representatives Kahikina and Arakaki.

H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO IMMEDIATELY RATIFY THE AMENDMENTS MADE TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED, AS EMBODIED IN ACT 302, SESSION LAWS OF HAWAII 2001, AND TO RECOGNIZE HAWAIIAN HOMESTEAD COMMUNITY ORGANIZATIONS AS SELF-GOVERNING ADMINISTRATIVE AUTHORITIES FOR THEIR RESPECTIVE COMMUNITIES," was jointly offered by Representatives Kahikina, Carroll and Waters.

H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BUSH ADMINISTRATION AND THE UNITED STATES CONGRESS TO FULLY RESTORE THE BUDGET CUTS TO THE EQUIPMENT AND PERSONNEL BUDGET OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE UNITED STATES," was jointly offered by Representatives Takai, Chong and Ito.

H.C.R. No. 121, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSE AND SENATE COMMITTEES ON HUMAN SERVICES TO CONDUCT A JOINT STUDY OF THE DEPARTMENT OF HUMAN SERVICES' REUNIFICATION AND KINSHIP PLACEMENT POLICIES AND PROCEDURE," was jointly offered by Representatives Sonson, Arakaki, Luke, Say, Cabanilla, Carroll, Ching, Finnegan, Hale, Karamatsu, Lee, Magaoay, Marumoto, B. Oshiro, M. Oshiro, Schatz, Souki, Tanaka, Tsuji, Wakai and Yamane.

H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S COUNTY, STATE, AND FEDERAL LEVEL GOVERNMENT OFFICIALS TO PLAY AN ACTIVE ROLE IN CREATING 'HEART HEALTHY COMMUNITIES'," was jointly offered by Representatives Lee, Arakaki, Green, Herkes, Karamatsu, Magaoay, Pine, Thielen, Abinsay, Chang, Ching, Halford, Kahikina, Marumoto, Nishimoto, Saiki, Souki, Stevens, Takumi, Waters and Yamashita.

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was jointly offered by Representatives Lee, Abinsay, Arakaki, Cabanilla, Hale, Kawakami, Shimabukuro, Sonson, Berg, Carroll, Green, Luke, Marumoto, Meyer, Morita, Pine, Stevens and Yamane.

H.C.R. No. 124, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR AND THE STATE LIBRARIAN TO RESTORE LIBRARY HOURS FOR THE HAWAII STATE PUBLIC LIBRARY SYSTEM TO MEET THE NEEDS OF LIBRARY SYSTEM MEMBERS," was jointly offered by Representatives Lee, Berg, Hale, Kawakami, Luke, Marumoto, Schatz, Shimabukuro, Yamane, Carroll, Meyer, Morita, Pine, Stevens and Tanaka.

H.C.R. No. 125, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE ENTRANCE OF MEN INTO THE NURSING FIELD," was jointly offered by Representatives Lee, Abinsay, Arakaki, Cabanilla, Carroll, Hale, Kawakami, Marumoto, Meyer, Morita, Pine, Shimabukuro, Berg, Green, Luke, Stevens and Yamane.

H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S NATIONAL CAMPAIGN TO RAISE AWARENESS AND INFORM WOMEN ABOUT MENOPAUSAL HORMONE THERAPY AND DESIGNATING SEPTEMBER AS MENOPAUSE AWARENESS MONTH IN HAWAII," was jointly offered by Representatives Lee, Hale, Kawakami, Luke, Marumoto, Morita, Pine, Shimabukuro, Stevens, Thielen, Berg, Carroll and Meyer.

H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A COMPREHENSIVE STATEWIDE PEDESTRIAN SAFETY ACTION PLAN," was offered by Representative Souki.

H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE WARRANTS SECTION OF THE SHERIFF DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY," was jointly offered by Representatives Ito, Chong, Lee, Tanaka, Yamane, Nakasone, Shimabukuro and Souki.

H.C.R. No. 129, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO CONVENE A BLUE RIBBON PANEL TO INVESTIGATE IMPLEMENTATION OF THE CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT BY THE CORRECTIONS DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY," was jointly offered by Representatives Ito, Chong, Lee, Shimabukuro, Tanaka, Yamane, Nakasone and Souki.

H.C.R. No. 130, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO REPORT ON THE OVERCROWDED CONDITIONS AT HAWAII'S JAILS AND PRISONS AND THE HOUSING OF HAWAII'S INMATES AT MAINLAND FACILITIES," was jointly offered by Representatives Ito, Chong, Lee, Shimabukuro, Tanaka, Yamane, Nakasone and Souki.

[Note: The following House Concurrent Resolutions were received by the Clerk's Office after the Chair declared the day's final recess and prior to the 6:00 p.m. closing of the Journal this legislative day.]

H.C.R. No. 131, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO STUDY THE FEASIBILITY OF ESTABLISHING A HAWAII PORT AUTHORITY," was jointly offered by Representatives Hale, Berg, Evans, Kanoho, Kawakami and Morita.

H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH USER ADVISORY COMMITTEES FOR THE SMALL BOAT HARBORS," was jointly offered by Representatives Hale, Evans, Kanoho, Berg, Carroll, Morita and Schatz.

H.C.R. No. 133, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING SUPPORT FOR THE ESTABLISHMENT OF A SEPARATE ELECTRICIANS LICENSING BOARD," was offered by Representative Herkes.

H.C.R. No. 134, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO REQUIRE FULL DISCLOSURE OF ALL CHEMICAL AND GENETIC MODIFICATION ACTIONS TO THE PUBLIC AND LEGISLATURE WHEN COMPANIES CONDUCT ANY OPEN AIR FIELD TESTING ON GENETICALLY MODIFIED ORGANISMS," was jointly offered by Representatives Green, Arakaki, Berg, Herkes, Schatz, Evans, Hale, Takamine and Tsuji.

H.C.R. No. 135, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING THE PARTICIPATION OF THE GOVERNOR OR THE GOVERNOR'S DESIGNEE IN A JOINT LEGISLATIVE/EXECUTIVE BRANCH WORK GROUP DEDICATED TO FINDING AFFORDABLE SOLUTIONS TO HAWAII'S HEALTHCARE CRISIS," was jointly offered by Representatives Green and Arakaki.

H.C.R. No. 136, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADJUTANT GENERAL TO PROVIDE HEALTH SCREENING FOR DEPLETED URANIUM EXPOSURE TO MEMBERS AND VETERANS OF THE ARMED FORCES AND TO REPORT ON THE SCOPE AND ADEQUACY OF DEPLETED URANIUM STORAGE AND DISPOSAL IN HAWAII," was jointly offered by Representatives Shimabukuro, Carroll, Green, Kahikina, Moses, B. Oshiro, Schatz, Abinsay, Arakaki, Berg, Caldwell, Chong, Halford, Ito, Lee, Morita, Nakasone, Saiki, Souki, Takumi, Tanaka, Waters, Yamane and Yamashita.

H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO REAFFIRM THEIR COMMITMENT TO MAINTAINING A SYSTEMWIDE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS AND TO FILL THE VACANT POSITION OF THE VICE PRESIDENT FOR STUDENT AFFAIRS," was jointly offered by Representatives Takai, Arakaki, Karamatsu, Luke, Nishimoto, Say, Waters and Saiki.

H.C.R. No. 138, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS AND THE STATE OF HAWAII TO AFFIRM AND SUPPORT THE HISTORIC, CULTURAL, AND SACRED SIGNIFICANCE OF MAUNA'ALA-THE ROYAL MAUSOLEUM," was jointly offered by Representatives Kahikina, Arakaki, Carroll, Kanoho, Kawakami, M. Oshiro, Shimabukuro, Waters and Takamine.

H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON DECABROMODIPHENYLETHER," was jointly offered by Representatives Thielen, Arakaki, Green, Lee and Morita.

H.C.R. No. 140, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONDUCT A STUDY ON EXISTING FARMS THAT PRACTICE AGRICULTURAL TOURISM TO EXAMINE THE IMPACT THAT OVERNIGHT ACCOMMODATIONS FOR AGRICULTURAL TOURISM HAS ON AGRICULTURAL LANDS," was jointly offered by Representatives Yamashita, Abinsay, Chang, Herkes, Karamatsu, Magaoay and Tsuji.

H.C.R. No. 141, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO PURCHASE THE MOANALUA GARDENS," was jointly offered by Representatives Wakai, Arakaki, Lee, Luke, B. Oshiro, Ito, Karamatsu, Kawakami, Nishimoto and Yamane.

H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION TO ADDRESS PUBLIC INTERESTS AND COMMUNITY NEEDS FOR LOCAL MEDIA, INCLUDING NEWS, ACCESS, AND OWNERSHIP," was jointly offered by Representatives Wakai, Kanoho, Kawakami, Luke, M. Oshiro, Shimabukuro, Abinsay, Arakaki, Green, Ito, Karamatsu, Lee, Meyer, Nishimoto, B. Oshiro, Schatz, Tsuji and Yamane.

H.C.R. No. 143, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING ADMINISTRATION AND THE HAWAII HOUSING FINANCE AND DEVELOPMENT ADMINISTRATION TO IMPOSE CONDITIONS ON AGREEMENTS WITH ELIGIBLE HOUSING DEVELOPERS TO DEVELOP HOUSING PROJECTS IN SUBSTANTIAL COMPLIANCE WITH THEIR INITIAL PROPOSALS," was jointly offered by Representatives Cabanilla, Thielen, Abinsay, Berg, Hale, Herkes, Kahikina, Lee, Meyer, B. Oshiro, Say, Shimabukuro, Tanaka, Tsuji and Yamashita.

H.C.R. No. 144, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OAHU METROPOLITAN PLANNING ORGANIZATION TO STUDY THE DEVELOPMENT OF A SUBMERSIBLE VEHICULAR TUNNEL FROM EWA TO DOWNTOWN HONOLULU," was jointly offered by Representatives Cabanilla, Kahikina, Kanoho, Marumoto, Moses, Nishimoto, M. Oshiro, Sonson, Takai, Abinsay, Arakaki, Carroll, Ching, Hale, Halford, Herkes, Ito, Karamatsu, B. Oshiro, Say, Shimabukuro, Souki, Stevens and Tsuji.

H.C.R. No. 145, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES TRADE REPRESENTATIVE TO PURSUE THE INSERTION OF AN INTERPRETIVE NOTE IN THE UNITED STATES-AUSTRALIA FREE TRADE AGREEMENT TO CLARIFY THAT MEDICAID AND PHARMACEUTICAL ASSISTANCE PROGRAMS UNDER THE MEDICARE MODERNIZATION ACT ARE NOT INCLUDED IN THE AGREEMENT," was jointly offered by Representatives Takumi, Arakaki, Green, Lee, Shimabukuro, Abinsay, Chang, Karamatsu, Magaoay, Saiki, Tsuji and Yamashita.

H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," was jointly offered by Representatives Magaoay, M. Oshiro, Schatz, Abinsay, Herkes, Karamatsu, Say, Tsuji and Yamashita.

H.C.R. No. 147, entitled: "HOUSE CONCURRENT RESOLUTION CLARIFYING AND DECLARING THE LEGISLATURE'S INTENTION TO TREAT ALL INDIVIDUAL SOCIAL CARE PROVIDERS WHO CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES TO PERFORM ATTENDANT CARE AND DAY CARE SERVICES AUTHORIZED BY THE DEPARTMENT OF HUMAN SERVICES UNDER THE SOCIAL SECURITY ACT, AS AMENDED, AS RECIPIENTS OF SOCIAL SERVICE PAYMENTS," was jointly offered by Representatives Cabanilla, Evans, Kahikina, Nishimoto, Sonson, Ito, Say and Tanaka.

H.C.R. No. 148, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU STUDY THE CONSTITUTIONALITY, LEGALITY, AND EFFECTIVENESS OF RENT CONTROL IN JURISDICTIONS WHERE RENT CONTROL HAS BEEN ESTABLISHED," was jointly offered by Representatives Sonson, Cabanilla, Green, Kahikina and Arakaki.

H.C.R. No. 149, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, AND THE UNITED STATES CONGRESS TO KEEP THE TOXICS RELEASE INVENTORY PROGRAM INTACT BY REJECTING THE PROPOSAL TO REDUCE THE PROGRAM'S REPORTING REQUIREMENTS," was offered by Representative B. Oshiro.

H.C.R. No. 150, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO DETERMINE THE AMOUNT OF MOTOR VEHICLE SUN SCREENING REQUIRED TO PROTECT INDIVIDUALS WITH VITILIGO WHILE DRIVING," was jointly offered by Representatives Takamine, Evans, Green and Herkes.

H.C.R. No. 151, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DISABILITY AND COMMUNICATION ACCESS BOARD TO CONDUCT AN ASSESSMENT CONCERNING THE BEST MANNER IN WHICH TO MAKE PERSONAL MOBILITY DEVICES MORE NOTICEABLE TO DRIVERS," was jointly offered by Representatives Takamine, Evans, Green and Herkes.

H.C.R. No. 152, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE IF THERE ARE ADDITIONAL AREAS OFF THE COAST OF MAUI THAT WOULD BE APPROPRIATE FOR COMMERCIAL THRILL CRAFT OPERATIONS AND TO ISSUE PERMITS FOR THOSE AREAS," was jointly offered by Representatives Tanaka, Kanoho, Evans, Halford, Nakasone and Souki.

H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE TO STUDY THE IMPACT OF RATE INCREASES ON FARMER USERS OF THE MOLOKAI IRRIGATION SYSTEM TO ASSIST FARMERS TO INCREASE PRODUCTION," was jointly offered by Representatives Carroll, Berg, Evans, Kahikina, Karamatsu, Shimabukuro, Arakaki, Chang, Nakasone, M. Oshiro, Souki, Tsuji and Yamashita.

H.C.R. No. 154, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY ON WHETHER A FOOTBALL PROGRAM SHOULD BE ESTABLISHED AT MOLOKAI HIGH SCHOOL," was jointly offered by Representatives Carroll, Arakaki, Berg, Chang, Evans, Kahikina, Karamatsu, Nakasone, M. Oshiro, Shimabukuro, Souki, Tsuji and Yamashita.

H.C.R. No. 155, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE THE FEASIBILITY OF REDEVELOPING THE OLD NAHIKU SCHOOL SITE AND MAKING IT AVAILABLE AS A COMMUNITY FACILITY," was jointly offered by Representatives Carroll, Chong, Abinsay, Arakaki, M. Oshiro, Stevens and Tsuji.

H.C.R. No. 156, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO DEVELOP A PLAN TO PROVIDE EQUAL PUBLIC, EDUCATION, AND GOVERNMENTAL ACCESS FACILITIES, EQUIPMENT, AND OPERATIONS OF CABLE TELEVISION SYSTEMS TO ALL MARKETS THROUGHOUT THE STATE," was jointly offered by Representatives Carroll, Abinsay, Arakaki, Chong, M. Oshiro, Stevens and Tsuji.

H.C.R. No. 157, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DEVELOP A LONG-RANGE, COMPREHENSIVE PLAN FOR THE FUTURE OF KALAUPAPA," was jointly offered by Representatives Carroll, Arakaki, Chong, Abinsay, M. Oshiro, Stevens and Tsuji.

H.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO STUDY THE FEASIBILITY OF ESTABLISHING ENVIRONMENTAL COURTS IN THE STATE OF HAWAII," was jointly offered by Representatives Carroll, Berg, Kahikina, Shimabukuro, Arakaki, Chang, Evans, Karamatsu, M. Oshiro, Souki, Tsuji and Yamashita.

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, WITH ASSISTANCE FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DEVELOP A STATEWIDE GREENBELTS STRATEGY," was jointly offered by Representatives Carroll, Berg, Shimabukuro, Tsuji, Arakaki, Chang, Evans, Kahikina, Karamatsu, Nakasone, M. Oshiro, Souki and Yamashita.

H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT H.R. NO. 3468 TO CONTROL THE INTRODUCTION AND SPREAD OF INVASIVE SPECIES AND DISEASES IN HAWAII," was jointly offered by Representatives Carroll, Arakaki, Chang, Evans, Kahikina, M. Oshiro, Shimabukuro, Tsuji, Abinsay, Karamatsu, Nakasone, Souki and Yamashita.

H.C.R. No. 161, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE AGRIBUSINESS DEVELOPMENT CORPORATION COORDINATE WITH THE DEPARTMENT OF AGRICULTURE, DEPARTMENT OF HAWAIIAN HOME LANDS, AND THE OFFICE OF HAWAIIAN AFFAIRS TO ASSIST MOLOKAI HOMESTEADERS AND FARMERS TO DIVERSIFY, INCREASE, AND PROMOTE THEIR AGRICULTURAL PRODUCTS," was jointly offered by Representatives Carroll, Berg, Chang, Evans, Kahikina, Karamatsu, M. Oshiro, Shimabukuro, Tsuji, Arakaki, Nakasone, Souki and Yamashita.

H.C.R. No. 162, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO STUDY THE ECONOMIC IMPACT OF THE FAILURE OF MOLOKAI HOMESTEADERS TO RECEIVE THE LEGISLATIVELY ALLOCATED TWO-THIRDS OF THE WATER IN THE MOLOKAI IRRIGATION SYSTEM AND WORK WITH THE BOARD OF AGRICULTURE TO MAXIMIZE THE BENEFITS OF THE SYSTEM FOR ALL USERS," was jointly offered by Representatives Carroll, Berg, Kahikina, Shimabukuro, Arakaki, Chang, Evans, Karamatsu, Nakasone, M. Oshiro, Souki, Tsuji and Yamashita.

H.C.R. No. 163, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was offered by Representative Luke.

H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT ALL COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was offered by Representative Luke.

H.C.R. No. 165, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE BAR ASSOCIATION TO CONVENE A TASK FORCE TO CONDUCT A STUDY ON WHETHER A FOURTH CIRCUIT COURT SHOULD BE ESTABLISHED ON OAHU FOR THE KAPOLEI DISTRICT," was offered by Representative Luke.

H.C.R. No. 166, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO RECONSIDER ITS REORGANIZATION PLAN FOR THE ISLAND OF HAWAII TO ELIMINATE ITS CHILD WELFARE SERVICES OFFICES IN KAU, KAMUELA, AND CAPTAIN COOK," was jointly offered by Representatives Evans, Chang, Green, Hale, Herkes, Tsuji and Takamine.

H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO DEVELOP A WEST HAWAII COMMUNITY COLLEGE CAMPUS," was jointly offered by Representatives Evans, Chang, Green, Herkes, Shimabukuro, Tsuji, Carroll, Hale and Takamine.

H.C.R. No. 168, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES IN FACILITATING THE PLANNING, DESIGN, AND CONSTRUCTION OF A VEHICULAR ESCAPE ROUTE AT PUAKE ON THE ISLAND OF HAWAII," was offered by Representative Evans.

H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO PLAN FOR ENROLLMENT INCREASES AND THE ESTABLISHMENT OF ADDITIONAL SCHOOLS IN SOUTH KOHALA ON THE ISLAND OF HAWAII," was offered by Representative Evans.

H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVITALIZE LALAMILLO STATION WITH THE COLLABORATION OF THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," was offered by Representative Evans.

H.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO REQUIRE ONE HUNDRED HOURS OF COMMUNITY SERVICE FROM EACH STUDENT PRIOR TO GRADUATION FROM HIGH SCHOOL," was jointly offered by Representatives Evans, Ching and Waters.

H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO CONTINUE THEIR EFFORTS TO SEEK AUTHORIZATION FROM THE UNITED STATES FOREIGN-TRADE ZONES BOARD TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY'S SCIENCE AND OCEAN TECHNOLOGY PARK AT KAILUA-KONA ON THE ISLAND OF HAWAII," was jointly offered by Representatives Evans and Herkes.

H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING APPRECIATION TO THE AIRLINES SERVING THE STATE OF HAWAII AND REQUESTING A PARTNERSHIP BETWEEN THE AIRLINES AND THE STATE TO PERPETUATE HAWAII'S NATURAL RESOURCES," was jointly offered by Representatives Evans, Hale, Karamatsu and Takamine.

H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO FACILITATE THE TRANSFER OF PUBLIC LANDS IN KEALAKEHE TO THE DIVISION OF BOATING AND OCEAN RECREATION AS AN EXPANSION OF HONOKOHAU SMALL BOAT HARBOR," was jointly offered by Representatives Evans, Kanoho and Waters.

H.C.R. No. 175, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW AND EVALUATION OF THE UNIVERSITY OF HAWAII BOARD OF REGENTS' CONFLICT OF INTEREST POLICY," was offered by Representative Evans.

H.C.R. No. 176, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO PERFORM A STUDY TO DETERMINE WHETHER ARCHAEOLOGICAL AND CULTURAL CONSULTANTS SHOULD BE LICENSED BY THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS," was jointly offered by Representatives Evans and Herkes.

H.C.R. No. 177, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DESIGNATION OF 'AWA AS THE OFFICIAL STATE BEVERAGE," was jointly offered by Representatives Shimabukuro, Cabanilla, Kahikina, Moses, M. Oshiro, Arakaki, Berg, Carroll, Chong, Ito, Karamatsu, Lee, Saiki, Takumi, Tsuji, Waters and Yamane.

H.C.R. No. 178, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF HAWAII'S LAWS AFFECTING AT-RISK YOUTH," was jointly offered by Representatives Shimabukuro, Chong, Kahikina, Lee, Moses, M. Oshiro, Tanaka, Yamane, Arakaki, Berg, Cabanilla, Carroll, Green, Ito, Karamatsu, Kawakami, Stevens, Takumi and Tsuji.

H.C.R. No. 179, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO AMEND THEIR SUBDIVISION ORDINANCES TO FACILITATE THE SUBDIVISION OF LAND FOR AGRICULTURAL PURPOSES," was jointly offered by Representatives Abinsay, Say and Tsuji.

H.C.R. No. 180, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE AND THE AGRIBUSINESS DEVELOPMENT CORPORATION TO SEEK FEDERAL MATCHING FUNDS FOR THE IRRIGATION REPAIR AND MAINTENANCE SPECIAL FUND," was jointly offered by Representatives Abinsay, Say, Takai and Tsuji.

H.C.R. No. 181, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DEVELOP A STATEWIDE STRATEGIC PLAN TO PROMOTE PEDESTRIAN SAFETY IN HAWAII," was offered by Representative Souki.

H.C.R. No. 182, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A WORK-FAMILY TASK FORCE TO REVIEW HAWAII'S WORK-FAMILY LAWS AND POLICIES, AND REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY OTHER STATES' LAWS AND PRACTICES THAT PROMOTE GOOD WORK-FAMILY POLICY," was jointly offered by Representatives Arakaki, Caldwell, Green, Lee and Hale.

H.C.R. No. 183, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING SOCIAL EQUALITY FOR ALL OF HAWAII RESIDENTS," was jointly offered by Representatives Arakaki, Green, Hale and Shimabukuro.

H.C.R. No. 184, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE ON THE STATUS OF THE PARTS B AND C FORMULA GRANT AWARD APPLICATION PACKAGES FOR 2006 UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT," was jointly offered by Representatives Arakaki, Cabanilla, Green and Hale.

H.C.R. No. 185, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY ON THE EXCLUSION OF DOMESTIC SERVICES, AUTHORIZED AND SUBSIDIZED BY THE DEPARTMENT OF HUMAN SERVICES, FROM THE STATE EMPLOYMENT SECURITY LAW, WORKERS' COMPENSATION LAW, TEMPORARY DISABILITY INSURANCE LAW, AND THE PREPAID HEALTH CARE LAW," was jointly offered by Representatives Arakaki, Cabanilla, Green, Berg and Takumi.

H.C.R. No. 186, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HUMAN SERVICES TO EXPEDITE THE ADOPTION OF RULES IN ACCORDANCE WITH CHAPTER 91, HAWAII REVISED STATUTES, AND TO OBTAIN ANY FEDERAL WAIVERS, IF NECESSARY, TO DISALLOW MEDICAID COVERAGE FOR ROUTINE CIRCUMCISION FOR NEWBORN MALE INFANTS IN HAWAII," was jointly offered by Representatives Arakaki, Cabanilla, Green, Hale and Nishimoto.

H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII STUDY THE COST AND FEASIBILITY OF USING AVATAR TECHNOLOGY TO DEVELOP LAPTOP COMPUTERS FOR INSTANTANEOUS TRANSLATION AND INTERPRETATION SYSTEMS FOR THE DEAF AND HEARING-IMPAIRED," was jointly offered by Representatives Arakaki, Caldwell, Carroll, Green, Schatz, Shimabukuro and Waters.

H.C.R. No. 188, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ADMINISTRATION, THE DEPARTMENT OF EDUCATION, AND THE UNIVERSITY OF HAWAII TO JOIN THE LEGISLATURE IN SPONSORING A CONTEST FOR PUBLIC AND PRIVATE HIGH SCHOOL AND MIDDLE SCHOOL STUDENTS TO FIND A SOLUTION TO THE ALGAE AND WATER QUALITY PROBLEM AT THE STATE CAPITOL REFLECTING POOL," was jointly offered by Representatives Arakaki, Abinsay, Berg, Herkes, Lee, Souki, Takumi and Wakai.

H.C.R. No. 189, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE YOUTH SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM THAT FOCUSES UPON, BUT IS NOT NECESSARILY LIMITED TO, PERSONS BETWEEN THE AGES OF TEN AND TWENTY-FOUR," was jointly offered by Representatives Arakaki, Green and Waters.

H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A FORENSIC MENTAL HEALTH COMMISSION TO STUDY THE INTERACTION BETWEEN THE MENTAL HEALTH AND PUBLIC SAFETY SYSTEMS IN HAWAII WITH RESPECT TO INDIVIDUALS WITH MENTAL ILLNESS," was jointly offered by Representatives Arakaki, Chong, Green and Ito.

H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LOCAL HOSPITALS TO SPONSOR OUT-OF-STATE PHYSICIANS," was offered by Representative Arakaki.

H.C.R. No. 192, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO INVESTIGATE INCENTIVES TO PROMOTE ENERGY STORAGE SYSTEMS," was offered by Representative Morita.

H.C.R. No. 193, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOLOGICAL DIVERSITY," was offered by Representative Morita.

H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was jointly offered by Representatives Say and Abinsay.

H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING HAWAII'S LANDOWNERS, INVESTORS, COUNTY GOVERNMENTS, AND REGULATED ELECTRIC UTILITIES TO PURSUE DEVELOPMENT AND CONVERSION OF FUEL CROPS FOR ELECTRICITY GENERATION, AND REQUESTING THE HAWAII ENERGY POLICY FORUM TO MAKE RECOMMENDATIONS," was jointly offered by Representatives Say, Chang, Evans, Hale and Tsuji.

H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII," was jointly offered by Representatives Say and Waters.

H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was offered by Representative Say.

H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF RETURNING THE KAPALUA-WEST MAUI AIRPORT TO PRIVATE OPERATION," was offered by Representative Say.

H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was jointly offered by Representatives Say and Kahikina.

H.C.R. No. 200, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN ANALYSIS OF INCENTIVES TO PROMOTE LANDOWNER PROTECTION OF IMPORTANT MAUKA FOREST LANDS," was jointly offered by Representatives Say and Kanoho.

H.C.R. No. 201, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEVELOPMENT OF A STRATEGY TO ESTABLISH AND OPERATE A TECHNOLOGY-BASED CONSORTIUM SUPPORTING K-12 EDUCATION, MEDICAL RESEARCH AND DEVELOPMENT ACTIVITIES, AND MEDICAL RESEARCH AND DEVELOPMENT INCUBATOR AND INNOVATION CENTER FOR TECHNOLOGY-BASED COMPANIES ON STATE LAND IN KAKAAKO, MAUKA AND ADJACENT TO THE MOTHER MARY WALDRON PARK," was jointly offered by Representatives Say and Kanoho.

H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE OFFICE OF HAWAIIAN AFFAIRS, THE UNITED STATES ARMED FORCES IN HAWAII, AND THE COUNTIES TO STUDY THE USE OF TRAILER PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S AFFORDABLE HOUSING CRISIS," was offered by Representative Say, by request.

H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A STUDY FOR CREATING CONTRIBUTORY AFFORDABLE HOUSING SOLUTIONS THROUGH MANDATED STATE SPECIAL ASSESSMENTS AGAINST REAL PROPERTY AND IMPROVEMENTS THAT ACCRUE TO COMMERCIAL AND INDUSTRIAL LESSORS THROUGH THE EXERCISE OF FULL-TERM EXPIRATORY REVERSION CLAUSES IN GROUND LEASE CONTRACTS ENTERED INTO AFTER DECEMBER 31, 1963," was jointly offered by Representatives Say and Kahikina.

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND THE COUNTIES TO PRIORITIZE EXPENDITURE OF FEDERAL HOMELAND SECURITY FUNDS ON INTEROPERABLE COMMUNICATIONS SYSTEMS," was jointly offered by Representatives Say and Takai.

H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PROPOSED PLANS AND EXISTING AND ANTICIPATED APPROPRIATION REQUESTS OF THE STADIUM AUTHORITY AND THE GOVERNOR FOR THE REPAIR, RENOVATION, REFURBISHMENT, OR REPLACEMENT OF THE ALOHA STADIUM," was jointly offered by Representatives Say and Takai.

H.C.R. No. 206, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO DETERMINE THE ECONOMIC EFFECTIVENESS OF RECENT LEGISLATION AIMED AT PROVIDING INCENTIVES FOR AND CREDITS TO THE HIGH TECHNOLOGY INDUSTRY," was jointly offered by Representatives Say and Karamatsu.

H.C.R. No. 207, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING KENNEL CLUBS, DOG TRAINING PROGRAMS, AND THE HUMANE SOCIETIES OF HAWAII TO PROVIDE RESPONSIBLE TRAINING AND EDUCATION TO PET OWNERS AND TO PROMOTE THE AMERICAN KENNEL CLUB'S CANINE GOOD CITIZEN PROGRAM," was jointly offered by Representatives Moses, Evans, Shimabukuro, Stevens, Tanaka, Tsuji and Wakai.

H.C.R. No. 208, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII CONGRESSIONAL DELEGATION TO INTRODUCE LEGISLATION TO AMEND THE FEDERAL CIVIL RIGHTS LAW," was jointly offered by Representatives Saiki, Carroll, Evans, Kahikina, Kanoho, Kawakami, Schatz, Shimabukuro, Finnegan, Harbin, Meyer and Waters.

H.C.R. No. 209, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING OPPOSITION TO THE PROPOSED NATIONAL SECURITY PERSONNEL SYSTEM," was jointly offered by Representatives Caldwell, Ito, Luke, B. Oshiro, M. Oshiro, Chong, Nakasone, Shimabukuro and Souki.

H.C.R. No. 210, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE HAWAII EMPLOYERS' MUTUAL INSURANCE COMPANY," was jointly offered by Representatives Caldwell, Herkes, B. Oshiro, Chong, Ito, Nakasone, M. Oshiro, Shimabukuro and Souki.

H.C.R. No. 211, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT SUBMIT A TIMETABLE TO IMPLEMENT THE CONVERSION OF EXEMPT EMPLOYEES TO CIVIL SERVICE AS REQUIRED UNDER SECTION 144 OF ACT 253, SESSION LAWS OF HAWAII 2000," was jointly offered by Representatives Caldwell, M. Oshiro, Shimabukuro, Chong, Herkes, Ito, Nakasone and Souki.

H.C.R. No. 212, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE INVESTIGATION OF MEANS TO RESTORE OR REPLACE THE DOLE PINEAPPLE-SHAPED WATER TANK IN THE IWILEI DISTRICT OF HONOLULU," was offered by Representative Marumoto.

H.C.R. No. 213, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF DIFFERENT WAGE CLASSES AND MEDICAL BENEFITS FOR LONG-TERM AND SHORT-TERM PUBLIC SCHOOL SUBSTITUTES, AND OF THE NEED FOR A COLLECTIVE BARGAINING UNIT OR UNION FOR SUBSTITUTE TEACHERS," was offered by Representative Yamane.

H.C.R. No. 214, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HIRE A PART-TIME PEST INSPECTION TECHNICIAN FOR THE ISLAND OF MOLOKAI TO ERADICATE AND CONTROL INVASIVE SPECIES ON THE ISLAND," was jointly offered by Representatives Carroll, Shimabukuro, Arakaki, Berg, Chang, Evans, Kahikina, Karamatsu, Nakasone, Souki, Tsuji and Yamashita.

H.C.R. No. 215, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE AHUPUAA OF MUOLEA AS A COMMUNITY BASED SUBSISTENCE FISHING AREA," was offered by Representative Carroll.

H.C.R. No. 216, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY TO REPORT ON A POTENTIAL CONTAMINANT SPILL ON THE ISLAND OF MOLOKAI," was offered by Representative Carroll.

H.C.R. No. 217, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF AGRICULTURE MINIMIZE THE IMPACT OF ANY INCREASE IN WATER CHARGES FOR THE MOLOKAI IRRIGATION SYSTEM TO DEPARTMENT OF HAWAIIAN HOME LANDS HOMESTEADERS AND FARMERS," was offered by Representative Carroll.

H.C.R. No. 218, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION, UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, CANCER RESEARCH CENTER OF HAWAII, DEPARTMENT OF EDUCATION, DEPARTMENT OF LAND AND NATURAL RESOURCES, THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, AND KAMEHAMEHA SCHOOLS TO PLAN A TECHNOLOGY-BASED COLLABORATIVE PROJECT ON STATE LANDS IN KAKAOKO MAKAI, OAHU," was jointly offered by Representatives Karamatsu, Abinsay, Chang, Magaoay, Marumoto, Tsuji, Wakai and Yamashita.

H.C.R. No. 219, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO PARTICIPATE IN THE FORMATION OF A HEALTH INFORMATION EXCHANGE SYSTEM FOR THE STATE OF HAWAII," was jointly offered by Representatives Karamatsu, Abinsay, Ching, Marumoto, Schatz, Thielen and Wakai.

H.C.R. No. 220, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO MAINTAIN THE CURRENT ZONING OF A ONE HUNDRED SEVENTY-TWO ACRE PARCEL OF REAL PROPERTY IN ROYAL KUNIA FOR THE ESTABLISHMENT OF A PARK, GOLF COURSE, OR CONTINUED USE AS OPEN SPACE," was offered by Representative Karamatsu.

H.C.R. No. 221, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY TO DETERMINE WHETHER PUBLIC, EDUCATION, AND GOVERNMENT ACCESS ORGANIZATIONS SHOULD BE EXEMPT FROM STATE PROCUREMENT LAWS," was jointly offered by Representatives Karamatsu, Kanoho, Kawakami and Schatz.

H.C.R. No. 222, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TASK FORCE TO DEVELOP A PLAN FOR OPERATING AND FUNDING AN AUTOMATED VICTIM NOTIFICATION SYSTEM," was jointly offered by Representatives Thielen and Lee.

H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT TO DETERMINE WHETHER FUNDS ALLOCATED FROM THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND TO THE UNIVERSITY REVENUE-UNDERTAKINGS FUND HAVE BEEN APPROPRIATELY EXPENDED," was jointly offered by Representatives Berg, Arakaki, Wakai, Green and Hale.

H.C.R. No. 224, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO APPLY THE PRECAUTIONARY PRINCIPLE IN EVALUATING ALL PERMIT APPLICATIONS," was jointly offered by Representatives Berg, Carroll and Wakai.

H.C.R. No. 225, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO REQUIRE PERVIOUS PAVEMENT TO BE USED TO PAVE SIDEWALKS, DRIVEWAYS, AND ROADS FOR NEW RESIDENTIAL, COMMERCIAL, AND PUBLIC CONSTRUCTION PROJECTS," was jointly offered by Representatives Berg, Evans, Carroll and Wakai.

H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR LEGISLATIVE CONSIDERATION IN THE STATE'S 2007-2008 BUDGET," was jointly offered by Representatives Arakaki, Cabanilla, Green, Hale, Lee, Marumoto, and B. Oshiro.

H.C.R. No. 227, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964," was jointly offered by Representatives Arakaki, Cabanilla, B. Oshiro, Green, Hale, and M. Oshiro.

H.C.R. No. 228, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO RESEARCH AVENUES OF APPROPRIATE FINANCING FOR CAPITAL IMPROVEMENTS FOR FEDERALLY QUALIFIED HEALTH CENTERS, INCLUDING USE OF REVOLVING LOAN FUNDS," was jointly offered by Representatives Arakaki, Abinsay, Kahikina, Shimabukuro, Carroll, Green and Nishimoto.

H.C.R. No. 229, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY OF HEALTH INSURANCE COVERAGE FOR NATUROPATHY AND ALTERNATIVE HEALTH CARE IN ALL FIFTY STATES," was jointly offered by Representatives Arakaki and Hale.

H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF ISABELA OF THE REPUBLIC OF THE PHILIPPINES," was jointly offered by Representatives Arakaki, Abinsay, Cabanilla, Finnegan and Magaoay.

H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH AN APPROPRIATE FEE FOR COURT-ORDERED FORENSIC EVALUATIONS AND TO PROVIDE COPIES OF THE EXAMINATION REPORTS TO THE DEPARTMENT OF HEALTH," was jointly offered by Representatives Arakaki, Green, Hale, Nishimoto, B. Oshiro, Shimabukuro and Sonson.

H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE MERITS OF CREATING A MONUMENT TO THE CITIZENS OF THE KINGDOM OF HAWAII IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KUPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Waters, Evans, Kahikina, Kanoho, Kawakami, Schatz and Shimabukuro.

H.C.R. No. 233, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS ON THE APPROPRIATE LEASE RENT FOR THE MAUNA KEA SUMMIT LANDS," was jointly offered by Representatives Waters, Evans, Kahikina, Kawakami, Schatz and Shimabukuro.

H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU, HONOLULU COMMUNITY COLLEGE, AND VARIOUS OTHER ENTITIES TO PURSUE DEVELOPMENT OF A MIXED-USE URBAN CORE IN KALIHI AND REQUESTING ENTERPRISE HONOLULU TO SUBMIT A REPORT RELATING TO THE MIXED-USE URBAN CORE," was jointly offered by Representatives Waters, Abinsay, Arakaki and Evans.

H.C.R. No. 235, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO PROVIDE REAL PROPERTY TAX RELIEF TO LOCAL RESIDENTS WHO LIVE ON FIXED INCOMES OR WHOSE EARNINGS FALL IN THE LOW- TO MIDDLE-INCOME BRACKETS," was offered by Representative Waters.

H.C.R. No. 236, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES REGARDING THE RIGHT OF ALL CITIZENS OF THE UNITED STATES TO A PUBLIC EDUCATION OF EQUAL HIGH QUALITY," was offered by Representative Waters, by request.

H.C.R. No. 237, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AUDIT OF THE UNIVERSITY OF HAWAII COLLEGE OF EDUCATION," was offered by Representative Waters, by request.

H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENFORCE ITS MOORAGE PERMITTING RULES IN KANEOHE BAY," was jointly offered by Representatives Meyer, Marumoto, Thielen and Ito.

H.C.R. No. 239, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," was jointly offered by Representatives Meyer, Marumoto and Thielen.

H.C.R. No. 240, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR AN INVESTIGATION OF WARRANTLESS WIRETAPPING OF AMERICAN CITIZENS BY THE NATIONAL SECURITY AGENCY," was jointly offered by Representatives Caldwell and Lee.

H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR APPORTIONED FEDERAL FUNDING TO ESTABLISH A SAFE ROUTES TO SCHOOL PROGRAM IN HAWAII AND TO RECRUIT AND HIRE A FULL-TIME COORDINATOR FOR THE PROGRAM," was jointly offered by Representatives Lee, Kanoho, Schatz, Say, Waters, Caldwell, Ito and Souki.

H.C.R. No. 242, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAINTAIN CURRENT SCIENTIFIC DATA ON COMMUNITY EXPOSURE TO ACTUAL AND POTENTIAL SOURCES OF ENVIRONMENTAL HEALTH HAZARDS," was jointly offered by Representatives Nishimoto and Wakai.

H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING THE GENOCIDE IN WESTERN SUDAN AND URGING CONGRESS WITH THE SUPPORT OF THE PRESIDENT TO ENGAGE THE INTERNATIONAL COMMUNITY TO TAKE ACTION TO PROTECT THE PEOPLE OF DARFUR," was jointly offered by Representatives Green, Cabanilla, Hale, Shimabukuro and Waters.

H.C.R. No. 244, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF HEALTH AND HUMAN SERVICES TO STUDY THE IMPACT OF DELAYS IN MEDICAID/QUEST ELIGIBILITY ON ACUTE CARE AVAILABILITY AND HOSPITAL REIMBURSEMENTS FOR WAIT-LISTED PATIENTS," was jointly offered by Representatives Sonson, Arakaki, and M. Oshiro.

H.C.R. No. 245, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE CAMPBELL ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT KUNIA CAMP UNTIL AT LEAST UNTIL DECEMBER 2008, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was jointly offered by Representatives Magaoay, Lee, M. Oshiro, Abinsay, Kahikina and Yamane.

H.C.R. No. 246, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO NEGOTIATE RECREATION-RESIDENCE USE LEASES IN KOKEE WITH CERTAIN EXISTING LESSEES," was jointly offered by Representatives Schatz, Evans, Kanoho and Harbin.

H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE REGULATION OF MORTGAGE BROKERS AND SOLICITORS BY THE DIVISION OF FINANCIAL INSTITUTIONS," was jointly offered by Representatives Schatz, Kanoho, Morita, Caldwell, Herkes, Ito, Karamatsu, Sonson and Souki.

H.C.R. No. 248, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE DEPARTMENT OF TRANSPORTATION," was jointly offered by Representatives Souki and Takamine.

H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was jointly offered by Representatives Takamine, Tsuji and Herkes.

H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING "RECEIVING HOMES" IN EAST AND WEST HAWAII," was jointly offered by Representatives Takamine, Tsuji and Herkes.

H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING A HAWAII STATE GEOLOGICAL SURVEY," was jointly offered by Representatives Abinsay and Tsuji.

H.C.R. No. 252, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE THE FEASIBILITY OF CONTRACTING WITH A PRIVATE NONPROFIT CORPORATION TO MANAGE THE ALA WAI SMALL BOAT HARBOR," was jointly offered by Representatives Abinsay and Tsuji.

H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was jointly offered by Representatives Abinsay and Tsuji.

H.C.R. No. 254, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAIIAN AIRLINES TO RECONSIDER ITS DECISION TO DISALLOW THE TRANSPORT OF LIFE SAVING ORGANS FOR ORGAN TRANSPLANTS ON ITS FLIGHTS," was jointly offered by Representatives Abinsay, Arakaki, Green, Lee, Magaoay, Caldwell, Ito and Souki.

H.C.R. No. 255, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," was jointly offered by Representatives Abinsay, Karamatsu, Magaoay, Tsuji, Wakai, Yamashita, Halford and Herkes.

H.C.R. No. 256, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE APPLICABILITY AND USE OF THE AGRICULTURAL INCOME CAPITALIZATION APPROACH AND OTHER METHODOLOGIES TO STABILIZE THE REOPENING OF RENTS FOR DEPARTMENT OF AGRICULTURE'S AGRICULTURAL PARKS," was jointly offered by Representatives Abinsay, Halford, Magaoay, Tsuji, Herkes, Karamatsu and Wakai.

H.C.R. No. 257, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FISCAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was jointly offered by Representatives Schatz, Berg, Carroll, Evans, Kanoho and Morita.

H.C.R. No. 258, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE KOMOHANA RESEARCH AND EXTENSION CENTER IN HONOR OF TADASHI HIGAKI," was jointly offered by Representatives Chang, Abinsay, Carroll, Chong, Evans, Green, Hale, M. Oshiro, Takai, Tsuji, Waters, Yamane, Yamashita, Herkes and Takamine.

H.C.R. No. 259, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE AND ENACTMENT OF THE MEDICARE ACCESS TO REHABILITATION SERVICES ACT OF 2005, TO PERMANENTLY REMOVE THE MEDICARE OUTPATIENT REHABILITATION THERAPY MONETARY CAPS," was jointly offered by Representatives Chong, Arakaki and Green.

H.C.R. No. 260, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES TO CONSIDER RESURFACING THE FLOORS OF THE STATE CAPITOL TO ADDRESS SAFETY CONCERNS," was offered by Representative Chong.

H.C.R. No. 261, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF HEALTH TO REPORT TO THE LEGISLATURE ON THE RELATIONSHIP BETWEEN VARIOUS KAILUA WATERWAYS, INCLUDING THE KAELEPULU POND, AND THE WATER QUALITY AND NATURAL RESOURCES OF KAILUA BEACH AND KAILUA BAY," was jointly offered by Representatives Chong, Kanoho, Schatz, Arakaki, Green, Ito and Waters.

H.C.R. No. 262, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEOHE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET," was jointly offered by Representatives Chong, Karamatsu, Ito and Souki.

H.C.R. No. 263, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO INVEST IN A MULTIMEDIA LEARNING CENTER EACH AT CASTLE HIGH SCHOOL AND KAILUA HIGH SCHOOL FOR USE BY THE SCHOOLS AND THEIR SURROUNDING COMPLEX SCHOOLS," was jointly offered by Representatives Chong, Ito and Takumi.

H.C.R. No. 264, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE AIR COOLING NEEDS OF EACH SCHOOL COMPLEX AND TO REVIEW THE FEASIBILITY OF USING ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS," was jointly offered by Representatives Chong, Herkes, Ito, Takumi and Wakai.

H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO IMPLEMENT A PUBLIC SCHOOL PHOTOVOLTAIC PILOT PROJECT," was jointly offered by Representatives Chong, Morita and Ito.

H.C.R. No. 266, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO COLLABORATE WITH THE DEPARTMENT OF TRANSPORTATION TO PURSUE ON A PRIORITY BASIS THE RELOCATION OF THE UNIVERSITY OF HAWAII MARINE CENTER FROM THE FORMER KAPALAMA MILITARY RESERVATION, HONOLULU HARBOR," was jointly offered by Representatives Yamane and Souki.

H.C.R. No. 267, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR ULUPALAKUA RANCH FOR THE ENVIRONMENTAL STEWARDSHIP AWARD," was jointly offered by Representatives Yamashita, Carroll and Souki.

H.C.R. No. 268, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO ESTABLISH STANDARDS OF BRAILLE PROFICIENCY AND INSTRUCTION," was offered by Representative Takumi.

H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was jointly offered by Representatives Arakaki, Berg, Ching, Finnegan, Kahikina, Green and Hale.

H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was jointly offered by Representatives Arakaki and Shimabukuro.

H.C.R. No. 271, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR, THE COUNTY MAYORS AND COUNTY COUNCILS, WITH THE ASSISTANCE OF THE TAX REVIEW COMMISSION, THE CITY AND COUNTY OF HONOLULU'S TAX POLICY COMMITTEE AND COMPARABLE COMMITTEES OF KAUAI, MAUI, AND HAWAII COUNTIES TO REVIEW THE STATE AND COUNTIES' TAX AND REVENUE SYSTEM," was offered by Representative M. Oshiro.

H.C.R. No. 272, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO INSPECT ALL DAMS IN THE STATE TO DETERMINE WHETHER THERE ARE ANY DAMS THAT ARE IN IMMINENT OR SHORT-TERM DANGER OF FAILURE," was jointly offered by Representatives Magaoay, Arakaki, Berg, Carroll, Ito, Kahikina, Karamatsu, Lee, Nishimoto, Sonson, Tanaka, Tsuji, Souki, Takumi and Yamashita.

H.C.R. No. 273, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE HAWAII HUMANITY UNITED GLOBALLY PROGRAM FOR ITS PROJECTS FOR INTERNATIONAL PEACE," was offered by Representative Hale.

H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR MAINTAINING PEACE IN THE ASIA-PACIFIC WITH THE UNITED NATIONS AND WITH THE SUPPORT OF ALLIES AND FRIENDS," was jointly offered by Representatives Hale and Arakaki.

H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR THE CONTINUANCE OF PERSISTENT AND SKILLFUL DIPLOMACY IN RESOLVING NUCLEAR PROLIFERATION ISSUES WITH THE ISLAMIC REPUBLIC OF IRAN BEFORE THE UNITED NATIONS SECURITY COUNCIL UPON THE REFERRAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY," was jointly offered by Representatives Hale and Arakaki.

H.C.R. No. 276, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO TAKE ALL NECESSARY STEPS TO RELOCATE, IN AN EXPEDITIOUS MANNER, THE PROPOSED NEW CANCER RESEARCH CENTER OF HAWAII FROM THE KAKAOKO DISTRICT OF OAHU TO A SITE NEAR THE CENTER'S PRESENT LOCATION CLOSE TO THE QUEEN'S HOSPITAL," was jointly offered by Representatives Stevens, Berg, Cabanilla, Carroll, Evans, Halford, Kanoho, Lee, Meyer, Nishimoto, Shimabukuro, Souki, Tanaka and Tsuji.

H.C.R. No. 277, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE LEGISLATURE, THE ADMINISTRATION, THE UNIVERSITY OF HAWAII, AND HAWAII'S CONGRESSIONAL DELEGATION TO WORK COLLABORATIVELY WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JAPAN AEROSPACE EXPLORATION AGENCY, AND OTHER PUBLIC AND PRIVATE AEROSPACE-RELATED AGENCIES AND INSTITUTIONS, TO EXPAND AND DIVERSIFY THE AEROSPACE INDUSTRY THROUGH THE DEVELOPMENT OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," was offered by Representative Stevens.

H.C.R. No. 278, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO REPORT ON THE CARRYING CAPACITY OF THE INFRASTRUCTURE IN THE KAKAOKO DISTRICT ON OAHU," was jointly offered by Representatives Stevens, Berg, Cabanilla, Evans, Carroll, Ching, Halford, Herkes, Lee, Meyer, Moses, M. Oshiro, Shimabukuro, Souki, Tanaka, Thielen, Tsuji and Waters.

H.C.R. No. 279, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REVIEW HOW IT ALLOCATES FUNDING FOR HIGH SCHOOL ATHLETIC TEAM TRAVEL AND TO EXPLORE THE FEASIBILITY OF ESTABLISHING PERMANENT OVERNIGHT ACCOMMODATIONS ON EACH ISLAND FOR TRAVELING HIGH SCHOOL ATHLETIC TEAMS," was jointly offered by Representatives Carroll, Chong, Ito, Shimabukuro, Tanaka, Tsuji, Yamashita, Arakaki, Kahikina, Kanoho, Nishimoto, M. Oshiro, Souki and Takumi.

H.C.R. No. 280, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE IMPACT OF WASTE-DERIVED FERTILIZERS, ANIMAL FEED, SOIL AMENDMENTS, AGRICULTURAL MINERALS, AUXILIARY SOIL, AND PLANT SUBSTANCES ON THE HEALTH AND SAFETY OF CONSUMERS, FARMERS, AND THE GENERAL PUBLIC," was offered by Representative Morita.

H.C.R. No. 281, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO AMICABLY RESOLVE THE OUTSTANDING DEBTS AND DELINQUENCIES OF THOSE INDEBTED TO THE STATE AS A RESULT OF LOANS TO BUILD, REPAIR, PURCHASE, RENOVATE, OR MAINTAIN A VESSEL UNDER STATE COMMERCIAL BOAT LOAN PROGRAMS," was offered by Representative Souki.

H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING OUTRAGE AT RECENT CONGRESSIONAL CUTS TO STUDENT LOAN PROGRAMS," was jointly offered by Representatives Schatz, Berg, Evans, Kanoho, Nishimoto, Takai, Tanaka, Thielen, Arakaki, Caldwell, Chang, Harbin, Ito, Sonson, Souki and Wakai.

H.C.R. No. 283, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO CONDUCT A STUDY TO DETERMINE THE MEANS TO ESTABLISH AN "AGING IN PLACE" TAX CREDIT FOR HAWAII TAXPAYERS," was jointly offered by Representatives Schatz, Arakaki, Kanoho, Morita, Nishimoto, Caldwell, Ito, Karamatsu, Sonson and Souki.

H.C.R. No. 284, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO END THE UNITED STATES' RULE IN THE MILITARY OCCUPATION OF IRAQ AND TO TAKE NECESSARY ACTION TO BEGIN WITHDRAWAL OF UNITED STATES TROOPS FROM IRAQ," was jointly offered by Representatives Schatz, Berg, Caldwell, Kanoho, Tanaka, Karamatsu, Nishimoto, Souki and Wakai.

H.C.R. No. 285, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING WARRANTLESS WIRETAPPING OF AMERICAN CITIZENS BY THE NATIONAL SECURITY AGENCY AS UNCONSTITUTIONAL, ILLEGAL, AND IMMORAL IN LIGHT OF THE IMPORTANCE THAT PEOPLE OF THIS COUNTRY BE FREE FROM TYRANNY," was jointly offered by Representatives Schatz, Berg, Kanoho, Karamatsu, Lee, Nishimoto, Souki, Tanaka and Wakai.

H.C.R. No. 286, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF PLANNING TO UPDATE ITS 1991 "STATE LAND USE DISTRICT BOUNDARY REVIEW, URBAN LAND REQUIREMENTS STUDY" TO DETERMINE THE AMOUNT OF URBAN LAND AVAILABLE FOR THE DEVELOPMENT OF AFFORDABLE HOUSING," was offered by Representative Shimabukuro.

H.C.R. No. 287, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO CONDUCT A STUDY OF ALL STREAMS AND DRAINAGE CHANNELS IN THE STATE OF HAWAII," was jointly offered by Representatives Ito, Caldwell, Chong, Kahikina, Kanoho, Magaoay, Morita, Waters and Say.

H.C.R. No. 288, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES AND THE ADJUTANT GENERAL TO CONDUCT A STUDY OF ALL PUBLIC AND PRIVATELY OWNED DAMS IN THE STATE," was jointly offered by Representatives Ito, Caldwell, Chong, Kahikina, Kanoho, Magaoay, Morita, Say and Waters.

H.C.R. No. 289, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM A TASK FORCE TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT IN WAILOA RIVER AND HILO BAY," was jointly offered by Representatives Chang, Ito, Kanoho, Karamatsu, Magaoay, Tsuji and Souki.

H.C.R. No. 290, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was offered by Representative Arakaki.

H.C.R. No. 291, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP AGE-APPROPRIATE STANDARDS FOR PRESCHOOL AGE CHILDREN WITH SPECIAL NEEDS," was offered by Representative Arakaki.

H.C.R. No. 292, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ASSESS THE FAMILY COURT SERVICES AND PROCESSES," was offered by Representative Arakaki.

H.C.R. No. 293, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITY OF THE STATE DEVELOPING AND OPERATING MANUFACTURED-HOUSING PARKS TO HELP ALLEVIATE HAWAII'S AFFORDABLE HOUSING CRISIS," was offered by Representative Arakaki.

H.C.R. No. 294, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FACILITATE AN AUDIT OF EACH AGENCY THAT RECEIVES HEAD START FUNDING FROM THE STATE," was offered by Representative Arakaki.

H.C.R. No. 295, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH AN APPROPRIATE FEE FOR COURT-ORDERED FORENSIC EVALUATIONS AND TO PROVIDE COPIES OF THE EXAMINATION REPORTS TO THE DEPARTMENT OF HEALTH," was offered by Representative Arakaki.

H.C.R. No. 296, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT SIGN LANGUAGE INSTRUCTION BE COORDINATED," was offered by Representative Arakaki.

H.C.R. No. 297, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE PRACTICES OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was jointly offered by Representatives Caldwell, and M. Oshiro.

H.C.R. No. 298, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII AT MANOA TO STUDY THE FEASIBILITY OF MANDATED OR INCENTIVE BASED VOLUNTARY ROOFTOP LANDSCAPING AND AGRICULTURE IN URBAN DISTRICTS," was jointly offered by Representatives Caldwell, Shimabukuro, Abinsay, Ito, B. Oshiro, M. Oshiro and Tsuji.

H.C.R. No. 299, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF BUDGET AND FINANCE, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was offered by Representative Kanoho.

H.C.R. No. 300, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A LAND USE WORKING GROUP UNDER THE AUSPICES OF THE STATE LEGISLATURE AND THE LAND USE COMMISSION TO ADDRESS LAND ISSUES RELATING TO NON-AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS," was offered by Representative Kanoho.

H.C.R. No. 301, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE'S LANDING FEES AND DETERMINE WHETHER THE LANDING FEES AT STATE AIRPORTS SHOULD BE INCREASED," was offered by Representative Berg.

H.C.R. No. 302, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO SUSPEND CONSIDERATION OF ALL APPLICATIONS FOR GOLF COURSE PROJECTS UNTIL JULY 1, 2010, WHILE THE OFFICE OF PLANNING CONDUCTS A STUDY AND PRODUCES A PLAN OF ACTION FOR GOLF COURSE DEVELOPMENT," was offered by Representative Berg.

H.C.R. No. 303, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO SPONSOR A SERIES OF PUBLIC POLICY DIALOGS ON OPEN GOVERNMENT," was offered by Representative Berg.

H.C.R. No. 304, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO REQUIRE ALL NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENTS BE EQUIPPED WITH WATER CONSERVATION DEVICES," was offered by Representative Berg.

H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE KYOTO PROTOCOL ON CLIMATE CHANGE AS A SIGNIFICANT MEANS TO REDUCE GREENHOUSE GAS EMISSIONS AND STABILIZE THE GLOBAL ATMOSPHERE, AND AS A NECESSARY FIRST STEP TOWARD MAINTAINING THE HEALTH AND QUALITY OF LIFE FOR FUTURE GENERATIONS OF HAWAII RESIDENTS, AND URGING THE GOVERNOR TO REQUEST THE PRESIDENT TO PURSUE RATIFICATION OF THIS AGREEMENT," was jointly offered by Representatives Berg, Arakaki, Green, Shimabukuro, Takumi and Waters.

H.C.R. No. 306, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE MAYOR OF EACH COUNTY TO ADOPT THE PROVISIONS OF THE KYOTO PROTOCOL, SIGN THE U.S. MAYORS' CLIMATE PROTECTION AGREEMENT, AND GUIDE THE COUNTY COUNCIL TOWARDS REDUCTION OF GREENHOUSE GAS EMISSIONS," was jointly offered by Representatives Berg, Arakaki, Green, Shimabukuro, Takumi and Waters.

H.C.R. No. 307, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCLUDE THE USE OF BIOREMEDIATION METHODS TO PREVENT AND MITIGATE POLLUTION IN ITS BEST MANAGEMENT PRACTICES AND PROGRAMS," was offered by Representative Berg.

H.C.R. No. 308, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO ESTABLISH, DESIGN, SUPERVISE, AND CONDUCT ECONOMICS EDUCATION TRAINING FOR STATE OFFICERS," was offered by Representative Berg.

H.C.R. No. 309, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN FOR ALL PUBLIC SCHOOL PRINCIPALS, VICE-PRINCIPALS, AND TEACHERS TO SATISFACTORILY COMPLETE AT LEAST ONE COURSE IN HAWAIIAN LANGUAGE AND CULTURE INSTRUCTION AS PART OF THEIR LICENSING REQUIREMENTS," was offered by Representative Berg.

H.C.R. No. 310, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO APPROVE LEGISLATION REQUIRING THE UNITED STATES POSTAL SERVICE TO PROVIDE MAIL RECIPIENTS THE OPTION OF BEING INCLUDED ON A LIST OF THOSE NOT WISHING TO RECEIVE ANY UNSOLICITED COMMERCIAL MAIL," was offered by Representative Berg.

H.C.R. No. 311, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO IMPOSE A MORATORIUM ON THE DISPOSITION OF PUBLIC LAND IN FEE SIMPLE UNTIL 2010," was offered by Representative Berg.

H.C.R. No. 312, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," was offered by Representative Berg.

H.C.R. No. 313, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING, ACKNOWLEDGING, AND COMMENDING THE YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF OAHU FOR ITS OUTSTANDING SERVICE TO THE COMMUNITY FOR THE PAST ONE HUNDRED YEARS AND FOR CREATING OPPORTUNITIES FOR WOMEN'S GROWTH, LEADERSHIP, AND POWER IN PURSUIT OF PEACE, JUSTICE, FREEDOM, AND DIGNITY FOR ALL PEOPLE," was offered by Representative Berg.

H.C.R. No. 314, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVIEW AND REPORT ON THE LONG-TERM DEVELOPMENT OF OBSERVATORY SITES ON THE SUMMIT OF MAUNA KEA," was offered by Representative Kanoho.

H.C.R. No. 315, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF BUDGET AND FINANCE, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was offered by Representative Kanoho.

H.C.R. No. 316, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ANALYZE EXISTING LAW TO IDENTIFY ANY IMPEDIMENT TO THE DEPARTMENT OF TAXATION'S IMPLEMENTING THE COLLECTION OF THE COUNTY SURCHARGE BY JANUARY 1, 2007 AND REQUESTING THE DEPARTMENT OF TAXATION TO ESTABLISH A PLAN TO IMPLEMENT THE ADMINISTRATION AND COLLECTION OF A COUNTY SURCHARGE ON THE STATE GENERAL EXCISE TAX TO FUND COUNTY MASS TRANSPORTATION PROJECTS ON JANUARY 1, 2007," was offered by Representative Lee.

H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE EFFORTS OF THE ONE CAMPAIGN AND INVITING ALL CITIZENS TO JOIN IN RECOGNIZING AND SUPPORTING THE ONE CAMPAIGN AS IT SPREADS ITS MESSAGE THROUGHOUT THE NATION AND THE WORLD," was offered by Representative Takai.

H.C.R. No. 318, entitled: "HOUSE CONCURRENT RESOLUTION CALLING UPON THE GOVERNOR TO TAKE IMMEDIATE STEPS TO WITHDRAW THE HAWAII ARMY AND AIR NATIONAL GUARD TROOPS FROM IRAQ NOW," was jointly offered by Representatives Caldwell, and M. Oshiro.

H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE HOUSE RESOLUTION 4167, THE "NATIONAL UNIFORMITY FOR FOODS ACT OF 2005", AND TO ENCOURAGE ONGOING DIALOGUE TO RETAIN STATE AND LOCAL GOVERNMENT CONTROL OVER FOOD SAFETY ISSUES," was offered by Representative Abinsay.

H.C.R. No. 320, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HONOR THE FIRST MONDAY IN MAY AS HAWAII HISTORIC PRESERVATION AWARENESS DAY," was jointly offered by Representatives Ching, Arakaki, Thielen, Ito, Kanoho, Karamatsu, Lee, Magaoay, Nishimoto, M. Oshiro, Souki and Takumi.

H.C.R. No. 321, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO ALLOW PUBLIC SCHOOL TEACHERS ACCESS TO A DEBIT CARD FOR THE PURCHASE OF THEIR ALLOTTED CLASSROOM SUPPLIES," was jointly offered by Representatives Ching, Marumoto, Berg, Morita, Pine, Shimabukuro, Sonson, Stevens, Tanaka and Wakai.

H.C.R. No. 322, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE STUDY OF HISTORIC PRESERVATION AT THE LOWER LEVELS OF EDUCATIONAL CURRICULA WITHIN THE STATE OF HAWAII," was jointly offered by Representatives Ching, Marumoto, Berg, Meyer, Pine, Shimabukuro, Tsuji and Wakai.

H.C.R. No. 323, entitled: "HOUSE CONCURRENT RESOLUTION HONORING THE MANY SERVICES AND TALENTS THAT WORKING DOGS PROVIDE FOR PEOPLE IN TODAY'S SOCIETY," was jointly offered by Representatives Ching, Berg, Meyer, Sonson and Tsuji.

H.C.R. No. 324, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING A FOUR-YEAR DEGREE PROGRAM IN HISTORIC PRESERVATION AT THE UNIVERSITY OF HAWAII," was jointly offered by Representatives Ching, Cabanilla, Marumoto, Berg, Morita, Pine, Shimabukuro, Sonson, Stevens and Tanaka.

H.C.R. No. 325, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A TASK FORCE TO CREATE A PRIORITIZED ACTION PLAN FOR PRESERVING ALL BUILDINGS BUILT BEFORE WORLD WAR II THAT ARE CONSIDERED ELIGIBLE FOR THE NATIONAL AND/OR STATE REGISTER OF HISTORIC PLACES," was jointly offered by Representatives Ching, Thielen, Arakaki, Kanoho, Karamatsu, Lee, Magaoay, Nishimoto, M. Oshiro and Souki.

H.C.R. No. 326, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CREATE A HAWAII STATE HISTORY MUSEUM," was jointly offered by Representatives Ching, Thielen, Arakaki, Ito, Kanoho, Karamatsu, Lee, Nishimoto, Souki and Takumi.

H.C.R. No. 327, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE ESTABLISHMENT OF A TASK FORCE TO STUDY HOW MOPEDS CAN BE MADE SAFER, QUIETER, AND LESS LIKELY TO BE USED FOR ILLEGAL PURPOSES," was jointly offered by Representatives Ching, Berg, Meyer, Sonson and Tsuji.

H.C.R. No. 328, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE GOVERNOR TO CEASE THE QUESTIONABLE USE OF PUBLIC-SERVICE ANNOUNCEMENTS FOR HER OWN POLITICAL CAMPAIGNING PURPOSES," was jointly offered by Representatives M. Oshiro, Luke, and B. Oshiro.

ANNOUNCEMENTS

Representative Harbin: Mr. Speaker, thank you. On behalf of the present and future sole proprietors of Hawaii, including those that we are attempting to fund in our, and develop in our diversified economy, and part-time employees who lack the ability to gain affordable health coverage. I request that Senate Bill 2300 be heard or re-referred.

"The bill presently has referrals that could expedite its ultimate death without a hearing in the House. Thank you."

Vice Speaker Takai: "Representative Harbin, thank you very much. You were out of order for that announcement."

Representative Green: "Thank you, Mr. Speaker. Sometime in the 20th Century, Lyla Berg was born on this day. And I'd like to announce a surprise birthday party on her behalf at my office today after session."

Representative Takumi: "Thank you very much, Mr. Speaker. Just a quick announcement. The Committees on Education, and Labor and Public Employment, and Committee on Health, we have a notice for a hearing today at 2:00 pm, in Conference Room 309. There might have been a miscommunication because earlier we had sent out a hearing notice for 1:30 pm. It will be at 2:00 pm. Thank you."

Representative Waters: "Thank you, Mr. Speaker. Just announcing a meeting after session for the Hawaiian Caucus and the Hawaiian Affairs Committee in Room 423. Palani Vaughan will be up there, and he would like to address us."

Representative Berg: "Thank you, Vice Speaker. I want to thank you all also for the greetings. This is exactly where I want to be on my birthday."

"I wanted to announce to my colleagues that they'll be getting a flyer confirming the Human Rights Day activities tomorrow. We have 20 different tables from organizations that are coming to share how they are contributing to our quality of life in Hawaii. I would also like to have all of my colleagues, our colleagues, be invited to a panel discussion in Room 309 from 3:30 to 5:00 pm. We will be discussing Hawaii's role in meeting the United Nations Millennium Goals. Thank you."

Representative Karamatsu, for the Committee on Economic Development and Business, requested a waiver of the 48-hour advance notice requirement for the purpose of a public hearing on S.B. No. 2222, SD 2, Relating to Streamlined Sales and Use Tax, to be heard tomorrow, Thursday, March 16th at 9:00 a.m. in Conference Room 325, and the Chair "so ordered."

Representative Yamane: "Thank you, Mr. Speaker. One of our colleagues is celebrating an anniversary today, Representative Yamashita. He's celebrating with his wife Karen, their anniversary of ... a very long time. Thank you."

Representative Arakaki, for the Committee on Health, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.B. No. 3283 to be added to the 9:00 a.m. agenda, tomorrow, Thursday, March 16th in Conference Room 329, stating:

"Senate Bill 3283 wasn't referred therefore, we couldn't schedule it until the referral was approved. This is relating to healthcare to develop a comprehensive healthcare workforce map and database," and the Chair "so ordered."

At this time, Representative B. Oshiro moved to keep the Journal open until 6:00 o'clock p.m. this legislative day for the purpose of receiving resolutions and concurrent resolutions for introduction, seconded by Representative Meyer, and carried. (Representatives Chang, Morita, Sonson and Stonebraker were excused.)

At 12:31 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 12:00 o'clock noon tomorrow, Thursday, March 16, 2006. (Representatives Chang, Morita, Sonson and Stonebraker were excused.)

ADJOURNMENT

At 6:00 o'clock p.m., the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, March 16, 2006.

THIRTY-SECOND DAY

Thursday, March 16, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with Vice Speaker Takai presiding.

The invocation was delivered by Mr. Jeremy Carino from Hanalani School, after which the Roll was called showing all members present with the exception of Representatives Arakaki, Green, Hale, Sonson, Souki and Takamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-First Day was deferred.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 247) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 247, dated March 9, 2006, transmitting the Report Pursuant to Section 16, Act 178, Twenty-First Legislature, 2002, and Section 2, Act 228, Twenty-Third Legislature, 2005, Requiring the Department of Health to Give a Report on the Activities of the Deposit Beverage Container Program.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Yamane introduced Mr. Jeremy Carino who delivered today's invocation; his parents, Mr. Bonifacio and Mrs. Engrid Carino; and his principal, Mr. William Hopper.

Representative Marumoto introduced Cub Scout Darius Graffam of Pack 115, a 3rd grade student at Kaneohe Elementary School, and his mother, Mrs. Graffam.

Representative Marumoto also introduced 5th grade students from Wilson Elementary School accompanied by teacher, Mrs. Wendy Machida; and chaperones, Mrs. Misa Uyehara and Mrs. Carol Kuboyama.

Representative Tsuji introduced from Bank of Hawaii, Hilo, Ms. Roberta Chu and Mr. Art Taniguchi. They were accompanied by Representative's legislative aide, Ms. Malina Iida.

Representative Ito introduced his friend and classmate from Farrington High School, Mr. Paul Endo.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

The following bill was re-referred to committee by the Speaker:

**S.B.
No.**

Re-referred to:

2719, SD2	Committee on Education, then to the Committee on Finance
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INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

The following resolution (H.R. No. 265) was announced by the Clerk and the following action taken:

H.R. No. 265, entitled: "HOUSE RESOLUTION HONORING THE U.S. SMALL BUSINESS ADMINISTRATION'S 2006 SMALL BUSINESS PERSONS OF THE YEAR," was jointly offered by Representatives Karamatsu, Green, Shimabukuro, Wakai, Berg, Carroll, Lee, Magaoay, Nishimoto, Takumi, Tanaka, Tsuji and Waters.

Representative Wakai, moved that H.R. No. 265 be adopted, seconded by Representative Karamatsu.

Representatives Wakai and Karamatsu introduced the U.S. Small Business Administration's awardees for 2006 who were seated on the floor of the House:

Mr. David Fischer, Maui Director of the Hawaii Small Business Development Center Network, and 2006 Financial Services Champion of the Year.

Ms. Barbara Bennet of the Kauai Island News, 2006 Women in Business Champion of the Year.

Mr. Benjamin Fouts, Owner of Hawaii Pacific Aviation dba Mauna Loa Helicopters, and 2006 Young Entrepreneur of the Year.

Ms. Joy Miura Koerte, partner of Fujita and Miura Public Relations, and 2006 Home-based Business Champion of the Year.

Mr. Howard Dicus of the Pacific Business News, 2006 Small Business Journalist of the Year.

Mr. Brian Kitagawa, President and General Manager of I. Kitagawa Company, and 2006 Entrepreneurial Success of the Year.

Mr. Russ Boyer, Owner and President of Aloha Lumber Company, and 2006 Small Business Person of the Year. With him was Ms. Geri Gallagher, Director, who was seated in the gallery.

Mr. Tim Law of FAT Law's Farm, 2006 Small Business Exporter of the Year. Accompanying him were co-owners, Mr. Frank Law and Ms. Alice Law who were seated in the gallery.

Ms. Debbie Hallof, President of the Business Advisory Group, and 2006 Minority Small Business Champion of the Year.

Mr. Tad Miura, Co-owner of M. Miura Store dba Déjà vu Surfwear, and 2006 Family-Owned Small Business of the Year. Accompanying him were co-owners Mr. Eric Miura and Ms. Ann Yamamoto who were seated in the gallery.

Representative Karamatsu also introduced Ms. Jane Sawyer and Ms. Karen Sakihama of the Small Business Administration Hawaii Office who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 265 was adopted with Representatives Nakasone, Schatz, Souki, Takamine and Waters being excused.

At 12:25 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:46 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 961-06) recommending

that S.B. No. 2385, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2385, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Very briefly, and I just have some concerns. Vote with reservations. I'll address most of them on Third Reading if it doesn't change, but there's just a little bit of inconsistency in the bill I think. Thank you."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"I have reservations on this measure. Page 15, line 11 refers to Section 291C-13, violation of 291C-13, shall ... and then it writes up punishment starting with \$200 or imprisonment of not more than 10 days. And it's referring to page 14 where line 9, where it says rules. I don't think it's good public policy to say these sort of punishments for rules that will be promulgated by the Executive."

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I just stand in strong support and would like to put written comments in the Journal," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"I speak in support. Hawaii has the unenviable distinction of having one of the highest rates of pedestrian fatalities. This bill provides increased penalties for motorists who violate the crosswalk law.

"In addition, the red light imaging program has been added to the bill. This program has the potential of saving many lives and is complementary to the crosswalk bill. We must do everything possible to make our streets safe for pedestrian crossing. The Committee Report also recommends that the DOT consider the day-glo pedestrian flag program as a pilot.

"If we save one life all of these ideas in combination will have been worthwhile."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2385, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 962-06) recommending that S.B. No. 2974, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2974, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm rising in opposition to this measure. The part that I have a problem with is retaining attorneys independent of the Attorney General's Office. I believe that they can already hire people with the approval of the AG's Office. The Deputy Attorneys that work in the Attorney's Office have a breadth of experience that State entities require. Including knowledge of the unique State laws that apply to State agencies' activities.

"Mr. Speaker, I believe that a small group of in-house attorneys for the Hawaii Tourism Authority could not duplicate these services. Thank you, Mr. Speaker."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2974, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Judiciary with Representative Meyer voting no, and with Representatives Souki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 963-06) recommending that S.B. No. 2166, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2166, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Yes, Mr. Speaker, this bill says that minors can decide. I'm in opposition. I'll leave it to one of my colleagues to speak in length so we can move along, but definitely in opposition. It gives minors who I guess a doctor determines has the mental capacity to make medical decisions without their parent's knowledge."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"There are numerous aspects of this bill that are troubling to me. While there are probably a few teenagers who are mature and

responsible, most teenagers do not have the life experience to be entrusted with making serious health decisions. Moreover, the teenagers that are the supposed targets of the bill do not have either the financial or emotional support that is needed in order to make these hard decisions. Who is going to provide that support? Have we forgotten how serious and difficult these decisions can be?

"The breadth of this bill is far greater than it should be. There is no limit to the type of medical procedures that these teenagers can agree to. It could be anything from a mole removal to brain surgery. Should we trust them with making decisions that will impact the rest of their lives when they have little or no family support? Additionally, to include all minors between 14 and 17 is to deprive parents who do love and provide for their children of their right to know what is going on in their teenager's lives. This is especially true where an abortion is concerned, where it is more of a moral issue than it is a physical issue. I hope these issues are taken into account and we don't do something we will regret. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to S.B. 2166. The proposed bill allows minors to make healthcare decisions without parental consent or the expertise of a licensed physician.

"While I agree with the intention of S.B. 2166, which seeks to help minors living alone receive adequate medical care in a timely manner, the proposed bill appears to allow abortions for minors without parental notification and removes the requirement of utilizing a licensed physician.

"This legislation decreases parental involvement; thus, talking to a parent will be the exception rather than the rule."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2166, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Ching, Finnegan, Meyer, Moses, Pine and Stonebraker voting no, and with Representatives Souki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 964-06) recommending that S.B. No. 2364, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2364, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Evans rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm with reservations. I just am looking forward to what CPC's going to look at in their Committee because there may be an unintended consequence of raising insurance rates across the State because this bill prohibits medical health insurers from excluding coverage for injuries sustained by insured persons as a result of intoxication from alcohol or narcotics. So I have a concern what the impact is going to be on insurance.

"The other concern I have is there's going to be a two-year pilot project at two sites in the State. Basically the intent is what they call ... There's a name for it: where it's an opportunity to intervene and maybe treat someone who has an injury, and at that moment maybe you can get them to go into alcohol or substance abuse treatment. And in the bill it appropriates \$1,883,987 for this. I just want to

make sure that we have our priorities right, because I would rather see that money go to women who are giving birth that have substance abuse problems.

"So I just want to make sure, there's a lot of people now asking for money for us to help. And if push came to shove, I would not support this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2364, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Souki and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 965-06) recommending that S.B. No. 2358, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2358, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 966-06) recommending that S.B. No. 2574, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2574, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SMALL BOAT HARBORS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 967-06) recommending that S.B. No. 2412, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2412, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE AND COUNTY TORT LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 968-06) recommending that S.B. No. 2357, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2357, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, a no vote please. Yes. Mr. Speaker, I believe this weakens our State Endangered Species Act."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2357, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," passed Second Reading and

was referred to the Committee on Judiciary with Representative Thielen voting no, and with Representatives Souki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 969-06) recommending that S.B. No. 2917, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2917, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in very strong support of this measure. Just some background. In 2002, I was a small business advocate with the Chamber of Commerce and I worked with other small business entities. This was one of the greatest things the 2000 Legislature ever did for the small business community. And what this particular measure does is extend the sunset.

"Just for those of us that do not understand the impact of the rate regulation for healthcare benefits for small business, it's a very, very substantial impact. Unlike the larger businesses in the State of Hawaii, small businesses do not have the ability to negotiate their premiums. Their premiums are subject to the whim of the providers. What this bill does is continue to have a disinterested third party receive information on ratemaking, before rate regulation is passed on to small business employers.

"Small businesses, contrary to the opinion of many people, their biggest asset that they have invested in is their employees. A healthy employee is a part of their *ohana*. However, with that being said, small businesses do not have the ability to negotiate rate increases. Did you know the rate increase of 15 to 20% per year, that comes right off the top of your employee's potential benefits, potential raises?

"What this does is this allows the Insurance Commissioner to continue to review and okay increases in regulations. So I really request that this Body really, really look at this as an enabling statute for small businesses, all their employees because a healthy work force is a good work force. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2917, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Souki and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 970-06) recommending that S.B. No. 3279, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3279, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, very briefly. The Health Committee was reading a bill that had to do with ... I'm sorry, I'm in support, Mr. Speaker. The initial purpose of this bill was a medical apology bill to allow physicians to make some statement of apology so that if there was a bad outcome, a patient could kind of engage with the

doctor and that health indicators could be improved. That's something I do support.

"But slightly tangentially, the bill did become a reinsertion of medical malpractice. I wanted to inform my colleagues about that. And so it is a medical tort reform bill. Again, something I think that we should consider. I hope that we'll have further dialogue in other Committees this Session."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Strong WR. And I'll reserve comments for Third Reading if this bill continues to have certain provisions in it."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3279, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Souki and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 971-06) recommending that S.B. No. 2861, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2861, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education with Representatives Souki and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 972-06) recommending that S.B. No. 2161, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2161, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 973-06) recommending that S.B. No. 2162, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2162, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Evans rose to speak in opposition to the measure, stating:

"On 973, Senate Bill 2162, I vote no. The House had a version of this that we sent over to the Senate, and I see it's in the same form of requiring a foster child's natural parent to pay for a child's car insurance. Like I said on the House version, I don't believe a parent or a foster parent should be required to pay for car insurance. That I believe that parents should have the option to tell their children if they want a car, drive a car and go to work. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2162, SD 2, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representative Evans voting no, and with Representatives Souki and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 974-06) recommending that S.B. No. 2323, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2323, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 975-06) recommending that S.B. No. 2688, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2688, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 976-06) recommending that S.B. No. 3253, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3253, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Second Reading and was referred to the Committee on Legislative Management with Representatives Souki and Takamine being excused.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 977-06) recommending that S.B. No. 3168, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3168, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF REAL PROPERTY," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 978-06) recommending that S.B. No. 3182, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3182, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Souki and Takamine being excused.

ADJOURNMENT

At 12:57 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, March 17, 2006. (Representatives Souki and Takamine were excused.)

THIRTY-THIRD DAY

Friday, March 17, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Janet Kusuvara of First Assembly of God, after which the Roll was called showing all members present with the exception of Representatives Kanoho, Marumoto, Saiki, Stonebraker, Takamine and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Second Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 398 through 400) were received and announced by the Clerk:

Sen. Com. No. 398, transmitting S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING JANUARY AS CERVICAL CANCER MONTH IN HAWAII," which was adopted by the Senate on March 16, 2006.

Sen. Com. No. 399, transmitting S.C.R. No. 15, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOAL OF ELIMINATING SUFFERING AND DEATH FROM CANCER BY THE YEAR 2015," which was adopted by the Senate on March 16, 2006.

Sen. Com. No. 400, transmitting S.C.R. No. 33, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONTINUE TO COLLABORATE WITH THE HAWAII HARBOR USERS GROUP TO IMPLEMENT PLANNED IMPROVEMENTS AND CONSTRUCTION TO IMPROVE CARGO TERMINAL AND CONTAINER FACILITIES AT HONOLULU HARBOR, KAHULUI HARBOR, AND HILO HARBOR, AND COMMENDING AND CONGRATULATING THE DEPARTMENT OF TRANSPORTATION AND THE HAWAII HARBOR USERS GROUP FOR THEIR FINE WORK IN COMPLETING THE HAWAII HARBORS USER GROUP'S REPORT," which was adopted by the Senate on March 16, 2006.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Finnegan introduced 5th grade students of Makalapa Elementary School, and their teachers, Ms. Heather Paguyo and Ms. Tracy Mitsui; and chaperones, Ms. Sue Gathman, Ms. Cathy Anderson, and Ms. Shanna Smith.

Representative Tsuji, on behalf of the Big Island delegation, introduced students of the Community Development Class of Hawaii Community College in Hilo, and their teacher Mr. Lou Zitnick.

Representative Arakaki introduced students participating in the Okinawa student exchange program: Teppei Arakaki, Yuji Tamaki, Kenichi Kudoku; accompanied by Representative's legislative staff, Ms. Leolani Oyama.

Representative Caldwell introduced Kamehameha Schools Bishop Estate Trustees, Ms. Diane Plotts and Mr. Nainoa Thompson.

COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
2214, SD2, HD1	Committee on Public Safety & Military Affairs, then jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance
2546, SD1, HD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance
3186, SD2	Jointly to the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce and the Committee on Judiciary, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 266) was announced by the Clerk and the following action taken:

H.R. No. 266, entitled: "HOUSE RESOLUTION HONORING JEAN K. YAMANE FOR HER 38 YEARS OF DISTINGUISHED SERVICE TO THE STATE OF HAWAII," was offered by Representative Luke.

Representative Luke, moved that H.R. No. 266 be adopted, seconded by Representative Yamane.

Representative Luke introduced Mrs. Jean Yamane and thanked her for her many years of service to the Courts.

Representative Yamane also recognized and thanked his mother, Mrs. Jean Yamane, and introduced the many friends and family who were seated in the gallery:

From the Courts: Ms. Valerie Umeda, Ms. Beverly Mito, Ms. Barbara Bradbury, Ms. Roxanne Yap, Mr. Franklin Ankrom, Ms. Yvonne Teixeira, Mr. Rolland Lee, Ms. Iris Murayama, Mr. Jason Tanioka, Ms. Carol Nakagami, and Ms. Rochelle Hasuko.

Family members: husband, former Representative Brian Yamane; daughter-in-law, Mrs. Jennifer Yamane; and grandson Daniel Yamane.

And Office Manager, Ms. Tina Yamamoto.

The motion was put to vote by the Chair and carried, and H.R. No. 266 was adopted with Representatives Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

The following resolution (H.R. No. 267) was announced by the Clerk and the following action taken:

ORDER OF THE DAY

H.R. No. 267, entitled: "HOUSE RESOLUTION HONORING MASTER NAVIGATOR MAU PIALUG AND THE CREW OF THE INAUGURAL VOYAGE OF THE HOKULE'A FOR THEIR SIGNIFICANT CONTRIBUTION TO THE PERPETUATION OF HAWAIIAN AND POLYNESIAN HERITAGE AND CULTURE," was jointly offered by Representatives Evans, Berg, Carroll, Kahikina, Kanoho, Morita, Pine, Tsuji, Waters, Green, Harbin, Herkes, Sonson and Tanaka.

Representative Evans moved that H.R. No. 267 be adopted, seconded by Representative Kanoho.

Representative Evans recognized Master Navigator, Mr. Mau Pailug of Micronesia represented by his son, Mr. Sesario Sewralur. He was accompanied by Mr. Chad Paishon of the Na Kalai Wa'a Moku O Hawai'i of the Big Island helping to build a canoe for 'Papa Mau'. They were seated on the floor of the House.

Representative Evans then recognized the Kamehameha Schools Bishop Estate for their contributions to the Hokule'a, and introduced Kamehameha Schools Trustee, Ms. Diane Plotts, and Navigator and student of 'Papa Mau', Trustee Nainoa Thompson

Representative Evans also introduced crewmembers of the Hokule'a's inaugural voyage: Polynesian Voyaging Society co-founder, Dr. Ben Finny; Mr. Buffalo Keaulana, Mr. Dukie Kauhulu, and Mr. Billy Richards who were seated on the floor of the House.

Representative Evans then introduced friends and family who were seated in the gallery: Mrs. Ben Finny, Mrs. Momi Keaulana and her son, Mr. Chad Keaulana, and Mr. Bunky Bukutus.

The motion was put to vote by the Chair and carried, and H.R. No. 267 was adopted with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

At 12:33 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Halford introduced from Taipei, Ms. Jesy Tsai, Ms. Margaret Chang, Ms. Diana Chou, Ms. Jemy See, and Ms. Veronica Wang.

STANDING COMMITTEE REPORTS

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 979-06) recommending that S.B. No. 3170, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3170, SD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 980-06) recommending that S.B. No. 2485, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2485, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Mr. Speaker, I'm on 980 and I stand in support. However, now that we're looking at Senate Bills, I would like to once again caution this Body with special revenue bonds, the potential impact of additional cost that will make these undoable because of the requirements of Chapter 104. We need to look at that, while we're looking at trying to solve this big, big, social problem in Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2485, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 981-06) recommending that S.B. No. 3219, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3219, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PLACEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 982-06) recommending that S.B. No. 2667, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2667, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. Can we please go back to 982? Mr. Speaker, I want to express reservation on this measure. This measure prohibits the sale of fireworks on New Year's Day right after midnight, and I think that's when the fun begins. So why would we stop the sale? That's the day we should be selling those items because that's the time that we reserve our cultural rights to express our feelings, or however we want to celebrate that day. I believe that this is a typo, and it should be 12 noon the day after New Years. Thank you, Mr. Speaker."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2667, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 983-06) recommending that S.B. No. 3114, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3114, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY WORK DAY PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 984-06) recommending that S.B. No. 770, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 770, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Kahikina, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 985-06) recommending that S.B. No. 2571, pass Second Reading and be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 986-06) recommending that S.B. No. 2572, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that S.B. No. 2571 and 2572, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of both measures, stating:

"Mr. Speaker, I would like to express my support for 985 and 986 and once again issue my words of caution about trying to solve a problem while creating another problem, and that would be the impacts of Chapter 104. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and S.B. No. 2571, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused; and

S.B. No. 2572, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 987-06) recommending that S.B. No. 2076, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and S.B. No. 2076, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 988-06) recommending that S.B. No. 2145, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2145, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 989-06) recommending that S.B. No. 3105, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3105, SD 2, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3105, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 990-06) recommending that S.B. No. 2156, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2156, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition. This measure would allow the Auditor access to our tax information, confidential tax information. I don't think it's proper."

Representative Halford rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. Just briefly, there are some elements of this bill ... If this bill is crafted properly, there were some powers that we want to clarify that the Auditor, in my opinion, should have. So hopefully this bill is repaired, but as it stands now, I'm voting no."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With strong reservations."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2156, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," passed Second Reading and was referred to the Committee on Judiciary with Representatives Finnegan, Halford, Moses and Stevens voting no, and with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 991-06) recommending that S.B. No. 2909, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2909, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"On 991, Mr. Speaker. I just have reservations. I'm not sure that on this measure, it appears that it'll be overriding some of the State laws. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I also have reservations on this. I think there was some wisdom when they set up this automatic passage of a permit when they couldn't do it in a timely way. With housing being such a problem, I think we could be going backwards if this bill passes. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2909, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 992-06) recommending that S.B. No. 2222, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2222, SD 2, HD 1, pass Second Reading and be referred jointly to Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, this is one I'm kind of torn between reservations and no, but I'll go with reservation at this time. It seems like it's doing some good things. This is a tax measure, but I also believe it is raising taxes in other areas. Thank you."

Representative Wakai rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising in support with reservations. One of the things that stands out is, you know the kind of an unfair situation where if these vendors on the mainland voluntarily collect the excise tax for the State of Hawaii, there's a provision that they will be compensated for what they're doing. Well, that just doesn't seem fair, all the businesses here that have been collecting it and doing all the paperwork all these year, there's no compensation for them."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2222, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STREAMLINED SALES AND USE TAX," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 993-06) recommending that S.B. No. 2049, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2049, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 994-06) recommending that S.B. No. 2679, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2679, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAZARDOUS WASTE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 995-06) recommending that S.B. No. 3181, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3181, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, in opposition. This is a tax increase. This says that the State is going to collect the deposit fee on 68-ounce bottles. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3181, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Moses voting no, and with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 996-06) recommending that S.B. No. 218, SD 4, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 218, SD 4, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 997-06) recommending that S.B. No. 2132, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2132, SD 2, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of SB 2132 SD2 HD1, Relating to Perinatal Care.

"Perinatal" is defined as relating to the period before and after childbirth usually the five months before and one month after birth. Obviously this is a critical time for mother and baby. Good health habits during that period can set a *keiki* on course for a happy and healthy life. Maternal drug, alcohol and tobacco use, however, can have a very negative effect on the health of a fetus.

"Unfortunately, women who use illegal drugs are the least likely to seek perinatal care many for fear that their children will be taken from them. SB 2132 would establish a pilot perinatal clinic at the John A. Burns School of Medicine. The clinic will provide care for women with a history of substance abuse including substance use counseling and psychiatric care. The clinic will also provide case management coordinating its efforts with CWS and social service providers.

"The potential cost savings to the State are enormous. Costs of healthcare for one baby with complications from maternal substance

abuse average \$500,000. The HD1 includes an appropriation of \$400,000 for this pilot program. If the pilot program keeps just one Medicaid patient's baby from developing complications from maternal substance abuse, it could pay for itself in savings to taxpayers who fund Medicaid at the State and federal levels.

"I ask my colleagues to support this measure. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2132, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Second Reading and was referred to the Committee on Higher Education with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representatives Ito and Magaoay, for the Committee on Public Safety & Military Affairs and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 998-06) recommending that S.B. No. 2949, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2949, SD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. This measure asks the Ombudsman to do some things that he already does, but to do them on the mainland also. But that's something he already does, and that is to investigate inmate's complaints. He can already do that, and he does do that. He either turns them over to the Department of Public Safety, or the Attorney General, or wherever they have to go, but they can always come back to him and he does look into them.

"But it also says that they will, the Ombudsman, will investigate such things as riots and deaths on the mainland in prison. I guess, here also, in prisons. And the Ombudsman believes and so do I, that that's a matter for investigators and the Attorney General. Not for the Ombudsman."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2949, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 999-06) recommending that S.B. No. 2243, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2243, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1000-06) recommending that S.B. No. 2214, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2214, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2214, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1001-06) recommending that S.B. No. 1311, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1311, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Again, Mr. Speaker, with reservations. This would call for the courts to administer some of the programs within the prisons, and it would have to be in a separate facility within the prisons. And as you know our prisons are overcrowded. There are programs now that DPS runs within the prisons. They would be duplicative, but again they all require separate spaces. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1311, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representatives Takumi and Arakaki, for the Committee on Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1002-06) recommending that S.B. No. 3273, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3273, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representatives Kanoho and Magaoay, for the Committee on Water, Land, & Ocean Resources and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1003-06) recommending that S.B. No. 2476, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2476, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Kanoho rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure, but wish to talk about how we intend to proceed with this bill.

"Section 1 of this bill was added on in decision-making and perhaps inappropriately so, despite the fact that this is something that requires immediate attention. It is no longer because this appeared to be the only vehicle that we could use to accomplish this purpose. Since then it appears that we can accomplish this mission using another vehicle.

"So as this bill moves to Judiciary, we will ask that Section 1 be deleted and that we would proceed only with Section 2, which was the original contents of the bill. Thank you, Mr. Speaker."

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Chair. I rise with reservations. I started with very strong support for this bill. What this bill does is, originally, what it was intended to do, was to set into play some process that we could have some type of control over our agencies being able to sell our public lands without input from the Legislature. I think we were starting off on this track because of the 'to do' that's been created in Kakaako Makai, and because of the very strong public outcry and grassroots effort that really brought this to the attention of the Legislature.

"With that being said, we had a very vibrant hearing. Many people left work, showed up with their red shirts, and testified very much in support of this. And because the bill itself created confusion for other agencies, and the real heated issue right now is that dealing with HCDA, our Chair, I think very intelligently made some very, very good changes to the bill where it dealt just with HCDA, and dealt with residential on *makai* only.

"Again, that bill, this whole problem was created because of lack of process with the HCDA in going about an RFP for Kakaako Makai. So when processes break, at least the people have a way to resolve those.

"Then that brings us to the next issue, which is at the end of Committee, the insertion of a completely different issue from what we started off with. I must say this caught the people who were there very much unaware, off guard, and they left rather angered and disappointed in our system. I think that the insertion really makes sense and it's something that I would really like to support because there's a whole group of people out there that are being deprived of rights.

"However, again we're here because of a mistake in the process of an agency. Now our Legislature is showing that we too, will use the process to our personal use and take away from the people, and they are very, very upset. So this is something that I think we, philosophically need to look at. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, thank you very much, Mr. Speaker. Mr. Speaker, Members, I wish to speak with strong reservations on this measure. I think I understand the purpose of this bill, but I believe it has gone, I think, beyond the original purpose of the bill. If you're to request legislative oversight for all land, I think it should be applied to all departments. The University of Hawaii and etc., etc., and not be limited to only to HCDA. It makes it very obvious as to why it is.

"Also, Mr. Speaker, it seems to be that we're intruding into the Executive area, not that I mind in many cases. But in this case, in here, if you don't mind, I'm looking at some of the areas that the Legislature would need to have oversight and approval. Disposition of land to any government agency, road improvement, remnant parcels, reserve housing program, grants of easement, Mr. Speaker, and temporary, month-to-month leases.

"Mr. Speaker, I don't think these are areas where the Legislature should be involved in. Our area is making broad, broad policies of

which the desire of the Legislature, that we don't wish to have the current project that's planned for Kakaako, then we should certainly state it by a bill, and then kill it. But to go this way, I don't believe, is a right way to do it.

"I hope that we'll have further discussion in the Committee on Consumer Protection and Judiciary, and if we can further refine and return to the role that the Legislature is supposed to be doing. Thank you very much, Mr. Speaker."

Representative Schatz rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, in support. I just wanted to clarify for the Chair of the Transportation Committee. The disposition of lands in any government agency, road improvements, remnant parcels, as defined in section 171-52 and the other 3 line items here, are specifically the areas that are exempted from this legislation.

"Further, I wanted to clarify that the original bill was very overreaching, and what we did was we decided as a Committee that if we want to say, 'no development of residential *makai* of Ala Moana Boulevard,' then that's what the bill should say. Instead of sort of dancing around the issue. And so I think that the Chair of Transportation may disagree with that public policy statement, but that's exactly what the bill does.

"It actually provides HCDA with sufficient authority and flexibility to, for instance, make a deal with Whole Foods or do road improvements, and sort of operate on a day-to-day operational level to do what they been doing for the last two decades in Kakaako Mauka and Kakaako Makai. But the public policy question before us that I think the Committee has resoundingly decided upon is, no residential in Kakaako Makai. Thank you."

Representative Berg rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise with reservations, and I did do that in the Committee. Thank you. My concern is even though the bill initially was very broad reaching, I felt it would allow us to have that conversation as to what kind of custody the State should have regarding our other agencies or other Executive departments, and their decisions.

"My concern, my specific concern, has to deal with the deals that HCDA does make, or the arrangements, or agreements, whatever noun we want to use. So I will be voting with reservation and hope that the Committees can clarify that if this is about Kakaako as previous speaker has mentioned, then we need to look at it from the perspective as we did with the Hoku'i'a issue."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations with this measure as it is currently written with the amendment, but I have tremendous opposition if it would ever go back to the original version where it would effect also UH, which would include the West Oahu Campus. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Souki rose to respond, stating:

"Yes, Mr. Speaker. I was going to respond, but I'll wait until it goes to the Committee on Judiciary. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2476, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Second Reading and was

referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1004-06) recommending that S.B. No. 2897, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Legislative Management with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1005-06) recommending that S.B. No. 2406, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2406, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1006-06) recommending that S.B. No. 3283, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3283, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1007-06) recommending that S.B. No. 940, SD 2, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 940, SD 2, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in kind of support. Support. This is such a very complicated subject and what I'd like to do if I could just take a little bit of time to explain to my colleagues what this is all about.

"Very recently our Hawaii Supreme Court in *HMAA v. Baldado*, took away external review rights from a certain class of healthcare employees. Those folks would be the employees of the small business community. What the external review process does, which is something that was done by this Legislature in the Patient's Bill of Rights many years ago, was gave employees the right, if they were denied their benefits, an immediate recourse to an external review board put together by the Insurance Commissioner. And this has worked really really rapidly especially for those that can't afford lawyers and going into court.

"However, HMAA took it upon itself to file a lawsuit on a very specific, ERISA issue as far as the ability for the State of Hawaii to offer an external review process. Our Supreme Court turned over our State law and took away the rights of ERISA. Small business employees, their rights to be able to appeal a decision of denial of benefits by their healthcare providers.

"However, the Supreme Court did not take away the rights to an external review of those that are non-ERISA. And if I can tell you who that class of people are, they are our federal and State government employees, retired teachers, retired government workers, and that would be all of us. Church plans, many small business owners, sole proprietors, is basically who they are, and people who purchase individual plans that are not through employers.

"So what this bill is trying to do is to bring this back to a one-track system, and to do that it's a whole take-away from this class of people. In other words, now that I am a non-ERISA person, if I was denied a benefit for whatever, I could immediately file a claim with Insurance Commissioner, and get a very rapid response, whether or not I'm entitled to that or not.

"Were I still a small business employee with the ERISA coverage, I would be barred and I would have to go through a process through federal court, which is really onerous and most people don't do it. They just end up dying.

"So this bill is very important, but I'm too sure it is so important that we need to proceed on it with a post-haste, and the reason is the Insurance Commissioner is proceeding on two-path process so that we, non-ERISA, still have access to that external review and I'm asking that we watch this very closely. My suggestion let it die. Let the system continue, until we as a Body can really look at what it is that we need to do for healthcare in the State of Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 940, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1008-06) recommending that S.B. No. 3277, SD 2, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3277, SD 2, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1009-06) recommending that S.B. No. 2227, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2227, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1010-06) recommending that S.B. No. 2563, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2563, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAGE PLUS," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1011-06) recommending that S.B. No. 2724, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2724, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Education with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1012-06) recommending that S.B. No. 2139, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2139, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. This measure says, Relating to Health. What it is relating to sex information and I'll leave it for another Reading, but I'm opposed."

Representative Green rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker, just very briefly a no vote. The bill is about medically accurate sex information right now, which is I think placing undue attention on abstinence-only programs and actually, not technically medically accurate in evidence-based medicine. I think that there's a compromise that can be worked out, so hopefully by the end of this Session we'll have a better measure. Thank you, Mr. Speaker. Yes sir, I would like a no vote."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Sonson rose to speak in support of the measure, stating:

"In support, Mr. Speaker. Let me just explain what this bill is trying to do. There is a movement that wants a policy coming from

the Legislature that says, all entities, if they receive State funds and they conduct with that funding education on sex, or sex education, they want a policy that says those entities receiving any State funds for sex education must ensure that the curriculum includes both abstinence and medically accurate information.

"What they tried in Committee is, they tried to separate out a special funding coming from the federal government which is only for abstinence. There's no way we can impact that money and people who receive that money will have to comply with the federal mandate, therefore there is no way we can affect that in the laws.

"I think that if we look at the bill now however it does limit it. Language has been inserted to ensure that it will also protect entities, nonprofits, that receive State funds. But those entities have charters that may say that we cannot conduct medically accurate sex information curriculum just because we receive State funds, we should not be forced to do so.

"The proposal came from a Catholic Charities who says, 'If we are to conduct the medically accurate curriculum, as long as we do not at the same time as the abstinence curriculum, we are okay with that.' So I hope that we can iron out some compromise so everyone will be happy at the end. Thank you so much, Mr. Speaker."

Representative Kahikina rose to speak in opposition to the measure, stating:

"Mr. Speaker. A no vote, Mr. Speaker. Just a short comment because the bill really speaks about medically accurate information, and I think that all the information on abstinence is medically correct. I don't know why we are even looking at this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2139, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Green, Kahikina and Moses voting no, and with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented four reports:

(Stand. Com. Rep. No. 1013-06) recommending that H.R. No. 32, be adopted;

(Stand. Com. Rep. No. 1014-06) recommending that H.C.R. No. 46, be adopted;

(Stand. Com. Rep. No. 1015-06) recommending that H.R. No. 33, be adopted; and

(Stand. Com. Rep. No. 1016-06) recommending that H.C.R. No. 47, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 32, H.C.R. No. 46, H.R. No. 33, and H.C.R. No. 47, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on all four measures, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on all four measures, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her on all four measures, and the Chair "so ordered."

Representative Takai rose to speak in support of all four measures, stating:

"Thank you. I stand in support of all four resolutions. Thank you, I just like to encourage our Members to take a look at a website put on by the Communities for Quality Education, which is really the organization that encouraged our Chair of Education to introduce these resolutions.

"This particular website, www.qualityednow.org is their website, and at that website it explains all various legislative priorities and proposals made in all 50 states. And in fact they convened a taskforce in December of 2005 a bipartisan taskforce made up of legislators throughout the nation, and they came up with these basic principles that we as legislators throughout the nation should be encouraging Congress and the President to support as it relates to the No Child Left Behind Act. And as a result of that, Mr. Speaker, today we have these four resolutions in front of us.

"So I think before other people stand up and state some reservations, may I encourage them to take a look at this website. Also encourage them to join in, in supporting this effort and this organization by signing a statement of principles to that effect. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I just want to clarify that I am in support of the resolutions at this point and time. Just because I have not taken a look at the report and haven't been able to really see what types of issues, currently that we're seeing, is my reservation. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 32, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND UNITED STATES DEPARTMENT OF EDUCATION TO SUPPORT THE GOALS OF THE NO CHILD LEFT BEHIND ACT (NCLB) BY INCREASING FUNDS FOR FEDERAL EDUCATION INITIATIVES AND AFFORDING MORE FLEXIBILITY TO STATES IN RELATION TO NCLB," was adopted, with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused;

H.C.R. No. 46, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND UNITED STATES DEPARTMENT OF EDUCATION TO SUPPORT THE GOALS OF THE NO CHILD LEFT BEHIND ACT (NCLB) BY INCREASING FUNDS FOR FEDERAL EDUCATION INITIATIVES AND AFFORDING MORE FLEXIBILITY TO STATES IN RELATION TO NCLB," was adopted, with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused;

H.R. No. 33, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT IMPROVING THE QUALITY OF THE NATION'S PUBLIC SCHOOLS BY SUBSTANTIALLY INCREASING EDUCATION FUNDING," was adopted, with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused; and

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT IMPROVING THE QUALITY OF THE NATION'S PUBLIC SCHOOLS BY SUBSTANTIALLY INCREASING EDUCATION FUNDING," was adopted, with Representatives Arakaki, Marumoto, Saiki, Stonebraker, Takamine and Thielen being excused.

ANNOUNCEMENTS

Representative Takumi, for the Committee on Education, requested a waiver of the 48-hour advanced notice requirement to hear S.B. No. 2719 and S.B. No. 2505 today at 2:00 p.m. in Conference Room 309, stating:

"It concerns Senate Bill 2719, which was a re-referral, and also Senate Bill 2505, which is what we want to add to the agenda," and the Chair, "so ordered."

Representative Evans: "Mr. Speaker, I want to make announcement to my colleagues. We have cake and ice cream for the reception of the Hokulea crew and our guest today in Room 312, following today's session."

Representative Meyer: "Thank you, Mr. Speaker. In the spirit of Sunshine Week and our commitment to improving the public's access to information about government actions, the Republicans would like to offer a few suggestions on ways that we could voluntarily change our rules. Our first suggestion is lengthen the times ..."

Representative M. Oshiro: "Point of order. I believe any matter dealing with the Rules at this point and time during announcements would be out of order."

Speaker Say: "Representative Meyer, at this point there's nothing in the announcements that deal with the Rules. If you would like to address it, I believe you should have a Resolution addressing the Rules."

Representative Meyer: "Thank you. Well this is Sunshine Week and so I think this is pertinent. I think it's very important that we move to strengthen the trust relationship between the public and government. ..."

Representative M. Oshiro: "Mr. Speaker. I believe the current speaker is again out of order. This is not an appropriate time to discuss the Rules. We have already adopted the Rules. If the Member would like to propose any amendments, she should do so through a properly submitted and filed Resolution, Mr. Speaker."

Representative Meyer: "Mr. Speaker, I have just one more thing to say that I don't think will be out of order."

Speaker Say: "Okay. The Chair will allow you and override the Majority Leader. Please."

Representative Meyer: "Thank you. Mr. Speaker. I just wanted to announce that we will be objecting to any waivers of the 48-hour notice. We realize that there are legitimate reasons for needing the waiver. However, a 48-hour period is already a short frame to give the public notice, and when you waive that, there is absolutely no notice for the public. Thank you, Mr. Speaker."

Speaker Say: "Thank you very much. Your point is well taken."

ADJOURNMENT

At 1:16 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, March 20, 2006. (Representatives Arakaki, Chang, Marumoto, Saiki, Stonebraker, Takamine and Thielen were excused.)

THIRTY-FOURTH DAY

Monday, March 20, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Felipe P. Abinsay, Jr., after which the Roll was called showing all members present with the exception of Representative Karamatsu, who was excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Third Day was deferred.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 248) was received and announced by the Clerk:

Gov. Msg. No. 248, transmitting the following:



LINDA LINGLE
GOVERNOR

March 17, 2006

The Honorable Calvin K. Y. Say
Speaker of the House
Twenty-Third State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

I am writing to ask for your consideration of various appropriations in order to address the immediate emergency costs being incurred by various departments as a result of the recent devastation on Kauai following three weeks of rain that is predicted to continue for the next few days.

After conducting an aerial reconnaissance with Adjutant General Lee and several members of the County Council and Legislature, I became convinced that it is not enough to only meet emergency expenses of the current situation. In addition, we need to do an immediate statewide structural assessment of reservoirs/dams and review various options for their continued usage, including their impact on agriculture.

In accordance with Section 9, Article VII of the Constitution of the State of Hawaii, I am requesting your immediate consideration and passage of House Bill, No. 970, Relating to Emergency Relief for Natural Disasters, to appropriate emergency funding totaling \$14,334,000. This amount includes \$11,134,000 in state funds and \$3,200,000 in federal funds.

Emergency funding is requested for the Departments of Agriculture, Attorney General, Defense, Land and Natural Resources, and Transportation as follows:

- Department of Agriculture - \$50,000 in general funds for staff expenses and to hire consultants to assess the impact existing dams and reservoirs have on agricultural operations and the impact if existing dams and reservoirs were removed.
- Department of the Attorney General - \$1,000,000 in general funds for overtime, travel and other expenses for existing staff, and to hire outside consultants and experts to review legal issues related to dam and reservoir failures and issues relating to the safety of existing dams and reservoirs. Funds may also be used for expenses related to possible litigation concerning dam and reservoir failures.

The Honorable Calvin K. Y. Say
March 17, 2006
Page 2

- Department of Defense - \$2,000,000 in general funds for the Major Disaster Fund to cover operational expenses associated with storm recovery efforts, including State Civil Defense 24-hour emergency operations center overtime costs expended by civil defense workers, contractors that are helping to pump reservoirs to maintain safer water levels, National Guard personnel on State Active Duty status, and Blackhawk helicopter operating expenses.
- Department of Land and Natural Resources - \$5,000,000 in general funds for staff expenses and to hire consultants to conduct surveys, studies and assessments of private and government owned dams and reservoirs statewide to determine their current physical integrity. Assessments will include recommendations for future structural needs and identification of potential impacts or threat to areas around and downstream of the dams and reservoirs.
- Department of Land and Natural Resources - \$284,000 in general funds for staff expenses and to hire consultants to respond to and assess flood damage at state parks and on state lands.
- Department of Transportation - \$2,000,000 in State Highway Funds for staff and other expenses including equipment rentals, and to hire contractors and consultants for repair of road damage and stabilization of road embankments on Kuaia Highway, Kauai.
- Department of Transportation - \$4,000,000 (\$800,000 in State Highway Funds and \$3,200,000 in federal funds) for a capital improvement project to design and construct emergency roadway erosion remediation at various locations on Kauai damaged by the recent storms. Work includes: install temporary and permanent erosion control measures; restore roadways, shoulders and utility improvements; install guardrails and shoulder stabilization measures; install retaining walls; upgrade drainage structures; and install other miscellaneous improvements.

Attached is a proposed H.D. 1 of House Bill No. 970 that sets forth the above mentioned appropriation requirements in the emergency appropriation bill format.

We appreciate your prompt attention to this matter. The Departments of Agriculture, Attorney General, Defense, Land and Natural Resources, and Transportation will be available to answer any questions you may have on this request.

Sincerely,

LINDA LINGLE

Attachment

c: Honorable Dwight Y. Takamine

H.B. NO. 970
Proposed H.D. 1

A BILL FOR AN ACT

RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. This Act is recommended by the governor for
2 immediate passage in accordance with section 9 of article VII of
3 the Constitution of the State of Hawaii.

4 SECTION 2. The purpose of this Act is to appropriate funds
5 to: 1) cover the costs of recovery efforts as a result of
6 storms that have occurred over the past three weeks and that are
7 forecast to continue; and 2) hire consultants to determine the
8 structural integrity of dams and reservoirs statewide, to assess
9 potential immediate risks, and to recommend long-term plans to
10 ensure dam safety.

11 SECTION 3. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$50,000, or so much
13 thereof as may be necessary, for fiscal year 2005-2006 for staff
14 expenses and to hire consultants to assess the impact existing
15 dams and reservoirs have on agricultural operations and the
16 impact if existing dams and reservoirs were removed.

H. B. NO. 970, Proposed H.D. 1

Page 2

H.B. NO. 970

Proposed H.D. 1

1 The sum appropriated shall be expended by the department of
2 agriculture.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$1,000,000, or so
5 much thereof as may be necessary, for fiscal year 2005-2006 for
6 overtime, travel and other expenses for existing staff, and to
7 hire consultants and experts to review legal issues related to
8 dam and reservoir failures and issues relating to the safety of
9 existing dams and reservoirs. Funds may also be used for
10 expenses related to possible litigation concerning dam and
11 reservoir failures.

12 The sum appropriated shall be expended by the department of
13 the attorney general.

14 SECTION 5. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$2,000,000, or so
16 much thereof as may be necessary, for fiscal year 2005-2006 to
17 cover operational expenses associated with storm recovery
18 efforts, including, but not limited to, State Civil Defense
19 24-hour emergency operations center overtime costs expended by
20 civil defense workers, contractors that are helping to pump
21 reservoirs to maintain safer water levels, National Guard

H.B. NO. 970, H.D. 1

Page 4

H.B. NO. 970

Proposed H.D. 1

1 The sum appropriated shall be expended by the department of
2 land and natural resources.

3 SECTION 8. There is appropriated out of the state highway
4 fund the sum of \$2,000,000, or so much thereof as may be
5 necessary, for fiscal year 2005-2006 for staff and other
6 expenses including equipment rentals, and to hire contractors
7 and consultants for repair of road damage and stabilization of
8 road embankments on Kuhio Highway, Kauai.

9 The sum appropriated shall be expended by the department of
10 transportation.

11 SECTION 9. There is appropriated out of the state highway
12 fund the sum of \$800,000, or so much thereof as may be
13 necessary, for fiscal year 2005-2006, and out of federal funds
14 the sum of \$3,200,000, or so much thereof as may be necessary,
15 for fiscal year 2005-2006, for a capital improvement project to
16 design and construct emergency roadway erosion remediation at
17 various locations on Kauai damaged by the recent storms. Work
18 includes: install temporary and permanent erosion control
19 measures; restore roadways, shoulders and utility improvements;
20 install guardrails and shoulder stabilization measures; install
21 retaining walls; upgrade drainage structures; and install other
22 miscellaneous improvements.

H.B. NO. 970, H.D. 1

Page 3

H.B. NO. 970

Proposed H.D. 1

1 personnel on State Active Duty status, and Blackhawk helicopter
2 operating expenses.

3 The sum appropriated shall be expended by the department of
4 defense.

5 SECTION 6. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$5,000,000, or so
7 much thereof as may be necessary, for fiscal year 2005-2006 for
8 staff expenses and to hire consultants to conduct surveys,
9 studies and assessments of private and government owned dams and
10 reservoirs statewide to determine their current physical
11 integrity. Assessments will include recommendations for future
12 structural needs and identification of potential impacts or
13 threat to areas around and downstream of the dams and
14 reservoirs.

15 The sum appropriated shall be expended by the department of
16 land and natural resources.

17 SECTION 7. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$284,000, or so much
19 thereof as may be necessary, for fiscal year 2005-2006 for
20 staff expenses and to hire consultants to respond to and assess
21 flood damage at state parks and on state lands.

H.B. NO. 970, H.D. 1

Page 5

H.B. NO. 970

Proposed H.D. 1

1 The sum appropriated shall be expended by the department
2 of transportation.

3 SECTION 10. Any provision of this Act to the contrary
4 notwithstanding, the appropriations authorized under this Act
5 shall not lapse at the end of the fiscal year for which the
6 appropriations were made. All unexpended and unencumbered
7 balances of the appropriations made in this Act as of the close
8 of business on June 30, 2007, shall lapse.

9 SECTION 11. This Act shall take effect upon its approval.

H.B. NO. 970, H.D. 1

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Evans introduced former Representative and current Big Island Councilmember Virginia Isbell, and Ms. Nancy Murphy, District Manager at the Honokohau Harbor in Kona.

Representative Takai, on behalf of Speaker Say and Representative Ito, introduced West Point 2nd Class Cadet Ronson Honeychurch, a graduate of St. Louis High School.

Representative Tsuji, on behalf of the Big Island delegation, introduced high school students participating in the Big Island Legislative Experience from Keaau, Pahoa, Hilo, Waiakea, Laupahoehoe, Ka'u, Kealahou, Konawaena, Kohala and Honokaa. They were accompanied by Ms. Carol Takamura, Hilo High Student Association Coordinator; Ms. Jewel Castro, Pahoa High Student Activities Coordinator; and Ms. Angella Brandt, Honokaa High Teacher and Student Association Coordinator.

Representative Ching introduced guests who were here for today's historic preservation and heritage floor presentation.

American Institute of Architects, Mr. Mike Leineweber and Mrs. Spencer Leineweber.

Daughters of Hawaii, Ms. Leilani McGuire, Ms. Gerry Miyamoto, Mr. David Scott.

Department of Land and Natural Resources, Mr. Peter Young.

Friends of Iolani Palace, Mr. Stuart Ching, and Ms. Lori Garci.

Hawaii Architectural Foundation, Mr. Donald Clifford, Mr. Chuck Ehrhom, Mr. Joseph Ferraro, Mr. Richard Shinoki, and Mrs. Richard Shinoki.

Hawaii Community Development Authority, Mr. Dan Dinell.

Kailua Historical Preservation Society, Mr. James Flannery and Ms. Joanne Flannery.

National Geographic freelance photographer, Mr. Paul Chesley.

Entertainer, Ms. Nalani Olds.

USS Missouri Battleship, Mr. Mike Weidenbach.

Washington Place Foundation, Ms. Corinne Chun-Fujimoto, Ms. Susan Landon, Ms. Robin Midkiff, and Ms. Robin Rohr.

State Capitol original architectural team, Mr. Frank Haines.

Sanju Pagoda restoration architect, Ms. Lorraine Minatoishi-Palumbo.

Also, Mr. Donald Shaw, Mrs. Janice Friend Shaw, and Ms. Mary Zane.

Representative Chang introduced Ms. Robbie Kane of the Hawaii Tourism Authority's Product Enrichment Program.

Representative Schatz introduced his office manager, Mr. Jacee Mikulanec, and Jacee's mother, Mrs. Peg Mikulanec of Indianola, Iowa.

The following concurrent resolutions and resolution were referred to committee by the Speaker:

H.C.R.

Nos.

Referred to:

82	Committee on Economic Development & Business Concerns
83	Committee on Health, then to the Committee on Consumer Protection & Commerce
84	Committee on Consumer Protection & Commerce
85	Committee on Health, then to the Committee on Consumer Protection & Commerce
86	Committee on Transportation
87	Committee on Transportation, then to the Committee on Finance
88	Committee on Health
89	Jointly to the Committee on Housing and the Committee on Public Safety & Military Affairs
90	Committee on Housing
91	Committee on Public Safety & Military Affairs
92	Jointly to the Committee on Health and the Committee on International Affairs, then to the Committee on Consumer Protection & Commerce
93	Committee on Energy & Environmental Protection
94	Committee on Public Safety & Military Affairs, then to the Committee on Finance
95	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Finance
96	Committee on Education, then to the Committee on Finance
97	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
98	Committee on Water, Land, & Ocean Resources
99	Committee on Energy & Environmental Protection
100	Committee on Judiciary
101	Committee on Agriculture
102	Committee on Finance
103	Jointly to the Committee on Education and the Committee on International Affairs
104	Committee on Water, Land, & Ocean Resources
105	Committee on Health, then to the Committee on Finance
106	Committee on Health

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

107	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Human Services, then to the Committee on Judiciary	134	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection
108	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	135	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance
109	Committee on International Affairs	136	Committee on Public Safety & Military Affairs
110	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance	137	Committee on Higher Education
111	Committee on Transportation	138	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources
112	Committee on Consumer Protection & Commerce	139	Committee on Health, then to the Committee on Consumer Protection & Commerce
113	Committee on Health	140	Jointly to the Committee on Agriculture and the Committee on Tourism & Culture
114	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing	141	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance
115	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing	142	Committee on Consumer Protection & Commerce
116	Committee on Energy & Environmental Protection	143	Committee on Housing, then to the Committee on Finance
117	Jointly to the Committee on Judiciary and the Committee on Legislative Management	144	Committee on Transportation
118	Committee on Health, then to the Committee on Education	145	Jointly to the Committee on Health and the Committee on International Affairs
119	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing, then to the Committee on Judiciary	146	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
120	Committee on Public Safety & Military Affairs	147	Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce
121	Committee on Human Services	148	Committee on Housing, then to the Committee on Finance
122	Committee on Health	149	Committee on Energy & Environmental Protection
123	Committee on Health, then to the Committee on Consumer Protection & Commerce	150	Committee on Health, then to the Committee on Transportation
124	Committee on Education	151	Committee on Transportation
125	Jointly to the Committee on Higher Education and the Committee on Health	152	Committee on Water, Land, & Ocean Resources
126	Committee on Health	153	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources
127	Committee on Transportation	154	Committee on Education
128	Committee on Public Safety & Military Affairs, then to the Committee on Finance	155	Committee on Water, Land, & Ocean Resources
129	Jointly to the Committee on Judiciary and the Committee on Public Safety & Military Affairs	156	Committee on Consumer Protection & Commerce
130	Committee on Public Safety & Military Affairs	157	Jointly to the Committee on Health and the Committee on Hawaiian Affairs
131	Committee on Transportation	158	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
132	Committee on Water, Land, & Ocean Resources		
133	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Labor & Public Employment		

159	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources	185	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services
160	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture	186	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce
161	Jointly to the Committee on Agriculture and the Committee on Hawaiian Affairs, then to the Committee on Higher Education	187	Committee on Health, then to the Committee on Higher Education
162	Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture	188	Jointly to the Committee on Higher Education and the Committee on Education
163	Committee on Judiciary, then to the Committee on Finance	189	Committee on Health
164	Committee on Water, Land, & Ocean Resources	190	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
165	Committee on Judiciary	191	Committee on Health, then to the Committee on Consumer Protection & Commerce
166	Committee on Human Services	192	Committee on Energy & Environmental Protection
167	Committee on Higher Education	193	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns, then jointly to the Committee on Hawaiian Affairs and the Committee on Higher Education
168	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources	194	Committee on Agriculture, then to the Committee on Finance
169	Committee on Education	195	Committee on Energy & Environmental Protection
170	Committee on Higher Education	196	Committee on Higher Education
171	Committee on Education	197	Committee on Health
172	Committee on Economic Development & Business Concerns	198	Committee on Transportation
173	Committee on Transportation	199	Committee on Housing
174	Committee on Water, Land, & Ocean Resources	200	Committee on Water, Land, & Ocean Resources
175	Committee on Higher Education, then to the Committee on Finance	201	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education
176	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Consumer Protection & Commerce, then to the Committee on Finance	202	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources
177	Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Health	203	Jointly to the Committee on Higher Education and the Committee on Housing
178	Jointly to the Committee on Human Services and the Committee on Judiciary, then to the Committee on Finance	204	Committee on Public Safety & Military Affairs
179	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources	205	Committee on Tourism & Culture, then to the Committee on Finance
180	Committee on Agriculture	206	Committee on Economic Development & Business Concerns
181	Committee on Transportation	207	Committee on Judiciary
182	Committee on Human Services, then to the Committee on Finance	208	Jointly to the Committee on Judiciary and the Committee on Hawaiian Affairs
183	Jointly to the Committee on Judiciary and the Committee on Legislative Management, then to the Committee on Finance	209	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment
184	Jointly to the Committee on Education and the Committee on Health		

210	Committee on Consumer Protection & Commerce, then to the Committee on Finance	236	Committee on Higher Education, then to the Committee on Judiciary
211	Committee on Labor & Public Employment	237	Committee on Higher Education, then to the Committee on Finance
212	Committee on Tourism & Culture	238	Committee on Water, Land, & Ocean Resources
213	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	239	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism & Culture, then to the Committee on Finance
214	Committee on Energy & Environmental Protection	240	Committee on Judiciary
215	Committee on Water, Land, & Ocean Resources	241	Committee on Transportation
216	Committee on Energy & Environmental Protection	242	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Development & Business Concerns
217	Committee on Agriculture	243	Committee on International Affairs
218	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education	244	Jointly to the Committee on Human Services and the Committee on Health
219	Committee on Health	245	Committee on Housing
220	Committee on Water, Land, & Ocean Resources	246	Committee on Water, Land, & Ocean Resources
221	Committee on Economic Development & Business Concerns, then to the Committee on Finance	247	Committee on Consumer Protection & Commerce
222	Committee on Judiciary	248	Committee on Transportation, then to the Committee on Finance
223	Committee on Health, then to the Committee on Higher Education, then to the Committee on Finance	249	Committee on Water, Land, & Ocean Resources
224	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns	250	Committee on Judiciary
225	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Economic Development & Business Concerns	251	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
226	Jointly to the Committee on Health and the Committee on Human Services	252	Committee on Water, Land, & Ocean Resources
227	Committee on Judiciary, then to the Committee on Finance	253	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
228	Committee on Health	254	Jointly to the Committee on Transportation and the Committee on Health
229	Committee on Health, then to the Committee on Finance	255	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection
230	Committee on International Affairs	256	Committee on Agriculture
231	Committee on Judiciary	257	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
232	Committee on Hawaiian Affairs	258	Committee on Higher Education
233	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Higher Education	259	Jointly to the Committee on Human Services and the Committee on Health
234	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Higher Education	260	Committee on Finance
235	Committee on Finance	261	Committee on Water, Land, & Ocean Resources
		262	Committee on Transportation
		263	Committee on Education
		264	Committee on Education

265	Committee on Education	291	Jointly to the Committee on Education and the Committee on Health
266	Jointly to the Committee on Transportation and the Committee on Higher Education	292	Committee on Judiciary
267	Committee on Water, Land, & Ocean Resources	293	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources
268	Committee on Education	294	Committee on Human Services
269	Committee on Human Services, then to the Committee on Finance	295	Committee on Health, then to the Committee on Judiciary
270	Jointly to the Committee on Health and the Committee on Higher Education	296	Jointly to the Committee on Higher Education and the Committee on Education
271	Committee on Finance	297	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
272	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs	298	Committee on Higher Education
273	Committee on International Affairs	299	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
274	Jointly to the Committee on International Affairs and the Committee on Public Safety & Military Affairs	300	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture
275	Jointly to the Committee on International Affairs and the Committee on Public Safety & Military Affairs	301	Committee on Transportation, then to the Committee on Finance
276	Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources and the Committee on Health	302	Committee on Economic Development & Business Concerns, then to the Committee on Water, Land, & Ocean Resources
277	Jointly to the Committee on Economic Development & Business Concerns and the Committee on International Affairs	303	Jointly to the Committee on Higher Education and the Committee on Judiciary, then to the Committee on Legislative Management
278	Committee on Water, Land, & Ocean Resources	304	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Economic Development & Business Concerns
279	Committee on Education	305	Committee on Energy & Environmental Protection, then to the Committee on International Affairs
280	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection	306	Committee on Energy & Environmental Protection, then to the Committee on International Affairs
281	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources	307	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources
282	Committee on Higher Education	308	Jointly to the Committee on Higher Education and the Committee on Labor & Public Employment, then to the Committee on Legislative Management
283	Jointly to the Committee on Health and the Committee on Human Services	309	Committee on Education, then to the Committee on Labor & Public Employment
284	Committee on Public Safety & Military Affairs	310	Committee on Consumer Protection & Commerce
285	Committee on Judiciary	311	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
286	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing	312	Jointly to the Committee on International Affairs and the Committee on Human Services
287	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources	313	Committee on Human Services
288	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources	314	Committee on Higher Education
289	Committee on Water, Land, & Ocean Resources		
290	Jointly to the Committee on Health and the Committee on Human Services		

315	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	76	Jointly to the Committee on Education and the Committee on International Affairs
316	Committee on Finance	77	Committee on Water, Land, & Ocean Resources
317	Jointly to the Committee on Human Services and the Committee on Health	80	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
318	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary	81	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
319	Committee on Agriculture, then to the Committee on Economic Development & Business Concerns	82	Committee on Transportation
320	Committee on Water, Land, & Ocean Resources	83	Committee on Judiciary
321	Committee on Education, then to the Committee on Finance	84	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing
322	Jointly to the Committee on Education and the Committee on Water, Land, & Ocean Resources	85	Jointly to the Committee on Hawaiian Affairs and the Committee on Housing
323	Committee on Public Safety & Military Affairs	86	Committee on Energy & Environmental Protection
324	Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources	87	Committee on Public Safety & Military Affairs
325	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism & Culture	88	Committee on Human Services
326	Committee on Tourism & Culture, then to the Committee on Water, Land, & Ocean Resources	89	Committee on Health
327	Committee on Transportation, then to the Committee on Judiciary	90	Committee on Health, then to the Committee on Consumer Protection & Commerce
328	Committee on Judiciary	91	Committee on Education
		92	Jointly to the Committee on Higher Education and the Committee on Health
		93	Committee on Transportation
		94	Jointly to the Committee on Judiciary and the Committee on Public Safety & Military Affairs
		95	Committee on Public Safety & Military Affairs
		96	Committee on Transportation
		97	Committee on Water, Land, & Ocean Resources
		98	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Labor & Public Employment
		99	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection
		100	Committee on Public Safety & Military Affairs
		101	Committee on Higher Education
		102	Committee on Health, then to the Committee on Consumer Protection & Commerce
		103	Jointly to the Committee on Agriculture and the Committee on Tourism & Culture
		104	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Finance
		105	Committee on Consumer Protection & Commerce
<u>H.R.</u>			
<u>Nos.</u>	<u>Referred to:</u>		
63	Committee on Health, then to the Committee on Consumer Protection & Commerce		
64	Committee on Transportation		
65	Committee on Transportation, then to the Committee on Finance		
66	Jointly to the Committee on Housing and the Committee on Public Safety & Military Affairs		
67	Committee on Housing		
68	Committee on Public Safety & Military Affairs		
69	Jointly to the Committee on Health and the Committee on International Affairs, then to the Committee on Consumer Protection & Commerce		
70	Committee on Energy & Environmental Protection		
71	Committee on Public Safety & Military Affairs, then to the Committee on Finance		
72	Committee on Education, then to the Committee on Finance		
73	Committee on Judiciary		
75	Committee on Agriculture		

106	Committee on Housing, then to the Committee on Finance	134	Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture, then to the Committee on Health
107	Committee on Transportation	135	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources
108	Jointly to the Committee on Health and the Committee on International Affairs	136	Committee on Human Services, then to the Committee on Finance
109	Jointly to the Committee on Human Services and the Committee on Labor & Public Employment, then to the Committee on Consumer Protection & Commerce	137	Jointly to the Committee on Judiciary and the Committee on Legislative Management, then to the Committee on Finance
110	Committee on Energy & Environmental Protection	138	Jointly to the Committee on Education and the Committee on Health
111	Committee on Health, then to the Committee on Transportation	139	Jointly to the Committee on Labor & Public Employment and the Committee on Human Services
112	Committee on Transportation	140	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Consumer Protection & Commerce
113	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources	141	Committee on Health, then to the Committee on Higher Education
114	Committee on Education	142	Jointly to the Committee on Higher Education and the Committee on Education
115	Committee on Water, Land, & Ocean Resources	143	Committee on Health
116	Committee on Consumer Protection & Commerce	144	Jointly to the Committee on Health and the Committee on Public Safety & Military Affairs, then to the Committee on Finance
117	Jointly to the Committee on Health and the Committee on Hawaiian Affairs	145	Committee on Health, then to the Committee on Consumer Protection & Commerce
118	Committee on Energy & Environmental Protection, then to the Committee on Judiciary	146	Committee on Energy & Environmental Protection
119	Committee on Transportation, then to the Committee on Water, Land, & Ocean Resources	147	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns, then jointly to the Committee on Hawaiian Affairs and the Committee on Higher Education
120	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture	148	Committee on Agriculture, then to the Committee on Finance
121	Jointly to the Committee on Agriculture and the Committee on Hawaiian Affairs, then to the Committee on Higher Education	149	Committee on Energy & Environmental Protection
122	Jointly to the Committee on Hawaiian Affairs and the Committee on Agriculture	150	Committee on Higher Education
123	Committee on Judiciary, then to the Committee on Finance	151	Committee on Health
124	Committee on Water, Land, & Ocean Resources	152	Committee on Transportation
125	Committee on Human Services	153	Committee on Housing
126	Committee on Higher Education	154	Committee on Water, Land, & Ocean Resources
127	Jointly to the Committee on Transportation and the Committee on Water, Land, & Ocean Resources	155	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education
128	Committee on Education	156	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources
129	Committee on Higher Education	157	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment
130	Committee on Education		
131	Committee on Economic Development & Business Concerns		
132	Committee on Transportation		
133	Committee on Water, Land, & Ocean Resources		

158	Committee on Consumer Protection & Commerce, then to the Committee on Finance	184	Committee on International Affairs
159	Committee on Labor & Public Employment	185	Jointly to the Committee on Human Services and the Committee on Health
160	Committee on Tourism & Culture	186	Committee on Housing
161	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance	187	Committee on Water, Land, & Ocean Resources
162	Committee on Finance	188	Committee on Transportation, then to the Committee on Finance
163	Committee on Energy & Environmental Protection	189	Committee on Water, Land, & Ocean Resources
164	Committee on Water, Land, & Ocean Resources	190	Committee on Judiciary
165	Committee on Energy & Environmental Protection	191	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
166	Committee on Agriculture	192	Committee on Water, Land, & Ocean Resources
167	Jointly to the Committee on Higher Education and the Committee on Housing	193	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
168	Committee on Judiciary	194	Jointly to the Committee on Transportation and the Committee on Health
169	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns	195	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection
170	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection, then to the Committee on Economic Development & Business Concerns	196	Committee on Agriculture
171	Jointly to the Committee on Health and the Committee on Human Services	197	Jointly to the Committee on Legislative Management and the Committee on Public Safety & Military Affairs
172	Committee on Judiciary, then to the Committee on Finance	198	Committee on Higher Education
173	Committee on Hawaiian Affairs	199	Jointly to the Committee on Human Services and the Committee on Health
174	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Higher Education	200	Committee on Finance
175	Jointly to the Committee on Economic Development & Business Concerns and the Committee on Higher Education	201	Committee on Water, Land, & Ocean Resources
176	Committee on Finance	202	Committee on Transportation
177	Committee on Higher Education, then to the Committee on Judiciary	203	Committee on Education
178	Jointly to the Committee on Human Services and the Committee on Hawaiian Affairs	204	Committee on Education
179	Committee on Water, Land, & Ocean Resources	205	Committee on Education
180	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism & Culture, then to the Committee on Finance	206	Jointly to the Committee on Transportation and the Committee on Higher Education
181	Committee on Judiciary	207	Committee on Water, Land, & Ocean Resources
182	Committee on Transportation	208	Committee on Education
183	Jointly to the Committee on Energy & Environmental Protection and the Committee on Economic Development & Business Concerns	209	Committee on Human Services, then to the Committee on Finance
		210	Jointly to the Committee on Health and the Committee on Higher Education
		211	Committee on Finance
		212	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Public Safety & Military Affairs

213	Committee on Higher Education, then to the Committee on Water, Land, & Ocean Resources, then to the Committee on Health	237	Jointly to the Committee on Higher Education and the Committee on Judiciary, then to the Committee on Legislative Management
214	Jointly to the Committee on Economic Development & Business Concerns and the Committee on International Affairs	238	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Economic Development & Business Concerns
215	Committee on Education	239	Committee on Energy & Environmental Protection, then to the Committee on International Affairs
216	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection	240	Committee on Energy & Environmental Protection, then to the Committee on International Affairs
217	Committee on Higher Education	241	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources
218	Jointly to the Committee on Health and the Committee on Human Services	242	Jointly to the Committee on Higher Education and the Committee on Labor & Public Employment, then to the Committee on Legislative Management
219	Committee on Public Safety & Military Affairs	243	Committee on Education, then to the Committee on Labor & Public Employment
220	Committee on Judiciary	244	Committee on Consumer Protection & Commerce
221	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing	245	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
222	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources	246	Jointly to the Committee on International Affairs and the Committee on Human Services
223	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources	247	Committee on Human Services
224	Committee on Water, Land, & Ocean Resources	248	Committee on Higher Education
225	Jointly to the Committee on Health and the Committee on Human Services	249	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
226	Jointly to the Committee on Education and the Committee on Health	250	Committee on Health
227	Committee on Judiciary	251	Jointly to the Committee on Human Services and the Committee on Health
228	Jointly to the Committee on Housing and the Committee on Water, Land, & Ocean Resources	252	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary
229	Committee on Human Services	253	Committee on Agriculture, then to the Committee on Economic Development & Business Concerns
230	Committee on Health, then to the Committee on Judiciary	254	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism & Culture
231	Jointly to the Committee on Higher Education and the Committee on Education	255	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism & Culture
232	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	256	Committee on Water, Land, & Ocean Resources
233	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance	257	Committee on Education, then to the Committee on Finance
234	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture	258	Jointly to the Committee on Education and the Committee on Water, Land, & Ocean Resources
235	Committee on Transportation, then to the Committee on Finance	259	Committee on Public Safety & Military Affairs
236	Committee on Economic Development & Business Concerns, then to the Committee on Water, Land, & Ocean Resources	260	Jointly to the Committee on Higher Education and the Committee on Water, Land, & Ocean Resources

- 261 Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism & Culture
- 262 Committee on Tourism & Culture, then to the Committee on Water, Land, & Ocean Resources
- 263 Committee on Transportation, then to the Committee on Judiciary
- 264 Committee on Judiciary

COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker:

<u>S.B. Nos.</u>	<u>Re-referred to:</u>
87, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
1593, SD2	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing, then to the Committee on Finance
2343, SD2	Committee on Health, then to the Committee on Finance
3021, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
3033, SD2	Committee on Labor & Public Employment, then to the Committee on Finance
3218, SD1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 268) was announced by the Clerk and the following action taken:

H.R. No. 268, entitled: "HOUSE RESOLUTION HONORING AND RECOGNIZING HAWAII'S HISTORIC PRESERVATION LEADERS AND ORGANIZATIONS," was offered by Representative Ching.

Representative Ching, moved that H.R. No. 268 be adopted, seconded by Representative Evans.

Representatives Ching and Evans introduced the honorees seated on the floor of the House:

Ms. Nancy Bannick, Charter Member of the Historic Hawai'i Foundation;

Ms. Mary Philpotts McGrath, President of the Washington Place Foundation;

Ms. Alice Guild of the Friends of Iolani Palace;

Ms. Sarah Richards, President of the Hawaii Theatre Center. Also recognized was Mr. Robert Midkiff for his work with the Hawaii Theatre;

Dr. Janine Clifford, Vice President and Charter Member of the Hawaii Architectural Foundation; and

Mr. John Lyles of the Historic Hawai'i Foundation.

Representative Evans also recognized Mr. Peter Apo, President of the Historic Hawaii Foundation.

The motion was put to vote by the Chair and carried, and H.R. No. 268 was adopted with Representatives Karamatsu and Nakasone being excused.

The following resolution (H.R. No. 269) was announced by the Clerk and the following action taken:

H.R. No. 269, entitled: "HOUSE RESOLUTION CONGRATULATING WEST HAWAII EXPLORATIONS ACADEMY PUBLIC CHARTER SCHOOL FOR RECEIVING THE 2005 INTEL AND SCHOLASTIC SCHOOLS OF DISTINCTION AWARD," was jointly offered by Representatives Green, Arakaki, Berg, Chang, Evans, Finnegan, Hale, Herkes, Shimabukuro, Tsuji, Waters, Takamine and Takumi.

Representative Green, moved that H.R. No. 269 be adopted, seconded by Representative Finnegan.

Representative Green congratulated the West Hawaii Explorations Academy Public Charter School, and introduced the honorees seated on the floor of the House:

Mr. Curtis Muraoka, Co-Director; and Ms. Sylvia Silva Financial Director of the West Hawaii Explorations Academy.

Representative Finnegan also congratulated the West Hawaii Explorations Academy and thanked them for their contributions to education.

The motion was put to vote by the Chair and carried, and H.R. No. 269 was adopted with Representatives Karamatsu and Nakasone being excused.

At 12:44 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1017-06) recommending that S.B. No. 2213, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2213, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just to record my reservations on this measure. It's going to go to the Judiciary Committee at this point. But my comment I'd like to make is again, Mr. Speaker and members, this is an anti-consumer bill. We need to balance, I think, the rights of business, how business is run, how they exist, but also balance that with the concerns and interest of the consumers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2213, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Karamatsu and Saiki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1018-06) recommending that S.B. No. 2454, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2454, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Karamatsu and Saiki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1019-06) recommending that S.B. No. 2570, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2570, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Second Reading and was referred to the Committee on Finance with Representatives Karamatsu and Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1020-06) recommending that S.B. No. 2050, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Karamatsu and Saiki being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1021-06) recommending that S.B. No. 2456, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2456, SD 1, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. Mr. Speaker, the noise of backup beepers from delivery and garbage trucks has really been disturbing and annoying the residents of Waikiki and Kakaako areas, especially the elderly, for many years. It may seem like a little thing, but the ability to disable these beepers while still maintaining pedestrian safety will really improve the quality of life for residents of Waikiki and Kakaako areas. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2456, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Karamatsu and Saiki being excused.

Representatives Kanoho and Saiki, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1022-06) recommending that S.B. No. 917, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 917, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION ON WATER RESOURCE MANAGEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Karamatsu and Saiki being excused.

Representatives Kanoho and Saiki, for the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1023-06) recommending that S.B. No. 2004, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2004, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This bill would create a State monument called *Ahu o Laka* in Kaneohe Bay. This monument would then be administered by the Department of Land and Natural Resources.

"The monument is described as a three-acre sand bar in Kaneohe Bay off Heeia, that is out of the waters out of the surface of the water at low tide. The monument would also include the surrounding State marine waters. It doesn't say how far out, but again the Department of Land and Natural Resources would establish rules for the activities there that would be necessary to preserve the historical, cultural, and aesthetic resources of *Ahu o Laka* State Monument.

"My concerns are those of the hundreds and hundreds of recreational boating people who have been going to the sand bar for at least the last 85 years. Obviously before that, the Hawaiians went there. It is such a beautiful and unusual natural resource that people throughout the ages have enjoyed this remarkable place.

"The bill that was originally introduced in the Senate had a great deal of language that would prohibit all kinds of activities. The boating community is still worried about that. They're not sure what the rules are that protect monuments. In the testimony that the Department gave, they acknowledged that this sand bar is known by a couple of names. One is *Ahu o Laka*, an altar to Laka. The other is *Ahua o Laka*, which translates to sand bank of Laka. Laka was the chief of Koolauloa. And in one of the stories he was said to have died at *Ahu o Laka*. His bones, some people think his bones, some of his bones were buried there. Other stories say that they were taken to Maui, where he was born. He was born in Hana. Laka is also the Goddess of Hula, and so thus he would have the name *Ahu o Laka*, an altar to the goddess Laka.

"I think there needs to be more research done. My concerns and my no vote are because of the many, many concerns of responsible boating persons. Many, many people I know they learned to swim there, their children have learned to swim there. There are all kinds of recreational boating activities. The fear is that if this is once is made a State monument, many of the recreational activities that people enjoy may then be prohibited. Thank you, Mr. Speaker."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I would like to express my serious reservations for the reasons that were just stated. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2004, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer and Stonebraker voting no, and with Representatives Karamatsu and Saiki being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1024-06) recommending that S.B. No. 3254, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3254, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Karamatsu and Saiki being excused.

INTRODUCTION OF RESOLUTION

The following concurrent resolution (H.C.R. No. 329) was announced by the Clerk and the following action taken:

H.C.R. No. 329, entitled: "HOUSE CONCURRENT RESOLUTION AWARDED THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," was offered by Representative Say.

Representative Takai, moved that H.C.R. No. 329 be adopted, seconded by Representative Ito.

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this resolution. Thank you. Yesterday marked three years since the War on Terrorism began. While there is now much debate for and against this war, there is no debate about the tremendous sacrifices made by our service members and their families.

"As of February 28, 2006, we in Hawaii have lost 120 service members who have sacrificed their lives while in the line of duty. To pay a special tribute to these heroes and to their families, last year we passed House Bill No. 8, which became Act 21.

"House Bill No. 8 created the Hawaii Medal of Honor. This special medal is awarded on behalf of the people of the State of Hawaii to an individual who has been killed in action while serving our country as part of Operation Iraqi Freedom and Operation Enduring Freedom. Recipients of this medal include members of the United States Armed Forces, the United States Military Reserves, and the National Guard, who are residents of the State of Hawaii, attended an educational institution in Hawaii, or were stationed in Hawaii by order of the United States Department of Defense.

"The Hawaii Medal of Honor will be awarded to family representatives of these men and women at a ceremony held during a Joint Session of this Legislature, on Tuesday, April 18, 2006 at 10 a.m. in these Chambers.

"Mr. Speaker, House Bill No. 8 created a Planning Committee chaired by Representative Ken Ito, Senator Norman Sakamoto, and Major General Robert Lee. I wanted thank those three Chairmen for doing such a great job in acknowledging these families and our service members. I also wanted to recognize and thank the other members of the Planning Committee, namely you, Mr. Speaker, Senate President Robert Bunda, Representative Pono Chong, Brigadier General Gary Ishikawa, Colonel Retired Emerick Kaneshi, and also Mr. Speaker, from our various staffs, Lisa Vargas, Janis Higaki, Carole Furuya, Cherry Torres, and George White.

"While serving on active duty for six months last year, Mr. Speaker, I had the responsibility of serving as the casualty assistance officer for the family of Sergeant Deyson Cariaga, the Hawaii Army National Guards only casualty during the recent deployment of the 29th Brigade Combat Team.

"That duty, the duty as casualty assistance officer, was my most difficult challenge in my entire National Guard career. The Cariaga family and Mrs. Theresa Inouye, his mother in particular, continued to grieve for their loss. I don't wish what they have had and continue to experience on any family. This resolution and the actions that we have and will take are to honor soldiers like Sergeant Cariaga and parents like Theresa Inouye.

"In the past three years, Mr. Speaker, the war against terror has changed our world and our lives in a profound way. Ultimately, it's not about politics, it's not about money, and it's not even about winning. It's all about the families and their loved ones and what these brave men and women sacrifice to keep us safe. As we strive to find meaning behind such heartbreaking loss, I think we will find it in the small deeds we do each day if we can always remember the sense of purpose and generosity of spirit of those we honor not just on Memorial Day, but everyday. The world will be a better, safer place. Thank you, Mr. Speaker."

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support. Mr. Speaker, we have many servicemen also injured in action and it's not that we're neglecting them, but those who gave the ultimate sacrifice for the ones that we're trying to honor with this resolution and the award of the medal. And I'm sure none of them would trade the medal for their lives if they had the choice. But it's not for them anymore, it is for us to help remember them and to basically honor not only their service, but to honor their families with this small thing that we can do from the State of Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and H.C.R. No. 329 was adopted with Representatives Karamatsu and Saiki being excused.

ANNOUNCEMENTS

Representative Luke: "Mr. Speaker, I wanted to request a waiver of the 48-hour notice requirement for ..."

Representative Meyer: "Mr. Speaker. Well, I would hope that the speaker, the Chairman of Judiciary, will explain fully why this waiver is necessary."

Representative Luke: "Well, actually it was for the Wiretap Bill, but since the Republicans are opposed, I'm not going to post it anymore."

Representative Takamine: "Mr. Speaker, I request waiver of the 48-hour notice requirement for the purpose of hearing House Bill 970, as a House Draft 1," and the Chair "so ordered."

Representative Takamine: "Thank you very much, Mr. Speaker. House Bill 970, as a proposed House Draft 1 ..."

Representative Meyer: "Point of personal privilege. I did not rise to say I was opposed. I wanted the full information about the waiver in the Judiciary Committee."

Speaker Say: "The Chair has responded by her comments to the Members of this Chamber, that it was dealing with the wiretap measure and since you have risen on a point of personal privilege, at this point she has decided to withdraw that waiver and ..."

Representative Meyer: "Sounds like a setup and very convenient."

Speaker Say: "Well, we don't know. Do not get motives or intent involved at this point in time. Please proceed Representative Takamine."

Representative Takamine: "Thank you very much, Mr. Speaker. House Bill 970, as proposed House Draft 1, will be heard by your Committee on Finance, tomorrow afternoon March 21, 2006 at 2 p.m. in the Finance Conference Room, Room 308. Copies of the proposed House Draft 1 are currently available in Room 306. Decision making to follow if time permits. Thank you."

At 1:08 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:18 o'clock p.m.

Representative Thielen: "Thank you, Mr. Speaker. Mr. Speaker, just a brief point of clarification. From my 16 years of being in the Legislature, I have recognized that there are times that a 48-hour notice waiver is necessary. It can come with a request from the community, it can come from a request from the Administration, it can come because of internal request, or other issues."

"The one thing I would like to congratulate and commend you on, is that you always are sure that the Member asking for that waiver is clear to state the bill number and the subject matter so there is advance notification at least for that. And I would respectfully ask if the Judiciary Chair would continue with her request for the request for waiver of the 48-hour notice. Thank you."

Representative Luke: "Mr. Speaker, with that clarification from last week Friday's blanket objection to all 48-hour waivers, and with the acknowledgement that the Republican Caucus now recognizes the importance of certain waivers, I request the waiver of the 48-hour requirement on Senate Bill 965 for decision making in Room 325, Tuesday, 2 p.m.," and the Chair "so ordered."

Speaker Say: "Before we continue on, Representative Shimabukuro. Chair Takamine, for clarification, would you like to clarify that particular Bill you are hearing with the proposed House Draft."

Representative Takamine: "Certainly, Mr. Speaker. As indicated on our OD today under the item number 3, messages from the Governor. Reference was made to emergency relief for natural disasters in particular on Kauai. I know that our hearts go out to those people on Kauai who have suffered as a result of the torrential rains during the past three weeks."

"The message was received on March 17, 2006, did indicate that in accordance with Section 9, Article VII, of the Constitution of the State of Hawaii, the Governor was requesting immediate consideration in passage of House Bill No. 970, Relating Emergency Relief of Natural Disasters, to appropriate emergency funding totaling over \$14 million, of which \$3.2 million would be from federal sources."

"We appreciate the efforts of the Speaker and the Senate President, because just to consider this measure at this point in time in the Legislative calendar required a waiver by both, but it does allow us to then try to do what we can to support the people there in light of what has occurred. That was the basis for the request for tomorrow's hearing on the measure. Thank you, Mr. Speaker."

Representative Shimabukuro: "I just want to invite everybody to please come and support the Create Your Own Omelet Fundraiser. It's going to take place tomorrow morning. And this is to benefit the food drive fundraiser that's been ongoing. In Room 423, from 7 a.m. to 10 a.m. The goal is to sell a hundred plates. It's going to be \$5 each. I want to especially thank Majority Leader Marcus Oshiro for donating the eggs for this event and my staff, Ed Suka, who's going to be the head chef as well as Erica Miles, Naomi Uyehara, Wally Inilis, and Colleen Young, who are going to help put it on. Thank you."

Representative Ching: "Thank you, Mr. Speaker. I'd just like to invite each and every one of our Members, including yourself, to join the Heritage Caucus across the street at Washington Place to honor the honorees that were here on the floor with some lunch from Indigos and some entertainment by Nalani Olds. Thank you."

Representative M. Oshiro: "Mr. Speaker, three years ago today, the combined forces of the United States and British forces invaded the nation of Iraq to overthrow President Saddam Hussein. Three years later, Mr. Speaker, US and British forces are continuing to defend the removal of the dictator despite spiraling violence that is sending Iraq close to a civil war."

"Mr. Speaker, as of yesterday at least 2,314 members of the United States Military have died since the beginning of the second Iraq War, three years ago, according to the Associated Press count. To honor these men and women and their families, and their supreme sacrifice that they have made, I ask that at the appropriate time, we would have a moment of silence."

Representative Souki: "Mr. Speaker, if I could add to that, that over 100,000 Iraqi civilians have died in this last three years."

Representative Halford: "Thank you, Mr. Speaker. I just wanted to point out that what was earlier referred to as a Caucus position, may be an exaggeration. It certainly was not my position."

At this time, the House of Representatives stood for a moment of silence in memory of those who have lost their lives in Iraq.

ADJOURNMENT

At 1:23 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Tuesday, March 21, 2006. (Representatives Karamatsu, Saiki, Schatz and Wakai were excused.)

THIRTY-FIFTH DAY

Tuesday, March 21, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:14 o'clock p.m., with Vice Speaker Takai presiding.

The invocation was delivered by Representative Dennis Arakaki, after which the Roll was called showing all members present with the exception of Representatives Kahikina, Stonebraker and Takamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Fourth Day was deferred.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Arakaki introduced volunteer advocates from the American Cancer Society from throughout the State including, former Representative Jackie Young, Chief of Staff for Mission; Mr. Chris Pablo, Chairman of the Board; Rev. Frank Chong, Chairman of the Government Relations Committee; and Mr. Ed Thompson, Lead Representative.

Representative Green introduced his friend and constituent, Ms. Ann Rothstein of Kona.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolution was re-referred to committee by the Speaker:

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
107	Jointly to the Committee on Human Services and the Committee on Judiciary

The following bills were re-referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
744, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Judiciary
2504, SD2, HD1	Jointly to the Committee on Health and the Committee on Transportation, then to the Committee on Finance
2974, SD1, HD1	Committee on Tourism & Culture, then to the Committee on Finance
3197, SD2, HD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance
3273, SD2, HD1	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance

STANDING COMMITTEE REPORTS

At 12:21 o'clock p.m., Representative Sonson requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:22 o'clock p.m.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1025-06) recommending that S.B. No. 3247, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3247, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representatives Karamatsu and Hale, for the Committee on Economic Development & Business Concerns and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1026-06) recommending that S.B. No. 2036, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2036, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1027-06) recommending that S.B. No. 2493, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2493, SD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1028-06) recommending that S.B. No. 3138, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3138, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations on 1028. Mr. Speaker, as a private citizen before I had the honor of being here, the sustainability function I thought was, I still do think, it is a great, great concept. But the thing that I have constantly raised and I still see it missing is that you can't have sustainability without the economic function, which would mean defining and including the business community, both big and small, which basically supply the fuel for sustainability. You can't have it without an active economy.

"Now I see we're headed down the path and I think this is a good idea where the sustainability report is also going to be looking for a branding process of Hawaii.

Representative Caldwell rose, stating:

"Mr. Speaker. Is the current speaker for or against this?"

The Chair responded, stating:

"She's speaking in favor with reservation, Representative. Please proceed, Representative Harbin."

Representative Harbin continued, stating:

"I did say that right? With reservations? Thank you. At any rate, now that my train of thought has been disrupted, let me continue.

"This report now looks to include a branding process for Hawaii. We have attempted to do this in the past and we do have a brand. The brand of Hawaii is 'sand, sea, and surf.' Come and have fun, come and play, and the other part of the brand, which is missing is that we're anti-business.

"So we can't talk about sustainability until we identify how are we going to change the brand that we are known globally for which is, anti-business, but come and have sand, surf, and have sea. So I'm just, as a person who is strongly in support sustainability because I am part of that group that suffered through 15 years of economic downturn, I'm asking that this sustainability committee, please look at encompassing the business community, especially those that are economic engines, the small business. Thank you.

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in strong support. The intent of the sustainability taskforce and the plan with this appropriation bill was to give the mechanism, financial mechanism, to draw out as much participation as possible, which will include the business community, Mr. Speaker.

"The goal of this is to get and reach as many people, and as many communities, regardless of socio-economic stature, ethnicity, as well as age. So the goal with this appropriation and this plan is going to address that, and with that in combination with participation and media information, we will be able to better serve the people of Hawaii, including the business community. Thank you."

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Vice Speaker, I'd like the words of the Representative from Mililani who just spoke to be entered as my own. I rise in strong support. Thank you. In addition to those words, as a member of the taskforce I'd like to also reassure our colleagues that we're moving toward an articulated collective vision in this process. And in so doing, I think it would give us as a lawmaking body, more guidance in the coherency of our bills, not only in the direction we're going, but also in the manner in which we conduct our business. So I'm very hopeful. Thank you."

Representative Harbin rose to respond, stating:

"Thank you, Mr. Speaker. Just as a minor rebuttal and clarification. I am not in any way criticizing the sustainability process. I am saying that as a private citizen prior to being here, I attempted to articulate what I am articulating right now. I'm just not too sure that the whole concept of what I am trying to say has been readily understood. So what I am rising to say is, 'Thank you. Continue your work because this is great stuff. Sustainability is what we need to look at.' But I'm just saying, I'm going to now, and would

like to insert a piece that I truly feel is missing, and that's hence my reason for my comments. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3138, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1029-06) recommending that S.B. No. 2718, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2718, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1030-06) recommending that S.B. No. 2708, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2708, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1031-06) recommending that S.B. No. 2704, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2704, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1032-06) recommending that S.B. No. 2720, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2720, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1033-06) recommending that S.B. No. 2836, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2836, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I rise with reservations. Thank you, Mr. Speaker, I just have reservations on this bill. We see the amount in the bill for the appropriation is blank and as we know the SEFI fund does affect this State's ability or Budget and Finance's ability to manage funds. So this similar bill that passed out of the House, I did vote no on. I will wait until the Third Reading and see what happens with this bill and ready to you know decide on whether or not to go with reservations again or no.

"But I am concerned about the ability of using this SEFI fund because through the notes that I've read in the interagency working group of Act 51, that the SEFI fund was questioned on whether or not to continue its existence. So upon those who have gone through and looked through this, I'm not sure this is the proper way to do it. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I will also rise with reservations. Thank you very much. I have very much the same concerns as Minority Leader. The blank appropriations, I think is a questionable practice. I know that Finance will fill it out, but if the amount filled in is at the level of the expenditure ceiling, then all the excess money will go into this SEFI fund and then we will evade going over the expenditure limit. It's a convenient place to park money so that we don't have to vote to exceed the spending limit.

"If it is set very much lower then it will drain off too much money, and I just think that it's a very poor way to manage our government funds. Thank you very much."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I have some reservations with this bill. The bill calls for an increase in GET revenues to be deposited into the State Education Facilities Improvement Special Fund (SEFI). Presently that amount is \$45 million. The bill we are voting on today has only a blank amount, but in previous drafts it was as much as \$140 million. That would be in addition to \$220 million in general obligation bonds also deposited into the SEFI account.

"The DOE has demonstrated that they cannot manage any more than \$90 million worth of contract work in a 12-month period. What is the point of having general fund money and general obligation bond money which we are paying interest on, squirreled away in the SEFI fund in amounts far greater than the DOE can manage? It is more financially sound to provide funding for public school improvements based on need, funding ability, and state-wide priorities. This bill could result in substantial revenue loss to the State general fund."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2836, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE EDUCATIONAL FACILITIES IMPROVEMENT FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1034-06) recommending that S.B. No. 2956, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2956, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I will just make my comments short, with reservations. Thank you. This is really important, fixing Hawaii's schools is very important. Something that I strongly support. The process in how we fix our schools I think needs to be given a look at, so that we can be prudent and responsible with our actions. I will be voting with reservations and look toward the Final or the Third Reading version of this bill. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of this measure which will authorize the Department of Education to independently issue "Certificates of Participation" (COPs) when initiating the construction of new schools, and establish a special fund from which lease back payments may be made to the developer. This legislation will provide alternative funding sources to supplement the traditional direct appropriation model and places resources directly where it is needed, and allows the Department of Education to administer funds to improve school conditions at not only at the primary and secondary levels, but in Hawaii's post-secondary school educational system, as well.

"This measure represents one of the greatest investments we can make as a State – our youth. Clean, safe, secure, and well-maintained environments are essential to maximizing students' learning capacity. It is important that we make investments in our education facilities.

"However we must be cautious because this proposed legislation sets no budget for the Department of Education. It is essential that a fixed budget be established because without doing so, the Department of Education has the potential to incur debt that would become a State obligation without regard to the statewide budget, and could negatively impact the State's budget and credit rating."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2956, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1035-06) recommending that S.B. No. 2813, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2813, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1036-06) recommending that S.B. No. 2051, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2051, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1037-06) recommending that S.B. No. 2065, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2065, SD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1038-06) recommending that S.B. No. 2663, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2663, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1039-06) recommending that S.B. No. 3098, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3098, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations on 1039. Thank you. In my past life I have consistently been opposed to Piers 1 and 2 being transferred to the Department of Transportation. I'm starting to feel a little differently about that, and I encourage that we continue the dialogue because of the horrible state of the affairs of our harbors.

"But I now have some really strong reservations with transferring the Foreign Trade Zone. Take it away, out of HCDA, which has the overall planning for Kakaako, which includes that whole *makai* area. I just really question starting to carve out pieces. Again, when if greater minds, greater than I, can show that this is probably the right thing for the future of Hawaii, I too will look forward to giving this a yes. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3098, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1040-06) recommending that S.B. No. 2295, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and S.B. No. 2295, entitled: "A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1041-06) recommending that S.B. No. 2263, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2263, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 134," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1042-06) recommending that S.B. No. 2581, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2581, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on this measure, 1042. Mr. Speaker, this is a bill trying to get rid of our backlog in arrest warrants. That's a noble cause. We need to do that, but I think this is the wrong way to go.

"What the measure does is authorize retired police officers and public safety officers to actively go out and try to serve arrest warrants. I have problems with it for several reasons.

"One, is the Attorney General does not have the authority to designate and regulate who may serve the arrest warrants.

"Two, the AG believes that law enforcement duties should be handled by law enforcement. I don't think we should disagree with that, but there's also no money in this measure. There's no rules set up. Of course they can set up some rules, but that doesn't say what department is going to do it. It doesn't designate that. So the AG sets up rules, but then who is going to physically be in charge of this program?

"Who's going to issue them guns? Do they buy their own? Who pays for that? Who pays for the upkeep? What about marksmanship training? Everybody who's used a weapon knows you have to go back for refresher training.

"And I think a better way to do this is just require that all people that come in for any kind of a license, whether it's a drivers license, or commercial license, a license to mow your lawn. I don't care what it is. You know, a tax implement. You know they have to pay their taxes. Anybody that comes anywhere near a computer gets a background check, and I know that computers don't all work together now, but that's what we should be working toward. So whenever you interface with any government entity at any level, they do a background check and see if there's an arrest warrant out for you. Thank you."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2581, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BACKLOG IN UNSERVED ARREST WARRANTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1043-06) recommending that S.B. No. 2305, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2305, SD 2, entitled: "A BILL FOR AN ACT RELATING TO VETERANS' SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1044-06) recommending that S.B. No. 2651, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2651, SD 1, entitled: "A BILL FOR AN ACT WAIPAHU CENTENNIAL MEMORIAL," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1045-06) recommending that S.B. No. 2946, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2946, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1046-06) recommending that S.B. No. 2687, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2687, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising in support, but with some pretty strong reservations on this measure. Yes, 1046. This is the bill that seeks to reverse some legislation we passed a couple of years ago which would prevent criminalization of the homeless by repealing the petty misdemeanor offense of criminal trespass onto public parks and recreational grounds.

"I am very sympathetic about the problem we have with the homeless. This just seems to go a little too far. Honestly, I don't know how I would word it, but my fear is that by doing this we'll take a tool away from law enforcement. It will just open it up so that people can just openly camp at State parks, and City and County parks. They would have to get permits, they would have to move from various parks since many of the permits are restricted to one park for one month. I mean you know, you can't just get just renew the permit every week. You can stay at the park once in a month,

and then you must move to another one. So I mean, it's not an easy thing, but there are people that take advantage of it.

"The time that we have to notice people when we're hearing bills it really makes it difficult for the general public. I notice at the hearing there were advocates for the homeless ..."

Representative M. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe the current speaker is straying from the issue at hand."

The Chair responded, stating:

"I believe she is looking at the Stand. Com., so let's have her continue."

Representative Meyer continued, stating:

"Thank you, Mr. Speaker. I am. I'm just looking at the people that did testify. There was the Public Defender, Partners in Care, a concerned individual supported the bill. There was some testimony in opposition from Kuliouou Kalani Iki Neighborhood Board and one concerned individual.

"Over the years I have heard a lot of testimony and complaints from our own Representatives with problems in their districts. Parks that have been taken over by the homeless. Park land in Ewa Beach, which was well known as a place for the homeless to just set up camp and stay permanently.

"These are the things, they are hard and real problems for our various communities, and my reservations on this bill are that I'm afraid that by passing this bill as a blanket, you know just no criminal trespass, will make it more difficult for law enforcement. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. Likewise, I agree with the previous speaker that this is rather drastic remedy by removing petty misdemeanors. We may need it from time to time. I'd much rather attack the homeless problems by providing more housing for them, and at least some restroom facilities. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just with reservations. The people of Ewa Beach, we've really embraced the homeless population and many of us, including myself, have taken in homeless families. What we are worried about is the criminal element and the ability for police officers who are aware of suspicious persons that have basically ... Well, here's an example of something that may happen.

"A person that had attacked some people at a public park. That same person goes back to the park once they get out. The people of Ewa Beach are worried that, that same person is going to do the same thing. Understand this legislation, this will not allow the police officers to kind of stand by. Maybe they'll be accused of stalking. I don't know what this could lead to, but I hope that we can help the homeless, but still find a way to create language where we'll get rid of that criminal activity. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2687, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1047-06) recommending that S.B. No. 2986, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2986, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Karamatsu rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm rising with reservations on this matter. Thank you. Mr. Speaker, my concern is we're going to prevent the government from exercising eminent domain and exempting a narrow list of projects or instances where it will be allowed, it will be possible for the government to exercise eminent domain.

"We haven't put in a comprehensive enough list, I don't think, so we're really going to be tying our own hands. And Mr. Speaker, I notice that there is nothing in there for public works projects, which I think is an omission and that should be added. The bill does go to Judiciary so I hope that the Judiciary Chair and the Committee members, of which I am one, will look at adding more categories to this or defining that in a way that won't tie our hands as a government. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. For similar concerns, I want to note my reservations."

Representative Schatz rose to speak in support of the measure, stating:

"In support. In response to the Representative from the Windward side, I just wanted to point out that the concerns that she was expressing, the Committee agreed with, and I believe those that problem with language was the Senate version of the bill.

"The House version of the bill takes a sort of converse approach which is to say, this specifically excludes certain things from use of eminent domain. So it's not necessary to list all the things that are okay from a perspective of eminent domain. What we're saying is that retail, purely economic development projects, is not allowable for eminent domain purposes. So in other words, we don't have to say, roads, hospitals, infrastructure, factory, everything else. We can just say what we as, a matter of public policy, think that is not an appropriate use of eminent domain, and that's the approach that the House is taking. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2986, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," passed Second Reading and was referred to the Committee on Judiciary with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1048-06) recommending that S.B. No. 3180, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3180, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Herkes rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with some concerns. I certainly support the concept. My concern is we have another bill passing through this House that concerns natural disaster preparedness. And as part of that we are, the attempt is to try to adopt the international building code so that our buildings will be safe for our residents. This issue came up this morning in the Energy hearings concerning the development of green buildings. I hope that in some way that we can fold these two concepts into one bill that provides safety of our buildings and still have some of these other amenities that are important. Thank you, Mr. Speaker. Support with reservations."

The Chair then stated:

"Just a note, Members. The Clerk can only register an aye, a no, or an aye with reservations vote. So that's why I ask for clarification."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3180, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1049-06) recommending that S.B. No. 2337, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2337, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1050-06) recommending that S.B. No. 2339, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2339, SD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1051-06) recommending that S.B. No. 2347, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2347, SD 1, entitled: "A BILL FOR AN

ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1052-06) recommending that S.B. No. 2348, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2348, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Sonson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2348, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1053-06) recommending that S.B. No. 2338, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2338, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1054-06) recommending that S.B. No. 2340, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2340, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Magaoy, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1055-06) recommending that S.B. No. 2806, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2806, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise with very strong support. Thank you. As a former small business advocate and as a small businessperson, one of the things that has always been difficult for us to access are the day-to-day hearings that occur in government.

"We have always supported, we and especially I, have always supported this Internet streaming. I would really like to see this bill continue forward because it would really add to I think, the belief which I hope is the new policy and understanding here, is that you know we are moving towards more transparency and welcoming the public into the halls of the Capitol and other government hearings. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2806, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE PROCEEDINGS ON THE INTERNET," passed Second Reading and was referred to the Committee on Finance with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1056-06) recommending that S.B. No. 2424, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2424, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Kahikina, Stonebraker and Takamine being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1057-06) recommending that H.R. No. 31, be adopted; and

(Stand. Com. Rep. No. 1058-06) recommending that H.C.R. No. 45, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 31 and H.C.R. No. 45, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with some reservations. Thank you, Mr. Speaker. I took a look at these resolutions, and I do agree with the reasons and the goals for wanting a resolution like this.

"One of my reservations is basically that this is for the Big Island, and I do realize that there are other programs that are needed or similar programs that are needed on all of our islands.

"This second reason though is more because of what we're trying to do with Act 51. And what we're trying to do with Act 51 is to kind of change things around so that the things that are priorities for the school happen. If this is a priority then we should do it through Act 51 by infusing money at the school level and having that community backup whatever their priorities are.

"For instance, some of the successes, and I can't remember the program right now, but I went on a visit to Maui and they had a community-based program that was started up by a business organization. They went and received some grants for this and then got the schools involved, and it was a real good program that the community was willing to support because they thought it was a priority for their community.

"The other example that I like to give is the Charter School that we recognized yesterday, West Hawaii Academy. And what they did was they took these very same things that did community-based programs and leadership development, and they put it within their curriculum and had the students decide on things that they want, they

were interested in. How to develop these students in a very meaningful way and so I'm thinking that I really support this resolution, but what I hope is that we continue to press into Act 51 and allowing that to happen. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 31, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST IN DEVELOPING COMMUNITY-BASED PROGRAMS ON THE BIG ISLAND THAT ENCOURAGE POSITIVE YOUTH OUTCOMES, INCLUDING LEADERSHIP DEVELOPMENT," was adopted with Representatives Kahikina, Stonebraker and Takamine being excused; and

H.C.R. No. 45, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST IN DEVELOPING COMMUNITY-BASED PROGRAMS ON THE BIG ISLAND THAT ENCOURAGE POSITIVE YOUTH OUTCOMES, INCLUDING LEADERSHIP DEVELOPMENT," was adopted with Representatives Kahikina, Stonebraker and Takamine being excused.

ANNOUNCEMENTS

Representative Shimabukuro: "Mr. Speaker, I would like to thank everyone who helped support the Hawaii Foodbank by either helping out with the omelets sale, or buying omelets. I'm pleased to report that we recorded sales from the House, Senate, and Governor's Office and surpassed our goal of a hundred plates and raised \$550 today. I would like to thank the following offices who either donated manpower, equipment, or supplies.

"From the House of Representatives: Representatives Caldwell, Ito, Kahikina, Karamatsu, Lee, Blake Oshiro, and Waters. From the Senate: Senators Chun Oakland, and Ihara.

"And there are a number of people who did such things as cook and drop off rice. We didn't get their names so please contact my office if that was you, and again to thank Majority Leader for donating 20 dozen eggs. I would also like permission to submit additional written comments with the list of volunteers. Thank you," and the Chair "so ordered."

Representative Shimabukuro submitted the following:

"Offices and people who helped:

Rep. Caldwell	donated rice and order forms
Rep. Ito	manpower (Mrs. Joyce Ito)
Rep. Kahikina	use of burner
Rep. Karamatsu	use of pot
Rep. Lee	donated 9 eggs, rice, and use of extension cord
Rep. B. Oshiro	donated rice, cheese, use of burner and manpower (Reena)
Rep. M. Oshiro	donated 20 dozen eggs
Rep. Waters	donated 100 plates
Sen. Chun Oakland	manpower (Nani and Susan)
Sen. Ihara	donated rice"

Representative Herkes, for the Committee on Consumer Protection and Commerce, requested a waiver of the 48-hour advanced hearing notice requirement to hear S.B. No. 2545, SD 2, Relating to Condominiums, tomorrow at 2:00 p.m., stating:

"Thank you, Mr. Speaker. Mr. Speaker, I had not planned to hear Senate Bill 2545, SD 2, Relating to Condominiums. It's a bill that extends for two years a pilot program for condominium management dispute resolution.

"I don't have a lot of condominiums in my district, but the supporters of the bill yesterday have given me some new information

which convinced me we should not let this bill die. There is not a House version over in the Senate, so I'm asking for a waiver of the 48-hour advanced hearing notice for the purpose of hearing this bill tomorrow at 2:00 in the CPC Hearing," and the Chair "so ordered."

"Another announcement if I could, Mr. Speaker. We're hearing the health insurance rate regulation, SB 2917, HD 1. The proposed HD 2 will be heard at that same hearing tomorrow afternoon, and the proposed HD 2 is available in Room 320. Thank you."

Representative Waters: "Thank you, Mr. Speaker. Could we have Representatives Oshiro and Oshiro close with a song?"

Vice Speaker Takai: "I think that would be inappropriate, but thanks for the suggestion."

Representative Caldwell: "Thank you, Mr. Speaker. I just want to announce that the Labor Committee hearing that started this morning at 10:30 will be continuing on and starting at 1:00 in Room 423 for the Members of the Labor Committee. I appreciate everyone's cooperation. Thank you."

Representative Meyer: "Thank you, Mr. Speaker. I'm rising on a point of personal privilege. I just want to thank the Chairman of Consumer Protection for this very fine explanation of the bills he's going to hear. Thank you."

Representative Moses: "Thank you, Mr. Speaker. Many of you have seen the presentation of the Pacific Aviation Museum, Pearl Harbor; the attempts to bring the aviation picture to the memorial scene, if you will, at Pearl Harbor.

"We have the Arizona Memorial, the Missouri, and the USS Bowfin, but we didn't have anything for the aviation side of the picture. So they've been working for about 10 years now to open the Aviation Museum. Today was the groundbreaking of phase I. I wanted to pass on my personal thanks to the Legislature because we did support them through grant-in-aid, and they been also getting federal money, but most of the money has been coming for the community. Thank you very much."

Representative Arakaki: "Thank you, Mr. Speaker. Just a reminder that Members have been invited for lunch as guest of the American Cancer Society in Conference Room 329, immediately after adjournment."

Representative Ching: "Thank you, Mr. Speaker. I just wanted to thank everyone for yesterday, in allowing with the acknowledgement of the leaders, and thank those Members that did take time out of their busy schedule to come across the street to Washington Place. I know that the people there really appreciated it. Thank you."

Representative Kawakami: "For the Finance Committee members, I want to remind the members that the Finance Committee will be meeting at 2:00 this afternoon in the Finance Committee room. Thank you."

At 12:51 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:52 o'clock p.m.

ADJOURNMENT

At 12:52 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, March 22, 2006. (Representatives Kahikina, Stonebraker and Takamine were excused.)

THIRTY-SIXTH DAY

Wednesday, March 22, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Ralph Aona of Community of Christ Church, after which the Roll was called showing all members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Fifth Day was deferred.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Arakaki introduced the president of Lanakila Rehabilitation Center Inc., Ms. Marian Tsuji; Executive Director of Hawaii Meals on Wheels, Ms. Claire Shimabukuro; Director of Lanakila Meals on Wheels, Ms. Remy Rueda; and seniors from Meals on Wheels Program, and the Paokalani, Pohulani, Susannah Wesley, and KKV Senior Centers.

Representative Takumi introduced Ms. Judy Kern with the Meals on Wheels Program.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolutions and resolution were re-referred to committee by the Speaker:

H.C.R.Nos.Re-referred to:

67	Committee on International Affairs
177	Committee on Agriculture, then to the Committee on Health
193	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns, then to the Committee on Higher Education
208	Committee on Hawaiian Affairs

H.R.No.Re-referred to:

51	Committee on International Affairs
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The following bills were re-referred to committee by the Speaker:

S.B.Nos.Re-referred to:

2194	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
2243, SD1	Committee on Public Safety & Military Affairs, then to the Committee on Judiciary

2550, SD2 Committee on Finance

3275, SD2 Jointly to the Committee on Education and the Committee on Health, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 270) was announced by the Clerk and the following action taken:

H.R. No. 270, entitled: "HOUSE RESOLUTION CONGRATULATING AND HONORING THE KAHUKU HIGH SCHOOL RED RAIDER WRESTLING TEAM ON BECOMING THE 2006 CHEVRON/HAWAII HIGH SCHOOL ATHLETIC ASSOCIATION STATE CHAMPIONS," was offered by Representative Magaoay.

Representative Green, moved that H.R. No. 270 be adopted, seconded by Representative Finnegan.

Representative Magaoay congratulated the Kahuku High School Boys' and Girls' Wrestling teams and introduced the following honorees seated on the floor of the House:

Coach, Mr. Reggie Torres;

Girls' Team Captains, Ms. Mysia Kamakaala, and Ms. Agrianna Aquino;

Boys' Team Captains and members, Mr. Nevin Kamakaala, Mr. Daniel Morita, Mr. Vincent Domingo, Mr. Richard Torres, and Mr. Clellan Aalona.

Representative Magaoay then introduced team members, coaches and supporters seated in the gallery.

Representative Meyer recognized and congratulated the wrestling teams.

The motion was put to vote by the Chair and carried, and H.R. No. 270 was adopted with Representative Nakasone being excused.

The following resolution (H.R. No. 271) was announced by the Clerk and the following action taken:

H.R. No. 271, entitled: "HOUSE RESOLUTION COMMENDING THE EFFORTS AND BRAVERY OF THE SOLDIERS OF THE HAWAII ARMY NATIONAL GUARD AND THE HAWAII ARMY RESERVE AND THE AIRMEN AND AIRWOMEN OF THE HAWAII AIR NATIONAL GUARD ON THEIR PAST, PRESENT, AND FUTURE SERVICES TO OUR STATE, NATION, AND THE WORLD AS WE COMBAT THE WAR ON TERRORISM," was jointly offered by Representatives Takai, Cabanilla, Chong and Ito.

Representative Takai, moved that H.R. No. 271 be adopted, seconded by Representative Ito.

Representative Takai recognized the contributions of Hawaii soldiers in Iraq and Afghanistan, and welcomed them home.

Representative Takai then introduced Col. Bruce Olivera who was seated on the floor of the House, representing Brigadier General Joseph Chaves and the Hawaii Army National Guard's 29th Brigade Combat Team.

Representative Chong then introduced Lt. Col. Colbert Low who was seated on the floor of the House, representing the 100th Battalion, 442nd Infantry of the United States Army Reserve.

Representative Chong also introduced Staff Sergeant Keola Lanai, Air Traffic Controller of the Year, who was seated on the floor of the House, representing Major General Darryll D. Wong and the airmen and airwomen of the Hawaii Air National Guard.

Representative Takai then introduced the men and women of the Hawaii Army National Guard, the Hawaii Army Reserve, and the Hawaii Air National Guard, as well as friends and family members who were seated in the gallery.

Staff Sergeant Lanai's family: parents, Mr. Ben and Mrs. Charlotte Lanai; his wife, Mrs. Tanya Lanai; and their children, Sonsearay and Kaulani;

Captain Walter Ross, his wife, Mrs. Aulii Ross, and children;

Adjutant General, Major General Robert Lee; and

Major Chuck Anthony, Public Affairs Officer for the Hawaii National Guard.

The motion was put to vote by the Chair and carried, and H.R. No. 271 was adopted with Representative Nakasone being excused.

At 12:31 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:41 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1059-06) recommending that S.B. No. 3147, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3147, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF WAIMEA VALLEY, OAHU," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1060-06) recommending that S.B. No. 2150, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2150, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1061-06) recommending that S.B. No. 2737, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2737, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE INVERTEBRATES," passed Second Reading and was referred to the Committee on Judiciary, with Representative Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1062-06) recommending that S.B. No. 3065, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3065, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1063-06) recommending that S.B. No. 2499, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2499, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1064-06) recommending that S.B. No. 3072, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3072, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representatives Herkes and Ito, for the Committee on Consumer Protection & Commerce and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1065-06) recommending that S.B. No. 2239, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2239, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 BOARD," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1066-06) recommending that S.B. No. 2650, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2650, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representatives Kanoho and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1067-06) recommending that S.B. No. 2575, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2575, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST

OCEAN AREA," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1068-06) recommending that S.B. No. 600, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 600, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Yes, on this measure, I rise in opposition of this bill. This has something to do with repealing the prohibition of owning a pistol that has more than 10 rounds. That means that we as citizens can now own machine guns and .50 calibers, and assault weapons and all kind of offensive weapons, Mr. Speaker, and I oppose that. Because as a civilized state, just because non-law abiding people can attain this is not a reason for us to have it.

"These are assault weapons that can be very dangerous. They can put away a lot of people in a short period of time. It will be very dangerous to have this, Mr. Speaker. I hope that my colleagues will oppose this. I will oppose this bill because this will bring us back to frontier times in which people then were allowed to do it, but times have changed, Mr. Speaker. And these weapons are a lot more deadly than they were in those times. Thank you."

Representative Hale rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 600, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS, AMMUNITION, AND DANGEROUS WEAPONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla, Hale and Thielen voting no, and with Representative Souki being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1069-06) recommending that S.B. No. 2926, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2926, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representatives Ito and Caldwell, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1070-06) recommending that S.B. No. 824, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 824, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PAROLING AUTHORITY," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand.

Com. Rep. No. 1071-06) recommending that S.B. No. 3003, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3003, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Finance, with Representative Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1072-06) recommending that S.B. No. 2193, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2193, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Souki being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1073-06) recommending that S.B. No. 3066, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3066, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," passed Second Reading, and was placed on the calendar for Third Reading, with Representative Souki being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1074-06), recommending that H.C.R. No. 42, as amended in HD 1, be referred to the Committee on Finance and the Committee on Legislative Management.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 42, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," was referred to the Committee on Finance and the Committee on Legislative Management, with Representative Souki being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1075-06), recommending that H.R. No. 45, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1076-06), recommending that H.C.R. No. 60, be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 45 and H.C.R. No. 60, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of both measures, stating:

"In strong support, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 45, entitled: "HOUSE RESOLUTION ESTABLISHING A TASK FORCE TO RECOMMEND WHETHER THE DEPARTMENT OF TRANSPORTATION SHOULD ADOPT THE BASIC RIDER COURSE OF THE MOTORCYCLE SAFETY FOUNDATION AS A COMPREHENSIVE EDUCATIONAL PROGRAM FOR THE ENTIRE MOTORCYCLE COMMUNITY," was referred to the Committee on Judiciary, with Representative Souki being excused; and

H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO RECOMMEND WHETHER THE DEPARTMENT OF TRANSPORTATION SHOULD ADOPT THE BASIC RIDER COURSE OF THE MOTORCYCLE SAFETY FOUNDATION AS A COMPREHENSIVE EDUCATIONAL PROGRAM FOR THE ENTIRE MOTORCYCLE COMMUNITY," was referred to the Committee on Judiciary, with Representative Souki being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1077-06) recommending that H.R. No. 11, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 11, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO STUDY POTENTIAL USE OF WATERWAYS AND LANDS WITHIN PEARL HARBOR UNDER FEDERAL JURISDICTION FOR PUBLIC TRANSPORTATION," was adopted, with Representative Souki being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1078-06) recommending that H.C.R. No. 19, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO STUDY POTENTIAL USE OF WATERWAYS AND LANDS WITHIN PEARL HARBOR UNDER FEDERAL JURISDICTION FOR PUBLIC TRANSPORTATION," was adopted, with Representative Souki being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1079-06) recommending that H.R. No. 38, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 38, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," was adopted, with Representative Souki being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1080-06) recommending that H.C.R. No. 53, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees

was adopted and H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," was adopted, with Representative Souki being excused.

The Chair then announced:

"At this time, on the 48-hour notice. Let me share with you a response to this 48-hour notice. Members you will recall that on Monday, March 20th, the Clerk announced the receipt of Governor's Message No. 248, addressed to me and the Chamber, which asked for consideration of various appropriations in order to address the immediate emergency costs being incurred by various Departments as a result of the recent devastation on Kauai following three weeks of rain that is predicted to continue.

"The Governor further communicated that in accordance with Section 9, Article VII of the Constitution of the State of Hawaii, she was requesting immediate consideration and passage of House Bill No. 970, Relating to Emergency Relief for Natural Disasters, to appropriate emergency funding totaling \$14.344 million in State and federal funds.

"In response to the request for expeditious consideration, the Committee on Finance provided the public with advanced copies of the proposed House Draft 1 and held a public hearing on the measure on Tuesday, March 21st.

"Further consideration of House Bill No. 970, HD 1, for the immediate needs of the people of Kauai and the State of Hawaii necessitates the suspension of the House Rules for the consideration of this measure for passage on Third Reading after the First Crossover deadline previously set.

"In recognition of the time sensitive nature of House Bill No. 970, HD 1, and the great needs of the people of the State of Hawaii especially those on Kauai, I now call upon Representative Marcus Oshiro for the appropriate motion."

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of considering House Bill No. 970, HD 1, for Third Reading and Crossover to the Senate. (Representative Souki was excused.)

The Chair then announced:

"Members, at this time please note the 48-hour notice for Standing Committee Report No. 1081-06."

STANDING COMMITTEE REPORT

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1081-06) recommending that H.B. No. 970, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1081-06 on H.B. No. 970, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. No. 970, HD 1, were made available to the members of the House.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering a certain bill on Third Reading on the basis of a modified consent calendar. (Representative Souki was excused.)

At 12:52 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, March 23, 2006. (Representative Souki was excused.)

THIRD READING**S.B. No. 2424:**

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2424, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Third Reading by a vote of 50 ayes, with Representative Souki being excused.

At 12:50 o'clock p.m., the Chair noted that S.B. No. 2424 passed Third Reading.

ANNOUNCEMENTS

Representative Herkes, for the Committee on Consumer Protection & Commerce, requested a waiver of the 48-hour advanced notice requirement to hear S.B. No. 2470, SD 1, tomorrow morning following the Triple and Joint Committee Hearings, in Conference Room 312, stating:

"Mr. Speaker, I had not planned to hear Senate Bill 2470, SD 1, because of the dispute between the parties that pertained to some condominium issues. I was advised yesterday that the parties are now in agreement and I request a waiver of the rules," and the Chair "so ordered."

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources, requested a waiver of the 48-hour advanced notice requirement to hear S.B. No. 1593, SD 2, with a proposed HD 1, and S.B. No. 1015, SD 1, with a proposed HD 1, stating:

"Thank you, Mr. Speaker, request waiver of the 48-hour public hearing notification for the purpose of clarifying information already on notices which have been posted well ahead of the 48-hour requirement.

"The first has to do with Senate Bill 1593, SD 2, on which a proposed HD 1 was made available well ahead of the required time, to clarify that this bill is in reference to the establishment of a Kalihi-Palama District under the jurisdiction of the HCDA, the Hawaii Community Development Authority, to ensure that housing remains affordable to our people.

"The second involves Senate Bill 1015, SD 1, copies of which had been available for pick up and inspection on the part of the public. This would clarify that provisions in the initial proposed HD 1, relating to Kokee and specifically the residential recreational leases will be deleted from that measure."

Speaker Say: "Are the Members of this House satisfied with the request of Chair Kanoho for the waiver? So ordered."

Representative Moses: "Thank you, Mr. Speaker. I know for a number of years we've been hearing about saving Oahu's racetrack. There is a Hawaiian lunch, I know many of you would like to get there, a luau-style lunch, in Room 229 if you would like to get further information. You and your office managers are welcome. Thank you."

ADJOURNMENT

THIRTY-SEVENTH DAY

Thursday, March 23, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:05 o'clock p.m., with Vice Speaker Takai presiding.

The invocation was delivered by Pastor Noble George, Jr., of Ewa Community Church, after which the Roll was called showing all members present with the exception of Representatives Carroll, Kanoho and Stonebraker, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Sixth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 401 through 403) were received and announced by the Clerk:

Sen. Com. No. 401, transmitting S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROVE THE PROPOSED HAWAII INVASIVE SPECIES ACT," which was adopted by the Senate on March 22, 2006.

Sen. Com. No. 402, transmitting S.C.R. No. 37, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," which was adopted by the Senate on March 22, 2006.

Sen. Com. No. 403, transmitting H.C.R. No. 329, entitled: "HOUSE CONCURRENT RESOLUTION AWARDED THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," which was adopted by the Senate on March 22, 2006.

INTRODUCTION

The following introduction was made to the members of the House:

Representative Wakai introduced junior high school students from the Renew-English Institute in Saitama, Japan, accompanied by Principal, Hisami Matsunami, and chaperones and teachers, Ms. Nami Hasegawa and Ms. Miwako Shimamura; and Mrs. Clarita Salon.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolutions and resolution were re-referred to committee by the Speaker:

H.C.R.
Nos.Re-referred to:

- | | |
|-----|---|
| 59 | Committee on Transportation, then to the Committee on Judiciary |
| 157 | Committee on Health |
| 303 | Committee on Judiciary |

H.R.
No.Re-referred to:

- | | |
|-----|------------------------|
| 237 | Committee on Judiciary |
|-----|------------------------|

The following bills were re-referred to committee by the Speaker:

S.B.
Nos.Re-referred to:

- | | |
|--------------|---|
| 1015,
SD1 | Committee on Water, Land, & Ocean Resources |
| 2462,
SD1 | Committee on Transportation |

STANDING COMMITTEE REPORTS

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1082-06) recommending that S.B. No. 3049, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3049, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1083-06) recommending that S.B. No. 2492, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2492, SD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1084-06) recommending that S.B. No. 3078, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3078, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker, I'm also rising in reservations on that measure. This bill calls for LRB to do a study of the ADC, the Agricultural Development Corporation. In Committee there were quite a few people that were not in favor of that study. HARC suggested that the Hawaii Farm Bureau's plan be the basis for support rather than doing a brand new study. They have started a study and to build on that rather than one so narrow, that's just on ADC. Thank you, Mr. Speaker."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3078, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1085-06) recommending that S.B. No. 2235, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2235, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF AGRICULTURE LOANS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1086-06) recommending that S.B. No. 2478, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2478, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AGRICULTURAL RESEARCH AND MARKET DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1087-06) recommending that S.B. No. 2954, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2954, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1088-06) recommending that S.B. No. 2006, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2006, SD 3, HD 1, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Kanoho and Stonebraker being excused.

Representatives Kanoho and Magaoy, for the Committee on Water, Land, & Ocean Resources and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1089-06) recommending that S.B. No. 2090, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2090, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was

referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1090-06) recommending that S.B. No. 2297, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2297, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1091-06) recommending that S.B. No. 2502, SD 2, pass Second Reading and be referred to the Committee on Finance; and

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 1092-06) recommending that S.B. No. 2729, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1093-06) recommending that S.B. No. 3202, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that S.B. No. 2502, SD 2; 2729, SD 1, HD 1; and 3202, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Arakaki rose to speak in support of the three measures, stating:

"Mr. Speaker, for 1091, 1092, and 1093, I just want to say that these measures will go a long way in filling many of the cavities we have in our adult dental health care provisions. Thank you. All in support."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and S.B. No. 2502, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused;

S.B. No. 2729, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused; and

S.B. No. 3202, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representatives Arakaki and Ito, for the Committee on Health and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1094-06) recommending that S.B. No. 2261, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS FOR

CRIMINAL INVESTIGATIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Kanoho and Stonebraker being excused.

Representatives Saiki and Kahikina, for the Committee on Hawaiian Affairs and the Committee on Housing presented a report (Stand. Com. Rep. No. 1095-06) recommending that S.B. No. 3119, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 3119, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Reservations. I think the money could be better spent elsewhere. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. On this bill I have some reservations. This would allow the Hawaiian Home Lands to invest money in the trust fund. Manage and invest it. I'm just a little concerned because this money will be out of the treasury and we have a body of law ensuring that public funds are invested in safe and sound investments with extremely minimal risk for the principal.

"The Department of Hawaiian Homelands will have to hire specialty people to manage this money. I don't know whether they have the staff, as I say these are just reservations, but I don't know whether they are really geared up to do this. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 3119, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1096-06) recommending that S.B. No. 2901, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1097-06) recommending that S.B. No. 2505, SD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2505, SD 2, entitled: "A BILL FOR AN ACT MAKES APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1098-06) recommending that S.B. No. 2724, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2724, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1099-06) recommending that S.B. No. 3054, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3054, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representatives Takumi and Ito, for the Committee on Education and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1100-06) recommending that S.B. No. 2886, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2886, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1101-06) recommending that S.B. No. 2503, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2503, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FLAVORED TOBACCO PRODUCTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1102-06) recommending that S.B. No. 2333, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2333, SD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR GENERAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1103-06) recommending that S.B. No. 2189, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2189, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand.

Com. Rep. No. 1104-06) recommending that S.B. No. 2507, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2507, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"On 1104, Mr. Speaker, this doesn't show the amount of money that are ... With reservations. I think it's going come to about \$13.8 million. And I don't think it serves the population, most people might think it does. And it's just again, money that is not in the budget. Not in the supplemental. So this is outside the budget that we passed. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2507, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1105-06) recommending that S.B. No. 3205, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 3205, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you. With reservations again. This is another one that is not in the supplemental and this is another \$3.2 million. So taken with the last measure, 1104, we have a total of \$17 million. That's money that isn't accounted for in the budget we passed."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 3205, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representatives Luke and Caldwell, for the Committee on Judiciary and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1106-06) recommending that S.B. No. 301, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 301, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1107-06) recommending that S.B. No.

995, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 995, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Just enter my vote with reservations for 1107-06. I'll reserve discussion for Third Reading."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"I am with reservations too, Mr. Speaker. I think the age of 70, retirement age for our judges, would be very appropriate and there's no need to repeal it. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. When we look at this constitutional provision, it was actually adopted back in 1959, the time that we had our Statehood and first had our Constitution enacted. And really when we look at this constitutional provision, what we need to ask ourselves is whether we should have a facially discriminatory provision in our Constitution that excludes people from being eligible to be judges after the age of 70.

"I think since that time we've seen that science has progressed, people can live longer, healthier lives, and actually be fully functioning and capable members of our society. For that reason, we should put this to the people and let them make the choice whether they believe that somebody should be automatically discriminated against merely because of their age.

"It's also important to remember that there is an ongoing process to review judges every 10 years, they come up for reappointment. And if someone is not meeting their qualifications or duties, at that time, the appropriate action can be taken. So I think for those reasons, I stand in support. Thank you."

Representative Moses rose to respond, stating:

"I just point out the fact that we do have age discrimination in many measures. For instance, driving a car, buying alcohol. There are times when you are allowed to discriminate based on age. With reservations."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 995, SD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," passed Second Reading and

was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1108-06) recommending that S.B. No. 2141, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2141, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker. 1108, I'd just like to stand in strong support and I'd like to insert written comments," and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of SB 2141 SD2.

"Funding for services for the victims of sex assaults has been inconsistent for years due to tough economic times and other budget priorities. This bill will appropriate funds for sexual assault services and will hopefully alleviate the problems associated with underfunding in recent, revenue restricted budgets.

"Inadequate funding has resulted in a decrease in essential sex assault treatment services, underreporting of sex crimes, fragmented services, inexperienced and untrained staff due to high turnover rates, lack of coordination between government agencies and excessive reporting and grant submission costs. This bill is badly needed and I hope my colleagues will support it. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2141, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SEX ASSAULT SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1109-06) recommending that S.B. No. 2433, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2433, SD 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION UNITS AND VICTIM WITNESS ASSISTANCE PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1110-06) recommending that S.B. No. 2598, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1111-06) recommending that S.B. No.

696, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 696, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1112-06) recommending that S.B. No. 785, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 785, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1113-06) recommending that S.B. No. 1380, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1380, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support. The small business community, it almost seems unfortunate that it is necessary for us to create a statutory Bill of Rights. One will assume that the small business community, who is the largest employer in the State of Hawaii, wouldn't need to have this Body give them the Bill of Rights. But unfortunately, I think we do need to signal some type of message to our business community that we at the Legislature do in fact support what they're doing for our economy.

"They're basically the risk-takers. They're the ones that lay their lives on the line to be able to employ 98% of our employment force. However, it is really unfortunate that out of probably 1 out of 50 bills, we finally pop one up that they can actually support and be proud of.

"I'm sitting here as I appear in different hearings and I see the small business owners and people that we're trying to protect under this Bill of Rights being called perpetual cheats, crooks, who don't care for their employees. I hope that this bill, will send a signal that perhaps maybe this Legislature, and this particular Body, is prepared to acknowledge what it is that they give to us so that we can continue to support the sustainability that we need after 15 years of a horrible recession. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1380, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS BILL OF RIGHTS," was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1114-06) recommending that S.B. No. 1512, SD 1, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and S.B. No. 1512, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," was referred to the Committee on Finance with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1115-06) recommending that S.B. No. 2489, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2489, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1116-06) recommending that S.B. No. 2591, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2591, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1117-06) recommending that S.B. No. 2601, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2601, entitled: "A BILL FOR AN ACT RELATING TO DOCUMENTS SEALED UPON FILING," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1118-06) recommending that S.B. No. 2604, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2604, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE APPELLATE COURT PANELS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1119-06) recommending that S.B. No. 2255, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2255, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1120-06) recommending that S.B. No. 2430, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2430, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1121-06) recommending that S.B. No. 2506, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2506, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1122-06) recommending that S.B. No. 2603, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2603, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1123-06) recommending that S.B. No. 2924, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2924, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1124-06) recommending that S.B. No. 2941, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2941, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1125-06) recommending that S.B. No. 2283, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1126-06)

recommending that S.B. No. 2501, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2501, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Kanoho and Stonebraker being excused.

The Chair then announced:

"Members, please note the 48-hour notice for Standing Committee Reports Nos. 1127 through 1129, as listed on page 13."

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1127-06) recommending that S.B. No. 706, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1127-06 on S.B. No. 706, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 706, SD 2, HD 2, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1128-06) recommending that S.B. No. 826, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1128-06 on S.B. No. 826, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 826, HD 2, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1129-06) recommending that S.B. No. 895, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1129-06 on S.B. No. 895, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 895, SD 1, HD 2, were made available to the members of the House.

ANNOUNCEMENTS

Representative Evans: "Mr. Speaker, I'm honored to represent, I believe, everyone in this Chamber that wants to congratulate one of our colleagues on a very special day. And I'm really appreciative that everybody signed this certificate to give to her so that she can have it, and it will, I think, be a special chapter in her life and that is, serving with us in this two-year Session.

"Just briefly, after we adjourn, I'm going to present this certificate and lei to our Honorable Representative from Puna. I just want to say that this certificate, I'm just going to read the Be it Resolved.

"Be it Resolved by the House of Representatives of the Twenty-third Legislature of the State of Hawaii Regular Session of 2006, that this body hereby honors and commends Heléne H. Hale, for being a role model of citizenship and extends to her its warmest aloha and sincere best wishes on her 88th birthday, and commends her for over 50 years of significant contributions to the Big Island of Hawaii and the State of Hawaii. Will you please join me in applause?"

Representative Berg: "Thank you, Mr. Speaker. I also would like to present our esteemed colleague with a lei from our Floor and to thank her for her wisdom and her courage in this Session, as I am completing my freshman term. And on behalf of all the freshmen, thank you very much for your dedication, commitment, and for letting us know that life goes on. Thank you."

Representative Hale: "I hope that she hits 88 too."

Vice Speaker Takai: "Thank you and congratulations."

Representative Marumoto: "Mr. Speaker, I would like to commend our senior member of the House, Representative Hale. I had the pleasure of serving with her in the 1978 Constitutional Convention. I was impressed with her then, and I'm even more impressed with her now. Thank you."

Representative Schatz: "Mr. Speaker, just to announce that the joint Committees on Water, Land, and Housing will reconvene in Conference Room 309 immediately following Session. There will be a decision making for Water, Land and Housing, as well as for Water, Land. Thank you."

ADJOURNMENT

At 12:25 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, March 24, 2006. (Representatives Carroll, Kanoho and Stonebraker were excused.)

THIRTY-EIGHTH DAY

Friday, March 24, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Eric Matsumoto of Moiliili Hongwanji Mission, after which the Roll was called showing all members present with the exception of Representatives Carroll, Chang, Shimabukuro, Takamine and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Seventh Day was deferred.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 404) was received and announced by the Clerk:

Sen. Com. No. 404, transmitting H.B. No. 2503, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," which passed Third Reading in the Senate on March 23, 2006.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to H.B. No. 2503, HD 2, SD 1, seconded by Representative B. Oshiro and carried. (Representatives Carroll, Chang, Shimabukuro, Takamine and Thielen were excused.)

INTRODUCTION

The following introduction was made to the members of the House:

Representative Takai introduced former Senator Joe Kuroda and his grandchildren: Bethany Foo, Jessica Foo, Bryson Kuroda, Joey Kuroda, and Jeffrey Kuroda.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolutions and resolutions were re-referred to committee by the Speaker:

H.C.R.Nos.Re-referred to:

27	Committee on International Affairs
274	Committee on International Affairs
275	Committee on International Affairs
309	Committee on Education

H.R.Nos.Re-referred to:

19	Committee on International Affairs
44	Committee on Transportation, then to the Committee on Judiciary
243	Committee on Education

The following bills were re-referred to committee by the Speaker:

S.B.Nos.Re-referred to:

2222, SD2, HD1	Committee on Economic Development & Business Concerns, then to the Committee on Finance
2327, SD2, HD1	Committee on Judiciary
2929	Committee on Water, Land, & Ocean Resources

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Carroll, Chang, Shimabukuro, Takamine and Thielen were excused.)

UNFINISHED BUSINESS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1081-06) recommending that H.B. No. 970, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 970, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I would just like to thank you, Mr. Speaker and Members of this Body for the support that you have given to me for my district. I also want to thank this Body for acting expeditiously on this measure. It not only benefits the Island of Kauai, but all of the areas throughout the State that have been damaged by this series of storms. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 970, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," passed Third Reading by a vote of 47 ayes, with Representatives Carroll, Shimabukuro, Takamine and Thielen being excused.

At 12:14 o'clock p.m., the Chair noted that H.B. No. 970, HD 1, passed Third Reading.

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1130-06) recommending that S.B. No. 2226, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2226, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1131-06) recommending that S.B. No. 2296, SD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2296, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1132-06) recommending that S.B. No. 3262, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3262, SD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on 1132-06. And basically it's a very, very restrictive non-smoking bill. I am opposed to smoking, but this prohibits smoking in many places that have private establishments where the people either have the right to work there or not to work there, and people may come there because it is a smoking establishment, nightclub, bar, etc. Thank you."

Representative Lee rose to speak in support of the measure, stating:

"I stand in strong support of the measure, 1132. And I have written remarks to insert in the Journal, but this bill is a very important bill. We're all affected by secondhand smoke. And it's the major legislative effort of the Coalition Against Smoking and also the American Cancer Society. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill will protect Hawaii residents and visitors from secondhand smoke in public spaces and places of employment. As a member of the Board of the American Cancer Society in Hawaii, I would like to briefly refer members to the ACS' position paper on the secondhand smoke topic.

"Each year in the United States secondhand smoke is responsible for:

An estimated 35,000 to 40,000 deaths from heart disease in people who are not current smokers;

About 3,000 lung cancer deaths in nonsmoking adults;

Other respiratory problems in nonsmokers, including coughing, phlegm, chest discomfort, and reduced lung function;

150,000 to 300,000 lower respiratory tract infection in children which result in 7,500 to 15,000 hospitalizations; and

Increases the number and severity of asthma attacks in about 200,000 to 1 million asthmatic children.

"The bill had almost unanimous support before the Health Committee, as most reasonable people agree that secondhand smoke is a public health menace. This is a Women's Caucus bill and I urge

my colleagues to support it for the myriad of health benefits that will result. Thank you, Mr. Speaker."

Representative Evans rose to speak in support of the measure with reservations, stating:

"I stand with reservations. Unfortunately I don't have the bill attached to the Standing Committee Report or I could get a little more clarity on this not smoking in public places. As I stood up before and said that I do believe, like at our airports, that there should be designated areas. Even at the State Capitol, I think there should be designated areas.

"I have concerns about pushing people out onto the streets, in the janitor closets, into alleyways, hiding. I think we should look at designated places. Thank you."

Representative Souki rose in support of the measure with reservations, and asked that the remarks of Representative Evans be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Just the most brief of statements. The more restrictive we are about smoking anywhere in the State, the more lives we'll save, both in the general public and in the working public. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3262, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1133-06) recommending that S.B. No. 2713, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2713, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY IDENTIFICATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1134-06) recommending that S.B. No. 2662, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2662, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1135-06) recommending that S.B. No. 2474, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2474, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POST-FOSTER CARE," passed

Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1136-06) recommending that S.B. No. 3229, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3229, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CHORE SERVICE PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1137-06) recommending that S.B. No. 3233, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3233, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARENTING PLANS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1138-06) recommending that S.B. No. 2188, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2188, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Sonson and Luke, for the Committee on Human Services and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1139-06) recommending that S.B. No. 2334, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2334, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Sonson and Ito, for the Committee on Human Services and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1140-06) recommending that S.B. No. 3215, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3215, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Hale and Karamatsu, for the Committee on International Affairs and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1141-06) recommending that S.B. No. 3192, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3192, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1142-06) recommending that S.B. No. 3195, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3195, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3195, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1143-06) recommending that S.B. No. 2229, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2229, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, on Stand. Com. 1143-06, Mr. Speaker, I rise with reservations on this matter. This bill has something to do with providing more incentives to our teachers and this time it comes with housing, financing, down payment, and low interest rates that can be as low as zero.

"I do want to say that I respect our teachers for what they provide for our children, however, we funded a big pay increase last Session, and I would like to see if that had addressed our caring to give them incentives to remain as a school teacher or become one. And I think it would be sort of irresponsible for us to keep piling up the benefits without assessing if the first one that we did, had addressed our initial intent.

"And also it's a concern for me as a taxpayer that we are giving more incentives to this type of shortage with our teachers because there's other professions that can argue as well that they are in short supply, mainly teachers, firemen, masons, whatever. They can always say that they too are in short supply. So I think that we as a Body we're opening ourselves to more claims that will result for us to be spending a lot of money. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just short comments with reservations for SCR 1143. My short comments will be just that in regards to priorities for the teachers, just wondering where this falls. Thank you, Mr. Speaker."

Representative Meyer rose in support of the measure with reservations, and asked that the remarks of Representative Cabanilla be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2229, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS' HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Takumi and Arakaki, for the Committee on Education and the Committee on Health presented a report (Stand. Com. Rep. No. 1144-06) recommending that S.B. No. 3275, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3275, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUBSTANCE ABUSE ASSESSMENTS FOR UNINSURED STUDENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1145-06) recommending that S.B. No. 2887, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2887, SD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1146-06) recommending that S.B. No. 3197, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 3197, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on Stand Com. Report No. 1146-06, S.B. No. 3197, I'd like to request a waiver of potential conflict of interest. My firm works for and actually is representing the substitute teachers in a class action lawsuit, but I'm not a part of that case," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 3197, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment

presented a report (Stand. Com. Rep. No. 1147-06) recommending that S.B. No. 2652, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2652, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1148-06) recommending that S.B. No. 2076, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2076, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1149-06) recommending that S.B. No. 2162, SD 2, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2162, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Evans rose to speak in support of the measure with reservations, stating:

"Just for consistency, I stood up before on this. Basically it's about a certain item, specifying the persons and programs responsible for paying the motor vehicle insurance of a foster child.

"I'm still taking the position that for a minor, it's a choice of parents to either provide insurance or not for their children. This turns it into a right, not a privilege. And it takes away the choice. So if we're going to do this to foster parents, then we're going to have to do it to every parent. Thank you, Mr. Speaker."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2162, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1150-06) recommending that S.B. No. 3105, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3105, SD 2, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1151-06) recommending that S.B. No. 2282, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2282, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1152-06) recommending that S.B. No. 3279, SD 2, HD 1, be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3279, SD 2, HD 1, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Just reservations on this measure as it proceeds to Judiciary. I'll have a lot more to say about it if it does survive in Judiciary. However, Mr. Speaker, the issue in this particular measure has always been money. How much should we pay our doctors so that they will go work in Molokai? How much will we have to pay them so they can go to work at our underserved areas?"

"Please note, Mr. Speaker, that I spoke with my aunty who is making almost \$400,000 a year as an obstetrician for Kaiser. Kaiser has done a great job in taking care of their doctors. They have no complaints regarding the issue of premiums for their insurance, malpractice insurance. That is really not an issue. That GAO, our General Accounting Office in the United States has determined that the issue of premiums, malpractice, defense of medicine, in four categories where it has been used by proponents from all over the United States. They found that only 1% of the cost of total medical care is really impacted by these four factors.

"In Hawaii, it's been found that it's a special state in which, although there is no tort reform as experienced by California, it's been found again that the premiums in Hawaii is actually lower than California's."

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of 1152. I think calling this tort reform maybe a little bit too generic. This is more medical malpractice reform. I think one of the biggest issues that we're faced with here along with housing is the implosion of our healthcare system, and one of the three components of the healthcare system is looking at medical malpractice. And I speak on behalf of the small business community and their employees of which the Prepaid Health Care Act provides them coverage.

"I just have a real issue with the fact that we cannot get our employees to doctors because doctors are not practicing medicine especially in certain fields that are described in this bill. So I encourage us to really look at this as something that the people of Hawaii need. Thank you."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support."

"Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this measure. And I just want to provide a short rebuttal about Kaiser Permanente being that their doctors are not complaining about their medical malpractice premiums.

"That is because, Mr. Speaker, their premiums are paid in-house. Kaiser Permanente covers all their doctors and they buy their coverage in bulk. Their premium is in no comparison to a small practitioner in Kalihi that he or she must pay it on her own. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure, stating:

"In strong support. And I'd like the words of the former speaker incorporated as my own as well as additional comments. Thank you. I'm sorry, the former speaker in support, from Waipahu," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure. S.B. 3279 proposes to lower medical malpractice insurance premiums by adopting legislation that directly affects elements impacting medical malpractice insurance rates. This bill would implement both fair and appropriate reform actions that are urgently needed in Hawaii, not only to help reduce the overall costs of healthcare, but to also help hospitals to recruit and retain needed physician specialists that are in particular shortage on our Neighbor Islands.

"This bill will allow injured patients to receive compensation more quickly and be able to keep a higher percentage of the settlement awarded. A cap on all non-economic losses would improve the unpredictability and the lottery aspects of our medical tort system, at least for obstetrical and trauma care. Similar legislation in California and Texas have stabilized premium rates in the former, and have reduced premiums in the latter.

"Physicians currently practicing in Hawaii may not continue to practice here, and will relocate to the mainland if there is no reform initiative forthcoming with regard to malpractice premiums and current laws related to be addressed now, and wherever appropriate, the negative impact of those elements must be resolved. According to testimony submitted by the Hawaii Medical Association, there is an impending crisis in access to care in Hawaii today. Three of Hawaii's most qualified rheumatologists have left Hawaii. Many of Hawaii's orthopedic surgeons have left Hawaii, or have limited their practices. One of Hawaii's most skilled spinal surgeons will leave Hawaii in the next few months. Many obstetrician/gynecologists have either stopped delivering babies, or will soon do so, or have left, or are planning to leave Hawaii. Emergency Rooms and trauma centers are short staffed. JABSOM medical students are increasingly selecting lower risk specialties."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Sonson rose to respond, stating:

"Still with reservations. Mr. Speaker, let us support our doctors. The way we can do this is to ensure that there'll be legislation to increase reimbursement in the Medicare, Medicaid, and other programs.

"The reasons why there's a lot more cases that are being brought over in Hawaii is very little as far as medical claims. It's because

doctors have to, especially in Kalihi, Waipahu, where there are single practitioners that the prior speaker spoke about.

"You walk into any of these offices, there's whole lines of people waiting to go in. The reason for that is they have to treat it almost like a McDonald's practice because the reimbursements are so small. So they get to spend very little time on their patients. They don't do a sufficient job examining them and this causes problems. And it seems to be that the way that we can help doctors is to help them make more money by providing them an avenue to make money and this is what this is all about.

"I'm not against doctors, I'm just looking at the way the issues are being framed. It is not doctors against lawyers. It is actually how can we get them there and let's get to the bottom of it. It's money. Doctors that are leaving this State are looking at areas where they can make a lot more money because there's a lot more people for that specific specialty.

"My aunty works at Kaiser, yes. There's a lot of patients that she's served. A lot of babies she delivered. She's a very good obstetrician, but she would not go to Molokai and establish a private practice or in another underserved area in the Big Island because really there's just not enough babies to be delivered in Molokai. They won't be able to make the kind of money that they deserve. I think they deserve \$400,000 and a complete package. Let's give it to them."

Representative Harbin rose to respond, stating:

"Thank you, Mr. Speaker. I rise once again in support and in rebuttal. I think what's really interesting about this bill is that for the first time it isn't just an enabling measure to assist enabling doctors, but it's also a disabling measure for attorneys. Perhaps maybe this is a good time for us to expand our medical schools so maybe some attorneys can step into a second field versus making excessive fees off of the backs of our sick and injured people. Thank you."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker. Just wanted to perhaps shed some light and rebut a comment made earlier. It's been my experience that the physicians that I know of always try to do their best and do not give substandard care. And I think they do work very hard. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3279, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY," was referred to the Committee on Judiciary with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1153-06) recommending that S.B. No. 2166, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2166, SD 2, HD 2, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Stonebraker rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. On SCR 1153, I have reservations. Very briefly, some egregious portions of the bill were removed which I was very pleased with. But if the members of the Judiciary and the Members in general would make note of page 8, for the next Reading it seems to indicate that those under the primary umbrella of an insurance holder can receive care and the insurance would pay for that without the consent or knowledge of the primary recipient of that insurance. Thank you."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2166, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MINORS," was referred to the Committee on Judiciary with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1154-06) recommending that S.B. No. 2332, SD 2, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2332, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1155-06) recommending that S.B. No. 2774, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2774, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Saiki and Kahikina, for the Committee on Hawaiian Affairs and the Committee on Housing presented a report (Stand. Com. Rep. No. 1156-06) recommending that S.B. No. 2935, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2935, SD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS FOR THE DEPARTMENT OF HAWAIIAN HOME LANDS AND MAKING AN APPROPRIATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1157-06) recommending that S.B. No. 1294, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1294, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in strong support and would like written comments on Stand. Com. Report 1157," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of S.B. 1294 which would allocate a portion of public land trust revenues to the repair and maintenance of Mauna 'Ala, the Royal Mausoleum.

"As a long-time supporter of the care of Mauna 'Ala, I believe it is crucial we preserve this historic site and that we ensure it receives proper care and maintenance, since 1865 Mauna 'Ala has been the resting place for most of the *ali'i* of the Kamehameha and Kalakaua dynasties. Mauna 'Ala is not only a symbol of the Hawaiian heritage, but a paramount site that teaches the people of Hawaii, as well as countless visitors to our shores an important part of the heritage of our island state."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1294, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1158-06) recommending that S.B. No. 2948, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2948, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Kanohe rose to speak in support of the measure, stating:

"In strong support for Standing Committee Report 1158 Senate Bill number 2948."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2948, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1159-06) recommending that S.B. No. 2480, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2480, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I know that this is on the Island of Hawaii but I would like to take this opportunity to express my strong support for the study. And the reason for that is that in my district, every time you flush a toilet on the Island of Oahu that sludge goes to my district. We have the wastewater treatment facility in Ewa. And the aroma of that wastewater gets to be enjoyed by everyone, so I ask my colleagues to strongly support this study."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2480, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Morita and Herkes, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1160-06) recommending that S.B. No. 3183, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3183, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VEHICULAR EMISSIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1161-06) recommending that S.B. No. 2246, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2246, SD 1, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1162-06) recommending that S.B. No. 2323, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2323, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1163-06) recommending that S.B. No. 2357, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1164-06) recommending that S.B. No. 2406, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2406, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1165-06) recommending that S.B. No. 2909, SD 1, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2909, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on Standing Committee Report 1165-06. This is Relating to Permit Approvals. Basically it allows a county to opt out of the automatic permit approval law by adopting an ordinance to exempt them. So it's the counties opting out of State law. I think there's a problem there."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2909, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1166-06) recommending that S.B. No. 2593, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2593, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1167-06) recommending that S.B. No. 2571, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2571, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1168-06) recommending that S.B. No. 2572, SD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2572, SD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1169-06) recommending that S.B. No. 1311, SD 2, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1311, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on 1169-06. I spoke on this once before. Just briefly, this is allowing the Drug Courts to do some things in the prison system and I have a problem with that. If they want to do it, they can do it outside the prison system, but there's not enough room in the prisons themselves for the rehabilitation programs that the prisons try to run. Now you're going to have another facility doing it in the same rooms and there's no room."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1311, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CONVICTED DEFENDANTS," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1170-06) recommending that S.B. No. 2145, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2145, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1171-06) recommending that S.B. No. 2688, SD 2, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2688, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker. On Stand. Com. Report 1171, on the bottom of the page, I am in opposition. I feel it adds another layer. Thank you very much."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2688, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1172-06) recommending that S.B. No. 2272, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2272, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1173-06) recommending that S.B. No. 2273, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2273, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1174-06) recommending that S.B. No. 3035, SD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3035, SD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise with a no vote on Standing Committee Report 1174. I will have further comments probably in Finance. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"I am strongly opposed to this bill, Mr. Speaker, not only because there is no need for it as the current system does not appear to be broken, but also because of the incredible cost that will be incurred if this bill passes. There are no safeguards to prevent this new system from being abused. How do we know our insurance companies will not be paying for a previously injured worker to take a few more days off to go to the beach? Or visit relatives? Or merely stay home and do nothing as the money continues to come in? If passed, this bill will increase the cost of workers' compensation insurance. The cost is already prohibitive and businesses keep asking the legislature to reform workers' compensation laws to bring down the cost. Instead we are entertaining bills that go the other way. Everyone will end up paying for the cost of those who stay home from work, legitimately or not because businesses will have to raise their prices to cover the added costs. Thank you, Mr. Speaker."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you. Reservations please. It's going on to Finance. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3035, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Marumoto and Meyer voting no, and with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1175-06) recommending that S.B. No. 3090, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3090, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you. Mr. Speaker, I rise in support of 1175 with comments. As I have said in the past, unfunded mandates just don't work. This is a great concept, great idea. I support it. The business community supports it. They have supported it for as long as I can remember. We need to standardize forms. We need to help the providers. We need to help the employees. We need to help the employers. We need to help the insurance carriers.

"But to do a standardization mandate without funding and without automation at DCD when the rest of us out in the real world are automated is pure folly. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in favor of this with a plead to the Legislature and the Department of Labor to please reduce the amount of paperwork necessary for this particular program."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3090, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1176-06) recommending that S.B. No. 2021, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2021, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1177-06) recommending that S.B. No. 2640, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2640, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2640, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1178-06) recommending that S.B. No. 2643, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2643, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise with a no vote for Standing Committee Report 1178. Once again, we're going down the path of folliness. I believe that the creators of this bill perhaps maybe had a great intention in mind, which is something that we in the small business community have tried for years to do, and that is developing the process of alternative light duty.

"This is one of the most difficult things to do for the small business community. I think in fact we tried it when we passed the coordinated care bill back in the '90s. And that was one of the biggest problems we had was in small businesses, trying to determine where an employee or an injured worker could come back to work at light duty so as to rehabilitate them back to work.

"And also one of the parts of the workers' comp system is the vocational rehab. If an employee is completely unable to come back to their regular full time, type of employment, their vocational rehab is available. This system of vocational rehab has been a growing concern in that it does have its ability to be abused although it is a good service. But now what this bill is attempting to do is to say if an employee is not even permanently disabled and unable to come back to their job, they can apply for vocational rehab. In other words while they're out recovering from a knee injury, they can go to college to become an attorney.

"So I'm asking that we stop, take a deep breath because right now we're spending a little over \$6 million on vocational rehab for the permanently disabled, which is a good thing. This particular measure for those that are not permanently disabled, could eventually cost your employers \$52 million a year in payments. Now unless we're willing to figure out some way to subsidize workers' comp, then I suggest we hold, take a deep breath, and stop once again this folliness of not thinking through the impact on our economy. Thank you."

Representative Sonson rose to speak in support of the measure, stating:

"Thank you very much. I have a small business. The prior speaker doesn't speak for me. I support this bill. Let me repeat, I have a small business, I'm a small businessperson, I have employees and I support this bill. The prior speaker doesn't speak for me."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2643, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1179-06) recommending that S.B. No. 3021, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3021, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3021, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Second Reading and was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1180-06) recommending that S.B. No. 2274, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2274, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1181-06) recommending that S.B. No. 2898, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2898, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on Stand Com. Report 1181, S.B. No. 2898, I'd like to ask for another ruling on a potential conflict of interest. My firm, and actually I do work for HHSC in regards to procurement," and the Chair ruled, "You are excused."

The Chair then addressed Representative B. Oshiro, stating:

"Representative Oshiro, remind the Chair, if this bill comes out of Finance, that you have to request a ruling one more time."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2898, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance with Representatives Carroll, Harbin, B. Oshiro, Takamine and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1182-06) recommending that S.B. No. 2185, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2185, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SERVICE CENTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1183-06) recommending that S.B. No. 2328, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2328, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1184-06) recommending that S.B. No. 2487, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2487, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations as to Standing Committee Report 1164. Excuse me, 1184. Thank you, I stand corrected. Mr. Speaker, the HCDA is under a lot of, I don't want to say attack, but I would say review because of certain events that have had happened that we have been discussing on other bills.

"I as a community member in Kakaako have worked with the HCDA on all different fronts for over 15 years. I think what this bill is trying to do is to balance the makeup of the Authority. And I have to tell you that many of us in the community do agree with that. However, I think one of the balances that is missing is input from the community as to who is appointed to the Authority.

"One of the biggest problems we had with the Authority through I would say at least three Governors that I have worked with is, the fact that the Authority is top heavy with appointments from the Governor. That is a problem and that needs to be rectified. I think it has erupted once again with this Kakaako Makai issue.

"But I think to throw in the Speaker of the House and President of the Senate into the mix with no criteria for these political elected officials, I think is just going to add more confusion to the decisions of the Authority without direct input from the community. And I will really ask that as this bill moves on, that we really look at the proper makeup so that the community does have input. And if we have to mandate that the Speaker and the President communicate or get consensus from the community then I really wish that we would somehow incorporate that language into this as we have with other agencies. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Reservations, Mr. Speaker. The existing way it is done now with one selected by the Mayor, and one selected by the Governor has up to now, provided community members from the community with the selectees. So at least it worked in that. Thank you."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. This bill barely got out of Committee. There were 4 yes, let's see what did we have. 4 yes, 1 with reservations, and 3 noes. So there's a lot of controversy, I voted with reservations because I know that the community members in Kakaako truly would like to see more members there, but they would like them to be from the area, community leaders. And the way the bill is written now, there's no assurance that that will happen. So hopefully it can be amended because that was the whole purpose of adding two. Not just for more friends in high places. Thank you, Mr. Speaker."

Representative Stevens rose in support of the measure with reservations, and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2487, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1185-06) recommending that S.B. No. 3037, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3037, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Schatz rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with reservations on Standing Committee Report 1185. And I just wanted to explain what the Chair of Labor, the Representative from Manoa and I, and the Chair of the Water, Land Committee are trying to accomplish here.

"It is late in the Session to find vehicles to address relief on a personal level for the recent natural disasters. And there were some really smart objections made to the bill as it was drafted, and when it was heard, in terms of fairness and there are two aspects of the fairness question to look at.

"One is the geographic aspect. Whether to provide a subsidy for victims of natural disasters that are specifically for Manoa and not for instance, for Windward residents, or Tantalus residents, or Kauai or other people.

"We're not able to solve that problem with this vehicle because the title is not sufficiently broad, but we were able to address the economic fairness question and to make it a little bit more progressive of a tax credit to establish a \$75,000 income threshold, and to make it a refundable tax credit so that people who actually need this credit would be able to claim it. And people who are sufficiently wealthy that they don't need a subsidy would not be able to claim it. So I just would ask for the Members understanding and cooperation that this is a work in progress and that we will improve this. And hopefully find another vehicle to provide a more statewide assistance to those victims of natural disasters. And I don't think it's the intent of any of us to pass something that is specific to one valley or one community. Thank you."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you. Until then, with reservations."

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I too rise with reservations. And I brought this up in Committee. It seems to me if this is what the plan is, is that we need to do something with the title. Because right now what we are doing is, we as a Body are looking so specifically at one area. And I just personally have a little bit of an issue with that. Thank you."

Representative Evans rose to speak in support of the measure with reservations, stating:

"Yes, on the same measure with reservations. I really appreciate the comments by the Water, Land Vice Chair. My concern is that as a Body, I think we're really working hard with the Housing Chair to do low income housing and homeless shelters and affordable housing. I just want to make sure that when we send this over to the Senate, that we send a strong message that we need to take care of people that don't have housing too.

"And the other thing is, I've had a lot of flooding in my district. And I know that a lot of people have damages. In fact, there's been some flooding recently, I think last week and the week before, where in terms of there's been a lot of I believe, economic damage to a lot of families on the Big Island. So I just have also some concerns about maybe this is a great vehicle for that discussion about what are we going to do as a legislative body in the long term for flood victims. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Just reservations, Mr. Speaker. This seems to be pointing to a special class of people who have an adjusted income of \$75,000 or less. I think they make a lot of money."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3037, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RELIEF OF MANOA FLOOD VICTIMS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1186-06) recommending that S.B. No. 2897, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representatives Waters and Caldwell, for the Committee on Higher Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1187-06) recommending that S.B. No. 3120, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3120, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1188-06) recommending that S.B. No. 3121, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3121, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Harbin, Takamine and Thielen being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1189-06) recommending that S.B. No. 3118, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3118, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1190-06) recommending that S.B. No. 2762, SD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2762, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading

and was referred to the Committee on Judiciary with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1191-06) recommending that S.B. No. 3000, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3000, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1192-06) recommending that S.B. No. 2773, SD 3, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2773, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Caldwell, Waters and Takumi, for the Committee on Labor & Public Employment and the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 1193-06) recommending that S.B. No. 2980, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2980, SD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Caldwell and Waters, for the Committee on Labor & Public Employment and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1194-06) recommending that S.B. No. 2959, SD 3, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2959, SD 3, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1195-06) recommending that S.B. No. 3012, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3012, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1196-06) recommending that S.B. No. 54, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 54, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1197-06) recommending that S.B. No. 3011, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3011, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Standing Committee Report 1197-06. Thank you. I rise with reservations on this measure. We had a lot of great testimony in Committee on this measure and the purpose of this bill was to provide public employees the opportunity to advance in the civil service system by being given first consideration when applying for civil service positions.

"One of the topics that we covered in Committee was to try to grapple with the issue of first consideration for these currently employed public servants. And we never quite were able to come up with a definition of what that means. So I note that this bill is going on to Finance, and I hope there's more discussion about that because it's an important procedure for the advancement of our employees in the system and I think we need to come to a conclusion on that. Thank you."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3011, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1198-06) recommending that S.B. No. 2125, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2125, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1199-06) recommending that S.B. No. 2484, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2484, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," passed Second Reading and was referred to the

Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Morita and Herkes, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1200-06) recommending that S.B. No. 3185, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3185, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1201-06) recommending that S.B. No. 2617, SD 2, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2617, SD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In regards to SCR 1201, I stand with reservations. This is a good bill and more appropriate in regards to appropriating money from, or increased spending for TANF funding. In our efforts to do this though, I just want to make sure that we are also taking a look at the programs that we currently spend TANF funds money on and making sure that we don't hurt those programs. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2617, SD 2, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1202-06) recommending that S.B. No. 3200, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 3200, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Ching rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I strongly oppose this measure. I appreciate the intent of this bill. Protecting our State's children from harm and abandonment is a noble cause. The issue of "safe havens" is a difficult issue to address. While attractively titled, this bill is well-intended public policy that comes with unintended adverse consequences.

"Firstly, it is important to first point out that this bill is unnecessary. While the problem of newborn abandonment may be a problem in other states, that State of Hawaii has not experienced these same problems due to our strong family support systems and

connectivity, known as *hanai*. In Hawaii, the extended family is commonly recognized as an integral part of the nuclear family, and the Hawaiian cultural practice of an open adoption called *hanai* is still a common practice. There is no evidence S.B. 3200 will effectively address the problem of child abandonment. Research indicates that even in states with safe haven laws, women continue to leave babies in unsafe areas. These laws undermine the rights and long-term interests of birth parents, their children, and the families. Grandparents who would be willing to raise a child may not know that their grandchild was dropped off at the fire station. Being raised with family provides children with their identity and a genealogical connection to family and ancestors. Infants abandoned through safe haven may have a complete lack of information about their heritage and ethnicity, leaving unanswered questions for them and their offspring. This proposed legislation could have an unintended adverse impact on such important support systems.

"I agree with the Department of Human Services that our focus should be on the long-term well-being of the newborn. Safe-haven measures like this one, though well-intended, fall short in that critically important respect. We believe that any good that might be accomplished by a safe-haven law is likely to be outweighed by the irreparable harm that it would cause the child who is abandoned. For example, the individual who drops off the newborn is not required to prove that he or she is the baby's parent, nor are they required to answer any of the questions that the hospitals, fire and police stations are required to ask. I greatly appreciate the inclusion in this bill to allow the Department of Human Services to reunify the newborns with their parents, as well as allowing the Department to search for relatives as a placement or permanency option. This is a goal that the Department of Human Services strives to achieve with the children in its child welfare system. However, in order to actually return a child to his or her parents or relatives, the Department of Human Services must have the child's information, which this bill does not require.

"Lastly, S.B. 3200 does not provide support and resources to the troubled mother. Efforts to prevent abandonment would include family planning information, promotion of parental care, support and counseling services to young women facing crisis pregnancies. By providing a "no hassle" route for ending parental responsibility, safe haven laws encourage mothers to conceal their pregnancies, have unsafe births and leave their children anonymously, undermining established and effective welfare and adoption policy."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 3200, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representative Ching voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1203-06) recommending that S.B. No. 2417, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2417, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1204-06) recommending that S.B. No. 2486, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2486, SD 2, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1205-06) recommending that S.B. No. 2482, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2482, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LAND," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1206-06) recommending that S.B. No. 2753, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2753, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Kanoho and Kahikina, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 1207-06) recommending that S.B. No. 1593, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 1593, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1208-06) recommending that S.B. No. 3253, SD 1, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3253, SD 1, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure, stating:

"Mr. Speaker, on Standing Committee Report 1208-06, I stand in strong support please."

Representative Lee rose to speak in support of the measure, stating:

"On the same issue, I stand in strong support and have written comments."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure which establishes a Joint Legislative Committee on family caregiving.

"Mr. Speaker, this measure illustrates the growing recognition by the Legislature of the value of the family caregiver to the healthcare system of our state.

"Little by little, legislators have begun to support family caregivers. Some have found themselves in the position of delivering care and have been rudely awakened.

"This Committee will bring together a community group, including legislators, to help plan for our future needs."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3253, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1209-06) recommending that S.B. No. 2470, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2470, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDLORD-TENANT CODE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1210-06) recommending that S.B. No. 2227, SD 2, HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2227, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1211-06) recommending that S.B. No. 2364, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2364, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Evans rose to speak in support of the measure with reservations, stating:

"On Standing Committee Report 1211, with reservations. There is a part of the bill I don't agree with, the idea that when someone ends up in an emergency room because of alcohol, or some accident that that's where intervention takes place.

"I believe people who have come to the conclusion that they're broken and they need fixing, they need help, and they need services, I believe they're there for them. It's that person's decision if they're going to make a change or not so I don't believe this is a good expenditure of funds to have a pilot program in an emergency room for intervention. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Mr. Speaker, I'm rising in strong support on that measure. Just for the time constraints, I would just insert my remarks in the Journal."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in strong support of SB 2364, SD2, HD2. I am very happy to see that we are doing something constructive in regards to fighting our serious drug abuse problems. SB 2364 HD2 will establish an affirmative requirement that all health insurers provide coverage for an insured's injury that results from the insured's intoxication or being under the influence of any narcotic. Under current Hawaii law, healthcare providers are hesitant to link alcohol or substance abuse to an injury for fear of non-reimbursement of services rendered. The change in this bill will eliminate that fear and hesitancy. The bill will also establish a pilot program to be conducted in hospital emergency rooms. It would ask that health professionals, after treating the injuries of an obviously intoxicated person, commence to screen, conduct a briefing, suggest intervention, make a referral, or recommend treatment. This program known as SBIRT would capitalize on this "teachable moment," a time of vulnerability, when an addicted individual would be more open to intervention and dialogue.

"Our emergency medical doctors and nurses see addicts every day and this program could save the lives of countless addicted individuals. This is a very large step in the right direction in helping people overcome their destructive behaviors."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2364, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1212-06) recommending that S.B. No. 3283, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1213-06) recommending that S.B. No. 2542, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2542, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1214-06) recommending that S.B. No. 2546, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2546, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on

Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1215-06) recommending that S.B. No. 87, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 87, SD 2, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1216-06) recommending that S.B. No. 2190, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2190, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1217-06) recommending that S.B. No. 3009, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3009, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you very much, Mr. Speaker. I'm rising in opposition to Stand Com. Report 1217, Senate Bill No. 3009. This bill is dealing with exempt employees. It would require all exempt employees to become civil service. I just think that it's not possible to make all exempt employees civil service.

"The Department of Commerce and Consumer Affairs has many, many different people that have special training and are important to the Department. And they wouldn't fit in to the civil service setup. There are many of the departments throughout the Administration that have special needs and they have the flexibility when they can keep exempt positions.

"This bill is pretty much setup to force all exempt employees with some exceptions, but overall the thrust of this bill is to eliminate most exempt positions and have them all in this civil service system. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Caldwell rose to speak in support of the measure, stating:

"Before we all go down with reservations, this is a point of clarification. I'm in strong support. The Representative from Laie, I think if she would read the Committee Report and the actual bill, she's a member of the Labor Committee, she would see that there are

numerous exemptions for a lot of different departments including DCCA.

"We sat down, we worked with Mark Recktenwald and others. We sat down with DHRD. This is a permissive provision. It's not a mandatory conversion. And in fact, DHRD is continuing to work to see if they can't get an agreement between now and the end of Session on legislation that they can all live with.

"So I don't want it to be misrepresented to this Body that somehow this is a forced conversion that doesn't take into view the concerns of various departments. A lot of hard work has gone into this, and it is not mandatory and there are numerous, numerous exceptions in all departments. Thank you very much, Mr. Speaker."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose to respond, stating:

"Mr. Speaker, my reservation is we're adding more and more civil service employees and we're looking at a new GASB law. We've got all the unfunded mandates or unfunded liabilities with retirement system and health care, and I think it's just not the time to be adding more civil servants."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3009, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1218-06) recommending that S.B. No. 2545, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2545, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1219-06) recommending that S.B. No. 2461, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2461, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1220-06) recommending that S.B. No. 2984, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2984, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker, I would like to support this bill, Standing Committee Report 1220-06, Senate Bill 2984, SD 1, HD 1, which appropriates and provides the money for the people who lost their lives, their houses, and their property, in 1984 in Kalapana with the lava flow that covered this very ancient and traditional Hawaiian community. And with the proper money that can help with self-help housing, we will be able to communicate and have again a very vital community of very few real Hawaiian villages that existed in the past. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in strong support of that bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2984, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1221-06) recommending that S.B. No. 2997, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2997, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1222-06) recommending that S.B. No. 2958, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2958, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1223-06) recommending that S.B. No. 2917, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2917, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am rising in opposition to Standing Committee Report 1223. Mr. Speaker, I believe I have said to this Body once before that this was probably the most important measure that the 2002 Legislature passed out. This gave the opportunity for an independent third party, the Insurance Commissioner, to review the rates of healthcare premiums to our small business community, actually to all.

"But the most specific reason, I say the small business community is because prior Legislatures before us had the forethought to see that

our employees needed to be guaranteed a constant ability of paying healthcare, hence the Prepaid Health Care Act.

"The Prepaid Health Care Act for those of you that do not know what it is, is a mandate by the State of Hawaii that says to a business person, thou shalt give your employees insurance if they work for 20 hours a week or more, for 4 consecutive weeks. And that pretty much takes in a very large group of our employees.

"There's been discussion in the past that perhaps maybe the Prepaid Health Care Act should go away. I as one as a small business employer in my former life have always said, 'No, we need this.' Why do we need this? Because what it does is it takes all of our small business employers and drops them into one pool of experience rating, so that the experiences crossed across the section of the entire small business community of which employs 98% of our employees.

"Now this is a mandate, you either do it or you're out of business. So now we come along and we allow a couple of nonprofits to come into business. One of which is the infamous HMSA, which insures over 700,000 employees. Employers in the State of Hawaii, the small business community pays over \$2.2 billion a year in premiums of which \$1.8 billion goes to HMSA. If we do not have the rate regulation in place, how do we know how they're spending this? How are they creating their administrative expenses? How do we know that they in fact are not ripping off the employers?

"If they rip off the employers, Mr. Speaker, I say to you and every one of us, you are taking away health insurance from your employees of the State of Hawaii, because as the cost goes up, 10 to 20% per year. That's \$350 per employee, times 20% per year, times 10 employees. You figure that out. What does an employer do? Cut staff.

"Don't do this to us. Don't do this to your constituency. Don't do this to our citizens of the State of Hawaii. Go back, keep this rate regulation. If not, keep it in place for another four years. Don't fiddle with it. It's working. I don't see the HMSAs of the world losing coverage. I don't see them losing money, which they're by the way they're a nonprofit. So stop, let's not make this a special interest bill. Stop. Thank you."

Representative Sonson rose to speak in support of the measure, stating:

"Strong support. I originally opposed this bill, Mr. Speaker. I thought it was pretty bad to stop the, I guess the oversight of the Commissioner. However, it was changed in a previous Committee and I thought the prior speaker was there where the Commissioner actually suggested amendments to the bill so that we can pass it out. It does not change it. On page 3, it now has a requirement that the filing be accompanied by supporting information. That wasn't there before.

"The problem was that as it was originally written, it would stop rate regulation, period. Now there is an oversight, a little bit different, however it is sufficient. And according to the Commissioner, if these amendments are there, and it's probably there now, then we are okay."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2917, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION," was referred to the Committee on Finance with Representative Harbin voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1224-06) recommending that S.B. No. 3077, SD 2, HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3077, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3077, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1225-06) recommending that S.B. No. 2156, SD 2, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2156, SD 2, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition to Stand Com. 1225, at the top of page 18. I think it would be a mistake to pass this bill that would allow the Auditor to have a full range over everyone's tax returns. The Department of Taxation said that they would be happy to provide the Auditor with any information with the identification taken out. The names, the social security numbers, the addresses, and that should provide the Auditor with enough information to do whatever studies that are necessary. But just allowing wholesale, blanket access to all the records is really an invasion of all our privacy. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have severe reservations also with this measure. It is going on to Finance. But I just want to point out that it does, as the previous speaker said, it provides exclusive authority to the Auditor to inspect all accounts, books, records, files, papers, and documents and all financial affairs of the Department of Taxation.

"So if you're auditing how the Department works that's one thing. But if you're inspecting all these records, you have access to everybody's personal tax information. Thank you."

Representative Stevens rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm voting no on this measure. And Mr. Speaker, one reason in addition to those expressed by the Representative from Kahala, is that the information could be more widely disseminated. If the Auditor has this access to tax returns of our constituents and businesses, and if there's any litigation filed on that matter or something somewhat related to it, then that information would be subject to discovery.

"I know that the Chair of the Judiciary Committee said something about, well then that person could move to quash the subpoena over

the discovery, but that doesn't always happen. So once we let tax information go out with a taxpayer's name, social security number, the etc. that information can get out much more broadly than is appropriate. And when we talk about our concern about identity theft, this is just really a very serious concern. I think the bill shouldn't continue to go through the process. I think that the way it is now, with the Tax Department having the ability to contain that information and if they do release it, remove the identity of the person and other things such as social security numbers. That way it is working. This other is way too invasive to our taxpayer's privacy. Thank you."

Representative Ching rose in opposition to the measure and asked that the remarks of Representatives Marumoto and Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Sonson rose to speak in support of the measure, stating:

"Strong support. Mr. Speaker, I was present when the Auditor was testifying on this bill. We expect the Auditor to do a great job in making sure that she looks at everything before she represents in her statement that she looked at everything. So she said, how can I say that I looked at everything if I didn't look at everything?"

"What's being proposed by the Tax Department is, here you can look at this but we're going to cut out some. That's not proper. That's not good for the public to look at a report that says, 'Oh, here is my conclusion, but by the way, I didn't get to look at everything.' So what good is that?"

"You know what else, Mr. Speaker, this has been reviewed, this idea, this proposal has been reviewed by the Attorney General, and is actually suggested by the Attorney General for her to come to the Legislature to obtain this authority so that she can do her job properly. So let us support this very important measure."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2156, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AUDITOR," was referred to the Committee on Finance with Representatives Ching, Marumoto, Meyer, Stevens and Thielen voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1226-06) recommending that S.B. No. 2476, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2476, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. On 1226-06, I'd like to note some reservations. Possibly as it goes through the system it will get clean and stay clean, but I'm afraid it would revert back to its original form where it restricts all State owned lands from being sold or disposed of, and that's a tremendous question for me because of UH West Oahu."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Thank you very much. I wish to speak with some reservations on the measure here. Although it's well intentioned, this particular bill here, Mr. Speaker and Members, I believe this is the beginning of the dismantling of HCDA. And if that is the reason then, we should simply have a bill to repeal HCDA. To provide a requirement that for any sale, exchange, lease of land, we must have legislative approval before you can proceed, will destroy the planning capabilities I believe, of HCDA."

"Mr. Speaker, with the legislative oversight and I believe we certainly should have legislative oversight, I believe that it should be exactly like they have with DLNR. Anytime the sale of conservation or any kind of land, we can veto it really, by having a concurrent resolution against the sale of land. But this bill here goes against the grain. They're even before you begin to plan, you must have the approval of the Legislature."

"I believe this probably is an overreaction to what has happened with the A&B project, and I believe it's wrong to have this overreaction."

"Mr. Speaker, this bill further provides that you will have no more residences on the *makai* side of Kakaako. Well, there is none to be built on the *mauka* side, Mr. Speaker and Members. And so what we're saying in fact is there is going to be no residences in the Kakaako area."

"So where does it put us as far as providing housing for the people of the State of Hawaii, moderate income housing. We have land that's under our control and yet we're saying there shall be no residences built there."

"Furthermore, Mr. Speaker, when a question is asked as to how much it is going to cost to provide the park that has been planned by A&B, and it doesn't have to be A&B, but providing a park for the people of this State, Oahu, it comes to about \$150 million. Well Mr. Speaker and Members, are we prepared, or do we have the resources to put up a \$150 million for a park?"

"The alternative to that is that this will continue to be a slum the way it is right now. Old, broken, dilapidated buildings that you wouldn't want to walk around at night in that particular area."

"So Mr. Speaker, hopefully when the Finance Committee looks at this, they begin hopefully to see that it is basically an overreaction. And if they don't wish to have A&B, that's fine. Don't have the A&B project. But at the same time, do not hamper HCDA from doing their job. Thank you very much."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just wanted to note my reservation based on the comments from the speaker of Kapolei."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, serious reservations. And if I may have the Speaker Emeritus' remarks entered into the Journal as my own please," and the Chair "so ordered." (By reference only.)

Representative Thielen continued, stating:

"I think it's a very serious step that we're taking as the Legislature. We're really dismantling HCDA, and it's a reaction to an issue that

doesn't go to the fundamental purposes that HCDA has served so well. Thank you."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Harbin rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Sonson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Moses rose in support of the measure with reservations, and asked that the remarks of Representative Souki be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2476, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1227-06) recommending that S.B. No. 2485, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2485, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1228-06) recommending that S.B. No. 3084, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3084, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1229-06) recommending that S.B. No. 2479, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2479, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising with a yes vote to Standing Committee Report 1229, and my infamous words of caution and advice. As this measure moves on to Finance, if I could recommend that perhaps maybe since this is a constitutional amendment and we do have some time to make some changes, perhaps this might be the

appropriate time for this Legislature to signal that we're ready to look at Chapter 104 which is relating to public works, and perhaps maybe exempt these agricultural SPRBs from the requirements of Chapter 104 which as we are beginning to understand, the requirements will add a good 30% to the cost of implementing these well needed agricultural improvements. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2479, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1230-06) recommending that S.B. No. 2600, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2600, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1231-06) recommending that S.B. No. 3124, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3124, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3124, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1232-06) recommending that S.B. No. 2606, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2606, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1233-06) recommending that S.B. No. 2727, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2727, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1234-06) recommending that S.B. No. 2961, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2961, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose to speak in support of the measure, stating:

"On Standing Committee Report 1234-06, Mr. Speaker, I'd like to stand in strong support. I normally don't like to vote for a tax increase, but this increase on the tax on cigarettes will help fund the Cancer Research Center of Hawaii and I am strongly in support of that. Thank you."

Representative Stonebraker rose to speak in opposition to the measure, stating:

"No vote. I'm opposed to all tax increases."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. It's a unique moment. It's a good moment. In support, strong support of this measure. The revenues are going to go to the Cancer Research Center, and the Governor sent down her people to support this tax increase on tobacco. The Administration strongly supports this tax increase because it's going to save lives, and it's going to help us with cancer treatment. Thank you."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Lee rose to speak in support of the measure, stating:

"I am in strong support and have written comments."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I am in support of this measure, which increases the tax on cigarettes after 1/1/07 and earmarks 50% of the tax to the Cancer Research Center, 25% to Department of Health health promotions and disease prevention, and 25% to the Hawaii tobacco prevention and control trust fund.

"Mr. Speaker, 11 states increased their cigarette tax in 2005. Hawaii is not among them, nor is it among the states that taxed cigarettes the most.

"Increases in cigarette taxes are helping to motivate people to quit smoking. In New York City a significant increase in the tax, along with a smoke-free air law, brought about the most significant one-year drop in smoking ever recorded. Between 2003-2004, 180,000 people quit, representing a 15% decline.

"If the decrease in smoking was the only benefit of our proposed new law it would be good, however, this proposal opens up the possibility of a world class cancer research and treatment center for Hawaii. For this reason, I urge the members to support the bill and make Hawaii a leader in cancer care."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. In support. The tobacco tax is paid "voluntary" only by smokers who refuse to quit. Tobacco use is the leading preventable cause of death in the United States. Smoking and tobacco use remains the single greatest cause of morbidity and mortality in Hawaii accounting for over 1,100 resident deaths and \$535 million in medical care and lost productivity costs annually. Research shows that the more states spend on comprehensive tobacco control programs, the greater the reduction in smoking. Tobacco tax increases cigarette prices, but ultimately prevents and reduces smoking among all income groups and works most powerfully to prompt lower-income smokers to quit or cutback and to stop lower-income kids from starting. As a result, low-income families and communities will not be the victims of any cigarette tax increase but its biggest beneficiaries.

"However, we must be mindful of the possibility of black markets on cigarettes when taxes are raised on a product."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2961, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Meyer, Moses, Pine and Stonebraker voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1235-06) recommending that S.B. No. 3261, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3261, SD 1, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition for Stand Com. 1235. This measure has something to do with providing licensure to dentists

without taking the proper examination and this one is the American Board of Dental Examiners.

"The Hawaii Dental Association came and opposed this measure and I can understand where they're coming from. First of all, we don't have a shortage of this type of dentist that's a specialized dentist to come in to our State, not take the board exam, and practice.

"There are seven Committee members, Mr. Speaker, and let me just read their voting records. 3 voted aye, 3 voted with reservations, and I voted no. So this tells this Chamber that there's a lot of things that need to be discussed before this measure comes to pass in this House. The Hawaii Dental Association already agreed that this can happen, that they can come and practice in underserved areas, so that tells me that this body of dentists are cooperating with us.

"However there is absolutely no need to let all this specialty doctors to come and practice in our State without taking the exam. And when they opened it for this type of dentist to practice in underserved areas, about 56 dentists from other places came and applied.

"So I don't think we need to flood ourselves with dentists that are just coming in by accreditation and not taking the exam. This matter is unnecessary, Mr. Speaker. Thank you."

Representative Hale rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Sonson rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3261, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL SPECIALISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representative Cabanilla voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1236-06) recommending that S.B. No. 3224, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 3224, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition of Standing Committee Report 1236-06. This bill was originally passed through the House, or the original as went through was House Bill 3105. This is the allowing the psychotropic medication prescriptions by a psychologist and not psychiatrist. And I just want to tell the Members, this is just like you get in a major car accident and you hire a paralegal to represent you instead of hiring a lawyer. There's no difference. If you want the lawyer, you pay for a lawyer that has gone through ..."

Representative Stonebraker rose, stating:

"Can we have a brief recess, please?"

The Chair then stated:

"Can Representative Moses finish?"

Representative Stonebraker continued, stating:

"I believe he's speaking on the wrong bill, Mr. Speaker. That's my point."

Speaker Say: "On Stand Comm. Report 1236, correct, Representative Moses?"

Representative Moses: "This may be the wrong bill."

At 1:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:14 o'clock p.m.

Representative Moses continued, stating:

"Thank you, Mr. Speaker. I stand corrected. I was speaking on the wrong bill. I do not have any reservations on this bill. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 3224, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1237-06) recommending that S.B. No. 3252, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 3252, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I am in support of this measure, which directs the Executive Office on Aging to coordinate a statewide system of family caregiver support and policies. This expansion and the additional money is necessary because our elderly population is increasing rapidly – the services of the family caregiver are critical to our State being able to deal with the mounting need for care. The economic impact of the care given at home by the family caregiver contributes greatly to the economic well-being of our health care system."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 3252, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Morita and Herkes, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1238-06) recommending that S.B. No. 2957, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2957, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Morita and Herkes, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1239-06) recommending that S.B. No. 3162, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3162, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Morita, Herkes and Luke, for the Committee on Energy & Environmental Protection and the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1240-06) recommending that S.B. No. 3186, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 3186, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose to speak in opposition to the measure, stating:

"Mr. Speaker, on 1240, I have severe reservations. This is tinkering with the gas cap bill. In fact, I'm going to change it to opposition. I've always been opposed to the gas cap and this tinkering is going to do nothing but just prolong the agony, so I am in opposition of 1240."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"I have strong reservations."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 3186, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY,"

passed Second Reading and was referred to the Committee on Finance with Representatives Moses and Stonebraker voting no, and with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1241-06) recommending that S.B. No. 2143, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2143, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1242-06) recommending that S.B. No. 940, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 940, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise with a strong no to Standing Committee Report 1242. Thank you, Mr. Speaker. I'm going to once again try to explain what this bill does.

"Right now we have in statute, the Patient's Bill of Rights. One part of the statute was found to be unconstitutional by our Hawaii State Supreme Court in HMAA v. Baldado. However when it comes to non-ERISA patients such as those of us that are sitting in this room. All of us. We still have the benefits that this Legislature provided to us under the Patient's Bill of Rights.

"What that allows you to do is to apply directly to the Insurance Commissioner for review of a denial of a benefit. And surprisingly enough, it awards you or it provides you, the patient, to be awarded attorney fees win or lose upon the discretion of the Insurance Commissioner. Why do we do this? Because sometimes those denied benefits are only \$600.

"Many of us would just pay it because we don't think we could hire a lawyer to do it for us. But if you're going as a non-ERISA, that would be us, if you go to the Insurance Commissioner and say, 'Hey, I got this disease and they say that there's an experimental drugs or there's an experimental process, and they're going against my doctor and they're denying my benefit.'

"You get to hire a lawyer and you get to go to the Insurance Commissioner to contest this. And if the Insurance Commissioner feels that you are worthy, even if you lose, he'll give you your attorney's fees.

"So what does that do? It sends a message, a consumer protection message, to the monopolistic tendencies of our health plans in the State of Hawaii. In fact as I said at a Committee meeting during the interim, trying to figure out what it is we can do here. The senior partner of the law firm that represents HMAA, HMSA, Kaiser, UHHA said that, 'Since this law firm represents all of these health care providers in our law firm, it would make it so much easier if we got into a single system. In other words let's take away the benefits from us and let's make it easier for the law firm.

"That's what this bill is all about, it's a takeaway. It's a takeaway from the people that are non-ERISA, all of your government employees, your retirees, us. That's what this is and we need to really look at why are bills like this, or why is this bill making its way through. And I sure hope once again, the Finance Committee which is our last stop, sits up and takes a look at who are the stakeholders that are benefiting from this law. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, on this same measure, 1242, I'd like to ask for another potential ruling on a conflict. The law firm that the previous speaker was just talking about is the same law firm that I work for, but I don't do any of those cases. Thank you," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 940, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PATIENTS' BILL OF RIGHTS AND RESPONSIBILITIES ACT," was referred to the Committee on Finance with Representative Harbin voting no, and, with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1243-06) recommending that S.B. No. 2214, SD 2, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2214, SD 2, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Herkes rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Herkes' written remarks are as follows:

"Mr. Speaker, I rise in support of SB 2214, SD 2, HD 2.

"Mr. Speaker, the events of last year in the gulf coast, the tsunamis in Indonesia, and the flooding this year on Kauai, Oahu and the Big Island should be more than a wake up call for the people of this State. Our highest priorities should be the safety of our people, the structural integrity of all of our buildings occupied by people and animals, and our ability to provide shelter and relief in the event of disaster.

"To this end we offer SB 2214, SD 2, HD 2, to develop a long-range comprehensive plan to protect our people, buildings and pets from any one of the natural disasters that will impact this State and its people. We are the only state in the nation that is vulnerable to every known natural disaster. Lava, earthquakes, hurricanes, tsunamis and tornadoes – the most destructive natural forces known to man, and we have them all right here. It is only a matter of time before we are hit, and the question is: Will we be victims, or will we be prepared?

"When this bill was heard this week, there were some testifiers that said, in effect, 'butt-out'. Others, such as General Lee and Gary Chock gave very valuable testimony and we heed their comments and suggestions.

"We are in the process of drafting a proposed HD 3 for the consideration of the Finance Committee. Following the public hearing, we are making the following amendments to the HD 3.

"The Prepared Emergency Response Commission (PERP) will be advisory to the Department of Civil Defense. The Commission will encompass a spectrum of experts to advise on the varied aspects of

disaster preparation, mitigation, and response. The other advisory Councils/Committees, such as the Hawaii State Earthquake Advisory Committee, and there are about eight in all, will be Subcommittees of the PERP Commission and the Chairs of these various Councils/Committees will be members of the PERP Commission. These Subcommittees will continue to use their expertise to provide valuable advice to the Commission on preparation for their specific types of natural disasters.

"What this does, Mr. Speaker, is bring all the necessary parties to the same table and to add representatives from the financial, real estate and insurance communities, as well as, experts from the University of Hawaii.

"We will accept the language offered by the Department of Health and will clarify that shelters are for people made homeless from the disaster, not to take care of Hawaii's current homeless.

"We will amend the section dealing with under-grounding of utilities and replace it with a requirement to harden all communication systems in the State.

"We will delete the section dealing with 'price gouging'. It is already current law.

"As I stated Mr. Speaker, General Lee, Gary Chock P.E. and others made a number of helpful suggestions that we will give serious consideration to in developing the proposed HD 3.

"I will quote one testifier, "We have been actively involved in disaster preparedness advocacy and legislation for nearly 10 years and have extensively studied this subject.... We could otherwise lead the nation by example on how an isolated island state can fend effectively for itself in readiness and response." This testifier opposed the bill. Tell that to the people of Kauai. Tell that to the families of the people who were swept away by torrents of water. Tell that to the families that lost their homes. Tell them that we were prepared.

"We all saw the results of the tragedy at Kilauea where homes were built downstream from a dam that had not been inspected for years and too close to an existing river. But what the Members may not know about is the flooding that impacted the Sheraton Poipu and the massive flooding to the Kauai Marriott, plus many other homes and businesses.

"The recent damage has not been limited to Kauai either. In past weeks, there has been flooding on the Windward side of Oahu and in the south Kona and Ka'u areas of Hawaii. Last fall, parts of the Manoa area suffered extensive damage from a flash flood. In the case of Ka'u's Kawa flats in my district, there has been flooding for decades, cutting people off from homes, schools and medical attention.

"If this is the damage we can expect from rainstorms, can we even begin to imagine the devastation that would come from a category 5 hurricane or a tsunami?

"Is there anyone in this Chamber who can say with any certainty that their home is immune from a natural disaster? Is there anyone in this Chamber who feels that we as a state are ready for a category 5 hurricane that hits the leeward coast of this island, or a tsunami the size of the one that demolished Indonesia, or another category 7 plus earthquake like the one that hit the Big Island in 1975?

"I do not think that we are ready.

"This is not to fault the efforts of General Lee or Ed Texeira. They are good and capable people and they need all the support and funding that we can give them.

"SB 2214, SD 2, HD 2 is a comprehensive plan to address issues such as the development of accurate natural disaster zone maps

available to everyone, how to mitigate loss in each of the many natural disaster impact zones, emergency supplies on each island, shelters for those people impacted by a natural disaster, hardening of communications systems, evacuation plans, safety for patients in care homes or medical facilities, care for pets and many other issues.

"I urge those outside this Chamber who are critical of this effort and say it is not needed, to bury your egos and work together for the safety of the people of this State.

"I urge the Members to work with us to develop a plan to protect the people of this State. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2214, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Luke and Herkes, for the Committee on Judiciary and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1244-06) recommending that S.B. No. 2248, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2248, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1245-06) recommending that S.B. No. 2949, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2949, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1246-06) recommending that S.B. No. 965, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 965, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1247-06) recommending that S.B. No. 2133, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2133, SD 2, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure with reservations, stating:

"On Stand Com. 1247, I'd just like to express my reservations. And this is a bill that has a lot of good things in it, but unfortunately it doesn't have the original intent in it anymore. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2133, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1248-06) recommending that S.B. No. 2343, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2343, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

At 1:25 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:28 o'clock p.m.

The Chair then stated:

"Representative Souki, I hope your questions have been answered during the recess."

Representative Souki then stated:

"My question is only evolving. The answer has not been clear. Thank you."

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1249-06) recommending that S.B. No. 3146, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3146, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1250-06) recommending that S.B. No. 2630, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2630, SD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1251-06) recommending that S.B. No. 3270, SD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees

was adopted and S.B. No. 3270, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1252-06) recommending that S.B. No. 2725, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2725, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTHY START," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1253-06) recommending that S.B. No. 3218, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3218, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLACEMENT OF HARMED CHILDREN," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1254-06) recommending that S.B. No. 2879, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2879, SD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1255-06) recommending that S.B. No. 2882, SD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2882, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PERTAINING TO THE CIVIL AIR PATROL," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1256-06) recommending that S.B. No. 2074, SD 1, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2074, SD 1, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. In strong support of SCR 1256 and just short comments in support. Thank you. My husband is a firefighter. I know this will do us really good in regards to getting the true emergencies listened to. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2074, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representatives Takumi and Caldwell, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1257-06) recommending that S.B. No. 3101, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3101, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1258-06) recommending that S.B. No. 2838, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2838, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1259-06) recommending that S.B. No. 2719, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committees be adopted, and that S.B. No. 2719, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Chong rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Karamatsu rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Yamashita rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 2719, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1260-06) recommending that S.B. No. 3059, SD 2, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3059, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

THIRD READING

S.B. No. 2193, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 2193, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with reservations. And my reservations really are that one size doesn't fit all, and we have community associations with 30 to 40,000 members and then others that are very small. I think we have to proceed with caution when we try to regulate them."

Representative Morita rose in support of the measure with reservations, and asked that the remarks of Representative Lee be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Meyer rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"I have reservations about this bill. I am concerned about the degree to which the State government is becoming involved in dictating affairs that should be resolved on a local level. Requiring Planned Community Associations (PCAs) to keep all their records for as long as they are in existence and available for review by their members is tremendously burdensome and unreasonable. I do believe that members should have access to the records of the association to which they belong, but it might be more prudent to extend the limit by a year rather than force the PCAs to keep all of their records accessible for such a long period of time. I also object to the Legislature mandating that PCAs have an annual audit done. That is a decision the individual PCAs should be making. One size most definitely does not fit every PCA. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in very strong support of this measure. There aren't that many laws that apply to planned communities. As a matter of fact, it's only two pages. But we are growing as a State with a lot of planned communities everywhere, and it's time for us to give consumer protection to all our people that buy into this type of developments. These are simple housekeeping measure that we need to implement, a simple asking for financial records.

"They do keep them for a period of five years and seven years, and it's not an added cost to the association since they already maintain these records. And also, it provides for transparency and accountability to management companies. And also it promotes audits and everything else. I ran out of words, Mr. Speaker. I apologize. But this is good consumer protection to the planned communities and provides transparency and accountability from the managing agent. Thank you."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 2193, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

S.B. No. 3066, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 3066, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

S.B. No. 2489:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2489, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

S.B. No. 2591:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2591, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

S.B. No. 2601:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2601, entitled: "A BILL FOR AN ACT RELATING TO DOCUMENTS SEALED UPON FILING," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

S.B. No. 2604:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2604, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE APPELLATE COURT PANELS," passed Third Reading by a vote of 46 ayes, with Representatives Carroll, Hale, Saiki, Schatz and Takamine being excused.

At 1:34 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2193, SD 1, HD 1	S.B. No. 3066, SD 1, HD 1
S.B. No. 2489	S.B. No. 2591
S.B. No. 2601	S.B. No. 2604

ANNOUNCEMENTS

Representative M. Oshiro: Mr. Speaker, on behalf of Minority Leader Finnegan, Representatives Green and Tsuji who are jointly sponsoring this years blood drive, I want to remind Members that next week Wednesday, March 29th, 8:30 a.m. to 12:30 p.m. in Room 329, the Blood Bank of Hawaii will be here to collect blood from us. Thank you, Mr. Speaker."

The Chair then announced:

"The Chair has just one announcement this afternoon. If any of you have valuables on your desk or in your drawers, I would recommend that you take it out because this weekend on Sunday, the Youth YMCA will be using this Chamber. They will be using the House Chamber on Sunday."

Representative Berg: "Thank you, Mr. Speaker. I'm sorry I didn't rise with the announcement. But today's Education, Higher Education Hearing, which was scheduled for 2:00 pm, has been postponed until Monday, April 3rd at 2:00 pm in Room 309. Monday, April 3rd. In a week from now."

ADJOURNMENT

At 1:36 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Tuesday, March 28, 2006. (Representatives Carroll, Hale, Saiki, Schatz and Takamine were excused.)

HOUSE COMMUNICATION

House Communication dated March 24, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bill:

H.B. No. 2503, HD 2, SD 1

THIRTY-NINTH DAY

Tuesday, March 28, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Malia Ka'ai of Bel Canto School of Singing, after which the Roll was called showing all members present with the exception of Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai, Takamine and Waters, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Thirty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 249 and 250) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 249, dated March 15, 2006, transmitting the Department of Business and Economic Development, & Tourism's Hawaii's Sister/State/Cities Program Report.

Gov. Msg. No. 250, transmitting the following:



The Honorable Calvin K. Y. Soy
Speaker of the House of Representatives
Twenty-Third State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

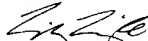
In a letter dated February 9, 2006, I had requested your immediate consideration and passage of H.B. No. 2275, Making an Emergency Appropriation for Electricity Payments Statewide, to appropriate emergency funding to address deficits in electricity payments for the Department of Accounting and General Services (DAGS) in accordance with Section 9, Article VII of the Constitution of the State of Hawaii.

I am now requesting to amend H.B. No. 2275 to add emergency funding in the amount of \$6,400,000 in general funds to address deficits in electricity payments for the University of Hawaii (UH). Recently, the University brought to my attention their shortfalls in funding for electricity for the following campuses: Manoa, \$3,300,000; Hilo, \$600,000; and Community Colleges, \$2,500,000.

Attached is a proposed S.D. 1 of H.B. No. 2275 that incorporates the requested appropriation requirements for DAGS and UH. Please note that the use of a single appropriation to distribute the emergency general fund appropriation of \$7,676,000 to DAGS and UH is proper because the distribution of such amount is merely an allocation that the Legislature is making of the appropriation.

We appreciate your prompt attention to this matter. UH will be available to answer any questions you may have on this request.

Sincerely,


LINDA LINGUE

Attachment

c: Honorable Dwight Y. Takamine

H.B. NO. 2275

Proposed S.D. 1

A BILL FOR AN ACT

MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS
STATEWIDE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. This Act is recommended by the governor for
immediate passage in accordance with section 9 of article VII of
the Constitution of the state of Hawaii.
SECTION 2. The purpose of this Act is to make an emergency
appropriation to address deficits in electricity payments of
\$1,276,000 for the department of accounting and general services
managed facilities statewide and \$6,400,000 for the university
of Hawaii. Since local utility companies are dependent upon oil
as the primary source of fuel, the steady rise in world oil
prices has directly contributed to this shortfall. Although
kilowatt per hour consumption has remained flat or decreased,
increased worldwide demand and natural disasters like Hurricane
Katrina have increased oil prices.
Based on a combination of actual bills paid and projected
cost, the shortfall for department of accounting and general
services for fiscal year 2005-2006 is as follows: Oahu,
\$3,000,000; Hawaii, \$91,000; Maui, \$85,000; and Kauai, \$100,000.

H.B. NO. 2275, Proposed S.D. 1

Page 2

H.B. NO. 2275

Proposed S.D. 1

The projected shortfall for the university of Hawaii for fiscal
year 2005-2006 is as follows: Manoa, \$3,300,000; Hilo,
\$600,000; and community colleges, \$2,500,000. Without an
emergency appropriation, payments on electricity bills for
fiscal year 2006 must be deferred.

SECTION 3. There is appropriated out of the general
revenues of the State of Hawaii the sum of \$7,676,000, or so
much thereof as may be necessary for fiscal year 2005-2006, to
be allocated to the following departments in the amounts listed
below, for the purpose of paying electricity bills:

Department of accounting and general services	\$1,276,000
University of Hawaii	\$6,400,000

The sum appropriated shall be expended by the appropriate state
departments.

SECTION 4. This Act shall take effect upon its approval.

H.B. NO. 2275, S.D. 1

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 405 through 411) were received and announced by the Clerk:

Sen. Com. No. 405, transmitting S.C.R. No. 16, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING AT THE UNIVERSITY OF HAWAII TO INVESTIGATE AND RECOMMEND WAYS TO ASSIST THE PUBLIC AND PRIVATE SECTORS TO RELIEVE THE NURSING SHORTAGE AND ENSURE A CONTINUOUS, ADEQUATE SUPPLY OF NURSES TO STAFF HOSPITALS AND OTHER MEDICAL FACILITIES IN THE STATE," which was adopted by the Senate on March 24, 2006.

Sen. Com. No. 406, transmitting H.B. No. 2900, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING," which passed Third Reading in the Senate on March 24, 2006.

Sen. Com. No. 407, transmitting H.B. No. 1983, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on March 24, 2006.

Sen. Com. No. 408, transmitting H.B. No. 2098, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," which passed Third Reading in the Senate on March 24, 2006.

Sen. Com. No. 409, transmitting H.B. No. 2207, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," which passed Third Reading in the Senate on March 24, 2006.

Sen. Com. No. 410, transmitting H.B. No. 2898, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," which passed Third Reading in the Senate on March 24, 2006.

Sen. Com. No. 411, transmitting H.B. No. 2899, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS," which passed Third Reading in the Senate on March 24, 2006.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai, Takamine and Waters were excused.)

H.B. No. 1983, HD 1, SD 1 H.B. No. 2898, SD 1
H.B. No. 2098, HD 1, SD 1 H.B. No. 2899, HD 1, SD 1
H.B. No. 2207, HD 1, SD 1

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Wakai, on behalf of Representative Hale and himself, introduced members of the Association of Pacific Island Legislatures, Mr. Tosie K. Elley, Chief Clerk; and Mr. Andy Andrew, Journal Clerk of the Kosrae State Legislature.

Representative Arakaki introduced members of the American Diabetes Association, Ms. Majken Mechling, Executive Director, and Ms. Shawnette Cristobal, Associate Manager.

Representative Ito recognized the Pacific Air Force Command, on its receipt of the Presidential Award for Leadership in Federal Energy Management, and introduced Brigadier General Polly Peyer representing the Commander of PACAF, General Paul V. Hester.

Representative Ito then introduced Master Sergeant Tony Parris, PACAF Logistics Fuels Manager, and Mr. Dean Nakasone, PACAF

Facility Energy Conservation Program Manager who implemented the energy cost savings and reduced environmental impact program.

They were accompanied by Col. William Corson, Lt. Col. Saiki, Mrs. Lisa Parris, Ms. Morgan Paris, Ms. Debi Garves, Sr. Master Sgt. Don Brown, Mr. Theodore Nakasone, Ms. My Linh Tran, Mr. Sean Nakasone, Mr. Robert Matsumoto, Mr. Mark Bates, and Mr. Michael Sears.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

S.C.R. Nos.

Referred to:

1	Committee on Health
6, SD1	Committee on Human Services
7, SD1	Committee on Education, then to the Committee on Finance
15, SD1	Committee on Health
16	Jointly to the Committee on Higher Education and the Committee on Health
33, SD1	Committee on Transportation
36	Committee on Energy & Environmental Protection, then to the Committee on Agriculture
37, SD1	Committee on Tourism & Culture, then to the Committee on Finance

COMMITTEE REASSIGNMENTS

The following concurrent resolution and resolution were re-referred to committee by the Speaker:

H.C.R. No.

Re-referred to:

26	Committee on Public Safety & Military Affairs
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H.R. No.

Re-referred to:

178	Committee on Human Services
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The following bills were re-referred to committee by the Speaker:

S.B. Nos.

Re-referred to:

2298, SD1	Committee on Consumer Protection & Commerce
2913, SD1	Committee on Consumer Protection & Commerce

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 272) was announced by the Clerk and the following action taken:

H.R. No. 272, entitled: "HOUSE RESOLUTION ACKNOWLEDGING NEVA REGO FOR HER LIFELONG COMMITMENT TO PERFORMANCE AND THE ARTS, BOTH AS A SINGER AND A TEACHER, AND APPLAUDING HER AS A RECENT RECIPIENT OF THE "EXCELLENCE IN EDUCATION" AWARD FROM THE NATIONAL SOCIETY OF ARTS AND LETTERS," was jointly offered by Representatives Finnegan and Marumoto.

Representative Finnegan, moved that H.R. No. 272 be adopted, seconded by Representative Marumoto.

Representative Finnegan introduced Ms. Neva Rego and congratulated her on receiving the "Excellence in Education" award.

Representative Finnegan then introduced Ms. Betty Grierson and the Honorable Linda Lingle, who were seated on the floor of the House.

Representative Marumoto then introduced the many friends and family, who were listed as special guests:

The Honorable James Aiona;
Mr. Lowell Rego;
Ms. Bette Rego;
Ms. Malia Ka'ai;
Ms. Anita Hall;
Mr. Jordan Segundo;
Mr. John Koko;
Ms. Marlene Sai;
Ms. Penny Silva;
Ms. Carole Kai;
Ms. Rianna Williams;
Dr. Kathy Kozak;
Mr. Lenny Klompus;
Ms. Marcia Klompus;
Ms. Tina Shelton;
Mr. Jim McCoy;
Ms. Shari Lynn;
Ms. Sonia Mendez;
Mr. Danny Couch;
Ms. Mary Dove;
Mr. Chris Dove;
Mr. John Berger;
Ms. Chita Stewart;
Mr. Ken Aranovich; and
Ms. Jean Rolles.

The motion was put to vote by the Chair and carried, and H.R. No. 272 was adopted with Representatives Berg, Chang, Evans, Harbin, Meyer, Nakasone, Saiki, Stonebraker, Takai and Waters being excused.

The following resolution (H.R. No. 273) was announced by the Clerk and the following action taken:

H.R. No. 273, entitled: "HOUSE RESOLUTION HONORING DR. ED CADMAN FOR HIS CONTRIBUTIONS TO THE JOHN A. BURNS SCHOOL OF MEDICINE," was jointly offered by Representatives Arakaki, Abinsay, Caldwell, Ching, Green, Kawakami, Lee, Nishimoto, Shimabukuro, Waters, Cabanilla, Harbin, Herkes and Takamine.

Representative Arakaki, moved that H.R. No. 273 be adopted, seconded by Representative Green.

Representative Arakaki introduced Dr. Ed Cadman and thanked him for his contributions to the John A. Burns School of Medicine.

Representative Green then introduced Dr. Cadman's colleague and protégé, Dr. Sam Shoemaker, who was seated on the floor of the House.

Representative Green also introduced the following students from the John A. Burns School of Medicine, who were listed as special guests:

Mr. Kenneth Sakata;
Ms. Nicole Higa;
Mr. Stephen Pulido;
Ms. Joleen Aguon-Lopez;
Mr. Ricky Amii;
Ms. Briana Lau;
Ms. Lisa Chargualaf;
Ms. Judith Galario;
Ms. Jill Furubayashi;
Ms. Teresa Walsh;
Mr. Nathan Tokuda;
Mr. Sanoe Harrison;
Mr. Steven Chun;
Ms. Amber Rohner;
Mr. Mark Nishihara;
Ms. Shera Sugibayashi;
Ms. Lisa Lam;
Mr. Ronald Kuroda;
Mr. John M. Hardman; and
Ms. Hazel Abinsay.

The motion was put to vote by the Chair and carried, and H.R. No. 273 was adopted with Representatives Berg, Chang, Evans, Harbin, Meyer, Nakasone, Saiki, Stonebraker, Takai and Waters being excused.

At 12:37 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Berg, Chang, Evans, Harbin, Kahikina, Marumoto, Meyer, Saiki, Stonebraker, Takai and Waters were excused.)

At 12:48 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:48 o'clock p.m.

UNFINISHED BUSINESS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1127-06) recommending that S.B. No. 706, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 706, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1128-06) recommending that S.B. No. 826, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 826, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1129-06) recommending that S.B. No. 895, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 895, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support with brief comments. I would just like to say that the word *limu* and Ewa Beach are synonymous. At some point, when certain households on Oahu would like to pick *limu*, they say, 'Go to Ewa Beach.'

"This measure promotes the conservation of our shoreline so we can rehabilitate the growth of *limu* again for our future generations to enjoy. Thank you, Mr. Speaker."

Representative Pine rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Pine's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure, SB 895 SD1 HD2. For many generations the Ewa Shoreline was known for its abundant *limu*. In recent years, the changing environmental conditions and over-harvesting has drastically reduced the *limu* population and now threatens its future existence. In addition, the disappearance of *limu* is having a starving-effect on the surrounding aquatic habitats, making it unsuitable for fish and other ocean life. This has resulted in declining shoreline fish populations.

"Born from the urgency to protect Oahu's most diverse and abundant *limu* site, many community organizations, like Ewa Beach *Limu* Project are committed to educating students and beach users on replanting and restoration. This legislation establishes a specific *limu* management area and mandates harvesting regulation to be monitored by the department of land and natural resources. Such conservation efforts to restore the Ewa Shoreline's *limu* are critical to the preservation of the ocean's food chain and our State's environment and economy. As the Senate companion bill to the House version I introduced, this measure is the first step in protecting *limu* and ensuring future generation's access to harvesting on the Ewa Shoreline."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 895, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

At 12:49 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 706, SD 2, HD 2 S.B. No. 895, SD 1, HD 2
S.B. No. 826, HD 2

STANDING COMMITTEE REPORTS

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1261-06) recommending that S.B. No. 2158, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2158, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1262-06) recommending that S.B. No. 2018, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2018, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1263-06) recommending that S.B. No. 3008, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3008, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to Standing Committee Report 1263-06. The purpose of this bill is to enhance the enforcement of Hawaii's prevailing wage law by ensuring that a violation of Hawaii's prevailing wage law arises with each separate project in which the Department of Labor and Industrial Relations finds that a contractor has failed to comply with the law.

"However it seems to me that in reality, this measure takes away the incentive to comply with the law. The current penalty structure allows a contractor some room to learn a very complicated law pertaining to wage rate schedules that change every 6 months. If a mandatory penalty structure is imposed per project instead of per investigation, this will eliminate many viable contractors from eligibility to bid on jobs even when just the smallest perhaps, just a clerical mistake is made and each clerical mistake will count as a violation. So for those reasons, I'm opposed to this measure. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3008, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed Second Reading and was placed on the calendar for Third Reading with Representative Stevens voting no, and with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1264-06) recommending that H.R. No. 36, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 36, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ASSIST IN THE PRIVATIZATION OF ITS PALOLO VALLEY HOMES PROJECT," was adopted, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1265-06) recommending that H.C.R. No. 51, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ASSIST IN THE PRIVATIZATION OF ITS PALOLO VALLEY HOMES PROJECT," was adopted, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1266-06) recommending that H.R. No. 39, be adopted; and

(Stand. Com. Rep. No. 1267-06) recommending that H.C.R. No. 54, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 39 and H.C.R. No. 54, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on both measures. I've spoken about this issue before. This is having the Department of Transportation comply with lighting ordinances. They do comply with the federal law and as they replace existing lights they will replace them with the newer lights."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 39, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH COUNTY ORDINANCES AND STANDARDS RELATING TO OUTSIDE LIGHTING AT AIRPORTS AND HARBORS, AND TO PROVIDE CUT-OFF OR FULLY SHIELDED LENS FIXTURES TO DIRECT ARTIFICIAL LIGHTING DOWNWARD TO PREVENT DIFFUSION THE LIGHT INTO THE ATMOSPHERE, ON THE ISLAND OF HAWAII AND THE ISLAND OF MAUI," was adopted, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused; and

H.C.R. No. 54, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH COUNTY ORDINANCES AND STANDARDS RELATING TO OUTSIDE LIGHTING AT AIRPORTS AND HARBORS, AND TO PROVIDE CUT-OFF OR FULLY SHIELDED LENS FIXTURES TO DIRECT ARTIFICIAL LIGHTING DOWNWARD TO PREVENT DIFFUSION THE LIGHT INTO THE ATMOSPHERE, ON THE ISLAND OF HAWAII AND THE ISLAND OF MAUI," was adopted, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1268-06) recommending that H.C.R. No. 43, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 43, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on 1268-06. This is urging the Department of Transportation to increase safety signs along certain highways. I'm sure they will do that, but the fact of just placing signs doesn't take away the problems, so there's a bigger issue. This resolution also calls for creation of a divided highway and that may be the way to go. The signs only alert people that the State is ripe for suing. Thank you."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In my district, two of my best friends died on that highway and so I am in support. The reason I'm calling for more signs is because we don't have enough signs. There's almost no signs there at all, and if we have to be sued, if that's people's prerogative, so be it. But really what I want is more safety there.

"There's high winds on that highway that move cars around and cause terrible collisions. There's also, as you know, and I'm very thankful to my colleagues, last year we did fund the widening of Phase I, of that highway.

"We're doing 50 different things, but I don't think we should disparage any safety measure on that highway which is very dangerous. The death rate is three times higher there. If those of us had the opportunity to read the newspaper, one person died in flames 48 hours ago on that highway, from a head-on collision. We really need more safety measures and I think that we're going to have to come together on this. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 43, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF TRANSPORTATION TO INCREASE THE NUMBER OF SAFETY SIGNS ALONG MAMALAHOA HIGHWAY AND QUEEN KAAHUMANU HIGHWAY AND TO EXPEDITE THE CREATION OF A DIVIDED HIGHWAY FROM KAILUA-KONA TO KAWAIIHAE," was adopted, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1269-06) recommending that H.C.R. No. 79, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 79, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm with reservations on this measure. This requests that the Department of Transportation enter into a 10-year lease with one specific and named company, and I think that that is not the way to go either.

"They should be negotiating and looking at providing the ship repair facilities. They are cognizant of the fact that we need them, must have them, it's essential for the State. But to say that it has to that agreement with that particular shipyard company, I think is misguided. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 79, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HARBORS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PROCEED WITH EXECUTING THE TEN-YEAR LEASE APPROVED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR PACIFIC SHIPYARDS INTERNATIONAL TO CONTINUE TO PROVIDE VITAL SHIP REPAIR SERVICES TO THE MARITIME COMMUNITY FROM ITS EXISTING HONOLULU HARBOR FACILITY," was adopted, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1270-06) recommending that H.C.R. No. 39, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 39, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO ESTABLISH A HAWAII PORT AUTHORITY TASK FORCE TO DETERMINE THE FEASIBILITY OF ESTABLISHING A HAWAII PORT AUTHORITY," was adopted, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1271-06) recommending that H.C.R. No. 40, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 40, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONTINUE TO COLLABORATE WITH THE HAWAII HARBOR USERS GROUP TO IMPLEMENT PLANNED IMPROVEMENTS AND CONSTRUCTION TO IMPROVE CARGO TERMINAL AND CONTAINER FACILITIES AT HONOLULU HARBOR, KAHULUI HARBOR, AND HILO HARBOR, AND COMMENDING AND CONGRATULATING THE DEPARTMENT OF TRANSPORTATION AND THE HAWAII HARBOR USERS GROUP FOR THEIR FINE WORK IN COMPLETING THE HAWAII HARBOR USERS GROUP'S REPORT," was adopted, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1272-06), recommending that H.R. No. 41, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 41, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE CAPITAL IMPROVEMENT

PROJECTS OF THE DEPARTMENT OF TRANSPORTATION," was referred to the Committee on Finance with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1273-06), recommending that H.C.R. No. 56, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 56, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE CAPITAL IMPROVEMENT PROJECTS OF THE DEPARTMENT OF TRANSPORTATION," was referred to the Committee on Finance with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

Representatives Kanoho and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1274-06), recommending that H.C.R. No. 146, be referred jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," was referred jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

THIRD READING

S.B. No. 2255, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2255, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

S.B. No. 2430, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2430, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

S.B. No. 2506, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2506, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

S.B. No. 2603, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2603, SD 1, HD 1,

entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

S.B. No. 2924, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2924, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

S.B. No. 2941, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 2941, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. No, I'm not speaking on the bill relating to cruelty to animals. Actually I'm on SB No. 2941. I have a reservation on this. I'm glad that it has a defective date.

"Mr. Speaker, this is a measure that deals with arson, that creates a different felony, a class C felony. This is, so our Members know, it's a 5-year penalty, which is 5 years in jail. That's what a class C felony is.

"The concern with this bill is actually the portion that states that if you recklessly, intentionally, or knowingly set fire on your own property, on your own land, and somehow it spreads to your neighbor and causes 10,000 square feet of damage to brushfire. 10,000 square feet, Mr. Speaker, is not very big as you know. A typical size house like probably the one that you live in is about 10,000 square feet of land. So it's not that big. You can put three of those, you know. It says zero lot is 3,000 to 4,000 square feet. You take three of those lots that'll be about 9,000 square feet so it's very small. That is not the typical brushfire that we hear about that happens in Waianae and also the brush areas on other islands, etc.

"So a landowner somewhere on the Big Island in a farm sets a fire. Not the kind of agricultural fire, but a typical fire probably on their own, maybe even their kids doing so. If the kid's a minor and this is my next point, sets fire in your daddy's or mommy's own lands and somehow causes 10,000 square feet of damage to the next door neighbor. That is not only a 5-year class C felony, it is also parental responsibility of paying the damage or the cost of extinguishing the fire.

"So Mr. Speaker, that is of utmost concern and I hope that these concerns can be looked at in the Conference on this measure. I do believe that idea and the intent of this bill was to address those intentionally set fires, even reckless fires, but in someone else's land like in forest reserves and any area of government lands, etc., or someone else's land. It should not cover, because of the seriousness of the penalties, it should not really cover reckless acts done by minors on their own property. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2941, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

S.B. No. 2283, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2283, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Third Reading by a vote of 42 ayes, with Representatives

Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

S.B. No. 2501, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2501, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Third Reading by a vote of 42 ayes, with Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters being excused.

At 12:59 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2255, SD 1, HD 1	S.B. No. 2924, SD 1, HD 1
S.B. No. 2430, SD 2, HD 1	S.B. No. 2941, SD 1, HD 1
S.B. No. 2506, HD 1	S.B. No. 2283, SD 1, HD 1
S.B. No. 2603, SD 1, HD 1	S.B. No. 2501, SD 1, HD 1

ANNOUNCEMENTS

Representative Karamatsu: "Mr. Speaker, I would like to make an announcement. Tomorrow, we have Science and Tech Day. From 10:00 to 11:00, we're going to have, Science and Tech Creates Valuable Jobs in the Auditorium to have opportunity to hear exciting things happening in their industry.

"Also from 11:00 a.m. to 2:00 p.m., there's going to be 100 exhibitors on the fourth floor. You can see demonstrations by Hoana Medical and other companies. The event is open to the public so if you have constituents, or your family and friends who are looking for job opportunities with these companies, please encourage them to drop by. Thank you."

At 1:00 o'clock p.m., Representative Nishimoto requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:01 o'clock p.m.

Representative Nishimoto, for the Committee on Housing and the Committee on Water, Land & Ocean Resources, requested a waiver of the 48-hour advanced notice requirement for the purpose of conducting a public hearing with decision making to follow for certain resolutions, stating:

"HCR 206 and HR 156 which requests that the Hawaii Public Housing Administration in consultation with DLNR, the Department of Hawaiian Homelands, OHA, the United States Armed Forces in Hawaii, and the counties to study the use of trailer parks as a possible option for solving Hawaii's affordable housing crisis.

"There's also HCR 293 and HR 228 which request the Department of Land and Natural Resources to study the possibility of the State developing and operating manufactured housing parks to help alleviate Hawaii's affordable housing crisis.

"These resolutions will be heard in your Housing and Water Land Committees on Wednesday, March 29th at 10:30 in Conference Room 329. Thank you," and the Chair "so ordered."

Representative Finnegan: "Thank you, Mr. Speaker. The blood drive is tomorrow and I just wanted to ask for everyone's support. I would also like to let everyone know that the time has been changed from 8:00 to 12:00. It has been changed to 12:00 to 4:00. The blood drive will happen tomorrow from 12 noon until 4:00 in Room 329. Thank you."

ADJOURNMENT

At 1:03 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon, Thursday, March 30, 2006. (Representatives Berg, Chang, Evans, Harbin, Meyer, Saiki, Stonebraker, Takai and Waters were excused.)

HOUSE COMMUNICATION

House Communication dated March 28, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

HB No. 1983, HD 1, SD 1
HB No. 2098, HD 1, SD 1
HB No. 2207, HD 1, SD 1
HB No. 2898, SD 1
HB No. 2899, HD 1, SD 1

FORTIETH DAY

Thursday, March 30, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with Vice Speaker Takai presiding.

The invocation was delivered in song by Mr. Fred Cachola and Choir Members of Hawaii Opera Theatre, after which the Roll was called showing all members present with the exception of Representatives Carroll, Kahikina, Meyer, Souki and Takamine, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Thielen and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Third, Twenty-Fourth, Twenty-Fifth and Twenty-Sixth Days were approved. (Representatives Carroll, Kahikina, Souki and Takamine were excused.)

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 251) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 251, dated February 22, 2006, transmitting the FY 03-04/FY 04-05 Hawaii Coastal Zone Management Annual Report for the calendar year ending June 30, 2005.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 412 and 413) were received and announced by the Clerk:

Sen. Com. No. 412, transmitting S.C.R. No. 12, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," which was adopted by the Senate on March 28, 2006.

Sen. Com. No. 413, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 2193, SD 1, HD 1
S.B. No. 3066, SD 1, HD 1

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Magaoay introduced members of the North Shore 4-H Club, Miles Tidball-Alexander, Gemelie Hatchie, Pomai Darlington, Micah Hatchi, Ani Quilinderino, and Presley Vanderstrom. They were accompanied by their leaders, Ms. Verna Eguires and Ms. Monic Vanderstrom.

Representative Magaoay also introduced over 200 Girl Scouts under the leadership of Mrs. Gail Hannemann, their troop leaders, parents and staff, and thanked them for the Girl Scout cookies.

Representative Luke introduced Boy Scouts of Troop 42, Mr. Taylor Nagata, Mr. Jason Hee, and Mr. Justin Ching. They were accompanied by chaperones, Mr. Anthony Chun and Ms. Edwina Lee.

Representative Pine introduced her 'employee for the day', Boy Scout Robert Brown, a 6th grade student from Iroquois Point Elementary School.

Representative Sonson introduced his daughter Marie Sonson, and her friend Daniela Kroning. They were accompanied by Representative's wife, Mrs. Jennifer Sonson.

Representative Luke also introduced Lauren Oakland, daughter of Senator Chun Oakland, who accompanied Marie Sonson.

Representative Takumi introduced Principals, Ms. Pat Pederson of Waipahu High School, and Ms. Catherine Payne of Farrington High School who were here for today's floor presentation.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolutions and resolutions were re-referred to committee by the Speaker:

H.C.R.
Nos.Re-referred to:

58	Committee on Consumer Protection & Commerce
73	Committee on Consumer Protection & Commerce
108	Committee on Judiciary
147	Committee on Human Services
190	Committee on Health, then to the Committee on Finance
209	Committee on Labor & Public Employment
267	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Health
305	Committee on Energy & Environmental Protection

H.R.
Nos.Re-referred to:

43	Committee on Consumer Protection & Commerce
80	Committee on Judiciary
109	Committee on Human Services
117	Committee on Health
144	Committee on Health, then to the Committee on Finance
157	Committee on Labor & Public Employment

The following bills were re-referred to committee by the Speaker:

S.B.
Nos.Re-referred to:

218, SD4	Committee on Health, then to the Committee on Finance
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1317, SD1	Committee on Judiciary
2133, SD2, HD1	Committee on Health, then to the Committee on Finance
2161, SD2, HD1	Committee on Human Services, then to the Committee on Finance
2188, SD1, HD1	Committee on Human Services, then to the Committee on Judiciary
2563, SD1, HD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolutions (H.R. Nos. 274 and 275) were announced by the Clerk and the following action taken:

H.R. No. 274, entitled: "HOUSE RESOLUTION CONGRATULATING SHERI KOJIMA AS THE 2006 HAWAII STATE TEACHER OF THE YEAR, AND COLLEEN UEJO, JOANNE FUJITA-OSHIRO, MAKANOE KAWASAKI, EVELYN OSHIMA, LINDA YONEMURA, AND RYNE TERAQ AS THE 2006 HAWAII STATE DISTRICT TEACHERS OF THE YEAR," was jointly offered by Representatives Takumi and Berg.

H.R. No. 275, entitled: "HOUSE RESOLUTION CONGRATULATING BEBI DAVIS AND CARL MATSUMOTO AS THE 2005 RECIPIENTS OF THE DISTINGUISHED MILKEN FAMILY FOUNDATION NATIONAL EDUCATOR AWARD," was jointly offered by Representatives Takumi and Berg.

Representative Takumi, moved that H.R. Nos. 274 and 275 be adopted, seconded by Representative Berg.

Representative Takumi introduced Ms. Sheri Kojima of Waiakea High School, the 2006 Hawaii State Teacher of the Year who was seated on the floor of the House.

Representative Berg then introduced the 2006 Hawaii State District Teachers of the Year who were seated on the floor of the House:

Ms. Colleen Uejo of Linapuni Elementary School, Honolulu District Teacher of the Year;

Ms. Joanne Fujita-Oshiro of Helemano Elementary School, Central District Teacher of the Year;

Ms. Makanoe Kawasaki of Waiau Elementary School, Leeward District Teacher of the Year;

Ms. Evelyn Oshima of Puohala Elementary School, Windward District Teacher of the Year who was not in attendance;

Ms. Linda Yonemura of Molokai High School, Maui District Teacher of the Year; and

Mr. Ryne Terao of Kapaa Middle School, Kauai District Teacher of the Year.

Representative Berg also introduced the recipients of the Milken Family Foundation National Educator Award who were seated on the floor of the House:

Ms. Bebi Davis of Governor Wallace Rider Farrinton High School; and

Mr. Carl Matsumoto of Waipahu High School.

At 12:26 o'clock p.m., Representative Takumi requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:27 o'clock p.m.

Representative Takumi recognized the many friends and family, who were seated in the gallery:

Guest of Ms. Makanoe Kawasaki:

Mr. Mike Kawasaki;
Ms. Kevie Kawasaki;
Ms. Wehi Kawasaki;
Mr. Kody Kawasaki;
Mr. Kenichi Kakazu; and
Ms. Mutsuko Kakazu.

Guest of Ms. Colleen Uejo:

Ms. Suzzan Kobatake; and
Mr. Katsuhiro Ishige.

Guest of Ms. Sheri Kojima:

Mr. Dave Kojima;
Mr. Tyler Kojima;
Mr. Cody Kojima; and
Mr. Shaun Kojima.

Guest of Ms. Joanne Fujita-Oshiro:

Mr. Alex Fujita-Oshiro; and
Mr. Jake Fujita-Oshiro.

Guest of Mr. Ryne Terao:

Ms. Billie Terao;
Mr. Alika Terao;
Ms. Ryana Terao; and
Ms. Kay Terao.

Guest of Mr. Carl Matsumoto:

Ms. Ruth Ota;
Mr. Asher Ota;
Ms. June Matsumoto;
Mr. Glenn Matsumoto;
Ms. Joann Inouye; and
Ms. Cindy Matsuda.

Guest of Ms. Bebi Davis:

Ms. Catherine Payne;
Ms. Shannon Goo;
Mr. Harry Davis;
Ms. Anlyn Ramos;
Ms. Bao-yen Nguyen;
Ms. Shyrah Esteban;
Mr. Manh Ngo; and
Mr. Benjie Batangan.

The motion was put to vote by the Chair and carried, and H.R. Nos. 274 and 275 were adopted with Representatives Kahikina, Nakasone, Souki and Takamine being excused.

At 12:29 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:39 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1275-06) recommending that H.R. No. 49, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 49, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK IN KAPOHO, HAWAII," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1276-06) recommending that H.C.R. No. 65, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 65, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ASSESS THE FEASIBILITY OF DEVELOPING A PARK IN KAPOHO, HAWAII," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1277-06) recommending that H.R. No. 97, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 97, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH USER ADVISORY COMMITTEES FOR THE SMALL BOAT HARBORS," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1278-06) recommending that H.C.R. No. 132, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 132, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ESTABLISH USER ADVISORY COMMITTEES FOR THE SMALL BOAT HARBORS," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1279-06) recommending that H.R. No. 13, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 13, entitled: "HOUSE RESOLUTION URGING THE HAWAII YOUTH CORRECTIONAL FACILITY TO CONDUCT A STUDY ON THE FEASIBILITY OF PROVIDING A CONTINUUM OF ALCOHOL, SUBSTANCE ABUSE, SEX OFFENDER, SEX ABUSE VICTIM, AND MEDICAL AND MENTAL HEALTH SERVICES FOR INCARCERATED YOUTH," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1280-06) recommending that H.R. No. 26, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 26, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO

CONVENE A WORKING GROUP TO DETERMINE THE FEASIBILITY OF IMPLEMENTING PROCEDURES FOR PLACING A CHILD IN TEMPORARY FOSTER CUSTODY WITH KIN OR NON-KIN FOSTER PARENTS," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1281-06) recommending that H.C.R. No. 35, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 35, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONVENE A WORKING GROUP TO DETERMINE THE FEASIBILITY OF IMPLEMENTING PROCEDURES FOR PLACING A CHILD IN TEMPORARY FOSTER CUSTODY WITH KIN OR NON-KIN FOSTER PARENTS," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1282-06) recommending that H.R. No. 42, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 42, entitled: "HOUSE RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1283-06) recommending that H.C.R. No. 57, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1284-06) recommending that H.R. No. 28, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 28, entitled: "HOUSE RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1285-06) recommending that H.C.R. No. 41, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 41, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1286-06) recommending that H.C.R. No. 8, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1287-06) recommending that H.C.R. No. 50, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 50, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII TOURISM AUTHORITY TO OFFER THE MISS HAWAII ORGANIZATION, AS AGENT FOR MISS HAWAII, A CONTRACT FOR MISS HAWAII'S SERVICE AS THE OFFICIAL HONORARY HOSTESS OF THE STATE OF HAWAII IN PROMOTING HAWAII'S VISITOR INDUSTRY," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1288-06) recommending that H.C.R. No. 204, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND THE COUNTIES TO PRIORITIZE EXPENDITURE OF FEDERAL HOMELAND SECURITY FUNDS ON INTEROPERABLE COMMUNICATIONS SYSTEMS," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

At 12:41 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:44 o'clock p.m.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1289-06) recommending that H.R. No. 87, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 87, entitled: "HOUSE RESOLUTION URGING THE BUSH ADMINISTRATION AND THE UNITED STATES CONGRESS TO FULLY RESTORE THE BUDGET CUTS TO THE EQUIPMENT AND PERSONNEL BUDGET OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE UNITED STATES," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1290-06) recommending that H.C.R. No. 120, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BUSH ADMINISTRATION AND THE UNITED STATES CONGRESS TO FULLY RESTORE THE BUDGET CUTS TO THE EQUIPMENT AND PERSONNEL BUDGET OF THE ARMY

NATIONAL GUARD AND AIR NATIONAL GUARD OF THE UNITED STATES," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1291-06) recommending that H.R. No. 34, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 34, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT ALLOW NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE TO RETIRE WITH FULL RETIREMENT BENEFITS AT AGE FIFTY-FIVE," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1292-06) recommending that H.C.R. No. 48, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 48, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT ALLOW NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE TO RETIRE WITH FULL RETIREMENT BENEFITS AT AGE FIFTY-FIVE," was adopted, with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1293-06), recommending that H.C.R. No. 97, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Finance with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1294-06), recommending that H.C.R. No. 128, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE WARRANTS SECTION OF THE SHERIFF DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY," was referred to the Committee on Finance with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1295-06) recommending that S.B. No. 2159, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2159, SD 2, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO IDENTITY THEFT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1296-06) recommending that S.B. No. 2293, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2293, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Kahikina, Saiki, Souki, Stonebraker and Takamine were excused.)

THIRD READING

S.B. No. 2158, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2158, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Third Reading by a vote of 43 ayes, with Representatives Halford, Kahikina, Karamatsu, Saiki, Shimabukuro, Souki, Stonebraker and Takamine being excused.

S.B. No. 2018, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2018, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Third Reading by a vote of 43 ayes, with Representatives Halford, Kahikina, Karamatsu, Saiki, Shimabukuro, Souki, Stonebraker and Takamine being excused.

S.B. No. 3008:

Representative M. Oshiro moved that S.B. No. 3008, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose, stating:

"Thank you, Mr. Speaker. First of all, I don't know if I'm in order or not, but would the Chair of the Labor and Public Employment Committee ... I have a question on the bill before I register my vote."

At 12:46 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

Representative Harbin rose, stating:

"Thank you, Mr. Chair. I stand corrected. The question is, will the Chair of Labor and Public Employment yield to a question?"

The Chair then stated:

"Chair of Labor?"

Representative Caldwell responded, stating:

"No."

Representative Harbin continued in opposition to the measure, stating:

"Thank you, Mr. Chair. I may now proceed. I will be voting a very strong no. It is very obvious that no one really seems to understand the impact of this bill. Perhaps maybe even the one Committee that had the ability to hear this bill.

"Mr. Chair, this bill is very destructive. It's a destructive bill to the employees of the State of Hawaii. It's a destructive bill to the businesses of Hawaii. And worse, it's a destructive bill to our economy. I think many of us know what the word 'trifecta' means and this is an exact example of what is going to happen to us.

"Let me explain why this is a very difficult bill to answer any questions for. We park our car, we get three parking tickets, you're banished for life for the next two years from driving your car or parking your car.

"This bill has absolutely no discretion in the hands of the Department of Labor. I believe I read somewhere in the testimony where it says for example, if the Department of Labor were to conduct an investigation of three Chapter 104 projects of one contractor, of which with the booming economy that we have now, one contractor could feasibly have three or four projects going at once. And they find that one of their employees, one of their payroll clerks makes a mistake. A mistake such as failing to post the wage standard requirements, which come out every six months. Just a simple clerical error, two of those, three of those. That employer is banished, off the job, banished from doing public works.

"What is going to happen to all of those employees, Mr. Speaker? I say, they're going to lose their jobs. And as we go through and we keep killing off small businesses, you're killing some of our larger contractors. We're going to be sitting here with public works, schools, affordable housing, agriculture infrastructure with no one to do the work because we have a law that says, three mistakes and you're gone.

"Mr. Speaker, if this particular law was in effect for bodies such as the Legislature, we would have been out of business when we started in Session because we failed to pay our employees on time. I'm asking when this goes upstairs to the Governor that she veto it. And when it comes back down here, those of you that really care about our economy, care about our affordable housing, care about our agriculture infrastructure, come talk to me and I will tell you how bad this bill is, and what it's going to do to our people. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. This bill, Mr. Speaker, we've heard the generalizations, we've heard the hysteria, we've heard the doom and gloom predictions. None of them are based in fact, Mr. Speaker. A lot of *shibai* has been stated, but let's talk about the facts here, Mr. Speaker. There are between five and eight DLIR investigators at any given time assigned to investigate prevailing wage violations, Chapter 104, Little Davis Bacon as referred to in our State, Mr. Speaker.

"These investigators cover 30,000 construction workers in our State and approximately \$5 billion dollars worth of work right now, Mr. Speaker. It's a very daunting task for these hard workers, hard working DLIR people. They're completely overextended in their investigations.

"Some might say that by changing the laws as we are doing by this proposed legislation, we're giving them more work ..."

Representative Harbin rose, stating:

"Mr. Speaker, wrong bill. Mr. Speaker for what purpose is the speaker speaking?"

The Chair then stated:

"Representative Harbin, you're out of order, Representative Harbin. Please have a seat. Thank you. Representative Caldwell, please continue."

Representative Caldwell continued, stating:

"Thank you, Mr. Speaker. I appreciate it. By giving them more work. But Mr. Speaker, we're not changing the workload, we're changing how they assess the violation. That's what we're talking about here today, Mr. Speaker.

"Contractors which violate Chapter 104, three times in two years, are barred from bidding on public work projects for a period of three years. That's a correct statement. Investigations and violations take a minimum of six months and up to two years with the average taking 16 months, Mr. Speaker. So it's getting close to two years. In other words, Mr. Speaker, by the time the Department of Labor completes its investigation, the contractor will be close to passing that two-year threshold which is so critical, and therefore safe from being prohibited from bidding again even though they may have multiple violations during that two year period.

"Mr. Speaker, between the years 2001 and 2005, the Department of Labor has investigated and closed about 50 investigations of Chapter 104 violations. It's interesting, Mr. Speaker, to point out that all of these violators were non-union contractors except for one. Interesting fact, 14 of these investigations involved multiple projects ranging between 2 and 11 construction sites. So we're not talking about de minimis violations of one-time violations. We're talking about major violations on multiple projects, not only on one island but ranging across multiple islands by these contractors.

"They all resulted though, Mr. Speaker, in a single fine. One fine for these multiple violations on multiple projects. Four contractors investigated for violations were cited for multiple violations on at least five different projects.

"Some say these errors tend to be minor errors due to misunderstanding the laws. DLIR has great discretion, Mr. Speaker, now and will under this bill to determine the de minimis violations, and they do all the time. They're very business friendly, they're not looking to 'nickel and dime'. They're looking for major violations because they don't have the time to investigate the small violations."

Representative Chong rose to yield his time, and the Chair, "so ordered."

Representative Caldwell continued, stating:

"Mr. Speaker, evidence suggests that these violations vary in their nature from overtime violations; declassification violations, meaning you're classified to do one kind of job and you're doing another, but you're paying at the lower pay scale; to underpayment, straight not paying you what you're owed. Not only are these violations varied, but spread over multiple projects as already stated.

"Mr. Speaker, evidence suggest that not only is there no disincentive for violating the law, but there may in fact be an incentive to violate because once caught in the first violation, multiple violations after that are still counted as a single violation. So why not keep violating because you're going to get slapped just once? Why would we as lawmakers encourage such a system to exist?

"Opponents of this legislation suggest that this in some way targets small business, the 'mom and pop' contractors. This is bogus, Mr. Speaker, straight and simple. We're talking about large public works projects here. Projects that are too large for small business contractors. These are not BIA members. These are medium to large contractors, which have the staff and the knowledge, and should be held accountable for violations of Chapter 104.

"I'd like to share an example with you, Mr. Speaker, of an employee who worked on a public works project in 2003. I won't give you the employee's name, but he worked on a project at Honolulu Hale, subject to Chapter 104. The employee was classified as a laborer and paid at the hourly rate of a laborer, which was lower, but yet he was asked to perform functions as an operating engineer, a much higher pay category, but was only paid the laborer's wage.

"When the case was investigated, it turned up that the employee was underpaid by about \$3,300 dollars. Not in a year, Mr. Speaker, but in one month. Think about that kind of pay being withheld from many of us for hard work performed.

"Now, Mr. Speaker, it's difficult for the employee to 'rat out' the employer in projects such as this so when the fine is leveled it's usually much smaller and negotiated at below the actual pay denied because the worker, the construction worker, wants to keep his or her job.

"Mr. Speaker, you've heard a lot this Session about prevailing wage. No one is talking about intentionally hurting business. I've not heard anyone say that on either side of the aisle. And anyone who says so and some have, are trying to frighten the business community. It is not a true statement of fact.

"In fact, Mr. Speaker, we're trying to protect our good corporate neighbors who do willingly comply with Chapter 104, but are invariably underbid by cheaters who bid low with the expectation that they're going to cut corners and pay their workers at a lower wage rate, at the expense of the working men and women of this State.

"The saddest thing about all of this, Mr. Speaker, is that one side is fighting for contractors that violate Chapter 104, and the other side which I believe is the side that I stand on, and the rest of us on this side of the aisle, and I think others on the other side of the aisle stand on, is fighting for the contractors who want a level playing field, who do abide by the laws, who abide by Chapter 104, do not violate Chapter 104, and the employee who is getting cheated out of the money that he or she earned fair and square.

"For me, Mr. Speaker, I think the choice is so clear and so easy, and that choice is to vote for this bill, send it up to the Governor, and I hope she signs it. If she supports the working men and women of this State and the contractors who do want a level playing field, she will not veto this bill. Thank you very much, Mr. Speaker."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to the bill. This bill does not simply clarify the law as the description suggests, but actually changes the law from what was intended. The current penalty structure allows contractors some room to learn a very complicated law pertaining to wage rate schedules that change every six months.

"If a mandatory penalty structure is imposed per project instead of per investigation, this will eliminate many viable contractors from eligibility to bid on jobs even when just the smallest mistake is made.

"Listening to the Labor Chair, it sounds like you have these nefarious contractors that are out there to cheat their workers. There may be some of those, I'll grant you that. But I think that for

contractors that are not union shops, they are not accustomed to this. It takes people to be watching. There's a lot more paperwork. I just would be a lot more comfortable if it was per investigation. I think that it's true the Department of Labor has some discretion, but this bill sets it up to be very confrontational, they're going to be slapping your hands for very small things and for those reasons, I can't support it. Thank you, Mr. Speaker."

Representative Thielen rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. Just a ruling on a potential conflict. I have two sons that are contractors," and the Chair ruled "no conflict."

Representative Harbin rose to respond, stating:

"Thank you, Mr. Speaker. In rebuttal to our Labor Chair. On March 6th, in preparation for these bills, making their way through our Chambers, I wrote a letter to the Department of Labor. And one of the questions I asked was the statistics that were available for compliance review that the Department has conducted in the past year, which was last year, because I know they were doing random samplings of compliance with the prevailing wage. And I asked for it to be broken down by categories, and I also asked for it to be broken down by union versus nonunion. I'm going to read very quickly some statistics.

"They provided me a list of 143 randomly chosen employers for the purpose of compliance of Chapter 104. Of that 143, 70 of the companies employed union employees, 73 employed nonunion. And they also enclosed a copy of the compliance review statistics. But basically the specific violations that they found were, 10 of them were monetary violations noted in the company's, the nonunion company's generated reviews.

"What they found was that the prevailing wages that were due the employees ran from \$6.87 to one employer at \$37,915.46, that was one employer. But the median, the median violations of all of these companies that they did find was running \$263.20.

"Now bear this in mind, it's not as though these are violations where the employee sort of sits there and doesn't get their day. These are violations where there were errors and the employees were all made whole. They found of the 10 monetary violations, 7 had overtime miscalculations. Again with median wage due of \$381.72. One employer had an overtime wage due of \$11,000. Even with this figure, the average overtime violations for nonunion complaints that were generated was about \$706.

"These are errors that the employees were made whole. These are errors that are, you have to realize that certified payrolls are done on a weekly basis, weekly basis. You can have one employee that does carpentry work, and then does some painting work, and then does some traffic directing around the project, and then they may do some light clean up, and some janitorial work. Every one of those, Mr. Speaker, is a different category. And if for some reason there's a transposition in the supervisor's writing at the job site, all the way up to the clerk, these are the types of minor incidents that do happen.

"Again this is not just a small business issue. I'm a small business advocate and will be till the day I die. This is a businesses issue. This is an employment issue. We are taking jobs away from our people by taking away the ability of the risk-takers who put their lives and their finances and their homes on the line to create jobs, and go out there and build the affordable housing that we need. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 3008, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed Third Reading by a vote of 34 ayes to 9 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with

Representatives Halford, Kahikina, Karamatsu, Saiki, Shimabukuro, Souki, Stonebraker and Takamine being excused.

At 1:04 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2158, SD 2, HD 1 S.B. No. 3008
S.B. No. 2018, SD 1

ANNOUNCEMENTS

Representative B. Oshiro: "Mr. Speaker, on behalf of my office, I just wanted to thank everyone in the House of Representatives for participating in our chili cook-off to help benefit the Hawaii Foodbank. It was a tremendous success. We actually raised over \$800 that will be donated. I did want to announce the winners. In first place is Representative Berg's office. In second place is Representative Marumoto's office. And in third place, it was the House Chief Clerk's Office. So thank you all very much for participating."

Representative Arakaki: "Sorry, Mr. Speaker, I almost forgot. Today is a very important day because today is National Doctors' Day. And in honor of all those doctors who are dedicated to the healing of the mind and body, as well as continued research to better the lives and health of individuals in our community, I just want to stand and recognize, I guess since we only have one doctor in the House, we'll recognize Dr. Green and I'll give him this certificate. And he can accept it on behalf of all the doctors throughout the State of Hawaii. Thank you."

Representative Green: "I guess I shouldn't have signed this. Well, just thanks everyone. I appreciate you being understanding when my schedule is a little weird. But I think the doctors out there do really appreciate your recognition. It means a lot to people. Thank you."

ADJOURNMENT

At 1:06 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, March 31, 2006. (Representatives Halford, Kahikina, Karamatsu, Saiki, Shimabukuro, Souki, Stonebraker and Takamine were excused.)

HOUSE COMMUNICATION

House Communication dated March 29, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has discharged all House Conferees for: (1) House Bills listed on the Tuesday, March 28, 2006, House Action Sheet; and (2) Senate Bills listed on Tuesday, March 28, 2006 Senate Action Sheet.

In accordance with the above communication, all House Conferees for the following House and Senate bills were discharged:

H.B. Nos.

97, HD2, SD2	906, HD1, SD1
128, HD2, SD2	912, HD1, SD1
138, HD1, SD1	938, HD1, SD1
169, HD1, SD1	954, HD1, SD2
214, HD1, SD1	955, HD1, SD2
222, SD2	957, HD1, SD1
244, HD1, SD1	997, HD1, SD2
256, SD1	998, HD2, SD2

328, SD1	1082, HD3, SD2
330, HD1, SD2	1132, HD1, SD2
416, HD2, SD2	1136, HD3, SD2
429, HD1, SD1	1152, HD1, SD1
434, SD1	1200, HD2, SD2
466, HD2, SD2	1214, HD2, SD2
471, HD2, SD2	1278, HD2, SD1
488, SD2	1280, HD1, SD2
491, SD2	1303, HD2, SD2
505, HD1, SD2	1331, HD1, SD2
584, HD1, SD1	1360, HD2, SD2
588, HD1, SD1	1433, SD2
644, HD1, SD1	1442, HD2, SD2
704, HD1, SD2	1536, HD1, SD1
792, HD1, SD2	1590, HD2, SD2
833, HD1, SD1	1605, HD1, SD2
842, SD1	1645, HD1, SD2
862, HD2, SD2	1713, HD1, SD2
863, HD2, SD2	1728, HD1, SD2
868, HD2, SD1	1784, HD2, SD2
875, HD2, SD2	

S.B. Nos.

97, SD1, HD1	1137, SD1, HD1, CD1
101, HD1	1141, SD1, HD2
120, SD1, HD1	1193, SD1, HD1
244, SD2, HD1	1201, SD2, HD3
433, SD2, HD1	1221, SD2, HD1
440, SD1, HD1	1268, SD2, HD2
467, SD2, HD2	1410, SD1, HD1
486, SD2, HD1	1461, SD2, HD1
561, SD1, HD1	1557, SD2, HD2
575, SD1, HD1	1583, SD1, HD1
607, SD1, HD1	1584, SD1, HD1
637, SD2, HD1	1636, SD2, HD1
751, SD2, HD2	1650, SD2, HD1
801, SD 2, HD 2	1695, SD2, HD2
819, SD1, HD1	1697, SD2, HD1
873, SD2, HD2	1698, SD2, HD1
935, SD1, HD1, CD1	1740, SD1, HD1
959, SD2, HD1	1745, SD1, HD1
971, SD2, HD1	1747, SD2, HD1
982, SD2, HD1	1781, HD1
1022, SD1, HD1	1792, SD1, HD1
1065, SD2, HD1	1854, SD1, HD2
1081, SD2, HD1	1888, SD1, HD1
1114, SD1, HD1	1893, HD1
1129, SD2, HD1	1897, SD2, HD2

FORTY-FIRST DAY

Friday, March 31, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:09 o'clock p.m., with Vice Speaker Takai presiding.

The invocation was delivered by Representative Corinne W.L. Ching, after which the Roll was called showing all members present with the exception of Representatives Berg, Caldwell, Karamatsu, Souki, Stonebraker, Takamine and Tsuji, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fortieth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 414 through 420) were received and announced by the Clerk:

Sen. Com. No. 414, transmitting S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," which was adopted by the Senate on March 30, 2006.

Sen. Com. No. 415, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 706, SD 2, HD 2	S.B. No. 2501, SD 1, HD 1
S.B. No. 826, HD 2	S.B. No. 2506, HD 1
S.B. No. 895, SD 1, HD 2	S.B. No. 2603, SD 1, HD 1
S.B. No. 2255, SD 1, HD 1	S.B. No. 2924, SD 1, HD 1
S.B. No. 2283, SD 1, HD 1	S.B. No. 2941, SD 1, HD 1
S.B. No. 2430, SD 2, HD 1	

Sen. Com. No. 416, transmitting H.B. No. 1982, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH," which passed Third Reading in the Senate on March 30, 2006.

Sen. Com. No. 417, transmitting H.B. No. 1984, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA," which passed Third Reading in the Senate on March 30, 2006.

Sen. Com. No. 418, transmitting H.B. No. 2299, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," which passed Third Reading in the Senate on March 30, 2006.

Sen. Com. No. 419, transmitting H.B. No. 2508, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," which passed Third Reading in the Senate on March 30, 2006.

Sen. Com. No. 420, transmitting H.B. No. 3253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," which passed Third Reading in the Senate on March 30, 2006.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Berg, Cabanilla, Caldwell, Karamatsu, Souki, Stonebraker, Takamine and Tsuji were excused.)

H.B. No. 1982, HD 2, SD 1 H.B. No. 2508, HD 2, SD 1

H.B. No. 1984, HD 1, SD 1 H.B. No. 3253, SD 1
H.B. No. 2299, HD 1, SD 1

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 61) was received by the Clerk and was placed on file:

Dept. Com. No. 61, dated March 22, 2006, from Chiyome Leinaala Fukino, M.D., Director of Health, Department of Health, transmitting the Indicators of Environmental Quality, 2006 Report.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Carroll introduced University of Hawaii Political Science student, Ms. Terry Alldno and her friend.

Representative Arakaki introduced members of the Lupus Foundation of America: President of the Hawaii Chapter, Ms. Cheryl Ann Jong; Board of Director members: Mr. Edmund Kajiyama, Mr. Kevin Jong, Ms. Tracy Nakashima, Ms. Linda Dullin; and Director of Operations, Mr. Chris Inoue.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolution and resolution were re-referred to committee by the Speaker:

H.C.R.
No.

Re-referred to:

141	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
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H.R.
No.

Re-referred to:

207	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Health
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The following bills were re-referred to committee by the Speaker:

S.B.
Nos.

Re-referred to:

2155, SD2	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources
3076, SD1	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolutions (H.R. Nos. 276 and 277) were announced by the Clerk and the following action taken:

H.R. No. 276, entitled: "HOUSE RESOLUTION CONGRATULATING LISA DELONG FOR BEING NAMED HAWAII'S 2005 HIGH SCHOOL PRINCIPAL OF THE YEAR, CAROLINE WONG FOR BEING NAMED HAWAII'S 2005 MIDDLE SCHOOL PRINCIPAL OF THE YEAR, AND BRUCE NAGUWA FOR BEING NAMED THE HAWAII'S 2005 ELEMENTARY SCHOOL PRINCIPAL OF THE YEAR," was jointly offered by Representatives Takumi and Berg.

H.R. No. 277, entitled: "HOUSE RESOLUTION RECOGNIZING KAULUWELA ELEMENTARY SCHOOL, KING WILLIAM LUNALILO ELEMENTARY SCHOOL, AND NUUANU ELEMENTARY SCHOOL AS HAWAII'S NOMINEES FOR THE NATIONAL 2006 NO CHILD LEFT BEHIND - BLUE RIBBON SCHOOLS PROGRAM," was jointly offered by Representatives Takumi and Berg.

Representative Takumi, moved that H.R. Nos. 276 and 277 be adopted, seconded by Representative Shimabukuro.

Representative Takumi introduced the following honorees, who were seated on the floor of the House:

Ms. Lisa Delong of Kahuku High and Intermediate School, 2005 High School Principal of the Year;

Ms. Caroline Wong of Moanalua Middle School, 2005 Middle School Principal of the Year; and

Mr. Bruce Naguwa of Kipapa Elementary School, 2005 Elementary School Principal of the Year.

Representative Shimabukuro then introduced principals of schools recognized by the 2006 No Child Left Behind – Blue Ribbon Schools Program:

Ms. Gwendolyn Lee of Kauluwela Elementary School;

Mr. Dean Nakamoto of King William Lunalilo Elementary School; and

Mr. Clayton Kaninau of Nuuanu Elementary School.

Representative Takumi then recognized the many friends and family, who were seated in the gallery:

Guests of Ms. Caroline Wong:

Mr. Lloyd Wong;
Ms. Mew Lee Wong; and
Mr. Jason Wong.

Guests of Mr. Bruce Naguwa:

Ms. Shari Naguwa;
Mr. Greg Naguwa;
Mr. Kurt Naguwa;
Mr. Wade Naguwa; and
Ms. Tsuruko Naguwa.

Guests of Mr. Dean Nakamoto:

Ms. Rita Jones; and
Ms. Toni Raney.

The motion was put to vote by the Chair and carried, and H.R. Nos. 276 and 277 were adopted with Representatives Berg, Caldwell, Chang, Karamatsu, Nakasone, Souki, Stonebraker, Takamine and Tsuji being excused.

At 12:28 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:37 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1297-06), recommending that H.R. No. 15, be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 15, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING AT THE UNIVERSITY OF HAWAII TO INVESTIGATE AND RECOMMEND WAYS TO ASSIST THE PUBLIC AND PRIVATE SECTORS TO RELIEVE THE NURSING SHORTAGE AND ENSURE A CONTINUOUS, ADEQUATE SUPPLY OF NURSES TO STAFF HOSPITALS AND OTHER MEDICAL FACILITIES IN THE STATE," was referred to the Committee on Higher Education with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1298-06), recommending that H.C.R. No. 22, be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 22, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII STATE CENTER FOR NURSING AT THE UNIVERSITY OF HAWAII TO INVESTIGATE AND RECOMMEND WAYS TO ASSIST THE PUBLIC AND PRIVATE SECTORS TO RELIEVE THE NURSING SHORTAGE AND ENSURE A CONTINUOUS, ADEQUATE SUPPLY OF NURSES TO STAFF HOSPITALS AND OTHER MEDICAL FACILITIES IN THE STATE," was referred to the Committee on Higher Education with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1299-06), recommending that H.C.R. No. 223, be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT TO DETERMINE WHETHER FUNDS ALLOCATED FROM THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND TO THE UNIVERSITY REVENUE-UNDERTAKINGS FUND HAVE BEEN APPROPRIATELY EXPENDED," was referred to the Committee on Higher Education with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1300-06), recommending that H.C.R. No. 85, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 85, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE INSURANCE COMMISSIONER TO INVESTIGATE METHODS OF EXPANDING ACCESS TO QUALITY END-OF-LIFE, PALLIATIVE CARE," was referred to the Committee on Consumer Protection & Commerce with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Arakaki, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1301-06), recommending that H.R. No. 90, be referred to the Committee on Consumer Protection & Commerce; and

(Stand. Com. Rep. No. 1302-06), recommending that H.C.R. No. 123, be referred to the Committee on Consumer Protection & Commerce.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 90 and H.C.R. No. 123, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of both measures, stating:

"I stand in support of 1301 and 1302. I'd like to briefly speak because I think it's important for people to understand this. Hawaii has a nursing shortage particularly in specialty areas at the university and community college level. The solution to the issue is many faceted as some of the previous resolutions have indicated. The National Council of State Boards of Nursing administers the NCLEX RN exam in the United States and in several locations abroad, and has recently has expanded the number of sites that offer the NCLEX abroad for domestic nurse licensure purposes in order to make licensure available to qualified persons abroad.

"The current sites are London, England; Seoul, South Korea; and Hong Kong and they will be joined by Australia, India, Japan, Mexico, Canada, Germany, and Taiwan, but no site has been selected in the Philippines. All the security policies and procedures currently used to administer the NCLEX examination domestically are fully implemented at the international locations.

"Prior to 1990, foreign trained nurses wishing to take the NCLEX exam in Hawaii were required to take the CGFNS examination and that is an exam that actually looks at the likelihood of a nurse passing the NCLEX RN and it was a long process. But in 1990, Hawaii through an act of the Legislature, actually got rid of that requirement. All that needs to be taken now is the CES, which is an educational evaluation.

"So by offering the NCLEX at an additional location such as Manila, Hawaii would be assured a qualified source of nurses who would have taken the NCLEX in their home country and be ready for employment in a hospital as soon as they meet VISA requirements. Thank you very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 90, entitled: "HOUSE RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was referred to the Committee on Consumer Protection & Commerce with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused; and

H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was referred to the Committee on Consumer Protection & Commerce with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1303-06), recommending that H.R. No. 102, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 102, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON DECA-BROMODIPHENYLETHER," was referred to the Committee on Consumer Protection & Commerce with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1304-06), recommending that H.C.R. No. 139, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 139, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON DECA-BROMODIPHENYLETHER," was referred to the Committee on Consumer Protection & Commerce with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1305-06), recommending that H.R. No. 233, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1306-06), recommending that H.C.R. No. 299, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 233, HD 1, and H.C.R. No. 299, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Evans rose to speak in opposition to both measures, stating:

"Mr. Speaker, on 1305 and 1306, I rise in opposition. This is asking to help develop a financial plan to assist Honolulu Marine with construction of facilities at Sand Island. We had discussion about Honolulu Marine moving out of Kakaako, I believe it was last year or the year before, and I believe that the State is really helping these people quite a bit in getting them moved out of Kakaako. I'm very concerned that now we're moving towards helping them financially.

"The reason I say this is because I believe we're moving them into Keehi Lagoon, into a prime area that's not in the commercial DOT Harbor. As a matter of fact it's in the small boat harbor. So we have really extended ourselves by putting an industrial use into a small boat harbor facility without requiring DLNR to go out to the public and develop a master plan for that Keehi Lagoon and make these changes.

"The Harbor Users Group at DOT Commercial Harbor is currently going through some program looking at the uses at the commercial harbor, and I believe there is opportunity at the commercial harbor, at Honolulu Harbor, to maybe accommodate them. But having said that the decision seems to be to move them into Keehi Lagoon.

"The final comment is, there is a long-range plan, I believe for Barbers Point. There was a long-range plan to move all the boat shipyards out there. I do think this is premature and I'd like to see us move forward with Barbers Point and looking at the overall shipyard. Because what we're doing by allowing Honolulu Marine at Keehi Lagoon is giving them possibly the best prime real estate location that any shipyard could ask for, because if the Harbor Users Group and DOT decides to move all the shipyards out of Honolulu Harbor,

then they'll be the closest and they'll have that prime real estate access. Thank you."

Representative Stevens rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I rise with some strong reservations, in support with strong reservations please. Thank you. The previous speaker really summed it up very well, but we're in a position here where we're taking a business that's got 15 years left on a lease and moving them out of the way for the HCDA's development around Kewalo Basin and trying to find a location for them.

"My understanding is the location out at Sand Island is a little bit tentative as well because that's a location where Tesoro has an option to put some more fuel tanks. They may exercise that option. They may already have exercised that option and that would put a crimp on the area that this shipyard is to move to.

"So here we are, taking a company with a lease, moving them out and we'll find ourselves in a position where we're asking several of our government organizations to help them with their financial plan, help them financially, help them with land and it really just points to the fact that we do need some really strong planning before we embark on these types of redevelopments. Thank you, Mr. Speaker."

Representative Harbin rose to speak in opposition to both measures, stating:

"Mr. Speaker, please enter my complete opposition to these measures. Thank you."

Representative Kanoho rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In support. I need to make some clarification. Thank you. First of all, there will be no State funds involved. As has been pointed out, there still remains 15 years on the current lease. They would prefer to remain where they are, but that's not possible because it would be inappropriate for Honolulu Marine to continue occupying that space, whatever subsequently develops at Kakaako Makai. And for those who may not know it, Honolulu Marine is currently situated between Fisherman's Wharf and John Dominis Restaurant.

"Their location at Sand Island has pretty much been secured to the point where they've already constructed floating dry dock facilities at the current location. The materials alone have exceeded \$1 million. So all we're saying is because they are being moved, the move has been initiated by government, by HCDA, that as we have done with other tenants in Kakaako who have been required to relocate, we're providing a plan, not the money, to determine which would be the best financial arrangement, whether it's a special purpose revenue bond, or whether it's revenue bonds, or general obligation bonds, or reimbursable bonds, on which Honolulu Marine would absorb the entire debt service cost. And that to me, is a very logical and needed move on the part of State government. Thank you."

Representative Thielen rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I would like to just register a with reservations and make a few comments. Thank you. Mr. Speaker, the purpose of moving them is to develop Kakaako Makai but there are a number of other measures moving through the Legislature this Session that are stopping that development. And I guess my question at this point is, if there isn't sufficient funding to just put in the public improvements for Kakaako Makai, which there isn't, then it seems as if nothing will be done with that area for a period of years.

"I'm questioning now whether they actually need to move out of that area. They have 15 years left on their lease, it may take that long

before there's any movement actually to put some public improvements and whatever other improvements into Kakaako Makai. Thank you."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 233, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF BUDGET AND FINANCE, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was referred to the Committee on Finance with Representatives Evans and Harbin voting no, and with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused; and

H.C.R. No. 299, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF BUDGET AND FINANCE, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was referred to the Committee on Finance with Representatives Evans and Harbin voting no, and with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1307-06) recommending that H.C.R. No. 75, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO MCKINLEY HIGH SCHOOL PHYSICAL EDUCATION AND ATHLETIC FACILITIES," was adopted, with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1308-06) recommending that H.C.R. No. 9, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 9, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING ALL HAWAII SCHOOLS TO IMPLEMENT STANDARDS OF CONDUCT THAT DISCOURAGE INTIMIDATION AND PROMOTE SAFE AND PEACEFUL SCHOOLS THAT ARE EFFECTIVE LEARNING ENVIRONMENTS," was adopted, with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1309-06) recommending that H.R. No. 115, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1310-06) recommending that H.C.R. No. 155, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 115, HD 1, and H.C.R. No. 155, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Carroll rose in support of both measures, stating:

"Thank you, Mr. Speaker. I would just like to register my strong support for these two measures. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 115, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTY OF MAUI, WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DETERMINE THE FEASIBILITY OF REDEVELOPING THE OLD NAHIKU SCHOOL SITE AND MAKING IT AVAILABLE AS A COMMUNITY FACILITY," was adopted, with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused; and

H.C.R. No. 155, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF MAUI, WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DETERMINE THE FEASIBILITY OF REDEVELOPING THE OLD NAHIKU SCHOOL SITE AND MAKING IT AVAILABLE AS A COMMUNITY FACILITY," was adopted, with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1311-06) recommending that H.C.R. No. 152, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 152, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DETERMINE IF THERE ARE ADDITIONAL AREAS OFF THE COAST OF MAUI THAT WOULD BE APPROPRIATE FOR COMMERCIAL THRILL CRAFT OPERATIONS AND TO ISSUE PERMITS FOR THOSE AREAS," was adopted, with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1312-06) recommending that H.C.R. No. 64, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AND SECURE PASSAGE OF FEDERAL LEGISLATION ESTABLISHING A CATASTROPHIC REINSURANCE FUND TO SUPPORT STATE EFFORTS TO KEEP HOMEOWNERS' DISASTER INSURANCE AFFORDABLE," was adopted, with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1313-06) recommending that S.B. No. 2224, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji being excused.

ANNOUNCEMENTS

Representative Thielen: "Thank you. Mr. Speaker, I just wanted to announce that next Friday is Hemp Aloha Friday so I encourage Members to wear their hemp shirts or natural fiber shirts. Thank you."

Representative Green: "Thank you, Mr. Speaker. I just wanted to thank everyone for their participation on Wednesday's blood drive, especially the offices of Representative Tsuji, the Minority Leader, and Representative Marcus Oshiro, who coordinated the event with my office. 40 participants came, and we had 31 pints of blood. In wartime I think it's even more important to have blood donated. It's really important to our troops and to the community at large.

"I was going yield the floor to Representative Tsuji, who is unable to be here for the presentation, but he wanted to also thank the food donors who gave us a magnificent spread and arranging for food: pastries, cookies, dim sum, beef curry, and coqui frog. All cooked for the blood donors. Representatives Meyer, Marumoto, Cabanilla, Moses, Evans, Halford, Finnegan, Saiki, Chang, Souki, Waters, Nakasone, Lee, Magaoay, Abinsay, Yamashita, and Sergeant-at-Arms who also were very involved. Thanks to the entire Body and everyone who participated."

Representative Carroll: "Thank you, Mr. Speaker. I have an announcement today that my office will be hosting a soda float sale in Room 423, and the floats will be sold at \$2 each. Our goal is to sell a hundred floats today so I welcome all of our Members here, and staff, to please join us. All of these proceeds will benefit the Hawaii Foodbank. Thank you."

ADJOURNMENT

At 12:52 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, April 3, 2006. (Representatives Berg, Caldwell, Chang, Karamatsu, Souki, Stonebraker and Tsuji were excused.)

HOUSE COMMUNICATION

House Communication dated March 31, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1982, HD 2, SD 1
H.B. No. 1984, HD 1, SD 1
H.B. No. 2299, HD 1, SD 1
H.B. No. 2508, HD 2, SD 1
H.B. No. 3253, SD 1

FORTY-SECOND DAY

Monday, April 3, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:04 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. William Keli'i Akina of Youth for Christ Hawaii, after which the Roll was called showing all members present with the exception of Representatives Ching, Harbin, Kahikina, Karamatsu, Morita, Stonebraker and Takamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-First Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 421 through 423) were received and announced by the Clerk:

Sen. Com. No. 421, transmitting S.C.R. No. 83, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF A CULTURAL EXCHANGE BETWEEN THE PEOPLE OF HAWAII AND THE ISLAND OF RA'IATEA AND REQUESTING KE ALA 'OLINO NATIVE CULTURAL CENTER TO CONVENE A TASK FORCE TO HELP FACILITATE A CULTURAL EXCHANGE," which was adopted by the Senate on March 31, 2006.

Sen. Com. No. 422, transmitting S.C.R. No. 107, entitled: "SENATE CONCURRENT RESOLUTION URGING THE COUNTY COUNCILS TO ASSIST LOW-INCOME HOMEOWNERS," which was adopted by the Senate on March 31, 2006.

Sen. Com. No. 423, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

S.B. No. 2158, SD 2, HD 1

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Takai, on behalf of Speaker Say, Representative Finnegan and Representative Kahikina, introduced 11th and 12th grade students with the Youth for Christ Center for Tomorrow's Leaders: Noelani Cox, Dustin Fox, Tyler Humphries, Marjorie Jones, Keoni Kaleiwahea, Aaron Kamakawiwoole, Joshua Kamakawiwoole, Caitlin Karraker, Joshua LaBuda, Siyi Liu, Ethan Makuakane, Kristin Oketani, Ashley Olguin, Eryn Shon, Sara Tellio, Joshua Tengan, Bryce Yahata, and Chihui Yuan. They were accompanied by Mr. Keli'i Akina, President and Co-Founder; Mrs. Patty Akina, Co-Founder; and Mr. Danny Casey, Director of Operations.

Representative Sonson then recognized Keoni Kaleiwahea as the son of his office manager, Mrs. Park Kaleiwahea.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

S.C.R.
Nos.Referred to:

- | | |
|------------|---|
| 12,
SD1 | Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment |
| 58 | Committee on Housing |
| 83 | Jointly to the Committee on International Affairs and the Committee on Tourism & Culture |
| 107 | Jointly to the Committee on Human Services and the Committee on Housing |

COMMITTEE REASSIGNMENT

The following concurrent resolution was re-referred to committee by the Speaker:

H.C.R.
No.Re-referred to:

- | | |
|-----|---|
| 119 | Jointly to the Committee on Hawaiian Affairs and the Committee on Housing |
|-----|---|

INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)

The following resolution (H.R. No. 278) was announced by the Clerk and the following action taken:

H.R. No. 278, entitled: "HOUSE RESOLUTION HONORING THE C COMPANY 3-25 AVIATION REGIMENT, FORMERLY KNOWN AS THE 68TH MEDICAL DETACHMENT (AIR AMBULANCE), FOR THEIR SERVICE TO THE STATE OF HAWAII," was jointly offered by Representatives Pine, Magaoay, Moses, Tanaka, Evans, Harbin, Kawakami, Lee, Nishimoto, Stevens, Takamine, Wakai, Yamane and Yamashita.

Representative Pine, moved that H.R. No. 278 be adopted, seconded by Representative Magaoay.

Representative Pine thanked the members of C Company 3-25 Aviation Regiment for their service to the community and wished them well on their upcoming deployment.

Representative Magaoay introduced the following members of C Company 3-25 Aviation Regiment who were seated on the floor of the House:

Major Peter Eberhardt, Company Commander;
First Sgt. Giles Almeida, Company First Sergeant;
Chief Warrant Officer 3 Brian P. O'Connell,
Standardization Officer;
Sgt. Benjamin Walker, Flight Medic; and
Sgt. David A. Barnes, Aircraft Crewchief.

Representative Magaoay then introduced the other members of C Company 3-25 Aviation Regiment who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 278 was adopted with Representatives Harbin, Morita, Nakasone, Stonebraker and Takamine being excused.

The following resolution (H.R. No. 279) was announced by the Clerk and the following action taken:

H.R. No. 279, entitled: "HOUSE RESOLUTION CONGRATULATING THE HAWAII CAL RIPKEN BASEBALL TEAM ON WINNING THE 2005 CAL RIPKEN WORLD SERIES," was offered by Representative Ito.

Representative Ito, moved that H.R. No. 279 be adopted, seconded by Representative Chong.

Representative Ito congratulated the Oahu Stars and introduced the following team members seated on the floor of the House:

Mr. Gerald Oda, Team Manager;
Mr. Keith Oda, Coach;
Mr. Kewby Meyer, Team Member; and
Mr. Kalani Lagoc-Crawford, Team Member.

Representative Chong then introduced the other team members seated in the gallery: Timothy Arakawa, Jordan DePonte, Jake Fukimoto, Kash Kalohelani, Gavin Okada, Chris Sekiguchi, Ryan Yamane, and Joseph Yokoi.

Representative Chong also introduced Team Mother Georgette Meyer, and other family members, as well as Mr. Carl Watanabe, State Commissioner of the Cal Ripken Baseball Division.

The motion was put to vote by the Chair and carried, and H.R. No. 279 was adopted with Representatives Harbin, Morita, Nakasone and Stonebraker being excused.

At 12:27 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1314-06), recommending that H.R. No. 230, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 230, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH AN APPROPRIATE FEE FOR COURT-ORDERED FORENSIC EVALUATIONS AND TO PROVIDE COPIES OF THE EXAMINATION REPORTS TO THE DEPARTMENT OF HEALTH," was referred to the Committee on Judiciary with Representatives Harbin, Ito, Morita, Nakasone, Stonebraker and Yamane being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1315-06), recommending that H.C.R. No. 295, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 295, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO ESTABLISH AN APPROPRIATE FEE FOR COURT-ORDERED FORENSIC EVALUATIONS AND TO PROVIDE COPIES OF THE EXAMINATION REPORTS TO THE DEPARTMENT OF HEALTH," was referred to the Committee on Judiciary with Representatives Harbin, Ito, Morita, Nakasone, Stonebraker and Yamane being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1316-06), recommending that H.C.R. No. 135, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 135, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RESPECTFULLY REQUESTING THE PARTICIPATION OF THE GOVERNOR OR THE GOVERNOR'S DESIGNEE IN A JOINT LEGISLATIVE/EXECUTIVE BRANCH WORK GROUP DEDICATED TO FINDING AFFORDABLE SOLUTIONS TO HAWAII'S HEALTHCARE CRISIS," was referred to the Committee on Finance with Representatives Harbin, Ito, Morita, Nakasone, Stonebraker and Yamane being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1317-06), recommending that H.C.R. No. 148, as amended in HD 1, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 148, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. 1317 is a resolution requesting the counties to study and consider implementing rent control. I'm going to be voting no on this. I think that rent control has been tried in New York and Los Angeles. Both come up for me. It didn't work there, and I don't think it'll work here. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations. Although I appreciate the resolution's efforts in addressing Hawaii's affordable housing crisis, I believe rent controls are not the solution.

"According to the 2005 American Bar Association Legal Guide to Affordable Housing Development, law and economic theorists generally disfavor rent control as causing more problems than it solves, or accept it only if a particular situation causes demand to rise sharply at the same time that new construction of such units has been legally restricted in order to conserve resources, as during wartime.

"I agree with the Hawaii Association of Realtors that rent control does nothing to increase the supply of rental housing, and that increasing supply is the only long-term solution to Hawaii's rental housing shortage. Furthermore, unless a rent control law permits a fair rate of return over time, landlords (including landlords of affordable rentals) will not be able to maintain their units. It's imperative that we as a Legislature concentrate on other, more progressive solutions to the rental housing shortage.

"As legislators, we must be mindful of the possibility of black markets when rent control is applied."

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"HCR 148 requests the counties to study and to consider implementing rent control ordinances authorized under State law.

"According to ERI, Geographic Reference Report 2006, Cost of Living Analyses for Honolulu, Hawaii vs. U.S. in 2006, a family of four renting accommodations in Honolulu needs to earn \$111,695 or

55% more income to maintain a lifestyle similar to a comparable family earning \$72,000 in the continental United States.

"Although the 2003 median income of \$71,320 for a family of four in Hawaii was higher than the national figure of \$65,093, this is still below the amount required to maintain the same standard of living for a family of four in Hawaii as elsewhere in America.

"These numbers came to life as we heard the heart-wrenching testimony of a mother of four who states that her rent has increased by \$400 in less than a year. She pays \$2,400 in rent and her rent will increase to \$2,800. She and her husband work and make good money. They are professional individuals. However, they cannot afford another arbitrary rent increase. Their household expenses already extend more than \$3,400 with rent and utilities.

"Another family who complained that the rental was uninhabitable and needed to have repairs, after which the landlord raised the rent the cost of the \$480 repair in order to repair the inside plumbing.

"Rent control is not new to Hawaii. It is already State law. Section 46-1.5(2) Hawaii already authorized the counties to enact rent control and therefore the resolution does not have to study the constitutionality of rent control.

"However, what we are suggesting with this resolution is that each county study and consider implementing rent control. Additionally, we are requesting the Attorney General to provide an opinion to the counties with regard to how they could implement rent control."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 148, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO STUDY AND TO CONSIDER IMPLEMENTING RENT CONTROL ORDINANCES AUTHORIZED UNDER STATE LAW," was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Harbin, Ito, Morita, Nakasone, Stonebraker and Yamane being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1318-06) recommending that H.C.R. No. 84, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE AVAILABLE SCIENTIFIC RESEARCH ON DECABROMODIPHENYL ETHER AND ASSESS THE AVAILABILITY OF SAFER, EFFECTIVE, AND TECHNICALLY FEASIBLE FLAME RETARDANTS THAT CAN BE USED IN ITS PLACE," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1319-06) recommending that H.C.R. No. 112, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 112, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1320-06) recommending that H.C.R. No. 247, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 247, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE REGULATION OF MORTGAGE BROKERS AND SOLICITORS BY THE DIVISION OF FINANCIAL INSTITUTIONS," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1321-06) recommending that H.R. No. 184, be adopted; and

(Stand. Com. Rep. No. 1322-06) recommending that H.C.R. No. 243, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 184 and H.C.R. No. 243, be adopted, seconded by Representative B. Oshiro.

Representative M. Oshiro rose in support of both measures, stating:

"Mr. Speaker, I stand in strong support."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 184, entitled: "HOUSE RESOLUTION CONDEMNING THE GENOCIDE IN WESTERN SUDAN AND URGING CONGRESS WITH THE SUPPORT OF THE PRESIDENT TO ENGAGE THE INTERNATIONAL COMMUNITY TO TAKE ACTION TO PROTECT THE PEOPLE OF DARFUR," was adopted, with Representatives Ito, Morita and Stonebraker being excused; and

H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING THE GENOCIDE IN WESTERN SUDAN AND URGING CONGRESS WITH THE SUPPORT OF THE PRESIDENT TO ENGAGE THE INTERNATIONAL COMMUNITY TO TAKE ACTION TO PROTECT THE PEOPLE OF DARFUR," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1323-06) recommending that H.C.R. No. 109, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 109, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PLANNED COMMEMORATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE FUKUOKA AND HAWAII SISTER-STATE RELATIONSHIP," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1324-06) recommending that H.C.R. No. 273, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 273, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES TRADE REPRESENTATIVE TO INCLUDE A REPRESENTATIVE OF THE STATE OF HAWAII IN THE MEMBERSHIP OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE ON TRADE AND DESIGNATE THIS REPRESENTATIVE AS THE SINGLE POINT OF CONTACT FOR THE STATE OF HAWAII," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1325-06) recommending that H.R. No. 153, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 153, entitled: "HOUSE RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1326-06) recommending that H.C.R. No. 199, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Kahikina, for the Committee on Housing presented two reports:

(Stand. Com. Rep. No. 1327-06) recommending that H.R. No. 186, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1328-06) recommending that H.C.R. No. 245, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 186, HD 1, and H.C.R. No. 245, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker I rise in support of HR186/HCR245, Requesting Del Monte and the Campbell Estate to Allow Residents to Continue to Reside at Kunia Camp at Least Until December 2008, to Allow the Residents Time to Find Housing Solutions or Affordable Alternative Housing.

"Kunia Camp is one of two camps owned and operated by Del Monte. We heard testimony that stated that some 700 workers will be without jobs.

"Approximately 30 came to give testimony. Approximately, 500 people live in the Camp, many of whom are Del Monte employees who will be terminated from employment, and the remainder are retirees. At the end of the lease, the property must be restored to the same condition it was received, meaning that the Camp will have to be razed; and many of the residents of the Camp, particularly the retirees, cannot afford accommodations outside of the Camp. For this reason, the residents together with elected officials, are searching for options, including the formation of the Kunia Camp Association (Association), to possibly assume the lease for the Camp property at least until 2008.

"Many of these residents will not be able to find a residence anywhere else and all that we can do, to help preserve the place they call home is what we need to do. It must be said, that to date the Campbell Estate, who owns that land on which Kunia Camps sit has been open to helping the union and camp find solutions to assist the residents. However we must do all we can to ensure that the camps

now in agricultural zones, can remain residential camps for them to reside there.

"Thank you Mr. Speaker, and I ask my colleagues to support me on HR 186/HCR 245. Malama Pono."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 186, HD 1, entitled: "HOUSE RESOLUTION REQUESTING DEL MONTE AND THE CAMPBELL ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT KUNIA CAMP AT LEAST UNTIL DECEMBER 2008, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was adopted, with Representatives Ito, Morita and Stonebraker being excused; and

H.C.R. No. 245, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE CAMPBELL ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT KUNIA CAMP AT LEAST UNTIL DECEMBER 2008, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," was adopted, with Representatives Ito, Morita and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1329-06) recommending that S.B. No. 2929, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2929, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ito, Morita and Stonebraker being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Ito, Morita and Stonebraker were excused.)

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1330-06) recommending that S.B. No. 2333, SD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2333, SD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR GENERAL ASSISTANCE," passed Third Reading by a vote of 48 ayes, with Representatives Ito, Morita and Stonebraker being excused.

At 12:37 o'clock p.m., the Chair noted that S.B. No. 2333, SD 2, passed Third Reading:

THIRD READING

S.B. No. 2159, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2159, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in support of SB 2159, SD2, HD1. This is a very important bill because identity theft is the fastest growing crime in the United States and is very costly to the citizens of Hawaii. Increasing the protections of personal information by matching the punishment with the damage done is a necessary step to deter those who would commit identity theft. A person's identity is one of their most precious possessions, and to have it taken and misused can wreak havoc not only on the finances of the victim, but on their confidence and peace of mind. It is, I am told, a harrowing experience. It is costly, not only to the victim, but to society as a whole. Those who commit such crimes should be faced with criminal charges that befit the seriousness of the harm they bring to their victims. This bill is an important part of our efforts to stamp out identity theft. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2159, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Third Reading by a vote of 48 ayes, with Representatives Ito, Morita and Stonebraker being excused.

S.B. No. 2293, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2293, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I would like to say a few words in support of SB 2293 SD2 HD1. I am very grateful for the progress that we, as a Legislature, have been making in protecting the citizens of our State from identity theft. Social Security Numbers are very valuable pieces of information that, in the wrong hands, can be used to do terrible things to the person who they belong to. Whatever we can do to protect this information, to prevent criminals from getting their hands on it and using it at the expense of their victim, is well worth the effort. By limiting the usage and transferability of Social Security Numbers to those with a legitimate need or purpose to have them, we are making great strides in the right direction towards getting this problem under control. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2293, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," passed Third Reading by a vote of 48 ayes, with Representatives Ito, Morita and Stonebraker being excused.

S.B. No. 2224:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES," passed Third Reading by a vote of 48 ayes, with Representatives Ito, Morita and Stonebraker being excused.

At 12:39 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2159, SD 2, HD 1 S.B. No. 2224
S.B. No. 2293, SD 2, HD 1

ANNOUNCEMENTS

Representative Luke, for the Committee on Judiciary, requested a waiver of the 48-hour advanced notice requirement to hear certain resolutions on Tuesday, April 4th at 2:00 pm in Room 325, stating:

"These are for HCR 108 and its companion HR 80, urging the police department to check vehicle status prior to towing to ensure towing fees of stolen vehicles will not be passed on to the victims," and the Chair "so ordered."

Representative Wakai: "Thank you, Mr. Speaker. I wanted to just announce that one of our youngest and most dapper-dressed members is celebrating a birthday today. If you could all help me in acknowledging Scott Nishimoto's Birthday."

Representative Harbin: "Thank you, Mr. Speaker. I would also like to thank all my fellow colleagues. I just came from a memorial service for my mother. You sent me and my family a beautiful arrangement, and it was quite a pleasure and an honor to have my family honored with memorial flowers from you all. Thank you."

Representative Carroll: "Thank you, Mr. Speaker. I'd like to just thank everyone who participated on Friday, in our soda and root beer float sale. We were able to go beyond our goal and we were able to raise over \$325 for the Hawaii Foodbank. Thank you."

Speaker Say: "Representative Nishimoto, would you like to disclose your age?"

ADJOURNMENT

At 12:41 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Tuesday, April 4, 2006. (Representatives Morita and Stonebraker were excused.)

FORTY-THIRD DAY

Tuesday, April 4, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:11 o'clock p.m., with the Speaker presiding.

Representative Evans introduced the Kamehameha Schools Varsity Cheer Team, who then opened the Session with an inspirational performance, after which the Roll was called showing all members present with the exception of Representative Takamine, who was excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Second Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 424 through 437) were received and announced by the Clerk:

Sen. Com. No. 424, transmitting S.C.R. No. 119, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO CONSIDER THE MERITS OF RECOGNIZING HYPNOTHERAPY AS A LEGITIMATE PROFESSION AND HYPNOTHERAPISTS AS PROVIDERS OF HUMAN SERVICES SEPARATE AND INDEPENDENT FROM OTHER MENTAL HEALTH PROFESSIONS," which was adopted by the Senate on April 3, 2006.

Sen. Com. No. 425, transmitting S.C.R. No. 129, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COOPERATION FROM THE LEGISLATURE AND THE DEPARTMENT OF HEALTH TO FACILITATE THE DEVELOPMENT OF A REGIONAL HEALTH INFORMATION ORGANIZATION IN HAWAII," which was adopted by the Senate on April 3, 2006.

Sen. Com. No. 426, transmitting S.C.R. No. 184, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCLUDE THE USE OF BIOREMEDIATION METHODS TO PREVENT AND MITIGATE POLLUTION IN ITS BEST MANAGEMENT PRACTICES AND PROGRAMS," which was adopted by the Senate on April 3, 2006.

Sen. Com. No. 427, transmitting H.B. No. 2057, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 428, transmitting H.B. No. 3250, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SUPERSEDEAS BONDS," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 429, transmitting H.B. No. 386, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 430, transmitting H.B. No. 771, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENDERS," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 431, transmitting H.B. No. 877, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 432, transmitting H.B. No. 1233, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 433, transmitting H.B. No. 1968, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 434, transmitting H.B. No. 2282, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 435, transmitting H.B. No. 2434, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 436, transmitting H.B. No. 2897, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," which passed Third Reading in the Senate on April 3, 2006.

Sen. Com. No. 437, transmitting H.B. No. 3016, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," which passed Third Reading in the Senate on April 3, 2006.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Berg and Takamine were excused.)

H.B. No. 386, HD 1, SD 1	H.B. No. 2282, HD 1, SD 1
H.B. No. 771, HD 1, SD 1	H.B. No. 2434, SD 1
H.B. No. 877, HD 2, SD 1	H.B. No. 2897, HD 1, SD 1
H.B. No. 1233, HD 1, SD 1	H.B. No. 3016, HD 1, SD 1
H.B. No. 1968, HD 1, SD 1	

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Evans introduced the Kamehameha School Varsity Cheer Team members:

Ms. Alyssa Kong; Ms. Kawena Vierra; Ms. Tamara Patton; Ms. Alise Garcia; Ms. Heather Chong; Ms. Elisabeth-Ann Jones; Ms. Jamie-Lyn Leonard; Ms. Chanel "Teine" Silva; Ms. Corinne Chun; Ms. Jasmine Merseberg; Ms. Kendra Uson; Ms. Keenyn Won; Ms. Erika Castro; Ms. Kelli-Ann Uehara; Ms. Tarina Castillo; and Ms. Jasmine Fo.

Representative Kahikina introduced his office manager, Ms. Merrie Kim Aiopoalani and recognized her for receiving the Betsey K. Cooke Grassroots MVP Award. She was accompanied by her sister, Ms. Ann Kaululaau Tello; and Ms. Aulani Ahmad.

Representative Chong introduced Kamehameha Schools Cheer Team member, Ms. Heather Chong's parents: Mrs. Marcy and Mr. Auturo Chong; and her grandfather, Mr. Lloyd Chong.

Representative Arakaki introduced the members of the Hawaii Health Systems Corporation:

Dr. Andrew Don, member of the Board of Directors;
 Ms. Jean Odo, Chair of the Executive Management Advisory Committee;
 Dr. Gerald Tomory, member of Physicians Advisory Groups;
 Ms. Orianna Skomoroch, Kauai Region CEO;
 Mr. Vincent Lee, Oahu Region CEO;
 Mr. Wes Lo, Maui Region CEO;
 Mr. Jerry Walker, West Hawaii Region CEO;

Mr. Ronald Schurra, East Hawaii Region CEO;
Ms. Kelley Roberson, CFO and COO; and
Mr. Thomas Driskill, President and CEO.

Representative Arakaki also introduced Mr. Charles Toguchi and Ms. Linda Chu-Takayama with the Hawaii Health Systems Corporation.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

The following concurrent resolution was re-referred to committee by the Speaker:

H.C.R.

No. Re-referred to:

223 Committee on Health, then to the Committee on Finance

INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 280) was announced by the Clerk and the following action taken:

H.R. No. 280, entitled: "HOUSE RESOLUTION HONORING DR. YOUNG K. PAIK ON THE OCCASION OF HIS RETIREMENT FROM THE ST. FRANCIS MEDICAL CENTER AFTER 37 YEARS OF ACTIVE AND DEDICATED MEDICAL PRACTICE," was jointly offered by Representatives Yamane, Evans and Kanoho.

Representative Yamane, moved that H.R. No. 280 be adopted, seconded by Representative Kanoho.

Representative Yamane introduced Dr. Young K. Paik who was seated on the floor of the House. He was accompanied by his wife, Mrs. Beris Paik.

Representative Kanoho introduced Sister Beatrice Tom, President, Board of Directors, St. Francis Healthcare System, St. Francis Medical Center and St. Francis Medical Center, West; and Sister Francis Regis Hadano, Member of the Board, St. Francis Medical Center, who were seated on the floor of the House.

Representative Kanoho then recognized the following special guests seated in the gallery:

Dr. Young K. Paik's sons, Mr. David Paik and Mr. Sean Dennis Paik;

Dr. Livingston Wong, Medical Director, St. Francis Transplant Institute;

Mr. Myron Tong, Vice President, St. Francis Medical Center; and

Mr. Gene Tiwanak, President of the St. Francis Healthcare Foundation.

The motion was put to vote by the Chair and carried, and H.R. No. 280 was adopted with Representatives Nakasone and Takamine being excused.

The following resolution (H.R. No. 281) was announced by the Clerk and the following action taken:

H.R. No. 281, entitled: "HOUSE RESOLUTION
COMMEMORATING THE ONE HUNDREDTH

ANNIVERSARY OF THE ARRIVAL OF FILIPINOS TO HAWAII AND RECOGNIZING THE CONTRIBUTIONS OF THE FILIPINO PEOPLE TO HAWAII'S ECONOMY, CULTURE, AND HISTORY," was jointly offered by Representatives Abinsay and Magaoay.

Representative Abinsay, moved that H.R. No. 281 be adopted, seconded by Representative Magaoay.

Representative Abinsay introduced the following Filipino Centennial Celebration Commission members, who were seated on the floor of the House:

Chair Elias Beniga; Mr. Ben Saguibo; Mr. Lito Alcantra; Dr. Belinda Aquino; Mr. Mario Ramil; and Ms. Maria Etrata.

Representative Abinsay then introduced the following who were seated in the gallery:

Mr. Jake Manegdeg; Mr. Amado Yoro; Ms. Stephany Mahelona; Mr. Al Lardizabal; Mr. Toni Figueroa; Ms. Donna Kekauoha; Mr. Wayne Kishida; Mr. Richard Nishie; Mr. Mel Cremer; and Mr. Tony Saguibo.

The motion was put to vote by the Chair and carried, and H.R. No. 281 was adopted with Representatives Evans, Nakasone and Schatz being excused.

At 12:49 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:02 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Caldwell, for the Committee on Labor & Public Employment presented two reports:

(Stand. Com. Rep. No. 1331-06), recommending that H.R. No. 46, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1332-06), recommending that H.C.R. No. 61, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 46 and H.C.R. No. 61, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to both measures, stating:

"Thank you Mr. Speaker. I'm rising in opposition to Stand. Com. Reports 1331 and 1332. In Committee when we heard testimony on this resolution, the Department of Labor testified against it. There was a Chief Rogers there and he's with the State Fire Council, he said he would ask that we withdraw the Resolution.

"The problem with the Resolution is you can't create new positions. This Resolution is asking for two new positions. The Department of Labor estimated that would cost about \$228,000. So we really need a bill to amend Section 132-16 of the HRS. So for those reasons, I can't support this Resolution."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 46, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO AUTHORIZE THE STATE FIRE COUNCIL TO EMPLOY AN ADMINISTRATOR AND AN ADMINISTRATIVE ASSISTANT," was referred to the Committee on Finance with Representative Meyer voting no, and with Representative Cabanilla being excused; and

H.C.R. No. 61, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO AUTHORIZE THE STATE FIRE COUNCIL TO EMPLOY AN ADMINISTRATOR AND AN ADMINISTRATIVE ASSISTANT," was referred to the Committee on Finance with Representative Meyer voting no, and with Representative Cabanilla being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented two reports:

(Stand. Com. Rep. No. 1333-06), recommending that H.R. No. 59, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1334-06), recommending that H.C.R. No. 77, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 59 and H.C.R. No. 77, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. On these two Resolutions, I'd like to enter my no. And I'd like to explain why my no vote. Being a first timer here, I take everything very seriously. Bills are serious, Conference Committee is serious. And I find that resolutions should be as serious. For those that are out in the public, we look at resolutions as sort of a beginning of a smoke signal, or a signal of where the policy of this Legislature is headed.

"If this is a true belief, and this is my belief, then I feel that these Resolutions signal a very, very slippery slope of interfering in employee-employer relationships. These Resolutions are attempting to insert the Legislature into, I think, what is a very sacred relationship. A relationship with an employee and their union and that relationship with the employer. We have safeguards at the federal level. We have safeguards at the State level.

"For us to now signal that we are going to start legislating how unions behave or should behave, should they reach an impasse, I feel is somewhere where we should not go. So I will be voting no, and I really would encourage us to stick to the business at hand which is to protect our employees, our businesses, and to keep a vibrant economy, not insert ourselves into the day-to-day relationships of business and employees. Thank you."

Representative Meyer rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 59, entitled: "HOUSE RESOLUTION SUPPORTING A FAIR AND EQUITABLE CONTRACT FOR UNION WORKERS AT THE HAWAII TRIBUNE-HERALD," was referred to the Committee on Finance with Representatives Harbin, Meyer, Moses and Stonebraker voting no, and with Representative Cabanilla being excused; and

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING A FAIR AND EQUITABLE CONTRACT FOR UNION WORKERS AT THE HAWAII TRIBUNE-HERALD," was referred to the Committee on Finance with Representatives Harbin, Meyer, Moses and Stonebraker voting no, and with Representative Cabanilla being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1335-06), recommending that H.C.R. No. 105, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR A PARKING STRUCTURE FOR MAUI MEMORIAL MEDICAL CENTER IN WAILUKU, MAUI TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1336-06), recommending that H.C.R. No. 205, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 205, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm going to vote no on this particular concurrent resolution, No. 205, Requesting the Auditor to Review Proposed Plans and Existing and Anticipated Appropriation Requests of the Stadium Authority and the Governor for the Repair, Renovation, Refurbishment, or Replacement of the Aloha Stadium.

"I'm voting no even though DAGS testified with a conditional yes on this. They appreciated the intent of this resolution and they welcomed the Auditor's opinion. However, they said that they're confident that the Auditor's study would validate a report that a team of experts came up with. They came up with the Aloha Stadium planning study.

"The study was compiled by a group of experts in various fields and they concluded, the study concluded that if repaired and refurbished, the Stadium life can be extended 20 to 30 years, but the repairs had to be done, should commence, in the next 2 to 5 years.

"The report estimated the cost of repair in 2005 dollars at \$100 million. Any delays, the report concluded, will drive the cost higher because of two things. First, cost increases and inflation. And secondly and most importantly, Stadium corrosion will worsen and the amount of repair and refurbishment will increase.

"So DAGS felt that the Auditor did not need until next Legislative Session to do the review. DAGS also said that the Auditor will require additional funding to do the review if it is done at the level of quality that was put into the study that already exists. DAGS wanted to be allowed to proceed with the first phase of the proposed plans, and I believe their appropriation was about \$25 million.

"A key point to understand about this DAGS view that there is no option to repairing and refurbishing the stadium except to eventually shut it down, because without the repair that they are proposing, it will become unsafe. And even if the State were to decide to build a brand new stadium, the total time that would elapse before the stadium is built would require that the existing stadium be repaired anyway. So in order to save the taxpayer dollar, repair the stadium as soon as possible. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, please note my no vote for the same reasons as the previous speaker."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose to speak in support of the measure with reservations, stating:

"I'm going to just note my reservations on this. I'll see this measure in Finance, and I hope we can change it there. Thank you."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PROPOSED PLANS AND EXISTING AND ANTICIPATED APPROPRIATION REQUESTS OF THE STADIUM AUTHORITY AND THE GOVERNOR FOR THE REPAIR, RENOVATION, REFURBISHMENT, OR REPLACEMENT OF THE ALOHA STADIUM," was referred to the Committee on Finance with Representatives Finnegan, Marumoto, Meyer and Thielen voting no, and with Representative Cabanilla being excused.

Representatives Chang and Karamatsu, for the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1337-06), recommending that H.C.R. No. 146, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1338-06), recommending that H.R. No. 65, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 65, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO SHOW THE COSTS ASSOCIATED WITH, AND THE ADVISABILITY OF MANDATING THE USE OF SEAT BELTS FOR MINORS IN EVERY SCHOOL BUS," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1339-06), recommending that H.C.R. No. 87, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO SHOW THE COSTS ASSOCIATED WITH, AND THE ADVISABILITY OF MANDATING THE USE OF SEAT BELTS FOR MINORS IN EVERY SCHOOL BUS," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1340-06), recommending that H.R. No. 235, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 235, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE'S LANDING FEES AND DETERMINE WHETHER THE LANDING FEES AT STATE AIRPORTS SHOULD BE INCREASED," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1341-06), recommending that H.C.R. No. 301, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 301, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE'S LANDING FEES AND DETERMINE WHETHER THE LANDING FEES AT STATE AIRPORTS SHOULD BE INCREASED," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1342-06), recommending that H.R. No. 44, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 44, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE EXECUTIVE OFFICE ON AGING TO COLLABORATE ON PROVIDING TRANSPORTATION TO SENIORS AND TO VISUALLY IMPAIRED PERSONS, AND EXPRESSING THE LEGISLATURE'S SUPPORT FOR FEDERAL LEGISLATION TO PROVIDE FUNDING FOR ITNAMERICA FOR A FIVE-YEAR NATIONAL ROLL-OUT AND GRANTS," was referred to the Committee on Judiciary, with Representative Cabanilla being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1343-06), recommending that H.C.R. No. 59, be referred to the Committee on Judiciary.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 59, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE EXECUTIVE OFFICE ON AGING TO COLLABORATE ON PROVIDING TRANSPORTATION TO SENIORS AND TO VISUALLY IMPAIRED PERSONS, AND EXPRESSING THE LEGISLATURE'S SUPPORT FOR FEDERAL LEGISLATION TO PROVIDE FUNDING FOR ITNAMERICA FOR A FIVE-YEAR NATIONAL ROLL-OUT AND GRANTS," was referred to the Committee on Judiciary, with Representative Cabanilla being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1344-06), recommending that H.R. No. 119, be referred to the Committee on Water, Land, & Ocean Resources; and

(Stand. Com. Rep. No. 1345-06), recommending that H.C.R. No. 159, be referred to the Committee on Water, Land, & Ocean Resources.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 119 and H.C.R. No. 159, be referred to the Committee on Water, Land, & Ocean Resources, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I'd like to note my reservations on these measures with just a couple comments. Thank you, Mr. Speaker. We heard testimony by the Department of Transportation Highways Division that they already take into account greenbelt strategies when they plan their highways and street repairs, so I just felt that this was a little bit unnecessary to request them to do something that they already do. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 119, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, WITH ASSISTANCE FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DEVELOP A STATEWIDE GREENBELTS STRATEGY," was referred to the Committee on Water, Land, & Ocean Resources, with Representative Cabanilla being excused; and

H.C.R. No. 159, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, WITH ASSISTANCE FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DEVELOP A STATEWIDE GREENBELTS STRATEGY," was referred to the Committee on Water, Land, & Ocean Resources, with Representative Cabanilla being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1346-06), recommending that H.R. No. 191, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 191, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON ESTABLISHING A HAWAII STATE GEOLOGICAL SURVEY," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1347-06), recommending that H.C.R. No. 251, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 251, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING A HAWAII STATE GEOLOGICAL SURVEY," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1348-06), recommending that H.R. No. 232, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1349-06), recommending that H.C.R. No. 297, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 232 and H.C.R. No. 297, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of both measures, stating:

"Mr. Speaker, thank you. I rise with strong support on this measure. And I'd like to enter some comments, not only into the Journal, but to my colleagues and especially to HCDA.

"Coming from the Kakaako area and being involved with the HCDA through three governorship, the HCDA has made mistakes in the past, will make mistakes in the future, and has made a very big mistake recently. Also coming as a citizen-participant in the process, sometimes when you see these Auditor's reports, the first thing you think is, 'Oops, something's wrong in River City. There's something wrong with the agency.'

"I need to say publicly, there is nothing wrong with the agency. But they have stumbled hardily and I really hope that the Auditor's report is going to give us some great insight into what a great creation the HCDA is, and also perhaps maybe give us some good suggestions on how we, as the policymakers can continue to assist them to be a great Authority, especially now that we're looking at some wonderful development in Kalaeloa. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 232, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE PRACTICES OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was referred to the Committee on Finance, with Representative Cabanilla being excused; and

H.C.R. No. 297, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE PRACTICES OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1350-06), recommending that H.C.R. No. 37, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SURVIVORS OF BRAIN INJURIES," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1351-06), recommending that H.C.R. No. 118, be referred to the Committee on Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 118, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION, WITH THE ASSISTANCE OF THE DIRECTOR OF HEALTH, TO ESTABLISH A ONE-YEAR PILOT PROGRAM IN SELECTED PUBLIC ELEMENTARY SCHOOLS ON THE WAIANAE COAST TO PROVIDE FREE EYE EXAMINATIONS TO CHILDREN ENTERING KINDERGARTEN, OR ANY OTHER ELEMENTARY GRADE LEVEL IF ENTERING THE STATE PUBLIC SCHOOL SYSTEM FOR THE FIRST TIME, WITH A VIEW TO SCREENING FOR EYE HEALTH, AND VISION PROBLEMS, AND ENSURING THAT STUDENTS ARE NOT ERRONEOUSLY DIAGNOSED AS HAVING ATTENTION DEFICIENT HYPERACTIVITY DISORDER," was referred to the

Committee on Education, with Representative Cabanilla being excused.

Representatives Arakaki and Hale, for the Committee on Health and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1352-06), recommending that H.C.R. No. 92, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO RELAX RESTRICTIONS ON THE ISSUANCE OF TEMPORARY NONIMMIGRANT E2 AND E3 VISAS TO ALLOW GRADUATE NURSES TO ENTER THE UNITED STATES FOR THE PURPOSE OF TAKING THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR REGISTERED AND PRACTICAL NURSES, AND TO ALLOCATE MORE EMPLOYMENT VISAS TO INDIVIDUALS TO ENTER THE UNITED STATES TO WORK AS NURSES," was referred to the Committee on Consumer Protection & Commerce, with Representative Cabanilla being excused.

Representative Chang, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1353-06), recommending that S.C.R. No. 37, SD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 37, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," was referred to the Committee on Finance, with Representative Cabanilla being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1354-06) recommending that H.C.R. No. 16, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 16, be adopted, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of Stand. Com. Report 1354, HCR 16. I will insert written comments, but I would like to say that we are suffering from a nursing shortage. And one of the big problems in nursing and also with some other healthcare workers, are injuries that are suffered by lifting of heavy objects or actually moving patients.

"So I think this is an important resolution and it puts employers on notice to provide the proper kinds of equipment and to provide the proper training and body mechanics to their employees. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I stand in strong support of HCR 16. We have a global nursing shortage and Hawaii is no exception.

"Nurses are at high risk for musculoskeletal injury and once injured the recovery is often lengthy or the injury is permanent.

"We cannot afford to allow the loss of nurses to unnecessary injury. Therefore, this Resolution asks employers to initiate programs, which emphasize increasing use of assistive equipment and patient handling devices. Also resolved is a request to reshape nursing education to incorporate safe patient handling. The

Resolution also encourages the industry to incorporate the principles of the American Nurses Association Handle with Care campaign.

"If we can prevent injury, we will also save money for the industry and prolong the active nursing life of many in the profession."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPROPRIATE SAFEGUARDS BE INSTITUTED IN HEALTH CARE FACILITIES TO MINIMIZE THE OCCURRENCE OF MUSCULOSKELETAL INJURIES SUFFERED BY NURSES," was adopted.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1355-06) recommending that H.R. No. 47, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 47, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES OFFICE OF PERSONNEL MANAGEMENT TO TREAT HAWAII FEDERAL EMPLOYEES WITH REGARD TO PAY AND RETIREMENT BENEFITS THE SAME AS FEDERAL EMPLOYEES WHO RESIDE IN THE FORTY-EIGHT CONTIGUOUS UNITED STATES," was adopted.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1356-06) recommending that H.C.R. No. 62, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES OFFICE OF PERSONNEL MANAGEMENT TO TREAT HAWAII FEDERAL EMPLOYEES WITH REGARD TO PAY AND RETIREMENT BENEFITS THE SAME AS FEDERAL EMPLOYEES WHO RESIDE IN THE FORTY-EIGHT CONTIGUOUS UNITED STATES," was adopted.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1357-06) recommending that H.R. No. 51, be adopted; and

(Stand. Com. Rep. No. 1358-06) recommending that H.C.R. No. 67, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 51 and H.C.R. No. 67, be adopted, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of both measures, stating:

"I rise in support of these Resolutions. And Mr. Speaker, this is not the first time that we've had a resolution requesting the United States Senate to ratify the Convention on the Elimination of All Forms of Discrimination Against Women also known as the CEDAW Treaty. In fact, a few years ago, we became 1 of 7 states in the country to ask the Senate to do so.

"We have the dubious distinction of being amongst 3 countries, ourselves and some progressive countries like Afghanistan and Iran, have not ratified the treaty. So again, I'm happy to see this Resolution pass and I hope finally, the United States Government, the United States Senate will see the light. Thank you."

Representative Thielen rose in support of both measures and asked that the remarks of Representative Lee be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 51, entitled: "HOUSE RESOLUTION IN SUPPORT OF INTERNATIONAL WOMEN'S DAY AND REQUESTING THE UNITED STATES SENATE TO RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," was adopted; and

H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF INTERNATIONAL WOMEN'S DAY AND REQUESTING THE UNITED STATES SENATE TO RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," was adopted.

Representative Hale, for the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1359-06) recommending that H.R. No. 19, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1360-06) recommending that H.C.R. No. 27, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 19, HD 1, and H.C.R. No. 27, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you Mr. Speaker. I am rising with some reservations. I understand the desires of the Okinawan people, and I understand the feelings behind this Resolution. I have some problems with the mechanics though.

"Foreign policy and national defense are subjects of the executive branch, and yet it asks here for Congress to be involved with the negotiations. And what Congress could do of course, is cut off the funding, but they don't have any business being involved with the negotiations. Thank you."

Representative Arakaki rose to speak in support of both measures, stating:

"Mr. Speaker, I'd like to speak in strong support of the measure. Mr. Speaker, as a third generation American of Okinawan ancestry, I've been to Okinawa many times and in fact, I have an uncle who lives right next to Kadena Air Force Base. And I've actually had the experience of what it's like to constantly be interrupted by the jets' roars in just trying to carry on a conversation. You can even hear the house shaking, and feel the shaking.

"I think for those of us who know what the Okinawan people went through during and after World War II, we can empathize with their predicament. Although they want to support the US Forces, in many cases they find that the presence sometimes becomes a burden. And the fact is over 70% of the bases that are located in Japan are in Okinawa, I think, is an injustice to those people. And for us, who live in Hawaii, we're especially sensitive to the fact that military presence can be either a boon or a bane. So I think for the sake of democracy, we need to recognize the rights of the native Okinawan people. Thank you."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Shimabukuro rose to speak in support of both measures, stating:

"In strong support and I'd like to adopt the words of the Health Committee Chair except to say that I'm a *yonsei*, a fourth generation," and the Chair "so ordered." (By reference only.)

Representative Meyer rose in support of both measures with reservations, and asked that the remarks of Representative Moses be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 19, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF DEFENSE, THE UNITED STATES CONGRESS, THE PRIME MINISTER OF JAPAN, THE JAPAN DEFENSE AGENCY, AND THE NATIONAL DIET OF JAPAN TO TAKE ACTION TO REDUCE THE UNITED STATES MILITARY PRESENCE IN OKINAWA," was adopted, with Representative Stonebraker voting no; and

H.C.R. No. 27, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF DEFENSE, THE UNITED STATES CONGRESS, THE PRIME MINISTER OF JAPAN, THE JAPAN DEFENSE AGENCY, AND THE NATIONAL DIET OF JAPAN TO TAKE ACTION TO REDUCE THE UNITED STATES MILITARY PRESENCE IN OKINAWA," was adopted, with Representative Stonebraker voting no.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1361-06) recommending that H.C.R. No. 230, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF ISABELA OF THE REPUBLIC OF THE PHILIPPINES," was adopted.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1362-06) recommending that H.C.R. No. 274, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR MAINTAINING PEACE IN THE ASIA-PACIFIC WITH THE UNITED NATIONS AND WITH THE SUPPORT OF ALLIES AND FRIENDS," was adopted.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1363-06) recommending that H.C.R. No. 275, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 275, be adopted, seconded by Representative B. Oshiro.

Representative M. Oshiro rose in support of the measure, stating:

"Mr. Speaker, I stand in strong support of this measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR THE CONTINUANCE OF PERSISTENT AND SKILLFUL DIPLOMACY IN RESOLVING NUCLEAR PROLIFERATION ISSUES WITH THE ISLAMIC REPUBLIC OF IRAN BEFORE THE UNITED NATIONS SECURITY COUNCIL UPON THE REFERRAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY," was adopted.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1364-06) recommending that H.R. No. 25, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 25, HD 1, entitled: "HOUSE RESOLUTION COMMEMORATING THE FIFTY-SECOND ANNIVERSARY OF THE DETONATION OF THE BRAVO HYDROGEN BOMB OVER BIKINI ATOLL, DECLARING MARCH 1ST AS A DAY OF REMEMBRANCE, AND REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE MEASURES TO PROVIDE FOR THE FULL HEALTH NEEDS OF THE HYDROGEN BOMB TESTS SURVIVORS AND THEIR PROGENY, PAY APPROPRIATE PROPERTY DAMAGE CLAIMS, AND PROVIDE FOR THE COSTS OF CLEANING UP NUCLEAR SITES IN THE REPUBLIC OF THE MARSHALL ISLANDS IN CONNECTION WITH HYDROGEN BOMB TESTING ON ATOLLS OF THE REPUBLIC OF THE MARSHALL ISLANDS," was adopted.

Representative Hale, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1365-06) recommending that H.C.R. No. 34, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 34, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE FIFTY-SECOND ANNIVERSARY OF THE DETONATION OF THE BRAVO HYDROGEN BOMB OVER BIKINI ATOLL, DECLARING MARCH 1ST AS A DAY OF REMEMBRANCE, AND REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE MEASURES TO PROVIDE FOR THE FULL HEALTH NEEDS OF THE HYDROGEN BOMB TESTS SURVIVORS AND THEIR PROGENY, PAY APPROPRIATE PROPERTY DAMAGE CLAIMS, AND PROVIDE FOR THE COSTS OF CLEANING UP NUCLEAR SITES IN THE REPUBLIC OF THE MARSHALL ISLANDS IN CONNECTION WITH HYDROGEN BOMB TESTING ON ATOLLS OF THE REPUBLIC OF THE MARSHALL ISLANDS," was adopted.

Representatives Hale and Sonson, for the Committee on International Affairs and the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 1366-06) recommending that H.R. No. 246, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1367-06) recommending that H.C.R. No. 312, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 246, HD 1, and H.C.R. No. 312, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Meyer rose in opposition to both measures, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in opposition to these Resolutions. I believe that, once again, we are overreaching our boundaries. These Resolutions violate the rights of the fundamental unit of society, the family, and gives those rights to the government. Children belong to their parents, not to the government. Parents have the responsibility to raise, nurture, protect, and teach their children in the best way they know how. If parents violate that responsibility by abusing or neglecting their children, then somebody needs to step in and make sure that the parents' responsibilities are fulfilled; however, it is not within the rights of government to usurp the role of parents or to coerce them to raise their children a certain way.

"Additionally, the United Nations has admitted that many of its peacekeeping forces have violated the rights set forth in the Convention on the Rights of the Child. There have been reports of peacekeepers raping, abusing, and exploiting women and children, contrary to their declaration. What does that say to us about the people that created the document? They do not practice what they preach. Their actions show that they do not believe in the rights they are promoting. And while they are abusing children, they are taking away the right of the parents to protect their children. It is a folly to support this measure when those who wrote it cannot even support it. The situation in the UN should be an example to us of the fallacy of government sticking their nose where it does not belong.

"I hope, Mr. Speaker, that those who support these Resolutions realize the harm they are doing to our society by undermining the power and responsibility of parents and devaluing the role of families. These Resolutions will not do us any good, and will probably create more problems than it fixes. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 246, HD 1, entitled: "HOUSE RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," was adopted, with Representatives Meyer and Stonebraker voting no; and

H.C.R. No. 312, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," was adopted, with Representatives Meyer and Stonebraker voting no.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1368-06) recommending that H.C.R. No. 88, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 88, be adopted, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker. I rise with reservations and I'd like to explain why. Trauma care bill started off this Session as being one of the most important healthcare issues that we could be dealing with this Session. To see it now reduced to a resolution without any type of funding to put together a trauma system for the State of Hawaii frightens me a bit.

"In one of the first hearings we had on some of these trauma care bills, we had all of the trauma providers, the trauma care facilities, and you can hear it and see it in their voices, that they were very fearful, because of the fact that it was becoming very difficult to provide these services statewide.

"We had two reports that were done. And in the resolution itself, it talks of these reports. And these reports, I thought were extremely well done and really confronted the issue of our trauma care system in the State of Hawaii, and developed some recommendations that I thought we would eventually come to some fruition by the end of the Session.

"In the ACS report, which I thought was very well done, one of the first things they said, unconditionally, we must immediately develop a comprehensive dedicated funding source. In checking with our Health Chairs, it appears that that dedicated source is somewhere out there in limbo, but we're now 'playing tag' on what exactly that source is going to be.

"We're not really addressing what needs to be done this Session, which is a dedicated, dedicated mind you, comprehensive funding system. The Legislative Reference Bureau report goes on to give three, actually three but it states four in the resolution, three issues that need to be addressed post-haste, especially in dealing with the on-call mandated or the on-call physician problem or issue.

"Again we're not confronting any of these. We need to confront the cost of trauma care. We need to confront the ability to pay our trauma care physicians. And we also need to, as in the LRB report says, confront the rising medical malpractice premiums. And I've said it over and over and over again. People out there had said it over and over again, but it looks like now we've reduced everything into just a warm and fuzzy resolution with no funding and nowhere to go until 2007. And how many of our residents are we going to lose statewide, to an early demise because our trauma system is broken? Thank you."

Representative Green rose to speak in support of the measure, stating:

"Thank you Mr. Speaker. In support. I think it's a good resolution, but I did want to address comments that were made by the previous speaker. We do have a dedicated source online. It'll be from the tobacco tax that's insipient in the tobacco measure. A third of that money, I expect, by the time we emerge from Conference with the Senate, will be there. That'll be \$10 million in 2006-07; \$20 million plus or minus by 2007-08; and it will cap around \$28 million a year that will be devoted to trauma services on call so we will be able to solve this problem. We certainly have taken care of that in the Health Committee, nonstop. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 88, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," was adopted.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1369-06) recommending that H.C.R. No. 157, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 157, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO DEVELOP A LONG-RANGE, COMPREHENSIVE PLAN FOR THE FUTURE OF KALAUPAPA," was adopted.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1370-06) recommending that H.R. No. 105, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 105, entitled: "HOUSE RESOLUTION URGING CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION TO ADDRESS PUBLIC INTERESTS AND COMMUNITY NEEDS FOR LOCAL MEDIA, INCLUDING NEWS, ACCESS, AND OWNERSHIP," was adopted.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1371-06) recommending that H.C.R. No. 142, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 142, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION TO ADDRESS PUBLIC INTERESTS AND COMMUNITY NEEDS FOR LOCAL MEDIA, INCLUDING NEWS, ACCESS, AND OWNERSHIP," was adopted.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1372-06) recommending that H.R. No. 57, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 57, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE A STATUS REPORT ON THE PROGRESS OF A PLANNED CORRECTIONAL FACILITY LOCATED ON PUUNENE ON THE ISLAND OF MAUI," was adopted.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1373-06) recommending that H.C.R. No. 74, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE A STATUS REPORT ON THE PROGRESS OF A PLANNED CORRECTIONAL FACILITY LOCATED ON PUUNENE ON THE ISLAND OF MAUI," was adopted.

Representative Ito, for the Committee on Public Safety & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1374-06) recommending that H.R. No. 35, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1375-06) recommending that H.C.R. No. 49, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 35, HD 1, and H.C.R. No. 49, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Takai rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, there was a question asked in Committee regarding the possibility of including the Pacific Aviation Museum into this resolution.

"The Pacific Aviation Museum does not need the same assistance from us as the USS Bowfin and the USS Missouri.

"Both USS Bowfin and the USS Missouri have direct leases from the Navy, issued from the Pacific Division, Naval Facilities Engineering Facilities Command under authority from the Assistant Secretary of the Navy for Installations and the Environment.

"The level of their lease rents is set by 10 USC 2667 and their lease rents accrue directly to the Navy.

"Pacific Aviation Museum has a 60-year lease from the major developer of Ford Island, Hunt Building Company, with a provision that investments made to the facilities improvement and restoration of the buildings to serviceable use will offset any potential lease rents that may be due.

"The three phases of the planned Pacific Aviation Museum project will more than cover any potential lease rent due.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 35, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNITED STATES SECRETARY OF THE NAVY TO PROVIDE RENT RELIEF TO THE USS BOWFIN SUBMARINE MUSEUM AND PARK AND USS MISSOURI MEMORIAL," was adopted; and

H.C.R. No. 49, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES SECRETARY OF THE NAVY TO PROVIDE RENT RELIEF TO THE USS BOWFIN SUBMARINE MUSEUM AND PARK AND USS MISSOURI MEMORIAL," was adopted.

Representative Ito, for the Committee on Public Safety & Military Affairs presented two reports:

(Stand. Com. Rep. No. 1376-06) recommending that H.R. No. 100, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1377-06) recommending that H.C.R. No. 136, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 100, HD 1, and H.C.R. No. 136, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to both measures, stating:

"Thank you Mr. Speaker. I'm rising in opposition to both measures. The Adjutant General reported on these things, or testified on these at the Public Safety Committee. And he said there's been many studies, the RAND study in 1999, DHS study, Agency for Toxic Substances and Disease Registry in 1999, Toxicology Profile, the Uranium, the United Kingdom study in 2001, the European Commission March 2001, the World Health Organization, this was a mission to Kosovo, and all of these studies showed no harm from depleted uranium. Additionally the Hawaii National Guard concluded no problem with uranium exposure to the troops that went over to Iraqi Freedom, and Operation Enduring Freedom.

"And finally these are matters for the United States Department of Defense, not for our local State Department of Defense, so I have to vote no on both measures. Thank you."

Representative Shimabukuro rose to speak in support of both measures, stating:

"Mr. Speaker, in strong support. I just want to point out that all the studies cited by the previous speaker predate the Iraq War in 2003. And if you look at the Resolution, I'm looking at the HR right now, it does cite to two studies. And one was in 2004, and it does talk about the laboratory reports indicating widespread military noncompliance

with regulations, orders, and directives. And it cites 1993 and a 1994 study on depleted uranium.

"Mr. Speaker, I think this is a very important resolution because it's really important that we do support our troops. And I think that it's important that we avoid making the same tragic mistake that we made with Vietnam, in failing to detect Agent Orange contamination. So I really hope that the Members will support this very important resolution, in support of our troops. Thank you."

Representative Schatz rose in support of both measures and asked that the remarks of Representative Shimabukuro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Kahikina rose in support of both measures and asked that the remarks of Representative Shimabukuro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Caldwell rose in support of both measures and asked that the remarks of Representative Shimabukuro be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I just wanted to comment as a disabled American Veteran myself. It's not the fact that I don't want to make sure that our troops are not in harms way, but we already have the statements that there is not a problem from depleted uranium, that's one, through many studies. And the second one is that the National Guard has already concluded that it did not pose a threat to our troops. And finally again, this is a matter for the United States Department of Defense. It's not a matter for the National Guard. So this resolution should be directed to the Department of Defense, not the State Department of Defense. Thank you."

Representative Meyer rose to speak in support of both measures with reservations, stating:

"Mr. Speaker, I just wanted to register strong reservations on these measures. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 100, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ADJUTANT GENERAL TO PROVIDE HEALTH SCREENING FOR DEPLETED URANIUM EXPOSURE TO MEMBERS AND VETERANS OF THE HAWAII NATIONAL GUARD AND THE UNITED STATES DEPARTMENT OF DEFENSE TO REPORT ON THE SCOPE AND ADEQUACY OF DEPLETED URANIUM STORAGE AND DISPOSAL IN HAWAII," was adopted, with Representative Moses voting no; and

H.C.R. No. 136, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ADJUTANT GENERAL TO PROVIDE HEALTH SCREENING FOR DEPLETED URANIUM EXPOSURE TO MEMBERS AND VETERANS OF THE HAWAII NATIONAL GUARD AND THE UNITED STATES DEPARTMENT OF DEFENSE TO REPORT ON THE SCOPE AND ADEQUACY OF DEPLETED URANIUM STORAGE AND DISPOSAL IN HAWAII," was adopted, with Representative Moses voting no.

Representatives Ito and Kanoho, for the Committee on Public Safety & Military Affairs and the Committee on Water, Land, & Ocean Resources presented four reports:

(Stand. Com. Rep. No. 1378-06) recommending that H.R. No. 222, as amended in HD 1, be adopted;

(Stand. Com. Rep. No. 1379-06) recommending that H.C.R. No. 287, as amended in HD 1, be adopted;

(Stand. Com. Rep. No. 1380-06) recommending that H.R. No. 223, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1381-06) recommending that H.C.R. No. 288, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 222, HD 1; H.C.R. No. 287, HD 1; H.R. No. 223, HD 1; and H.C.R. No. 288, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Herkes rose to speak in support of the four measures with reservations, stating:

"Mr. Speaker, on all four of these resolutions on this page, again we're asking the people who haven't done the work in the past. And the problems is that we have to figure it out. I would hope, Mr. Speaker, that we can pass the National Disaster Preparedness Bill because we've asked the PERP Commission to do all of this work in that bill. Thank you."

Representative Thielen rose, stating:

"Excuse me, Mr. Speaker, I wasn't sure if the last speaker was in support?"

The Chair then stated:

"Yes, in support of all four measures on the floor."

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you Mr. Speaker. On 1378 and 1379. The DLNR testified that they don't have jurisdiction over all these streams. That's one of the problems. I have reservations, reservations for both of them, because they said that a lot of streams are privately owned, or owned by other State Departments, Hawaiian Homelands, etc. So it's very difficult for them to conduct the study of all of these lands and all these streams. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 222, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO CONDUCT A STUDY OF ALL STREAMS AND DRAINAGE CHANNELS IN THE STATE OF HAWAII," was adopted;

H.C.R. No. 287, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES AND THE COUNTIES TO CONDUCT A STUDY OF ALL STREAMS AND DRAINAGE CHANNELS IN THE STATE OF HAWAII," was adopted;

H.R. No. 223, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES AND THE ADJUTANT GENERAL TO CONDUCT A STUDY OF ALL PUBLIC AND PRIVATELY OWNED DAMS IN THE STATE," was adopted; and

H.C.R. No. 288, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES AND THE ADJUTANT GENERAL TO CONDUCT A STUDY OF ALL PUBLIC AND PRIVATELY OWNED DAMS IN THE STATE," was adopted.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1382-06) recommending that S.B. No. 2290, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2290, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," passed Second Reading, and was placed on the calendar for Third Reading.

Representatives Herkes and Luke, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1383-06) recommending that S.B. No. 2292, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2292, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," passed Second Reading, and was placed on the calendar for Third Reading.

The Chair then announced:

"Members, on your Order of the Day, please note the 48-hour notice for Standing Committee Report No. 1384-06, which is listed on page 17."

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1384-06) recommending that S.B. No. 3049, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1384-06 on S.B. No. 3049, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 3049, SD 1, HD 1, were made available to the members of the House.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar.

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1385-06) recommending that S.B. No. 2295, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2295, entitled: "A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS," passed Third Reading by a vote of 51 ayes.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1386-06) recommending that S.B. No. 2297, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2297, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS," passed Third Reading by a vote of 51 ayes.

At 1:31 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2295

S.B. No. 2297, SD 1

ANNOUNCEMENTS

Representative Luke, for the Committee on Judiciary, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing S.B. No. 2259, Relating to Information Charging, today at 2:00 in Conference Room 325, and the Chair "so ordered."

Representative Herkes, for the Committee on Consumer Protection and Commerce, requested a waiver of the 48-hour advanced notice requirement for the purpose of reconsidering action previously taken on S.B. No. 2913, tomorrow at 2:00 in Conference Room 325, stating:

"The purpose Mr. Speaker, is that we adopted the Senate version in total with a defective date, so we need to reconsider and change that date to 'on approval,'" and the Chair "so ordered."

Representative Green: Thank you Mr. Speaker. I just wanted to mention to my colleagues that today at 4:00 until 6:00, the Hawaii Healthcare Task Force is meeting and it's going to be getting the product that we paid for with our bill last year, which is the Lewin Report, which will give us some idea about spending and potentials for single payer or possibilities for single payer systems in the State of Hawaii.

"And as an interesting aside, that's a little bit unconventional, the State of Massachusetts passed a bill today almost unanimously. I think there were two nay votes, to mandate health insurance for all of its citizens and they have an interesting political landscape where they have a Democratic dominated Legislature and a non-Democratic governor. So I think it's an interesting thing to note and we should all take a look at it. Thank you Mr. Speaker."

Representative Arakaki: Thank you Mr. Speaker. *Magandang hapon po sa inyong lahat.* On behalf of Representative Abinsay and Representative Magaoay and the rest of the Filipino Caucus, I've been asked to invite you and the rest of our colleagues to a delicious *sarap* lunch in Room 437 in honor of recognizing the Centennial Celebration Commission. So please come. Thank you."

Representative Schatz: "I just wanted to thank my staff for raising more than \$200 for the Hawaii Foodbank by selling baked goods. Thank you."

ADJOURNMENT

At 1:34 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, April 5, 2006.

HOUSE COMMUNICATION

House Communication dated April 4, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 386, HD 1, SD 1	H.B. No. 2282, HD 1, SD 1
H.B. No. 771, HD 1, SD 1	H.B. No. 2434, SD 1
H.B. No. 877, HD 2, SD 1	H.B. No. 2897, HD 1, SD 1
H.B. No. 1233, HD 1, SD 1	H.B. No. 3016, HD 1, SD 1
H.B. No. 1968, HD 1, SD 1	

FORTY-FOURTH DAY

Wednesday, April 5, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:18 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Jaime Demello, legislative aide to Representative Carroll, after which the Roll was called showing all members present with the exception of Representatives Kawakami, Stonebraker, Tanaka, Wakai and Waters, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Third Day was deferred.

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 252) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 252, informing the House that on April 3, 2006, the following bill was signed into law:

S.B. No. 2424, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS." (ACT 002)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 438 through 447) were received and announced by the Clerk:

Sen. Com. No. 438, transmitting S.C.R. No. 45, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL GRANTS FROM THE UNITED STATES OFFICE FOR DOMESTIC PREPAREDNESS FOR THE STATE DEPARTMENT OF DEFENSE," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 439, transmitting S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH COUNTY ORDINANCES AND STANDARDS RELATING TO OUTSIDE LIGHTING AT AIRPORTS AND HARBORS, AND TO PROVIDE CUT-OFF OR FULLY SHIELDED LENS FIXTURES TO DIRECT ARTIFICIAL LIGHTING DOWNWARD TO PREVENT DIFFUSION OF THE LIGHT INTO THE ATMOSPHERE, ON THE ISLAND OF HAWAII AND THE ISLAND OF MAUI," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 440, transmitting S.C.R. No. 86, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND CITY AND COUNTY OF HONOLULU," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 441, transmitting S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXAMINE THE PUBLIC POLICY UNDERLYING THE RECOVERY OF MEDICAL ASSISTANCE PAYMENTS," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 442, transmitting S.C.R. No. 110, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A COMPREHENSIVE STATEWIDE PEDESTRIAN SAFETY ACTION PLAN," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 443, transmitting S.C.R. No. 115, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 444, transmitting S.C.R. No. 137, entitled: "SENATE CONCURRENT RESOLUTION URGING THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS AND THE STATE OF HAWAII TO AFFIRM AND SUPPORT THE HISTORIC, CULTURAL, AND SACRED SIGNIFICANCE OF MAUNA'ALA-THE ROYAL MAUSOLEUM," which was adopted by the Senate on April 4, 2006.

Sen. Com. No. 445, dated April 4, 2006, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 2159, SD 2, HD 1 S.B. No. 2293, SD 2, HD 1

Sen. Com. No. 446, dated April 4, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 1983, Chair: Hanabusa
HD 1, SD 1 Members: English, Whalen

H.B. No. 2098, Chair: Baker
HD 1, SD 1 Co-Chair: Chun Oakland
Members: Tsutsui, Whalen

H.B. No. 2207, Chair: Hanabusa
HD 1, SD 1 Members: Chun Oakland, Whalen

H.B. No. 2503, Chair: Inouye
HD 2, SD 1 Co-Chair: Ige
Members: Espero, Whalen

H.B. No. 2898, Chair: Hanabusa
SD 1 Members: Hee, Whalen

H.B. No. 2899, Chair: Hanabusa
HD 1, SD 1 Members: Chun Oakland, Whalen

Sen. Com. No. 447, dated April 4, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 826, Chair: Chun Oakland
HD 2 Co-Chair: Hanabusa
Members: Ihara, Trimble

S.B. No. 895, Chair: Kokubun
SD 1, HD 2 Co-Chair: English
Member: Hemmings

S.B. No. 2255, Chair: Hanabusa
SD 1, HD 1 Members: Chun Oakland, Whalen

S.B. No. 2501, Chair: Kokubun
SD 1, HD 1 Co-Chair: Hooser
Member: Hemmings

S.B. No. 2603, Chair: Hanabusa
SD 1, HD 1 Members: English, Whalen

H.B. No. 2924, Chair: Hanabusa
SD 1, HD 1 Members: Chun Oakland, Whalen

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 62) was received by the Clerk and was placed on file:

Dept. Com. No. 62, dated November 2005, from the Department of the Attorney General, transmitting Driving Under the Influence in the City & County of Honolulu.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Arakaki introduced members of the Massage Therapists Association of Hawaii: Ms. Mahana Byington, MATAH President; Ms. Roxanne La'akea Schneider, Treasurer; Ms. Donna Shimabuku, Secretary; and Mr. Dustin Ebesu, Past President.

At 12:25 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

Representative Takamine, on behalf of the Big Island delegation, introduced students from Kohala High School and their advisors, Ms. Billie Brown and Ms. Melody Neitfeld; Kalaniana'ole Elementary and Intermediate School and their advisor Ms. Mari Nakamura; and Paauilo Elementary and Intermediate School and their advisor Mr. Dean Alip.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolution and resolutions were re-referred to committee by the Speaker:

<u>H.C.R.</u> <u>No.</u>	<u>Re-referred to:</u>
325	Committee on Water, Land, & Ocean Resources

<u>H.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
147, HD1	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns, then to the Committee on Higher Education
255	Committee on Water, Land, & Ocean Resources

INTRODUCTION OF RESOLUTION (FLOOR PRESENTATION)

The following resolution (H.R. No. 282) was announced by the Clerk and the following action taken:

H.R. No. 282, entitled: "HOUSE RESOLUTION CONGRATULATING MAUI ECONOMIC OPPORTUNITY, INC. ON ITS 41ST ANNIVERSARY," was jointly offered by Representatives Souki, Carroll, Halford, Nakasone, Tanaka, Yamashita and Say.

Representative Souki, moved that H.R. No. 282 be adopted, seconded by Representative Nakasone.

Representative Souki thanked Maui Economic Opportunity for their 41 years of service to the community and introduced the following representatives of MEO seated on the floor of the House:

Mr. Sandy Baz, Executive Director;
Ms. Lyn McNeff, Deputy Director; and
Mr. Joseph Williams, Board Member.

The motion was put to vote by the Chair and carried, and H.R. No. 282 was adopted with Representatives Ching, Kahikina, Kawakami, Marumoto, Stonebraker, Tanaka, Wakai and Waters being excused.

At 12:33 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:11 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1387-06) recommending that H.R. No. 124, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 124, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT ALL COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1388-06) recommending that H.C.R. No. 164, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROHIBIT ALL COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1389-06) recommending that H.R. No. 133, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 133, entitled: "HOUSE RESOLUTION URGING THE BOARD OF LAND AND NATURAL RESOURCES TO FACILITATE THE TRANSFER OF PUBLIC LANDS IN KEALAKEHE TO THE DIVISION OF BOATING AND OCEAN RECREATION AS AN EXPANSION OF HONOKOHAU SMALL BOAT HARBOR," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1390-06) recommending that H.C.R. No. 174, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 174, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF

LAND AND NATURAL RESOURCES TO FACILITATE THE TRANSFER OF PUBLIC LANDS IN KEALAKEHE TO THE DIVISION OF BOATING AND OCEAN RECREATION AS AN EXPANSION OF HONOKOHAU SMALL BOAT HARBOR," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1391-06) recommending that H.R. No. 189, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 189, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1392-06) recommending that H.C.R. No. 249, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1393-06) recommending that H.R. No. 256, be adopted; and

(Stand. Com. Rep. No. 1394-06) recommending that H.C.R. No. 320, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 256 and H.C.R. No. 320, be adopted, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of both measures, stating:

"Thank you Mr. Speaker. I rise in strong support of these two measures. Mr. Speaker, this pair of resolutions basically affirms that it is in the best interest of the State to preserve the architecture, objects, and sites of numerous cultures that make up our island community. And that preservation of the history, of our cultures, not only helps promote tourism, but helps to preserve for future generations, our cultural identity for all of the various people that call Hawaii their home.

"Mr. Speaker, historic preservation is more than buildings. The truth is that historic preservation is ultimately and always about people. It revitalizes business districts and neighborhoods. It helps our heritage tourism. It helps economic development. It reflects the people involved: small business, private citizens, bankers. Every walk of life is affected by historic preservation.

"The problem is that most people don't understand historic preservation. People are not aware and so like any issue, the first step is awareness and education because historic preservation, while it seems like it's something that is esoteric, is actually, possibly, a solution to many of our problems. Because when children are in strong and healthy communities, they know that the friendly building

down the street which looks gracious and welcoming, they know they're part of a community so they're less vulnerable to youth gangs.

"Also they learn about those that came before them. And they know that when they walk into the Queen Emma Summer Palace, wow, there's stability in this community. You know there's something. I can see what my own great, great, grandfather saw, so maybe I'm part of a continuum. And when you walk through a museum like that, one is touched by the inspiration of learning about the past. So it's kind of like learning about things that came before you, even grandparents or whoever.

"So ultimately historic preservation actually is about respecting things that are older. We're all, if we're lucky, going to become older. And just because we're older does not mean they're not useful. In fact we are perhaps, more useful. What is more useful? A flower? Or that you have to squeeze an orange to make juice? No, a flower inspires, and that's what a lot of our *kupuna* do. They understand. They give us wisdom. So when children, and I've been there in the education field, and I've seen the light go on in children's eyes when they go into the Queen Emma Summer Palace, which I might add would have been a baseball field had it not been for the Daughters of Hawaii, a 100 years ago."

Representative Takai rose to yield his time, stating:

"Mr. Speaker. I yield 10 seconds more."

Representative Ching continued, stating:

"Thank you very much. So in summation, and thank you very much to the Representative from Pearl City. Tourism. Children. They all benefit. And what this measure will do is actually respect those of the craft of architecture, because construction and architecture are not always equal. This building is architecture, but there are a lot of things that serve as buildings that are not. And when architecture is good, it gives a message, it teaches. So historic preservation is about health, about education, and the well-being of our people. Thank you."

Representative Cabanilla rose to speak in support of both measures, stating:

"Mr. Speaker, as the Representative of the historical Ewa Villages, I stand in strong support of this measure and I would like to add a few comments to show to my colleagues what a wonderful place the historical Ewa Villages is.

"Ewa Villages is a great historical and cultural site, and a legacy for the people of Hawaii that will remain as a constant reminder of our unique plantation life that cannot be compared to anywhere else in the world.

"Ewa Villages epitomized the frontier of plantation life and I would hope that we would like to see this preserved. Thank you, Mr. Speaker."

Representative Evans rose to speak in support of both measures, stating:

"Thank you, I rise in strong support. I just want to add to the words of the previous speakers. What I'd like to say is, it takes a community to raise a child. It takes a community to take care of our elderly. I truly believe this is a community issue about these historical sites, and historical events that have happened in the past, and how we together as a community will have to come together. I believe, with resources to protect a lot of our history. So I think there is a strong message by having this Historic Preservation Awareness Day and that message is, is that it's going to be up to us today, as a community, to come together to protect and to continue with some of our history.

"There are a lot of bills and a lot of resolutions this year at the Legislature addressing historic preservation and I really appreciate the support that's being showed. I hope Historic Preservation Day does send a strong message to the citizens that together, we need to work together, to keep some of these historical sites and cultural history intact. Thank you."

Representative Finnegan rose to speak in support of both measures, stating:

"Mr. Speaker, just short comments in strong support. In my district we have the Arizona Memorial and its one of the most known historic sites in the world. I just wanted to show my support and say that every community, and every other historic site should have the same recognition. Thank you."

Representative Berg rose to speak in support of both measures, stating:

"Thank you, I also rise in strong support and wish to add that if we're concerned about sustaining the culture of Hawaii and our host culture, then our part of learning about history is really important for that as well. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 256, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HONOR THE FIRST MONDAY IN MAY AS HAWAII HISTORIC PRESERVATION AWARENESS DAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 320, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HONOR THE FIRST MONDAY IN MAY AS HAWAII HISTORIC PRESERVATION AWARENESS DAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1395-06) recommending that H.R. No. 201, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1396-06) recommending that H.C.R. No. 261, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 201, HD 1, and H.C.R. No. 261, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Chong rose in support of the measure, stating:

"In strong support Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 201, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF FACILITY MAINTENANCE OF THE CITY AND COUNTY OF HONOLULU, TO REPORT TO THE LEGISLATURE ON THE RELATIONSHIP BETWEEN VARIOUS KAILUA WATERWAYS, INCLUDING THE KAELEPULU POND, AND THE WATER QUALITY AND NATURAL RESOURCES OF KAILUA BEACH AND KAILUA BAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 261, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, WITH THE ASSISTANCE OF THE DEPARTMENT OF

LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF FACILITY MAINTENANCE OF THE CITY AND COUNTY OF HONOLULU, TO REPORT TO THE LEGISLATURE ON THE RELATIONSHIP BETWEEN VARIOUS KAILUA WATERWAYS, INCLUDING THE KAELEPULU POND, AND THE WATER QUALITY AND NATURAL RESOURCES OF KAILUA BEACH AND KAILUA BAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1397-06) recommending that H.C.R. No. 98, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 98, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Herkes rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support, but I wish it would address areas far beyond Tantalus and Manoa. I have macadamia nut farmers who lose 30% to 40% of their crop to feral pigs, and I have them in my backyard. All we have to do is to work with the pig hunters of Hawaii, and they'll solve the problem."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 98, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ASSIST IN MANAGING THE FERAL PIG POPULATION IN THE TANTALUS AND MANOA AREA," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1398-06) recommending that H.C.R. No. 82, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1399-06) recommending that H.R. No. 131, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 131, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO CONTINUE THEIR EFFORTS TO SEEK AUTHORIZATION FROM THE UNITED STATES FOREIGN-TRADE ZONES BOARD TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY'S SCIENCE AND OCEAN TECHNOLOGY PARK AT KAILUA-KONA ON THE ISLAND OF HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1400-06) recommending that H.C.R. No. 172, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.C.R. No. 172, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO CONTINUE THEIR EFFORTS TO SEEK AUTHORIZATION FROM THE UNITED STATES FOREIGN-TRADE ZONES BOARD TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY'S SCIENCE AND OCEAN TECHNOLOGY PARK AT KAILUA-KONA ON THE ISLAND OF HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Karamatsu and Waters, for the Committee on Economic Development & Business Concerns and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1401-06) recommending that H.R. No. 175, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 175, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU, HONOLULU COMMUNITY COLLEGE, AND VARIOUS OTHER ENTITIES TO PURSUE DEVELOPMENT OF A MIXED-USE URBAN CORE IN KALIHI AND REQUESTING ENTERPRISE HONOLULU TO SUBMIT A REPORT RELATING TO THE MIXED-USE URBAN CORE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Karamatsu and Waters, for the Committee on Economic Development & Business Concerns and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1402-06) recommending that H.C.R. No. 234, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 234, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU, HONOLULU COMMUNITY COLLEGE, AND VARIOUS OTHER ENTITIES TO PURSUE DEVELOPMENT OF A MIXED-USE URBAN CORE IN KALIHI AND REQUESTING ENTERPRISE HONOLULU TO SUBMIT A REPORT RELATING TO THE MIXED-USE URBAN CORE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Karamatsu, Kanoho and Waters, for the Committee on Economic Development & Business Concerns and the Committee on Water, Land, & Ocean Resources and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1403-06) recommending that H.C.R. No. 218, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 218, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. Thank you, I rise to express a reservation on this particular resolution. I'm basically for the intent of the resolution and I strongly favor helping the High Tech Development Corporation, the University of Hawaii School of Medicine, the Cancer Research Center, and other agencies mentioned in this resolution.

"The original intent was to place many of these entities on State land next to the Mother Mary Waldron Park on the *mauka* side of Kakaako. I voted with reservations in Committee because the site has been planned by the HCDA as a possible site for an elementary school, so I just want to point that out. I think it's also set-aside for

kupuna housing or low-income housing, so I thought I would put that in mind. We should perhaps, look for other low cost land to help our high tech industry. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker. With reservations for similar reasons."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Evans rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm just going to vote with reservations because in the 'Be it resolved' clause, it comments that this taskforce is to look at strategizing to develop and operate the consortium on any land in Kakaako, and I would like to see that on the *mauka* side instead. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 218, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION, UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, CANCER RESEARCH CENTER OF HAWAII, DEPARTMENT OF EDUCATION, DEPARTMENT OF LAND AND NATURAL RESOURCES, THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, AND KAMEHAMEHA SCHOOLS TO PLAN A TECHNOLOGY-BASED COLLABORATIVE PROJECT ON STATE LANDS, OR OTHER APPROPRIATE LANDS, IN KAKAOKO," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1404-06) recommending that H.R. No. 149, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 149, entitled: "HOUSE RESOLUTION ENCOURAGING HAWAII'S LANDOWNERS, INVESTORS, COUNTY GOVERNMENTS, AND REGULATED ELECTRIC UTILITIES TO PURSUE DEVELOPMENT AND CONVERSION OF FUEL CROPS FOR ELECTRICITY GENERATION, AND REQUESTING THE HAWAII ENERGY POLICY FORUM TO MAKE RECOMMENDATIONS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1405-06) recommending that H.C.R. No. 195, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING HAWAII'S LANDOWNERS, INVESTORS, COUNTY GOVERNMENTS, AND REGULATED ELECTRIC UTILITIES TO PURSUE DEVELOPMENT AND CONVERSION OF FUEL CROPS FOR ELECTRICITY GENERATION, AND REQUESTING THE HAWAII ENERGY POLICY FORUM TO MAKE RECOMMENDATIONS," was adopted, with Representatives

Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1406-06) recommending that H.R. No. 239, be adopted; and

(Stand. Com. Rep. No. 1407-06) recommending that H.C.R. No. 305, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 239 and H.C.R. No. 305, be adopted, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to both measures, stating:

"Mr. Speaker. Thank you, I'm rising in opposition to Stand. Com. Report 1406 and 1407. This is a resolution encouraging the Governor to encourage the President to ratify the Kyoto Agreement. My concern is that the Kyoto Agreement put pretty stringent restrictions on green house gas emissions for developed countries, and no restrictions whatsoever on developing countries such as China and India.

"Having traveled to China with the Governor's group this past summer and seeing the amount of dirty air in the valley coming into ... I can't think of the name right now. But there is a tremendous amount of manufacturing going on in China, and this Kyoto Protocol would do nothing to restrict those countries. They are just pumping out all kinds of bad gases. In fact it's a big problem with the health of many of the people in the cities that are close to this manufacturing center.

"I think that many of the countries that participated in the Kyoto Protocol have had second thoughts as the years have gone by because there are no restrictions on these countries that don't have the same technology that we do as far as controlling emissions that are unhealthy.

"If we were to agree with this, it would set America up in a very uncompetitive way. There would be rules for us that wouldn't apply to many other countries. Seeing the balance of manufacturing, so much has been manufactured in China today, and so I just cannot support this resolution."

Representative Moses rose to speak in opposition to both measures, stating:

"Thank you Mr. Speaker, also in opposition for a very different reason, although the previous speaker made very good sense and I agree with her points. But just today, when many of us were in Transportation Committee and we heard from the UH Marine Center, SOEST. And one of the testifiers, I don't know if everybody had the chance to read the testimony, but the testimony said that they've been doing a lot of research on underwater volcanoes and they've determined that those volcanoes are a major contributor to the green house gases on our planet. So I think if we're going to do a resolution, maybe we ought to do one addressing volcanoes."

Representative Schatz rose to speak in support of both measures, stating:

"Mr. Speaker, in strong support. Well first of all, the debate about green house gases and the extent to which man is affecting global climate change is over. It may continue to occur on this House floor, but no credible scientific organization, no credible scientist who is not paid by the oil and gas industry claims that there's any real debate any longer about whether or not global climate change is already occurring. Not whether or not it may occur in the future, but whether or not it's already occurring. The debate is over. No scientist with

any credibility is claiming that, like they did 20 years ago, like they did 10 years ago, like they did 5 years ago, that global climate change is not a real thing.

"The Union of Concerned Scientists, the United Nations Environmental Program, our own School of Ocean and Earth Science and Technology. Again nobody credible in the government, outside the government, in the private sector, other than those employed by the fossil fuel industry, credibly, can claim that global climate change doesn't occur.

"Second of all, I want to address the question of fairness between our country and others. It's a legitimate question. Here's just one statistic. We have less than 2% of the world's population, and we generate more than 50% of the world's green house gases. Less than 2% of the world's population. More than 50% of the world's green house gases. We have to lead in this area. There is just no question any longer.

"And we've got to get beyond our partisanship here. I know that there is bipartisan support for the Kyoto Protocol, both in the Congress, and even in the House Chamber. But we have got to stop digging in and pretending that any Party should be the friends of the oil and gas industry. No Party should be in opposition to moving towards renewable energy and getting a handle on global climate change. We are conducting a giant experiment on the planet and it's just not right. Thank you."

Representative Berg rose to speak in support of both measures, stating:

"Thank you Mr. Speaker, I rise in strong support of this measure. Given the information, statistics, from the previous speaker, we have the opportunity as a State, if our Governor so chooses, to encourage the United States and take leadership. To take that leadership worldwide. We cannot force another country to change their ways, but what we can do as the most powerful nation on this planet is set the stage for the kind of conversations that make sustainability real.

"One of the things that concerns me as I sit also on the Interparliamentary Unions conversation in Geneva, where the United States is represented by Hawaii in the conversations about indigenous people's right and environmental rights, is that the United States is painfully absent in the conversations in the leadership on how to encourage, and how to have our planet be the kind of place where we can sustain life. So I rise in strong support and encourage this Body to have courage to encourage our Governor and the mayors to have that vision and integrity for Hawaii to be the leaders in this. Thank you."

Representative Caldwell rose to speak in support of both measures, stating:

"Mr. Speaker, in strong support also, and just some brief comments. Listening to the debate on the floor this afternoon. I would like to point out, one of the comments that somehow volcanoes pollute more than people. It takes me back, as you remember Mr. Speaker, to when Ronald Reagan was President, he made the famous statement that trees pollute more than people do.

"What we're talking about here is what we can do as human beings to preserve our planet for future generations, for our children and their grandchildren, and the first step is taking action ourselves. If you read the Resolution, it's not just asking the President to adopt the Treaty. His father should have by the way, and he should have. But it's asking the Governor to do so, and that can happen. The Governor can, by Executive action, adopt the treaty if she would like to. She has not done so thus far. There is legislation introduced in this Body that would mandate it, and hopefully that legislation would move in the future. It's an important issue that we must all debate.

"Finally our country being the largest polluter in terms of green house gas emissions, we should take that step. Be a leader. Be a

world leader. And hopefully other countries will follow. Thank you, Mr. Speaker."

Representative Herkes rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, our ocean temperatures have risen. Our sea levels have risen. The natural disaster events in the world in the last year and a half should be a wake-up call for all of us. I do not look forward to this coming hurricane season. I think Hawaii is very vulnerable. I think we're vulnerable to another tsunami, and I think that we need to be prepared. We need to stop global warming at any opportunity that we have because I think we're in real trouble. Thank you."

Representative Ching rose to speak in support of both measures, stating:

"Thank you Mr. Speaker, in support. I do support this measure, but I also wanted to add that, adding to the debate on the floor regarding history and the Presidential records, that Theodore Roosevelt is probably hailed in most publications as one of the most environmentally conscious Presidents in history of the US, and I think that some clarity needs to be made on positions of history and Party. Thank you."

Representative Meyer rose to respond, stating:

"Thank you Mr. Speaker. To follow on the good Representative from the Volcano area, 'And the sky is about to fall.' I mean, that's the rhetoric we're hearing here on the floor. The Vice Chair of Water and Land, talked about there's no argument. That's simply is not true. I have gone to countless legislative conferences where you hear both sides of the story. There is still a lot of debate amongst scientists. There may not be in this Chamber, but believe me, in the larger world out there, there is a great deal of disagreement so I am still in strong opposition. Thank you."

Representative Morita rose to speak in support of both measures, stating:

Thank you Mr. Speaker. I rise in support. First of all, I'd like to adopt the words of the Representative from Makiki as my own. I just wanted to point out that the debate that is now occurring in the United States is a debate of opinion, and many times not based in fact, of people who do not recognize global warming as an issue, and climate change as an issue.

"I encourage this Body to read, Boiling Point by Ross Gelbspan, where there is a coordinated effort in the United States to discredit climate change issues, and this has been an effort that has been ongoing for over a decade. And it is one that's based mainly on opinion, and not fact.

"What I want to point out to this Body is what the United States is missing out on by not looking at climate change as an issue, seriously. We are missing out on economic opportunities. There are some corporations who have recognized climate change, such as General Electric. You can see it in their Eco Imagination campaign, that the environment is important. But the economics most of all, is just as important. And taking new technology, advanced technology to Third World countries to promote energy efficiency and clean energy as opportunities for our industries in the United States to reshape themselves for these kind of initiatives.

"So the environment and economy are going hand in hand, but it really takes a national effort by our national leaders to recognize this and move forward in promoting climate change as a serious issue that we need to take a lead in and all the economic opportunities in technological advancement that our brainpower should be engaged in. Thank you."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. You know, as a scientist and a historian I've spent a great deal of time reading on these things and I'd like to say to my colleagues across the aisle that nobody is arguing that there aren't global changes, global climate changes. I didn't say that there weren't. And that seems to be the argument. But the argument on the other side didn't say whether or not there are global climate changes. There are. There are also ice ages in the history of the world and there will be more. But the fact that they occur doesn't mean that its only man-made or that man is the biggest contributor.

"If you remember the eruption of Mount Pinatubo, it was shown that that eruption alone lowered the earth's temperature one degree for one whole year. That's more than man can do. We cannot stop hurricanes that we heard about. We cannot stop tidal waves. We are not that powerful. Earth is more powerful than any of us. So I'd like to say that for the other side to say that there is no credible person out there that doesn't believe the way they do, that is absolutely false.

"If you want Mr. Speaker, I'll spend hours here on the floor. I can get all the evidence that you'd like to see and show that people with credible backgrounds, not in the pocket of big oil, because I guess that is the talk that we're hearing here. That if you're not in the pocket of big oil, you would see the true light. Well that's not true.

"Nobody told me my position on this measure. I saw the measure and I thought I would tell you my beliefs on it, because I do believe there is global changes and there will be global changes, and we're not going to stop them. That doesn't mean we can't help clean up the air, clean up the water, clean up the entire environment. But earth does a lot of this damage itself and that's the history of the earth. It will cycle. It's going to get colder, and it's going to get hotter. All of these floods and things that we're seeing now, they've happened before. This is not the first time and it'll happen again no matter what we do."

Representative Marumoto rose to speak in support of both measures with reservations, stating:

"Mr. Speaker. I would like to speak in favor of this with reservations. Thank you. I think that we are probably suffering from global warming, and you know of course things are very cyclical and we could be in a larger cycle. But I think that all nations should take steps to mitigate the effects of global warming.

"But I rise just to point out that we should proceed cautiously so as not needlessly damage our economy. I believe American Presidents and many European developed countries as well, have not signed the Kyoto Protocol because of this problem. I'd like to also point out that in particular, President Clinton who was in office for four years, never did sign the Protocol either. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 239, entitled: "HOUSE RESOLUTION SUPPORTING THE KYOTO PROTOCOL ON CLIMATE CHANGE AS A SIGNIFICANT MEANS TO REDUCE GREENHOUSE GAS EMISSIONS AND STABILIZE THE GLOBAL ATMOSPHERE, AND AS A NECESSARY FIRST STEP TOWARD MAINTAINING THE HEALTH AND QUALITY OF LIFE FOR FUTURE GENERATIONS OF HAWAII RESIDENTS, AND URGING THE GOVERNOR TO REQUEST THE PRESIDENT TO PURSUE RATIFICATION OF THIS AGREEMENT," was adopted, with Representatives Meyer and Moses voting no, and with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE KYOTO PROTOCOL ON CLIMATE CHANGE AS A SIGNIFICANT MEANS TO REDUCE GREENHOUSE GAS EMISSIONS AND STABILIZE THE GLOBAL ATMOSPHERE, AND AS A NECESSARY FIRST STEP TOWARD MAINTAINING THE HEALTH AND QUALITY OF

LIFE FOR FUTURE GENERATIONS OF HAWAII RESIDENTS, AND URGING THE GOVERNOR TO REQUEST THE PRESIDENT TO PURSUE RATIFICATION OF THIS AGREEMENT," was adopted, with Representatives Meyer and Moses voting no, and with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1408-06) recommending that H.R. No. 8, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 8, entitled: "HOUSE RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO CONTAIN AND ERADICATE COQUI FROGS IN HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1409-06) recommending that H.C.R. No. 12, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 12, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO CONTAIN AND ERADICATE COQUI FROGS IN HAWAII," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1410-06) recommending that H.R. No. 241, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 241, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCLUDE THE USE OF BIOREMEDIATION METHODS TO PREVENT AND MITIGATE POLLUTION IN ITS BEST MANAGEMENT PRACTICES AND PROGRAMS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Morita and Kanoho, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1411-06) recommending that H.C.R. No. 307, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 307, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO INCLUDE THE USE OF BIOREMEDIATION METHODS TO PREVENT AND MITIGATE POLLUTION IN ITS BEST MANAGEMENT PRACTICES AND PROGRAMS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1412-06) recommending that H.R. No. 225, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 225, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1413-06) recommending that H.C.R. No. 290, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 290, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1414-06) recommending that H.R. No. 75, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 75, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF ALLOWING CAMPING WITHIN STATE AGRICULTURAL DISTRICTS AND IF FEASIBLE, TO SPECIFY UNDER WHAT CONDITIONS CAMPING SHOULD BE ALLOWED," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1415-06) recommending that H.C.R. No. 101, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE FEASIBILITY OF ALLOWING CAMPING WITHIN STATE AGRICULTURAL DISTRICTS AND IF FEASIBLE, TO SPECIFY UNDER WHAT CONDITIONS CAMPING SHOULD BE ALLOWED," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1416-06) recommending that H.R. No. 251, be adopted; and

(Stand. Com. Rep. No. 1417-06) recommending that H.C.R. No. 317, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 251 and H.C.R. No. 317, be adopted, seconded by Representative B. Oshiro.

Representative Takai rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"Mr. Speaker, I would like to speak in support of this measure.

"The ONE Campaign is dedicated to the goal of energizing Americans to lobby Congress for an increase of ONE percent of the U.S. budget in an effort that would transform the futures and hopes of the poorest countries around the world. The ONE Campaign is a part of the international Make Poverty History movement, which works to increase awareness, and to pressure governments into taking actions towards relieving absolute poverty.

"We in Hawaii are not immune from poverty and homelessness. Our support of the ONE Campaign says that we care not only about ourselves, but we care about all people throughout the world.

"By providing ONE percent of the U.S. budget and redirecting that money to honest governments, private charities and faith-based organizations, we could provide the tools and resources they need to really make a difference.

"American support would be part of a compact with poor countries that fight corruption and use their own resources to help their people out of poverty. American leadership would be an example for rich countries in Europe and Asia to do their share to help the poorest people in the world.

"Supporting the ONE Campaign will allow us to help prevent 10 million children from becoming AIDS orphans and get 104 million children into grade school. We can also help to provide water to almost 900 million people around the globe and save almost 6.5 million children under 5 from dying of diseases that could be prevented with low-cost measures like vaccination or a well for clean water.

"The ONE Campaign encourages people of the world to unite one by one to make a better, safer, world for all. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 251, entitled: "HOUSE RESOLUTION COMMENDING THE EFFORTS OF THE ONE CAMPAIGN AND INVITING ALL CITIZENS TO JOIN IN RECOGNIZING AND SUPPORTING THE ONE CAMPAIGN AS IT SPREADS ITS MESSAGE THROUGHOUT THE NATION AND THE WORLD," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE EFFORTS OF THE ONE CAMPAIGN AND INVITING ALL CITIZENS TO JOIN IN RECOGNIZING AND SUPPORTING THE ONE CAMPAIGN AS IT SPREADS ITS MESSAGE THROUGHOUT THE NATION AND THE WORLD," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Sonson, for the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 1418-06) recommending that H.R. No. 125, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1419-06) recommending that H.C.R. No. 166, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 125, HD 1, and H.C.R. No. 166, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Halford rose to speak in opposition to both measures, stating:

"Thank you Mr. Speaker, in opposition. Mr. Speaker, I'm opposed to this because this is asking us to delay services to children and families in communities. The digest version is simply that the

Department of Human Services has changed its management practice to allow better service to families in communities. Apparently meetings are being missed. The workers are not getting to the families. There's a problem. The management plan is being opposed by the workers themselves. They object to the changes.

"No one is saying that delaying this will in any way enhance the delivery of services, and the Department of Human Service's plan is designed to improve the delivery of services. And just briefly, the voting in Committee was 3 noes, and 2 with reservations. That far outnumbers the few ayes. Thank you."

Representative Herkes rose to speak in support of both measures, stating:

"Thank you Mr. Speaker, in very strong support. I talked to both the providers, and I had two discussions with the Administration on this issue. I don't think that the people who put this plan together have any concept of the size of the area that they serve. The area from Ka'u to Hawi and to Honokaa is the size of this island plus Maui. And they want to take that and they want to close all of those rural offices and put them into one office in Kailua-Kona, which incidentally is next to a 'lease a lua' storage facility and a crematorium. That in itself troubles me.

"They have never fully manned the Ka'u Office, never. And with the problems that we had with the children and the ice problems in that district, the lack of services, whether it be psychologist, psychiatrist, or paying attention to children, has been a major problem in my area. How can somebody drive to an office in Kailua-Kona, and then try to service Hawi and Honokaa, or South Kona and Ka'u? 'Well maybe they can do it from their homes.' I said, 'Do you have any idea where they live?' 'Well, no.' I said, 'What if they all live in South Kona? Then how is that quote, plan, going to work?'

"Well they came back and they said, 'Well we have one person that lives in Waimea.' So you're going to service that entire Waimea, Honokaa, North Kohala, South Kohala district with one person or somebody coming out of that single office? And if they are working at home, then this argument about supervision makes no sense to me. They've got no support service. Then they say, 'Oh, we're going to give them their own cars to drive.' Well isn't that a great solution.

"Mr. Speaker, we're dealing with children. Children. And efficiency in government at the expense of children makes absolutely no sense to me. And I'm in strong support of the work that the Chairman of Human Services has done on this reso."

Representative Kahikina rose to speak in opposition to both measures, stating:

"Thank you Mr. Speaker, in opposition. Mr. Speaker, the whole reason why I oppose this measure, in my second read and investigating, when I was chosen to be the Chair of Human Services, I took a taskforce out throughout this whole State addressing the Child Protective Agency. Quite frankly, it was in these areas where we have been bombarded with a lot of these issues. Mr. Speaker, the services are still going to go into the communities. What the Department wants to do is to consolidate. In fact the operation in Ka'u will still be in operation.

"I'm afraid Mr. Speaker, a lot of the children are not getting the services and the children are not going to go to the office. We need to get the services out to children, out into their homes. I'm just feeling that, prior to us going out and investigating Child Protective Services, I've been having a lot of complaints by families since we did those investigations and made some changes in the legislation, and now we're getting complaints from social workers. And in this case, the complaints are from the workers, and that's why it convinced me that we need to support the Department in this change. Thank you."

Representative Hale rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I changed my mind on this because at first I was for this Resolution, but in the Committee we heard that Ka'u is not going to be closed up, so this Resolution is not accurate the way it points it out.

"The other problem that convinced me is, and I do support the former Chair of Human Services and Housing, the previous speaker, that I have a lot of problems in my community with the same problems that he has pointed out. And I do believe that the Department convinced me that they are trying to improve the education and the services that are being given out to the people by giving education to some of the workers that really need this kind of work, and need this education. So for these reasons, I have changed my mind and I believe that we should let the community and the Department try to improve their services there because it's not happening right now. Thank you, Mr. Speaker. I am voting no."

Representative Evans rose to speak in support of both measures, stating:

"I rise in strong support. The Department of Human Services had made a decision, I think, in a vacuum. They did not talk to the community about what I consider abandonment. We're talking about families that may have some problems where the principals and community leaders see problems. I got emails from pediatricians. I got emails from people in the Waimea community that were shocked that this was happening.

"I believe if people read the Resolution, we're not telling the Department of Human Services that their decision is wrong, completely wrong. What we're saying is, if you're going to abandon an office that existed for a long time, you should take it upon yourself to go out, have community meetings and talk about what you're planning on doing. Why you're planning on doing it. And what you're going to do to provide the service to a community that had it for a long time.

"The other thing is that this North Hawaii is growing by leaps and bounds. We've got like major population growth. Some people on the Big Island believe we're actually 3 distinct communities. That's the Hilo-Puna area, the Kona area and also the North Hawaii area which is Honokaa, Hawi, Waikoloa, and Waimea. The population growth is unprecedented in that area.

"When I had the Department of Human Services in my office, what I said to them was, 'Are you going to tell the community and have this discussion about what your short-term and your long-range plan is?' Because if this keeps growing at the rate it is, you're going to have to establish an office in North Hawaii. So if this is just a temporary solution because you're having problems supervising workers, tell the community you have to bring everybody back together for training, for reorganizing, to put the effort maybe for a year or two and trying to get reorganized. Tell them that, and don't let them feel like you've just abandoned them."

"I think the community is shocked by this. And I think all this resolution is doing is saying, we're urging you to delay it temporarily. Get out there and talk to the people. Thank you."

Representative Sonson rose to speak in support of both measures, stating:

"In support, Mr. Speaker. This is quite a difficult situation, Mr. Speaker, because we do want to support the Department in ensuring that we comply with our program improvement plan. One of the goals that we want to accomplish Mr. Speaker, because of the audit that's been done which pointed out that the workers have not been able to accomplish client services in an effective way.

"One measure that they were looking at is face-to-face contact between the social workers from DHS with the foster families. Face to face contact with the families that are affected. So part of the strategy is to have the offices in communities to make it a lot easier for them. That works in some situations. The Department did establish fringe offices, not these, but it works toward the same goal. They've done that in other areas. But why are they doing quite the opposite in this particular region.

"Well it turns out Mr. Speaker, that further investigation into the matter, is that there is this office in Kona, in Pottery Terrace it's called, in Downtown Kona. It is simply too small for the 18 people that work there because now, in order to comply with the reporting the strict standards of reporting in the PIP, they all have to go to the office and work. And within the 5 months that they've been implementing the PIP, they're at each other's throat. Morale is really low in that they are not getting the reports in on time despite the fact that they're in the office because they're fighting for the machines, they're fighting for the computers, etc. So the decision is made to move these 18 people in Kona to a bigger office. Unfortunately a decision came also that said, 'You know what? While we're at it, maybe we can save some money.'

"Let us bring in the 6 people in Kamuela, and I forgot how many people, 12 people I believe, in Captain Cook. Put them all in Kona, and not in Downtown Kona. Let's put them in the fringes of Kona. And as it turns out, from that area it takes an hour and a half just to drive through the seven miles of road that goes from that area to a very special place where they have to report to weekly, which is the court. So now you have a problem with the workers saying, 'Wait a minute. We're supposed to be delivering services to the families that live in the communities. That's why we're here. But at the same time we have to be in Kona, by the airport, to ensure that we are doing our report and go to court."

Representative Cabanilla rose to yield her time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"But thank you very much. Forgive me Mr. Speaker, Members, because this is a very controversial issue and that's why we delayed decision making on this for weeks so that the Chair and the Committees will hear from the community. And basically what I'm reporting to this Body right now is the result of those investigations. And those investigations are reflected in this measure that's before us, that's been worked on with the help of the Department of Human Services. And they have agreed to this draft and that's why it's going forward.

"Mr. Speaker, the problem is delivering services when you are very far away. So if it takes them about three hours to be on the road to get from the families in Kamuela, and then back to the office, and then to the court, the time is lessened to spend with the families where they are really needed. As the prior Chair of Human Services says, they are full in that aspect, that they should be with their families. Well that's exactly the concern from the workers.

"The workers are saying, 'How can we deliver the services that effectively if we are going to be spending most of our time on the road?' We know that the Chair of Housing who lives on the Leeward side as I do, and should know how hard it is to look at the time being spent on the road and says, 'You know, we could be at the Capitol working on this bill.' Well the feeling is the same on these individuals who want to work with families. They want to be out there working with the families and not on the road commuting.

"What we've done Mr. Speaker, because the other issue that came up is that there was no input from the community and there's no input from the workers themselves as to the feasibility of this move since it was a top-down decision. We have to be very careful also to ensure that the workers have a high morale because if we just say whether

you like it or not. You work for us. You do what we say. I don't think it works, Mr. Speaker.

"What we as public policy makers, we want to make sure that we take care of the workers who are going to be delivering services to the people because the complaint from the people is usually, 'They, we have staff in these offices that are not very friendly. They're always mad. They're always not attentive to us.' And who gets the blame for that? We do. And so the intent of this measure is to delay, it's not to stop, the plan to consolidate these offices. However, it is conditioned only upon having meetings in the affected communities and having a meeting with the affected staff.

"If during those meetings they should change their mind and reconsider, then it is up to the Department, Mr. Speaker. So this does no harm. It does not delay services to the communities. It is just to ensure that the workers, who are very important to us, have a chance and opportunity to tell the Department what may happen if they do make this particular move. Thank you."

Representative Halford rose to respond, stating:

"Thank you very much, Mr. Speaker. I'll be brief because I know this is going a long time just for a short reso. But I wanted to point out something which might have missed many of us. It missed me in the first place when I first heard it. It is that the services being delivered are not delivered in the offices. The services being delivered are in the client's homes, and that's how it's intended. That's what's meant to happen, and too often that's what's not happening. So I wanted to clarify that closing an office in the community does not desert the community, because the clients aren't going to that office anyway. That's just perhaps a convenience location for the workers themselves. So the issue here really is delivering services to the community which is not sufficiently happening now, and creating an office complex that will allow more services to be delivered to the people in their homes. Thank you."

Representative Green rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I'm rising in support very briefly. This is in my community, and it is kind of an issue. A lot of the people involved have spoken to me directly and asked that we have the Department look at it. I just think this resolution will allow them to talk with the community a little bit about it.

"I would just finally add that, based on how contentious this is, it seems almost like we're trying to let someone do a development back of my district with this amount of debate, so its quite surprising. I think it's really a smaller issue. Thank you."

Representative Yamane rose to speak in support of both measures, stating:

"I'm standing in strong support, Mr. Speaker. I just wanted to make a brief comment in regards to what was discussed earlier. The indication that having a centralized unit that will expedite or streamline services may not fully be accurate.

"As an individual that has worked in those kinds of programs at the Family Guidance Center, we also have to include that there's confidentiality factors in which you have to house your files. You have to have mail delivered, or to do other things. You have to have an area that you can meet families who have concerns about you as a worker coming into their home. If there are concerns about the security and safety of the child, you have to have a neutral place where those people feel comfortable. And having people travel 10, 20, 30 miles one way could be considered an unrealistic feat for some of our families out there, Mr. Speaker.

"So again this Resolution asks for them to initiate one, a minimum of one interactive public meeting. If anything in our communities were being affected like a closure of a school, or a development of

some type of wastewater treatment plant, that's the minimum we would be asking. Thank you, Mr. Speaker."

At 1:58 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:00 o'clock p.m.

At this time, the Chair stated:

"For the Members of this House, you all realize that we have close to 34 pages on the Order of the Day. The Judiciary Committee and the Consumer Protection Committee was to have a hearing at 2:00. The Chair would like to recommend that we continue on and try to finish up the last 23 pages in 15 minutes. That's my goal. Let's proceed on. For those of you who have written comments, you can submit them for the Journal. Or if you are voting with reservations or in opposition."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations on both measures for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations on both measures for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations on both measures for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record an aye vote with reservations on both measures for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations on both measures for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations on both measures for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations on both measures for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 125, HD 1, entitled: "HOUSE RESOLUTION STRONGLY URGING THE DEPARTMENT OF HUMAN SERVICES TO TEMPORARILY DELAY REALIGNMENT OF ITS CHILD WELFARE SERVICE OFFICES ON ISLAND OF HAWAII TO ALLOW FOR THE CONVENING OF A PUBLIC, COMMUNITY FORUM TO DISCUSS REALIGNMENT IMPLICATIONS AND POTENTIAL IMPACT ON THE CONTINUUM OF CHILD ABUSE AND NEGLECT PREVENTION, FAMILY SUPPORT, FAMILY STRENGTHENING AND VOLUNTARY CASE MANAGEMENT SERVICES FOR FAMILIES AND CHILDREN," was adopted, with Representatives Hale, Halford, Kahikina and Meyer, voting no, and with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 166, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF HUMAN SERVICES TO TEMPORARILY DELAY REALIGNMENT OF ITS CHILD WELFARE SERVICE OFFICES ON ISLAND OF HAWAII TO ALLOW FOR THE CONVENING OF A PUBLIC, COMMUNITY FORUM TO DISCUSS

REALIGNMENT IMPLICATIONS AND POTENTIAL IMPACT ON THE CONTINUUM OF CHILD ABUSE AND NEGLECT PREVENTION, FAMILY SUPPORT, FAMILY STRENGTHENING AND VOLUNTARY CASE MANAGEMENT SERVICES FOR FAMILIES AND CHILDREN," was adopted, with Representatives Hale, Halford, Kahikina and Meyer, voting no, and with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1420-06) recommending that H.R. No. 224, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 224, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM A TASK FORCE TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT IN WAILOA RIVER AND HILO BAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1421-06) recommending that H.C.R. No. 289, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 289, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO FORM A TASK FORCE TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT IN WAILOA RIVER AND HILO BAY," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1422-06) recommending that H.R. No. 154, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 154, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN ANALYSIS OF INCENTIVES TO PROMOTE LANDOWNER PROTECTION OF IMPORTANT MAUKA LANDS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1423-06) recommending that H.C.R. No. 200, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 200, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN ANALYSIS OF INCENTIVES TO PROMOTE LANDOWNER PROTECTION OF IMPORTANT MAUKA LANDS," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1424-06) recommending that H.R. No. 30, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.R. No. 30, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A WORKING GROUP TO PROTECT THE ORDER BATOIDEA, INCLUDING MANTA RAYS FROM POACHING AND FISHING," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1425-06) recommending that H.R. No. 151, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 151, entitled: "HOUSE RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1426-06) recommending that H.C.R. No. 197, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 197, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Waters, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1427-06) recommending that H.R. No. 210, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 210, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Waters, for the Committee on Health and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1428-06) recommending that H.C.R. No. 270, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," was adopted, with Representatives Arakaki, Berg, Stonebraker, Takamine, Tanaka and Wakai being excused.

The Chair then announced:

"Members, these measures are now being lateralled to a final Committee so there will be opportunity for another discussion on these resolutions and concurrent resolutions."

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1429-06), recommending

that H.C.R. No. 11, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 11, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INVASIVE SPECIES COUNCIL TO STUDY AND REPORT ON SPECIFIC STRATEGIES TO PREVENT THE SPREAD OF COQUI FROGS AND OTHER INVASIVE SPECIES," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1430-06), recommending that H.R. No. 193, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 1431-06), recommending that H.C.R. No. 253, be referred to the Committee on Finance.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 193 and H.C.R. No. 253, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Thielen rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was referred to the Committee on Finance with Representatives Finnegan, Moses, Pine and Thielen voting no, and with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused; and

H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was referred to the Committee on Finance with Representatives Finnegan, Moses, Pine and Thielen, voting no and with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1432-06), recommending that H.C.R. No. 141, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 141, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA

GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO CONSIDER PURCHASING THE MOANALUA GARDENS," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1433-06), recommending that H.C.R. No. 257, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 257, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this Resolution. This Resolution would ask the Auditor to conduct a management and fiscal audit of the Department of Land and Natural Resources. I think that we've seen with all of the rain, that DLNR is charged with a very large responsibility. I think at this point in time, it would take a lot of their resources and time for this audit.

"I would rather see, while we do have, we do have a bill or a resolution for an audit of the Historic Preservation Department. It probably would make more sense to have one division instead of this massive, whole department. So that's why I can't support this."

Representative Stevens rose to speak in support of the measure, stating:

"Just in support, Mr. Speaker. The boating community has been asking for an audit of the DOBOR operations for quite a long time. They had several in the past, and I think another one is due."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 257, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FISCAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1434-06), recommending that H.R. No. 148, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1435-06), recommending that H.C.R. No. 194, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 194, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1436-06), recommending that H.R. No. 253, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 253, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE HOUSE RESOLUTION 4167, THE "NATIONAL UNIFORMITY FOR FOODS ACT OF 2005", AND TO ENCOURAGE ONGOING DIALOGUE TO RETAIN STATE AND LOCAL GOVERNMENT CONTROL OVER FOOD SAFETY ISSUES," was referred to the Committee on Economic Development & Business Concerns with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1437-06), recommending that H.C.R. No. 319, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 319, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO OPPOSE HOUSE RESOLUTION 4167, THE "NATIONAL UNIFORMITY FOR FOODS ACT OF 2005", AND TO ENCOURAGE ONGOING DIALOGUE TO RETAIN STATE AND LOCAL GOVERNMENT CONTROL OVER FOOD SAFETY ISSUES," was referred to the Committee on Economic Development & Business Concerns with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Abinsay and Karamatsu, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1438-06), recommending that H.R. No. 147, as amended in HD 1, be referred jointly to the Committee on Hawaiian Affairs and the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING," was referred jointly to the Committee on Hawaiian Affairs and the Committee on Higher Education with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Abinsay and Karamatsu, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1439-06), recommending that H.C.R. No. 193, as amended in HD 1, be referred to the Committee on Higher Education.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 193, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING," was referred to the Committee on Higher Education with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1440-06), recommending that H.R. No. 123, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 123, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1441-06), recommending that H.C.R. No. 163, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 163, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Herkes and Arakaki, for the Committee on Consumer Protection & Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 1442-06), recommending that H.C.R. No. 95, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 95, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY AND ANALYSIS OF THE ADEQUACY OF PAYMENTS FOR HEALTH CARE FUNDED BY THE STATE AND THE ADEQUACY OF PAYMENTS FOR HEALTH CARE USING RATES ESTABLISHED BY THE STATE," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1443-06), recommending that H.R. No. 63, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 63, entitled: "HOUSE RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1444-06), recommending that H.C.R. No. 83, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was referred to the Committee on Consumer Protection & Commerce with

Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1445-06), recommending that H.C.R. No. 80, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT CHANGES TO THE MEDICARE PART D PROGRAM," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1446-06), recommending that H.R. No. 209, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 209, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1447-06), recommending that H.C.R. No. 269, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1448-06), recommending that H.R. No. 140, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 140, HD 1, entitled: "HOUSE RESOLUTION CONVENING A STUDY GROUP TO EXAMINE THE ISSUES OF MEDICAL NECESSITY AND COST FACTORS FOR CONTINUED REIMBURSEMENT FOR THE COST OF ROUTINE CIRCUMCISION FOR NEWBORN MALE INFANTS IN HAWAII," was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1449-06), recommending that H.C.R. No. 186, as amended in HD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 186, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION CONVENING A STUDY GROUP

TO EXAMINE THE ISSUES OF MEDICAL NECESSITY AND COST FACTORS FOR CONTINUED REIMBURSEMENT FOR THE COST OF ROUTINE CIRCUMCISION FOR NEWBORN MALE INFANTS IN HAWAII," was referred to the Committee on Consumer Protection & Commerce with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1450-06), recommending that H.C.R. No. 38, be referred to the Committee on Finance.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 38, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker, with reservations. Mr. Speaker, I know this Resolution goes on to Finance and that otherwise, I would have voted no, because the way the way the language is written and so poorly crafted that it doesn't deserve to be passed as it is. But hopefully it's a work in progress so I voted with reservations.

"I also wanted to point out that this is a strange Resolution in how it occurred in Committee. There was only one proponent for this Resolution. That was the House Majority Leader. No one else came to testify for this Resolution. Normally with an audit bill, or quite often anyway with an audit bill, we have the Auditor come by, not to speak in favor of it, but to offer comments. But the Auditor was not there so unusual. I thought it was an unusual hearing. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker, with serious reservations. This Resolution to me seems to be politically motivated."

The Chair addressed Representative Meyer, stating:

"Representative Meyer, you're out of order because there is no motive or intent in making that statement before this Body."

Representative Meyer: "Mr. Speaker, I think there are motives in many of the resolutions. It would be almost inhuman that people have no motives."

Speaker Say: "Your point is well taken, but it is not going to be recorded, Representative Meyer. Please address the Resolution as it is, on the substance of the matter and not using political motive or intent."

Representative Meyer: "Well it's hard to be honest and to express myself if I can't say that. Thank you, Mr. Speaker."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Takai rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this Resolution. I just wanted to clarify the Representative from Maui's statements regarding the supportive testimony. In fact, not only did the Majority Leader speak in support of the resolution, but we have testimony from Pacific and Asian Affairs Council that says that they welcome the legislative audit and I'll make it available for him to take a look at. In addition the Department of Business, Economic Development and Tourism in their testimony also supported the intent of the Resolution, and they

also mention that they'll fully cooperate with the Auditor. I'm not too sure where the Representative got his information. I was at the same hearing that he was at, and from what I read and I still read today, no one objected to the audit. Thank you, Mr. Speaker."

Representative Halford rose to respond, stating:

"Thank you. To clarify. Assuredly those two Departments if you will, groups, they're not looking to be audited. That is certain. They are being gracious and say they're going to cooperate with the audit, no problem. But assuredly, they were not there to support this. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, I just wanted to explain. I don't think that actually there's any political motivation behind this. It's actually a question as to how we are to comply with the Procurement Code when people are going to be soliciting private donations. And I think that's the critical issue here, because what we have, as we saw the testimony, as from the packet of information that was provided, was indeed it asked for an exemption from the Procurement Code in order to give a specific vendor a contract.

"The State Procurement Office said, 'No.' And then, a couple of months later, they actually go through a nonprofit and then the nonprofit gave the contract to that same vendor. So all they did was circumvent the Procurement Code. And if that's really what's going on, then we need to have the Auditor take a look at it so that in the future, if there are further ventures like this, as creative as they may be, they need to comply with the law. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose, stating:

"Mr. Speaker, just a point of clarification. The Minority Floor Leader used the term 'politically motivated' and there was no objection to that. The Majority Floor Leader. My point is that you made no objection to him referring to political motivation."

The Chair responded, stating:

"Well he said there was, 'no political motivation', or motive, or intent. That's what he said."

At 2:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:11 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE METHODS AND PROCEDURES EMPLOYED BY THE GOVERNOR IN SOLICITING PRIVATE SECTOR SPONSORSHIPS AND CONTRIBUTIONS, IN CASH OR IN-KIND, TO SUPPORT OR DEFRAY THE COSTS OF OFFICIAL GOVERNMENT FUNCTIONS, INCLUDING TRADE MISSIONS," was referred to the Committee on Finance with Representatives Arakaki, Kanoho, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1451-06) recommending that S.B. No. 2602, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and S.B. No. 2602, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1452-06) recommending that S.B. No. 2608, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1453-06) recommending that S.B. No. 2244, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2244, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1454-06) recommending that S.B. No. 2597, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1455-06) recommending that S.B. No. 2599, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2599, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1456-06) recommending that S.B. No. 2607, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2607, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF APPEALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1457-06) recommending that S.B. No.

2609, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2609, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1458-06) recommending that S.B. No. 2930, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2930, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representatives Luke and Caldwell, for the Committee on Judiciary and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1459-06) recommending that S.B. No. 695, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 695, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1460-06) recommending that S.B. No. 2462, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2462, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAKENA-KEONEOIO GOVERNMENT ROAD," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1461-06) recommending that S.B. No. 2063, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1462-06) recommending that S.B. No. 2237, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2237, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT,"

passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1463-06) recommending that S.B. No. 2382, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2382, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with very strong reservations on this bill, Relating to Taxation. While there are many sound provisions in the bill, the real poison pill is the requirement that the State Tax Office collect the half percent excise tax for the City and County of Honolulu.

"I thought it was clear from communications and articles in the newspaper last year that there was some kind of an agreement between the Governor and the leadership in the House and the Senate, that a provision would be made that the County would have to collect that, and that does not seem to be happening. Thank you, Mr. Speaker."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you. In opposition, Mr. Speaker. As one of the previous speakers said, I mean it was quite evident when we passed this measure that we said that the State would not collect the tax. And now we are. So it's the same thing as if we passed the tax. So I hope everybody realizes that. This Body passed a half a percent increase in the State GET tax."

Representative Thielen rose in opposition to the measure and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2382, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Finnegan, Marumoto, Moses, Pine and Thielen voting no, and with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1464-06) recommending that S.B.

No. 2550, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2550, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like a no vote please, and Mr. Speaker, brief remarks. Thank you, Mr. Speaker. The description should read, as it does in the bill, that this establishes the Kakaako Central Small Business District, returns zoning and land use controls for the Kakaako Central Small Business District to the jurisdiction of the City and County of Honolulu, and places a restriction on infrastructure construction and street improvements in the Kakaako Central Small Business District by the HCDA.

"If Members were relying on what is on the Order of the Day, which kind of tracks what goes along with the bill. I'm not making a complaint to the Clerk or the Clerk's Office, but the description isn't correct. It's picked up in another way and it did not pick up the actual impact of what this bill will do.

"As Members decide what to do on this measure as it goes on to Third Reading, I wish that they would remember the Whole Foods type of situation. And Mr. Speaker, just to let you know what that operation will do for agriculture in our State. I found out they're going to devote 10,000 square feet to the produce section, and they have a commitment to obtain produce from local farmers. They don't seek to bring it in from overseas or other places of that nature. That's 10,000 square feet. That's a ready market that's available for our consumers with produce right from the fields onto our dinner table plates.

"I think if we do this and dismantle, in effect, HCDA, we're really taking a step backward. I would hope this measure would not make it through. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Please enter my no vote on this matter. First of all, the City and County does not want Kakaako back. They can't afford it. This is a State redevelopment area. We've invested millions of dollars, and millions of man hours. Businesses have invested their lives. And corporations have invested millions of dollars also into Kakaako. We made a decision. We need to stay the course and not tamper with returning this to the City and County of Honolulu.

"Also I'm a small business advocate, and I think as I rise here with a no, I'm probably going to be assassinated as I walk down ID-11. I'm sorry ID-11. But you know, I have owned businesses in Kakaako since the early '90s and late '80s, and on every one of those I have had to pay substantial improvement assessments and they're horrible. We have, as a business community, asked that the City step up and give us a credit on property tax because you're paying for improvements and property taxes, and I know exactly what these people are talking about.

"HCDA has done the best, and as a member of the Kakaako Improvement Association, we also reached out to the business at ID-11 because it is a very unique improvement area because there are such a minimal amount of businesses that are being impacted by the assessment. However, almost 100% of those businesses have had their problems addressed by HCDA and all but, I believe, just one.

"We need to get that street improved. More people are going to get injured on that street because it is in such an unimproved area.

So let us continue with the task at hand, with the infrastructure of Kakaako, and leave it where it is with HCDA. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm just rising with strong reservations. I understand that a lot of the small businesses there on Queen Street are afraid that they are not going to have parking, deliveries would be very difficult, but as far as this, this is a lot of money has been spent, and you know they are trying to plan to bring things up. So it would just be like this little island in there that wouldn't be improved. I don't think that's very good planning. Thank you, Mr. Speaker."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. The City said perfectly straight forward, they don't want it. So we can't just say, 'You got it,' and not do anything. Thank you."

Representative Souki rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Evans rose to speak in support of the measure, stating:

"I stand in support. Thank you. I was at the hearing on this, and there were a lot of small businesses there in strong support of this. Mainly they felt it was time to let them help in their own destiny, and that they felt they could hold their elected City and County Council members, hold them accountable on what's to be done in their small business district. They felt that Kakaako, or the HCDA, had lost touch. That their mindset was to do these tall towers, residential towers, and to develop high density urban development and they were going to displace them.

"They felt very strongly that we should support this and I think they have a legitimate argument. Being it is a small district, it is within the city limits, and that they can work with their local elected officials in determining what their destiny is, and have those community meetings and have that input. So I supported them, and I still support them. Thank you."

Representative Stevens rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. I stand in support. Thank you. I wanted to just quote one of the testifiers from that hearing and it was one of the small business owners. He said, 'With HCDA, we're doomed. With the City and County, we have hope.' Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2550, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Harbin and Thielen voting no, and with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1465-06) recommending that S.B. No. 3051, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3051, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1466-06) recommending that S.B. No. 3111, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3111, SD 1, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai being excused.

At this time, the Chair stated:

"Members, at this time, please note the 48-hour notice for Standing Committee Report Nos. 1467-06 to 1494-06, listed on pages 24 through 30 of the Order of the Day."

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1467-06) recommending that S.B. No. 2454, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1467-06 on S.B. No. 2454, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2454, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1468-06) recommending that S.B. No. 995, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1468-06 on S.B. No. 995, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 995, SD 1, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1469-06) recommending that S.B. No. 2274, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1469-06 on S.B. No. 2274, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2274, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1470-06) recommending that S.B. No. 2476, SD 2, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1470-06 on S.B. No. 2476, SD 2, HD 3 was deferred and in accordance with Article III, Section 15 of the Constitution of the

State of Hawaii, printed copies of S.B. No. 2476, SD 2, HD 3, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1471-06) recommending that S.B. No. 2487, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1471-06 on S.B. No. 2487, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2487, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1472-06) recommending that S.B. No. 2617, SD 2, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1472-06 on S.B. No. 2617, SD 2, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2617, SD 2, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1473-06) recommending that S.B. No. 2753, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1473-06 on S.B. No. 2753, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2753, SD 1, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1474-06) recommending that S.B. No. 2773, SD 3, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1474-06 on S.B. No. 2773, SD 3, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2773, SD 3, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1475-06) recommending that S.B. No. 2901, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1475-06 on S.B. No. 2901, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2901, HD 1, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1476-06) recommending that S.B. No. 3003, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1476-06 on S.B. No. 3003, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 3003, SD 2, HD 2, were made available to the members of the House.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1477-06) recommending that S.B. No. 3037, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1477-06 on S.B. No. 3037, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 3037, SD 2, HD 2, were made available to the members of the House.

with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2687, HD 1, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1493-06) recommending that S.B. No. 2762, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1493-06 on S.B. No. 2762, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2762, SD 1, HD 1, were made available to the members of the House.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1494-06) recommending that S.B. No. 2986, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1494-06 on S.B. No. 2986, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2986, SD 2, HD 2, were made available to the members of the House.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Arakaki, Stonebraker, Takamine, Tanaka and Wakai were excused.)

STANDING COMMITTEE REPORTS

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1495-06) recommending that S.B. No. 2090, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2090, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1496-06) recommending that S.B. No. 2143, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2143, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1497-06) recommending that S.B. No. 2229, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2229, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS' HOUSING," passed Third Reading by a vote of 44 ayes to 1 no, with Representative Cabanilla voting no, and Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1498-06) recommending that S.B. No. 2479, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2479, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm shocked. You figured me out. I would like to vote with reservations on 1498. I once again, would like to advise this Body of the potential impact of this SPRB and the ramifications of Chapter 104. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2479, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

S.B. No. 2479, HD 1, passed Third Reading in the following form:

S.B. No. 2479, HD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to Article VII, section 12, of the Hawaii State Constitution, to authorize the State to issue special purpose revenue bonds and use the proceeds from the bonds to assist agricultural enterprises.

SECTION 2. Article VII, section 12, of the Constitution of the State of Hawaii is amended to read as follows:

"DEFINITIONS; ISSUANCE OF INDEBTEDNESS

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.
2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivision are pledged and, unless otherwise indicated, includes reimbursable general obligation bonds.
3. The term "net revenues" or "net user tax receipts" means the revenues or receipts derived from:
 - a. A public undertaking, improvement or system remaining after the costs of operation, maintenance and repair of the public undertaking, improvement or system, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made; or
 - b. Any payments or return on security under a loan program or a loan thereunder, after the costs of operation and administration of the loan program, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made.
4. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity,

governmental body or agency, board, bureau or other instrumentality thereof, or any combination of the foregoing.

5. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments or return on security under a loan program or a loan thereunder; provided that insurance premium payments, assessments and surcharges, shall constitute rates, rentals and charges of a state property insurance program.

6. The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or a combination of both, may be derived for the payment of the principal and interest as reimbursement to the general fund and for which reimbursement is required by law, and, in the case of general obligation bonds issued by the State for a political subdivision, general obligation bonds for which the payment of the principal and interest as reimbursement to the general fund is required by law to be made from the revenue of the political subdivision.

7. The term "revenue bonds" means all bonds payable from the revenues, or user taxes, or any combination of both, of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law, including a loan program to provide loans to a state property insurance program providing hurricane insurance coverage to the general public.

8. The term "special purpose revenue bonds" means all bonds payable from rental or other payments made to an issuer by a person pursuant to contract and secured as may be provided by law.

9. The term "user tax" means a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by a public undertaking, improvement or system; provided that mortgage recording taxes shall constitute user taxes of a state property insurance program.

The legislature, by a majority vote of the members to which each house is entitled, shall authorize the issuance of all general obligation bonds, bonds issued under special improvement statutes and revenue bonds issued by or on behalf of the State and shall prescribe by general law the manner and procedure for such issuance. The legislature by general law shall authorize political subdivisions to issue general obligation bonds, bonds issued under special improvement statutes and revenue bonds and shall prescribe the manner and procedure for such issuance. All such bonds issued by or on behalf of a political subdivision shall be authorized by the governing body of such political subdivision.

Special purpose revenue bonds shall only be authorized or issued to finance facilities of or for, or to loan the proceeds of such bonds to assist:

1. Manufacturing, processing, or industrial enterprises;
2. Utilities serving the general public;
3. Health care facilities provided to the general public by not-for-profit corporations;
4. Early childhood education and care facilities provided to the general public by not-for-profit corporations;
5. Low and moderate income government housing programs; [or]
6. Not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities[;] or
7. Agricultural enterprises.

each of which is hereinafter referred to in this paragraph as a special purpose entity.

The legislature, by a two-thirds vote of the members to which each house is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which each house is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the legislature; and provided further that the State may combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges, and universities, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds. The legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person or persons under contract or from any security for such contract or contracts or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The governor shall provide the legislature in November of each year with a report on the cumulative amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the State be authorized to issue special purpose revenue bonds and use the proceeds from the bonds to assist agricultural enterprises?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1499-06) recommending that S.B. No. 2598, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1500-06) recommending that S.B. No. 2606, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2606, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO BAIL," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1501-06) recommending that S.B. No. 2643, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2643, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I'm rising in opposition to Senate Bill 2643, House Draft 1. My real concern is that by making the changes that we're considering here, we could increase the cost for vocational rehab services because people can now start getting vocational rehab services while recovering from an injury. It will result in higher premiums. The measure could increase the cost for employers and insurance carriers from \$6.1 million, which it is now annually, to about \$62 million. And that's a big jump. Thank you, Mr. Speaker."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'd like to register a no vote on this measure. This measure attempts to move those that are on temporary disability into the ability to self-refer themselves into vocational rehab. This is a very bad bill, regardless of its intentions. The small business community is still reeling from the thought that we could even introduce something that would be so dramatic in the increase of benefits when it comes to workers' comp.

"I have been have received many calls, many concerns. In fact, the business community, the small business community is so concern and overwhelmed, they just didn't even show up. What's the sense? So with that being said, I promised them that I would follow this bill through Conference Committee. I will work with the Conferees, and encourage them to understand that this is a very bad bill. And I will do everything in my power to stop it, and bring home the demise of this bill. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, brief comments in support. The bill that we're voting on here today that moved out of Finance, is the same bill that the Labor Committee amended after listening to testimony from the business community. In that testimony, they asked that if this bill is to go forward, at least provide a provision for light duty so that the employer can find alternative light duty for this person, instead of sending them right on to voc rehab. They would support that.

"We listened to the business community. We put that amendment in. The Finance Committee has kept it in. And it would be moving forward. I think it actually addresses their concerns and gives an alternative. It helps the injured worker who has no other alternative to at least try light duty. If it doesn't work out long term, then yes, they deserve voc rehab. Thank you very much, Mr. Speaker."

Representative Harbin rose to respond, stating:

"Mr. Speaker, a slight rebuttal. It's unfortunate that some of us here that sit on the Labor Committee have not the historic involvement in workers' comp reform as some of us have had back in the '90s. Light duty is such a wonderful concept, and I think everybody in business would love to have light duty. I know I did. But light duty, when you're a small business, becomes this very elusive thing because it is very difficult because you don't have the ability to take an employee that is making \$40 an hour in a very specialized part of your business, and sit them down under a tree in a

parking lot to count how many people go in and out because that would be the light duty.

"When coordinated care passed in the '90s, that was one of the biggest issues that we had in allowing for light duty was to be able to send someone in that could help a business owner understand their business sufficiently, that they could develop a light duty policy. That is a real issue. So for this Legislature to sit here and say, 'Oh well, go figure it out business people because if you don't, we're going to impose \$62 million worth of benefits on you that you're just going to have to pay additional premiums on because you're not able to develop light duty.' This is another one of those making laws without understanding the ramifications, the true ramification, and it's really unfortunate that some of us weren't around in the '90s to understand what light duty is about. Thank you."

Representative Moses rose, stating:

"Brief point of information. I don't see light duty refer to in the measure at all.

At 2:29 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:31 o'clock p.m.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. That confirms my opposition to the measure."

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, I have serious reservations about the measure. When it applies to small businesses too, where they only have one or two or three employees, the light duty is not practical. And then, when we end up increasing the voc rehab population, I think we're going to then increase the workers' compensation payments that the small businesses will have to pay.

"I don't sit on the Labor Committee, but I just have a gut feeling that this is going to hurt our small businesses in the State. So my serious reservations have just tipped over to a no vote. Thank you."

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like a no vote with just quick comments. I kind of believe after listening to the testimony, that this bill might actually delay services to injured workers until a determination can be made of whether or not the worker can return to his previous or is suitable for light duty.

"We heard testimony that the rehab unit is grossly understaffed and has no one that's really qualified to make such a decision. So for those reasons, I'll be voting no. Thank you."

Representative Ching rose in opposition to the measure and asked that the remarks of Representatives Thielen and Stevens be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2643, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Third Reading by a vote of 37 ayes to 8 noes, with Representatives Ching, Finnegan, Harbin, Marumoto,

Meyer, Moses, Stevens and Thielen voting no, and with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1502-06) recommending that S.B. No. 2704, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2704, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1503-06) recommending that S.B. No. 2720, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2720, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Stonebraker, Saiki, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1504-06) recommending that S.B. No. 2984, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2984, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1505-06) recommending that S.B. No. 3253, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3253, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1506-06) recommending that S.B. No. 2593, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2593, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1507-06) recommending that S.B. No. 2050, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1508-06) recommending that S.B. No. 2051, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2051, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1509-06) recommending that S.B. No. 2263, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2263, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 134," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Stonebraker, Saiki, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1510-06) recommending that S.B. No. 2332, SD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2332, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1511-06) recommending that S.B. No. 2581, SD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2581, SD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Mr. Speaker. On 1511, in opposition. This is allowing retired police officers and correction officers to serve warrants to get rid of the backlog. We keep hearing about a backlog of 62,000 warrants, but there's a more realistic figure that's maybe down in the 50,000 range. Most of those are traffic warrants. Some of the other warrants the State knows perfectly where they are, out of state. And it cost a lot more to bring them back for their discretion and to leave them where they are, as long as they're out of state. So the real number of warrants comes down to a very, very small amount. It's not the 62,000 number.

"The police department said, 'We don't want these people, these retired officers out there with guns, who aren't going to go back to regular training and regular firearms training etc.' The Attorney General said they don't have the authority to designate and regulate who the individual persons who would be authorized to do this. Would these people become employees of the State? Who would pay them? Who would be responsible for their liability if the State is saying you go out and serve it? There are many, many questions, so I'm in opposition."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2581, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BACKLOG IN UNSERVED ARREST WARRANTS," passed Third Reading by a vote of 43 ayes to 2 noes, with Representatives Moses and Thielen voting no, and with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1512-06) recommending that S.B. No. 2737, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2737, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE INVERTEBRATES," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

At 2:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:35 o'clock p.m.

At 2:36 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2090, SD 2, HD 1	S.B. No. 2984, SD 1, HD 1
S.B. No. 2143, SD 2, HD 1	S.B. No. 3253, SD 1, HD 1
S.B. No. 2229, SD 2, HD 1	S.B. No. 2593
S.B. No. 2479, HD 1	S.B. No. 2050
S.B. No. 2598	S.B. No. 2051
S.B. No. 2606, HD 1	S.B. No. 2263, SD 1
S.B. No. 2643, SD 1, HD 1	S.B. No. 2332, SD 2
S.B. No. 2704, SD 2, HD 1	S.B. No. 2581, SD 1
S.B. No. 2720, SD 2, HD 1	S.B. No. 2737, SD 1, HD 1

THIRD READING

S.B. No. 2929, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2929, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Third Reading by a vote of 45 ayes, with Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai being excused.

At 2:37 o'clock p.m., the Chair noted that S.B. No. 2929, HD 1, passed Third Reading.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. Just to remind the Members Friday is annual Hemp Aloha Friday, and wear a hemp shirt or a natural fiber shirt in honor of Earth Day.

"And then on Monday we have the Easter Basket delivery to the Institute of Human Services at 3:00 at the entry to the Rotunda area. I hope that Members are putting together their Easter Baskets with usable items for the women's shelter. Thank you."

Representative Takai: "Thank you, Mr. Speaker. Today is a bittersweet day because House Resolution 282, the floor presentation, was in fact, our last one. I think this past Session, we've had a great deal of floor presentations and I know some of us in this Chamber were concerned about some of the floor presentations that have occurred, and the process and protocol.

"But you know, from this seat, Mr. Speaker, and where I stand, I think Representative Yamane has done a great job in coordinating our floor presentations this year. In fact, over the past 12 years that I've been here, I think that this year has been the best. So I just wanted to recognize him, and point out to him publicly that he's done a fine job for us, and I hope he continues next year. Thank you, Mr. Speaker."

ADJOURNMENT

At 2:39 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, April 6, 2006. (Representatives Arakaki, Saiki, Stonebraker, Takamine, Tanaka and Wakai were excused.)

HOUSE COMMUNICATION

"HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following Senate Bill, a copy of which is attached hereto:

S.B. No. 2479, H.D. 1, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION."

Said measure passed Third Reading in the Hawaii House of Representatives on this date.

Respectfully,
/s/Patricia Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Paul T. Kawaguchi, Clerk of the Senate
Dwayne Yoshina, Chief Election Officer"

FORTY-FIFTH DAY

Thursday, April 6, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:13 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Josh Green, M.D., after which the Roll was called showing all members present with the exception of Representatives Stevens, Stonebraker and Takamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Fourth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 448 through 472) were received and announced by the Clerk:

Sen. Com. No. 448, informing the House that the Senate has, on April 4 [sic], 2006, reconsidered its action taken on March 30, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading.

S.B. No. 2506, "RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE."

Sen. Com. No. 449, transmitting S.C.R. No. 2, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 450, transmitting S.C.R. No. 43, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 451, transmitting S.C.R. No. 51, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING SOCIAL EQUALITY FOR ALL OF HAWAII RESIDENTS," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 452, transmitting S.C.R. No. 70, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 453, transmitting S.C.R. No. 71, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ISSUES HOSPITALS FACE WITH REGARD TO WAIT LISTED PATIENTS IN HAWAII IN NEED OF LONG TERM MEDICAL CARE," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 454, transmitting S.C.R. No. 72, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S COUNTY, STATE, AND FEDERAL LEVEL GOVERNMENT OFFICIALS TO PLAY AN ACTIVE ROLE IN CREATING "HEART HEALTHY COMMUNITIES", which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 455, transmitting S.C.R. No. 76, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO

IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 456, transmitting S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S NATIONAL CAMPAIGN TO RAISE AWARENESS AND INFORM WOMEN ABOUT MENOPAUSAL HORMONE THERAPY AND DESIGNATING SEPTEMBER AS MENOPAUSE AWARENESS MONTH IN HAWAII," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 457, transmitting S.C.R. No. 145, entitled: "SENATE CONCURRENT RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 458, transmitting S.C.R. No. 147, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE AND APPROPRIATE FUNDS TO ALLOW ALL MEMBERS OF THE ARMED FORCES RESERVE COMPONENT TO ACCESS THE TRICARE PROGRAM," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 459, transmitting S.C.R. No. 170, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES HOUSE OF REPRESENTATIVES SUPPORT AND PASS H.R. 4259, THE VETERANS' RIGHT TO KNOW ACT, WHICH CREATES A COMMISSION TO BRING RELIEF TO VETERANS INVOLVED IN PROJECT 112 AND THE SHIPBOARD HAZARD AND DEFENSE PROJECT AND OTHER INCIDENTS OF CHEMICAL OR BIOLOGICAL TESTING," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 460, transmitting S.C.R. No. 193, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CALLING UPON THE GOVERNOR OF HAWAII TO TAKE STEPS TO WITHDRAW THE HAWAII ARMY AND AIR NATIONAL GUARD TROOPS FROM IRAQ," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 461, transmitting S.C.R. No. 204, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 462, transmitting S.C.R. No. 229, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE ADOPTION OF THE UNITED NATIONS' CONVENTION ON THE RIGHTS OF THE CHILD," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 463, transmitting H.C.R. No. 15, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," which was adopted by the Senate on April 5, 2006.

Sen. Com. No. 464, transmitting H.B. No. 2208, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 465, transmitting H.B. No. 2885, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT ENTERTAINMENT PRODUCTS," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 466, transmitting H.B. No. 2691, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 467, transmitting H.B. No. 2780, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 468, transmitting H.B. No. 3101, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 469, transmitting H.B. No. 3242, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," which passed Third Reading in the Senate on April 5, 2006.

Sen. Com. No. 470, transmitting H.B. No. 3256, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 5, 2006.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Stevens, Stonebraker and Takamine were excused.)

H.B. No. 2691, SD 2	H.B. No. 3242, SD 1
H.B. No. 2780, HD 1, SD 1	H.B. No. 3256, HD 1, SD 1
H.B. No. 3101, HD 1, SD 1	

Sen. Com. No. 471, dated April 5, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 386, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 771, HD 1, SD 1	Chair: Hanabusa Members: English, Whalen
H.B. No. 877, HD 2, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 1233, HD 1, SD 1	Chair: Hanabusa Members: English, Whalen
H.B. No. 1984, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 2282, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 2299, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
H.B. No. 2508, HD 2, SD 1	Chair: Inouye Co-Chair: Ige Members: Espero, Slom
H.B. No. 2897, HD 1, SD 1	Chair: Hanabusa Members: English, Hee, Whalen
H.B. No. 3016, HD 1, SD 1	Chair: Hanabusa Members: Chun Oakland, Whalen
H.B. No. 3253, SD 1	Chair: Hanabusa Members: English, Whalen

Sen. Com. No. 472, dated April 5, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bill:

S.B. No. 706, SD 2, HD 2	Chair: Inouye Co-Chair: Hanabusa Members: Espero, Trimble
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INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Takai, on behalf of Speaker Say and Representative Takumi, recognized the students, advisors and staff of School SkillsUSA.

Representative Magaoay introduced third-grade students of Sunset Beach Elementary, accompanied by teachers, Ms. Rex Dubiel and Ms. Jan Olsen; and parents and supporters.

Representative Moses introduced members of Save Our Race Track.

Representative Arakaki introduced from Japan, staff writer for the Social Security News Department of Yomiuri Shimbun, Mr. Nobuaki Suzuki, and US Department of State Interpreter, Mr. Joji Sato.

Representative Green introduced his office manager, Mr. Alex Malabey; and friends, Ms. Jaime Ushiroda, and Dr. Greg Miranda.

Representative Lee, on behalf of Representative Yamane and herself, introduced Ms. Lori Higashi from Mililani High School SkillsUSA, 1st place winner in the Job Interview Category at the national competition.

Representative Hale introduced her neighbor from Puna, Hawaii, Ms. Luana Jones.

Representative Tanaka introduced from Lahaina Intermediate School SkillsUSA, faculty, Tony and Darryl; and students, Kaila, Ciara, Fallon, Everette, George, Nicole, Joyce, Stephanie, Michael and Evan.

Representative Tsuji introduced from Waiakea High School SkillsUSA, Mr. Derrick Kiyon and Mr. Daryl Pietor; and from Keaau High School SkillsUSA, Mr. Jun Pagala and Mr. Koby Kobayashi.

Representative Cabanilla introduced fifth-grade students of Ewa Elementary, accompanied by teachers, Mrs. Alma Devera, Mrs. Kelijene Tengan and Mrs. Linda Forendo.

Representative Pine recognized students from Campbell High School SkillsUSA, accompanied by advisors, Mr. Walden Zane, Mr. Wendell Tashiro and Mr. Justin Delos Reyes.

Representative Harbin introduced the Executive Director of Citizen Voice, Mr. George Fox; and the President of Kokua Council, Mr. Larry Geller.

Representative Morita introduced students from Kapaa Middle School SkillsUSA and Chiefess Kamakahelei Middle School SkillsUSA, accompanied by advisors, Mr. Ryne Terao, Mr. Rolando Dace and Ms. Wendy Hustad.

Representative M. Oshiro introduced his friend from Wahiawa, Mr. Darryl Munetake.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

S.C.R.

Nos.

Referred to:

45	Committee on Public Safety & Military Affairs
46	Committee on Transportation
86, SD1	Committee on Energy & Environmental Protection, then to the Committee on Judiciary
108	Jointly to the Committee on Human Services and the Committee on Health
110	Committee on Transportation
115, SD1	Jointly to the Committee on Health and the Committee on Human Services
119, SD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
129	Committee on Health
137	Jointly to the Committee on Hawaiian Affairs and the Committee on Water, Land, & Ocean Resources
184, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Water, Land, & Ocean Resources

COMMITTEE REASSIGNMENT

The following concurrent resolution was re-referred to committee by the Speaker:

H.C.R.

No.

Re-referred to:

192	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection
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SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Marumoto, Stevens, Stonebraker and Takamine were excused.)

UNFINISHED BUSINESS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1384-06) recommending that S.B. No. 3049, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3049, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

At 12:32 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3049, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," passed Third Reading by a vote of 47 ayes, with Representatives Marumoto, Stevens, Stonebraker and Takamine being excused.

At 12:33 o'clock p.m., the Chair noted that S.B. No. 3049, SD 1, HD 1, passed Third Reading.

STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1513-06) recommending that H.R. No. 58, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 58, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND THE CITY AND COUNTY OF HONOLULU AND REPORT ON HOW THE DEPARTMENT OF HEALTH CONDUCTS HEALTH SURVEILLANCES RELATED TO ENVIRONMENTAL FACTORS, SUCH AS LANDFILLS AND INFECTIOUS DISEASE, AND HOW THE DIVISIONS OF THE DEPARTMENT OF HEALTH WORK TOGETHER TO SHARE INFORMATION AND DETERMINE ANY ACTIONS TO BE TAKEN," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1514-06) recommending that H.C.R. No. 76, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 76, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND THE CITY AND COUNTY OF HONOLULU AND REPORT ON HOW THE DEPARTMENT OF HEALTH CONDUCTS HEALTH SURVEILLANCES RELATED TO ENVIRONMENTAL FACTORS, SUCH AS LANDFILLS AND INFECTIOUS DISEASE, AND HOW THE DIVISIONS OF THE DEPARTMENT OF HEALTH WORK TOGETHER TO SHARE INFORMATION AND DETERMINE ANY ACTIONS TO BE TAKEN," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representatives Magaoay and Ito, for the Committee on Legislative Management and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1515-06) recommending that H.R. No. 197, be adopted.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.R. No. 197, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure, stating:

"Thank you Mr. Speaker. I just want to stand in strong support. This is a very good way of meeting the objectives of both the House and the Administration. The House will get the information we need for Homeland Security, and the material will still stay confidential. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.R. No. 197, entitled: "HOUSE RESOLUTION ESTABLISHING THE SELECT HOUSE COMMITTEE ON HOMELAND SECURITY REVIEW," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1516-06) recommending that H.R. No. 179, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 179, entitled: "HOUSE RESOLUTION STRONGLY REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENFORCE ITS MOORAGE PERMITTING RULES IN KANEOHE BAY," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1517-06) recommending that H.C.R. No. 238, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 238, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO ENFORCE ITS MOORAGE PERMITTING RULES IN KANEOHE BAY," was adopted, with Representatives Marumoto, Stevens and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1518-06) recommending that S.B. No. 2298, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2298, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1519-06) recommending that S.B. No. 2260, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2260, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1520-06) recommending that S.B. No. 2265, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2265, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1521-06) recommending that S.B. No.

2327, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1522-06) recommending that S.B. No. 2922, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2922, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support of Senate Bill 2922, Relating to Campaign Spending. Thank you. I do have a few concerns. Really the basic concern is that we're not hearing the bill that would have prevented donations from lobbyists, but since that's not before us, I won't discuss that measure.

"Mr. Speaker, I'm a bit confused about the provision on page 2. It states that a person other than an individual, and what this means is a corporation or a union, using funds from its own treasury may make a one-time transfer during a two-year election period of an unlimited amount of money into its own non-candidate committee. That's the section that I have a question about, Mr. Speaker. I know then once the money is in the union's non-candidate committee, political action committee account, or the corporation's political action committee account, then they are limited to a specific donation per candidate. In other words, if it's the House of Representatives they can give no more than \$2,000.

"What I'm asking about is this: does this one-time only mean one time only? That in other words, in 2006, the corporation or union can put the money in. Or is it a one time only per election period? And does that mean then that the union or the corporation puts the money into its political action committee account one time during the two-year election period, this two years, the next two years, etc, and onward? And if the Judiciary Committee Chair would yield to a question or if she would rather take a recess. I'm a bit confused about this one section."

The Chair then stated:

"Representative Luke, will you yield to a question?"

Representative Luke rose to respond, stating:

"I'll be happy to yield to the question, but I didn't see the distinction between her first question and the second question so maybe we better take a recess."

At 12:37 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

Representative Thielen continued, stating:

"Thank you Mr. Speaker. I appreciated the Judiciary Chair's and Vice Chair's explanation on this. It does mean that a union or a corporation can select one time period during a two-year election

period in which they can put money into their political action committees to then give donations to candidates. They can't later during that same two-year election period put more money into it. So it's a baby step toward campaign spending reform, but it really is not nearly as effective, Mr. Speaker, as if we could outlaw lobbyists campaign donations in totality. Thank you. And it's not on the subject matter before us, so I will not continue down that line. Thank you."

Representative M. Oshiro rose, stating:

"Mr. Speaker. The speaker basically articulated my reasons for objecting, but I'll go one step further, Mr. Speaker. That those remarks that refer to that issue not before us be stricken from the Journal."

The Chair then ruled, stating:

"The Chair will make that decision as we progress."

Representative Moses rose to speak in support of the measure with reservations, stating:

"On the same measure, Mr. Speaker, I'm just rising in support with one minor concern. My concern is as many bills progress through the Legislature they have defective dates and this one does too. I'm just concerned that maybe it will become retroactive to last year, and affect those of us, which I'm sure is all of us here who have been abiding by the current statutes. And I don't want to see a change in the law halfway through, very close to the election. Thank you."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just the same reservations, Mr. Speaker. I haven't really been able to pinpoint yet, but I just don't feel very good about this bill. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this bill. Very briefly, this actually is a change in the law that's necessary because the Attorney General says that there is a current conflict in Chapter 11 and they need clarification, and that's why we're doing this."

"That's why it's addressing only two issues. It's a very small bill and it's not that entirely comprehensive. But just to challenge what the speaker from Kailua said. We previously passed House Bill number 3101, and that was a campaign spending comprehensive bill that made multiple changes and already went over to the Senate and has just come back and is on our desk. So I don't know what she's talking about, 'baby steps,' because all this is, is a technical fix that the Attorney General said we needed. And that's why we're passing this."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. The baby steps are because we're not outlawing campaign donations by lobbyists. Thank you."

The Chair then stated:

"Representative Thielen, you're out of order with that statement."

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, just one clarification, in strong support. When the Legislature passed the campaign finance reform bill last year, what it did was effective January 1st of 2006, we put certain restrictions on union and corporate contributions from the treasury."

"The effect of that is any corporation and any union that wanted to stack the amount from their treasury into their PAC, they were able to do so and they were allowed to do so by the Campaign Spending Commission as long as it was done before January 1st, 2006. So those corporations and unions that are *akamai* in the campaign spending law and knew what was going on, they actually were able to put in whatever amount, an unlimited amount for an unlimited time from the treasury into their PAC."

"However, those corporations and unions that did not either consult with the Campaign Spending Commission or did not know that these changes were made, were kind of left out in the cold. So it's a kind of inequity that we're trying to fix for those people who actually did communicate with the Campaign Spending Commission or those people who are more in tuned with what's going on with the Legislature. But there are tons of corporations, there are tons of entities, who actually do not follow all the bills, and do not follow what's going at the Legislature. So this is trying to address the inequity for some corporations who were able to put in an unlimited amount and for those corporations that were not able to."

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations. I came to this Body with specific issues that were on my priority list, and this is a rather peripheral one. But as I sit here, again coming from my former life of being a citizen-participant, it's very disillusioning when I see bills that are as important as this, dealing with such an important subject matter being called, 'baby steps,' being called, 'cleaning up things.' We need to take more than baby steps Mr. Speaker. We need to take giant steps."

"The people that I talk to on the streets are really disillusioned with us, really disillusioned. And to say to them, don't worry, sit back, just continue to be disillusioned with us and don't go to the polls because we're taking baby steps is a terrible, terrible thing for this Body to keep saying. And I want us to take a big step if we're going to take one, this Session and send a message that we're ready for citizen participation. Thank you."

Representative Pine rose to respond, stating:

"I'm sorry, Mr. Speaker. I had reservations because of what the speaker from Kailua said but now I have even stronger reservations about this bill because of what the Chair of Judiciary said. So basically my understanding is that people who followed the law are not going to be giving any more. But we're going to make it legal for everyone else who forgot to give before January 1st, 2006 to be able to give to us now because they didn't follow the law. So anybody that gave to us from January 1st to now, we're trying to make it legal because we forgot to get donations from them before that. That's what it's sounding like and that's why I'm rising again. Thank you."

The Chair then stated:

"Members, we have had a lot of discussion on this measure. This is Second Reading and for those of us who have already spoken on Second Reading, the Chair will entertain your comments to insert it in the Journal on Third Reading, at this point and time. This is Second Reading, Members. You'll get another opportunity."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose, stating:

"May I change my eye to a vote with reservations, please," and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2922, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Stevens and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1523-06) recommending that S.B. No. 2226, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2226, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1524-06) recommending that S.B. No. 2296, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2296, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

At 12:48 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2226

S.B. No. 2296, SD 1

THIRD READING

S.B. No. 2290, SD 2, HD 1 and S.B. No. 2292, SD 2, HD 1:

Representative M. Oshiro moved that S.B. Nos. 2290, SD 2, HD 1, and 2292, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose in support of both measures and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I strongly support this S.B. No. 2290. I think it is very important that this Legislature do everything possible to protect the citizens of the State from identity theft. I am glad that the problem is being taken so seriously and that there are multiple bills moving through the Legislature. This bill is especially admirable in that it requires that businesses notify those whose information has been compromised in the event of a security breach. That will allow the potential victims to be aware of possible problems and to monitor their credit report. With that kind of advanced notice, persons will be able to take action to prevent any incident from occurring that could be very costly to them. It is very important that we attack the problem of identity theft from all angles and this bill is one that would put some more power into the potential victims' hands. Thank you, Mr. Speaker."

"Mr. Speaker, I am rising in strong support of S.B. No. 2292, HD 1. Identity theft is no small problem. This Session we have been confronting the crime from multiple directions by increasing penalties for criminals, giving citizens greater control, and now by requiring businesses to be more responsible with the disposal of personal information they are entrusted with. If we are to get the

problem under control, it is necessary that we approach the problem from as many sides as we can. This bill is a necessary step in eradicating identity theft from our society. Requiring businesses to destroy information rather than merely discarding it will prevent criminals from gaining easy access to other people's personal information. This is a very important step towards restricting access to identity information and thereby reducing opportunities for criminals. I am confident that we can significantly reduce the cost of identity theft to our citizens by the passage of this bill. Thank you, Mr. Speaker."

Representative Moses rose to speak in support of both measures, stating:

"Thank you Mr. Speaker, I'm rising in support of both measures also, 2290 and 2292. These both deal with identity theft and a means to try to prevent that. And I think that they're bills that are very, very necessary in today's modern electronic age. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2290, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused; and

S.B. No. 2292, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

S.B. No. 2602, SD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2602, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

S.B. No. 2608:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

At 12:49 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2290, SD 2, HD 1

S.B. No. 2602, SD 1

S.B. No. 2292, SD 2, HD 1

S.B. No. 2608

ANNOUNCEMENTS

Representative Takamine, for the Committee on Finance requested a waiver of the 48-hour advance notice requirement to hear: S.B. No. 1734, Relating to Taxation; S.B. No. 1648, SD 1, HD 1, Relating to Tuition Assistance; and S.B. No. 2323, SD 2, HD 1, Relating to Federal Revenue Maximization in the Judiciary, to be heard today on Agenda 1A, at 2:30 p.m. following the bills on Agenda 1, in Room 308, and the Chair "so ordered."

Representative Takamine, for the Committee on Finance also requested a waiver of the 48-hour advance notice requirement to hold decision making on S.B. No. 2897, SD 2, HD 2, Relating to Procurement, today following Agenda 3, in Room 308, and the Chair "so ordered."

Representative Moses: "Thank you, Mr. Speaker. I ask that the Finance Chair explain to the Body why it's necessary to hear Senate Bill 1734 at this late time and date, without adequate public notice."

At 12:51 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:54 o'clock p.m.

Representative Green: "Thank you Mr. Speaker. Just a brief reminder for my colleagues that the Hawaii Health Care Task Force is meeting today for an informational briefing at 1:30, in Room 224. It's going to be a very informative look at the single payer model that was generated by the Lewin Group, and we have the actual author of the report so he'll be there available for questions. It's pretty stimulating. Thank you, Mr. Speaker."

Representative Thielen: "Thank you Mr. Speaker. Just a reminder, tomorrow is our early celebration of Earth Day and be sure to wear your natural fiber shirts. No nylon. Thank you."

ADJOURNMENT

At 12:55 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, April 7, 2006. (Representatives Stevens and Stonebraker were excused.)

FORTY-SIXTH DAY

Friday, April 7, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Dr. Saleem Ahmed of All Believers Network, after which the Roll was called showing all members present with the exception of Representatives Herkes, Pine and Shimabukuro, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Fifth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 473 through 492) were received and announced by the Clerk:

Sen. Com. No. 473, transmitting S.C.R. No. 34, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE MAINTENANCE SERVICE SECTION OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 474, transmitting S.C.R. No. 42, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE ON SUPPLY OF CONTRACTORS AND TRADESMEN IN TIMES OF NATURAL DISASTER TO STUDY THE EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 475, transmitting S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 476, transmitting S.C.R. No. 55, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ISSUE OF RECLASSIFYING VARIABLE ANNUITY CONTRACTS AS INSURANCE RATHER THAN SECURITIES," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 477, transmitting S.C.R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE COMPLETION OF THE LAHAINA BYPASS PROJECT AS A TOP PRIORITY AND, IN COOPERATION WITH THE COUNTY OF MAUI AND STAKEHOLDERS, DEVELOP STRATEGIES TO REDUCE MOTOR VEHICLE USE INTO AND OUT OF LAHAINA ON THE ISLAND OF MAUI," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 478, transmitting S.C.R. No. 82, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION TO ADDRESS PUBLIC INTERESTS AND COMMUNITY NEEDS FOR LOCAL MEDIA, INCLUDING NEWS, ACCESS, AND OWNERSHIP," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 479, transmitting S.C.R. No. 84, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT

THE HA'IKU ELEMENTARY SCHOOL CAFETERIA BE KNOWN AS THE JEAN SUZUKI CAFETERIA IN HONOR OF FORMER HA'IKU ELEMENTARY SCHOOL CAFETERIA EMPLOYEE JEAN SUZUKI," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 480, transmitting S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO IMPROVE THE SYNCHRONIZATION OF TRAFFIC SIGNALS ON ALA MOANA BOULEVARD BETWEEN PUNCHBOWL STREET AND KALAKAUA AVENUE, AND TO ASSUME JURISDICTION OF THAT SAME PORTION OF ROAD IN THE INTEREST OF PROMOTING SAFE TRAFFIC FLOW," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 481, transmitting S.C.R. No. 104, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND UNITED STATES CONGRESS TO PROVIDE STATES WITH THE NECESSARY FUNDING TO IMPLEMENT THE GOALS OF THE NO CHILD LEFT BEHIND ACT OF 2001 AND OTHER EDUCATION-RELATED PROGRAMS AND TO OFFER STATES WAIVERS OR EXEMPTIONS FROM RELATED REGULATIONS WHEN FEDERAL FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION IS DECREASED," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 482, transmitting S.C.R. No. 105, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT CHANGES TO THE NO CHILD LEFT BEHIND ACT OF 2001," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 483, transmitting S.C.R. No. 158, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 484, transmitting S.C.R. No. 159, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PESTICIDES ADVISORY COMMITTEE TO ASSIST THE DEPARTMENT OF AGRICULTURE WITH ESTABLISHING AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 485, transmitting S.C.R. No. 160, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO STUDY THE APPLICABILITY AND USE OF THE AGRICULTURAL INCOME CAPITALIZATION APPROACH AND OTHER METHODOLOGIES TO STABILIZE THE REOPENING OF RENTS FOR DEPARTMENT OF AGRICULTURE'S AGRICULTURAL PARKS," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 486, transmitting S.C.R. No. 163, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON ESTABLISHING A HAWAII STATE GEOLOGICAL SURVEY," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 487, transmitting S.C.R. No. 165, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES, UNITED STATES CONGRESS, AND UNITED STATES DEPARTMENT OF EDUCATION TO SUPPORT THE GOALS OF THE NO CHILD LEFT BEHIND ACT (NCLB) BY INCREASING FUNDS FOR FEDERAL EDUCATION INITIATIVES AND AFFORDING MORE FLEXIBILITY TO STATES IN RELATION TO NCLB," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 488, transmitting S.C.R. No. 166, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION EVALUATE THE AIR COOLING NEEDS OF EACH SCHOOL COMPLEX AND TO REVIEW THE FEASIBILITY OF USING ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS," which was adopted by the Senate on April 6, 2006.

Sen. Com. No. 489, transmitting H.B. No. 1878, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," which passed Third Reading in the Senate on April 6, 2006.

Sen. Com. No. 490, transmitting H.B. No. 2313, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," which passed Third Reading in the Senate on April 6, 2006.

Sen. Com. No. 491, transmitting H.B. No. 2443, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT," which passed Third Reading in the Senate on April 6, 2006.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Herkes, Pine and Shimabukuro were excused.)

H.B. No. 1878, SD 1	H.B. No. 2443, HD 1, SD 1
H.B. No. 2313, SD 1	

Sen. Com. No. 492, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

S.B. No. 2090, SD 2, HD 1	S.B. No. 2704, SD 2, HD 1
S.B. No. 2143, SD 2, HD 1	S.B. No. 2720, SD 2, HD 1
S.B. No. 2229, SD 2, HD 1	S.B. No. 2737, SD 1, HD 1
S.B. No. 2479, HD 1	S.B. No. 2929, HD 1
S.B. No. 2606, HD 1	S.B. No. 2984, SD 1, HD 1
S.B. No. 2643, SD 1, HD 1	S.B. No. 3253, SD 1, HD 1

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Caldwell, on behalf of Representative Saiki and himself, introduced 5th grade students from Hokulani Elementary School and their teachers, Ms. Laurie Dela Cruz and Mr. Steve Kent.

Representative Berg then recognized Ms. Laurie Dela Cruz as a nationally recognized, We the People teacher.

Representative Green introduced his friend, Ms. Nicole London of New York.

At 12:16 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:40 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolutions were re-referred to committee by the Speaker:

H.C.R.

Nos.

Re-referred to:

42,	Committee on Tourism & Culture, then to the
HD1	Committee on Finance

248	Committee on Finance
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SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Chang, Herkes, Nakasone and Tanaka were excused.)

UNFINISHED BUSINESS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1467-06) recommending that S.B. No. 2454, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2454, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1468-06) recommending that S.B. No. 995, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 995, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I will be voting no on this measure and I would just like to make a few brief remarks. Mr. Speaker, in addition I would like to request that my additional remarks be placed in the Journal," and Chair "so ordered."

Representative Thielen continued, stating:

"Thank you. Mr. Speaker, the year before I took the bar examination, the bar applicants to become licensed attorneys took that examination, and 100% of them passed. The real question was: What in earth was going on that had never happened ever in the history of the bar exam? And people were thinking, 'Okay, who was it that they wanted to have pass that exam?' So in other words, to make sure that that happened, they passed 100% of the applicants.

"The difficulty I have with this bill is that it somewhat smells of the same situation. That we may be trying to protect certain members of the Judiciary so let's change the age and remove the mandatory retirement age. Well as the Attorney General and others testified, that's a bad idea for a number of reasons. We don't want to have age discrimination, but we do want to encourage bright, new, young minds to look at moving up the ladder and ultimately becoming a justice of the Supreme Court. If we allow people to serve, really in perpetuity, then we're not going to have those openings. We won't have the new ideas coming in, and we won't have the change of the court the way we have the change in society.

"I don't think it's a good idea, Mr. Speaker. And the other thing is if we're truly not trying to protect the jobs of some of the Justices that are in there, then we would only make the bill effective upon the termination of the existing Justices' term of office. So for those reasons and others that will be in my remarks in the Journal, I oppose the bill. Thank you."

Representative Thielen's written remarks are as follows:

"The retirement age for judges is necessary for the spirit of rotation. Two bills working their way through the Legislature would repeal the mandatory retirement age for state judges and justices by amending the State Constitution. One bill, SB 2797, would increase the retirement age from 70 to 80; and the other, SB 995, would eliminate the retirement age for judges completely. As an older legislator, I believe any form of age discrimination is wrong and should be prevented, but in this particular case, having a retirement age is reasonable when important factors are considered. Of course, there must be legitimate reasons why almost all (49) states have mandatory retirement ages for judges. And in Hawaii, the current retirement age of 70 has been in effect since statehood and was reaffirmed in the 1978 constitutional convention.

"The main argument for having a retirement age is that there are no term limits for judges. Once a judge, or justice, is appointed to the bench, he or she can serve indefinitely. Having a retirement age serves as a term limit so that the other bright attorneys have an opportunity to be appointed through vacancies. As the Attorney General said in his testimony to the Legislature, "Regular turnover invigorates the judiciary by bringing fresh ideas and greater diversity to the bench." This goal would be greatly hindered if we eliminated the retirement age requirement. It would also impact morale, as well as upward mobility for younger judges.

"Furthermore, if this law were passed, it should not apply to the judges who are currently serving on the bench. When these judges, or justices, took their seats, they did so knowing they could retire at age 70. Passing such a retroactive law now raises red flags that there might be a hidden agenda to keep certain judges on the bench – certain liberal judges. If Governor Linda Lingle is reelected in November as predicted, she will have the opportunity to appoint 12 judges and 1 justice by the end of her second term in 2010. A total of 13 judges will be hitting the retirement age of 70 and opening up vacancies for other hopeful attorneys. Passing a retroactive law would prevent these positions from opening up, and restrict the Governor from making any appointments. Applying this law to judges who are currently on the bench would be a purely political move.

"And politics should not be an issue. Governor Lingle has already appointed judges during her time, and her selections were anything but political. Her first appointment, in 2003, was that of former Democrat federal court nominee James Duffy. Both Republicans and Democrats were happy with the Governor's selection for the state Supreme Court position. Governor Lingle made a non-partisan pick in the best interest of the Court, which needed, at the time, a candidate who could help unify sometimes-fractious justices. Before Duffy's nomination, Democrat lawmakers believed there was little chance Duffy would be appointed because he was too politically aligned with the Democrats. But Governor Lingle, in true bipartisan spirit, appointed Duffy because he would bring "a good demeanor to the court."

"In 2005, Governor Lingle appointed another judge, former Deputy Prosecuting Attorney Randal Lee, to the Circuit Court on Oahu. Both Democrats and Republicans described Lee as a fair and honest man, who was good choice for the seat. Lee had been the City's top white-collar crime prosecutor, had conducted the investigation on former Mayor Jeremy Harris for campaign spending law violations, and also prosecuted Michael Kahapea in the Ewa Villages case. Lingle's selection of Lee was not a political one, but instead based on Lee's extensive experience, both as a prosecuting

attorney and as a public defender, and his broad understanding of the judicial system.

"Looking at Governor Lingle's track record, it is safe to assume that she will make fair and impartial decisions when it comes to appointing judges as seats open up during her tenure. So let's keep the mandatory retirement age, in the spirit of rotation and fresh ideas, and trust our Governor to select candidates who uphold the values of all of us. After all, we elected her to make these decisions."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am also in opposition. We heard testimony that this would just be discrimination, if we require mandatory retirement ages, but I think there are mandatory retirement ages throughout the United States for certain occupations. I mean military, police, fire come to mind. You could say those require physical abilities that might deteriorate with age. Of course, our elders are more able to maintain their mental abilities now than ever before, but still there could be limits placed. So it's not just a matter of saying you cannot discriminate based on age totally, because that's not true.

"I think that normally applies to hiring, not requiring a certain ability or whatever upon asking for retirement. So I think that's just a bogus excuse. The real purpose behind this is well-known, and it's well understood. It never was thought of before, during all the previous administrations. It's only now, and that just smells."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker. In strong support, Mr. Speaker. We heard some testimony about what this bill supposedly does, and I wanted to just bring some reality to it. Right now Mr. Speaker, to become a judge in our State court system, you're selected by the Judicial Selection Commission. And from that list the Governor picks someone who is then confirmed by the Senate. After ten years, you're reviewed and if you are found qualified by the Judicial Selection Commission, you can continue to serve.

"So it's not an indefinite service forever. And at the age of 70, you retire. We were told when we heard this bill by the AARP and others that it was discriminatory. And it was pointed out that for example, the federal court system that we operate under, out here in Hawaii and throughout the United States, there is no mandatory retirement age, nor is there a retirement age in the United States Supreme Court. Both those systems work very well. We have very wise jurist who have given incredible decisions through the 250 some-odd years that our countries been around.

"I think what we're proposing here actually addresses the concerns raised because it does not do away with the ten year requirement that they reevaluate whether you will continue to serve. So if someone is of an age where they feel they no longer should serve, the Judicial Selection Commission can make that determination. So it's a good amendment, Mr. Speaker."

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am very much in support of this. I do believe that it is discrimination. I know that I came in, in 1998 at age 82, and maybe I have some conflict on this, but at every election, the people have put me back so far even though I'm way over 70. So I really cannot support any opposition to this because I think it is really discrimination. It's going to be up to the people to decide whether or not this is right, so I support it very strongly. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 995, SD 1, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT

TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," passed Third Reading by a vote of 38 ayes to 9 noes, with Representatives Evans, Finnegan, Halford, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

S.B. No. 995, SD 1, HD 1, passed Third Reading in the following form:

S.B. No. 995, SD 1, HD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that in today's society, individuals are living longer, healthier lives, as evidenced by the growing number of older individuals throughout the country as well as the world. The legislature further finds that a benefit of our aging society is the wisdom, experience, and skills that these older individuals possess, which should be both valued and respected, particularly in the workforce.

The legislature determines that the antiquated notion that all individuals are no longer mentally or physically fit to be contributing members of the workforce once they reach a certain age must be abolished. This point is particularly striking when examining the age restriction placed upon Hawaii's justices and judges, who are highly educated individuals who have served as learned members of the bar and now the bench. The wealth of knowledge and experience in interpreting Hawaii's laws that is retained by these individuals is invaluable to the residents of Hawaii.

SECTION 2. The purpose of this Act is to propose an amendment to article VI, section 3, of the Constitution of the State of Hawaii to repeal the mandatory retirement age of seventy for all state court justices and judges.

SECTION 3. Article VI, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3. The governor, with the consent of the senate, shall fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts, by appointing a person from a list of not less than four, and not more than six, nominees for the vacancy, presented to the governor by the judicial selection commission.

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. If the senate fails to reject any appointment within thirty days thereof, it shall be deemed to have given its consent to ~~[such]~~ the appointment. If the senate ~~[shall reject]~~ **rejects** any appointment, the governor shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the commission shall make the appointment from the list, without senate consent.

The chief justice, with the consent of the senate, shall fill a vacancy in the district courts by appointing a person from a list of not less than six nominees for the vacancy presented by the judicial

commission. If the chief justice fails to make the appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. The senate must hold a public hearing and vote on each appointment within thirty days of any appointment. If the senate fails to do so, the nomination shall be returned to the commission and the commission shall make the appointment from the list without senate consent. The chief justice shall appoint per diem district court judges as provided by law.

QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court. A justice of the supreme court, a judge of the intermediate appellate court and a judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination. A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination.

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions.

TENURE; COMPENSATION; RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of ~~[such]~~ **the** justice or judge for the period provided by this section or by law.

There shall be a salary commission to review and recommend salaries for justices and judges of all state courts. Justices and judges shall have salaries as provided by law. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. ~~[They shall be retired upon attaining the age of seventy years.]~~ They shall be included in any retirement law of the State."

SECTION 4. The question to be printed on the ballot shall be as follows:

"Shall the mandatory retirement age of seventy for all state court justices and judges be repealed?"

SECTION 5. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 6. This amendment shall take effect on July 1, 2020, upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1469-06) recommending that S.B. No. 2274, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2274, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1470-06) recommending that S.B. No. 2476, SD 2, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2476, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO LANDS CONTROLLED BY THE STATE," passed Third Reading by a vote of 45 ayes to 2 noes, with Representatives Nishimoto and Souki voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1471-06) recommending that S.B. No. 2487, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2487, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin, rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting no on this matter. As I have expressed in the past, the idea with the uproar that we had from the community, is the lack of community input into who is sitting on the Authority. All this does is it adds the ability for two more individuals, the President of the Senate and the Speaker of the House, to have unilateral appointment to the Authority, thereby creating another 'us and them' situation, again without the community, the people who are truly impacted. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2487, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Halford, Harbin, Meyer and Thielen voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1472-06) recommending that S.B. No. 2617, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2617, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. This bill basically does not allow the DHS to exercise some of the flexibility that they need in order to expend the TANF funds. And one of the concerns that I have, or one of the notes that I have here is basically, being on the Health and Human Services Committee, Jack Tweety, the Legislature's National TANF Consultant, provided comments that included, but were not limited to, recommendations that the Legislature not pass a law that specifies dollar amounts or percentages of TANF funds that should be expended on specific purposes or types of services, with the exception of the transfer authorized by federal law to CCDF and the SSBG. Instead he commented that the Legislature identify outcomes and require DHS to report on the achieving of these outcomes with TANF funds.

"And when I look at the bill, it does not do that. It goes against his recommendation, Mr. Speaker. So what I would like to also talk about is that in regards to that flexibility, the Legislature didn't take a look at some of the spending that is already happened within the flexibility of DHS, the current programs that they're funding. And

I'm afraid that some of those current programs could be cut because of the way the bill is written. Thank you."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Finnegan be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Moses rose to speak in support of the measure with reservations, stating:

"Just briefly, I have some concerns Mr. Speaker, on the measure. I will vote with reservations. DHS is required to establish outcomes as it is now, but after looking at this measure, it appears that the outcomes will become attributable to the Legislature instead of DHS. I guess that means that the Legislature will be liable then for any good or bad outcomes. DHS was adamant in that the bill reduces their flexibility, so again, we are managing what DHS is doing and not DHS. Thank you."

Representative Pine rose in support of the measure with reservations, and asked that the remarks of Representative Finnegan be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Sonson rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I am just standing up in support of the TANF measure, SB 2617, SD 2, HD 1. I'd just like to make a couple of clarifications. We have passed in our biennium budget certain provisos regarding the TANF funds. As you know Mr. Speaker, we received about \$98 million a year in federal funds, and we put about \$70 million in general funds into this TANF program.

"What we did in the budget is that we ensured that the reserves that we have, which are currently at \$113 million as of the end of the federal fiscal year or September 30th, I believe, for '05, \$113 million. What the provisos did is ensure that out of the current funds, out of '05-'06, \$35 million will not be spent on any programs, and that will go to the reserves. But at the same time, the reserves of \$113 million, which can only be used for assistance, we capped it at \$45 million, which means that \$45 million will be taken out by the Department in order to fund assistance in '05-'06, which they have done. So essentially what we've done is made sure that it's reduced by \$10 million per year.

"What happened in interim Mr. Speaker, is that now there was an over abundance of RFPs that went out and those contracts have been signed, that will spend the \$35 million out of the current funds. This means, now the Department is asking this Body to release them from the proviso. Meaning, let them spend the \$35 million out of the \$98 million current funds. If that was done Mr. Speaker, what will eventually happen is that there will be a \$45 million reduction in the reserves. In 2 years, that will be \$90 million. So also in 2 years, we will only have \$25 million in the reserves. The agreement or the agreed upon amount of money that should be in the reserves is around \$40 million. So that will not work, Mr. Speaker.

"Now in addition to that, if we fund for two years, \$45 million worth of programs that's being contemplated here by the Department, then after the reserve money is gone, what do we do? That means that we know have to find general funds, approximately \$45 million, to satisfy this need that's been developed in the community. This bill Mr. Speaker, is a work in progress, but what we're trying to do is work with all the affected parties. We worked with the Department. We worked with the providers that are out there waiting for their funding for the programs in their contracts have been established. To try to ease this reduction in the reserves so it's not so drastic. So in two years, when there is no money in the reserves, it will not be such a drastic demand out there that we cannot meet with general funds. So this is a work in progress."

Representative Finnegan rose to respond, stating:

"Thank you Mr. Speaker, still in opposition. Just a couple of things. Last year we passed out a bill that recommended that the Legislature go out to the community to take a look at TANF spending, and we did not follow through on that. However, DHS did and thanks to the good work of our Chairperson of the Human Services Committee, he did go along and sent representatives to participate in those meetings. The Department of Human Services is really trying their best to get out there in the community to find out what their needs are, and that is what is reflected in some of these RFPs that are going out.

"So it has a lot of community input. And on top of that, it's what we requested of ourselves that DHS did on their own, and I think that there is a lot of money in reserves and across the nation. Most Legislatures are looking at ways that we can spend that money flexibly, instead of looking at ways of how to keep it, especially when there are needs out there that can help with prevention. That's what the flexible dollars are for. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2617, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES," passed Third Reading by a vote of 44 ayes to 3 noes, with Representatives Ching, Finnegan and Kahikina voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1473-06) recommending that S.B. No. 2753, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2753, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1474-06) recommending that S.B. No. 2773, SD 3, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2773, SD 3, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in strong support of Senate Bill 2773, SD1, HD2

"Mr. Speaker, I believe that the passage of SB2773, SD1, HD2, will support some of the significant adverse effects due to the recent announcement of pending closure of Del Monte Fresh Produce. Currently, many employees, retirees, and their families live in plantation homes owned by the company at the Kunia and Poamoho camps. With the closure of Del Monte Fresh Produce, many of these families face the possibility of losing their homes.

"SB2773, SD1, HD2, will allow the above-mentioned parties to conduct joint efforts to assess and take action on housing issues and other concerns in this closure of Del Monte Fresh Produce.

"This measure would allow for establishment of supportive services such as low interest loan or grant programs for the acquisition, rehabilitation, or reconstruction of homes in the Kunia

and Poamoho camps for the pineapple workers or retirees displaced by this recent closure.

"I grew up in the Mill Camp of the Waialua sugar plantation in the 1950s and '60s. Plantation camps were once a way of life that so many of Hawaii's rich cultural traditions were preserved, shared and then passed on through the generations. There was a sense of kinship, love, trust, gratitude, ethnic tolerance and pride shared among those who lived with in the camps. These are the values that make Hawaii a truly great state, and they were forged in the sugar and pineapple plantation camps. It is ironic that as we celebrate the 100th anniversary of Filipino immigration to Hawaii, we say good-bye to the plantation era that promised them a good life so many years ago. For me the loss of the way of life is as important as the end of an industry.

"We now have a serious obligation to help the workers transition to another life. We also have a responsibility to remember the plantation camps with gratitude for the values they instilled to generations of Hawaii's people.

"Thank you Mr. Speaker, and I ask my colleagues to support me on this bill. Malama Pono."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2773, SD 3, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1475-06) recommending that S.B. No. 2901, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2901, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1476-06) recommending that S.B. No. 3003, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3003, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. As was previously mentioned, many of these are works in progress so I will vote with reservations and make my comments known to the Body.

"First the pros. The bill establishes a wrap-around benefit for the Part D prescription plan designed to help fill Part D coverage gaps. Passage of the legislation will help seniors better afford their Medicare Part D insurance. That's good.

"But then we have some comments from the Attorney General. Under this current draft of the bill, if only one of those Medicare prescription drug plans provides a full coverage prescription drug benefit, then SPAP will not be available to those persons enrolled in Medicare prescription drug plans that provide less than full coverage.

"And the bill creates an additional obligation on the part of DHS to understand all aspects of all Hawaii Medicare prescription drug plans and to make recommendations to individuals on which of those plans that are most beneficial. The choice of the best plan may not be clear, particularly since the best plan for any particular individual can change from month to month as the individual's health care needs

change. This could result in claims by enrollees against the DHS who are dissatisfied with their Medicare Prescription Drug Plans selected with DHS's advice. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3003, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM.," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1477-06) recommending that S.B. No. 3037, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3037, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to speak against this measure. Thank you. Mr. Speaker, this bill would provide money to those people that suffered some damage in the Manoa flood a few years ago. Mr. Speaker, I can understand the Representative from that area wanting those people to be able to get some funds to help cover those damages.

"The concern I have is that the losses statewide are much more massive, from flooding that we have recently experienced. I'd like to just quote from the *Star-Bulletin* article that appeared on Wednesday just very briefly. "Homeowners throughout this State who suffered property damage or had to relocate because of the recent deluge of rain and flooding would be able to recoup up to 10% of their expenses in the form of a tax credit under a bill advancing in the Legislature." The article goes on to say that the proposal was originally aimed just at the victims of the 2004 Manoa floods, but it's been expanded.

"That's the way we should go, Mr. Speaker. We should make a bill, or pass a bill through that much more broadly compensates homeowners that have suffered from flooding damage. I think I mentioned briefly to you all before that where I previously lived, I went through two floods with water and mud up to two and a half feet in depth, and it was pretty devastating. No flood insurance. It just was really a problem. But anyway, the concern I have is this is just very special interest legislation, when we should be looking at a much more broader solution. The other bill with the tax credit for all flood victims is better.

"The other problem I have with this is, there's no means test whatsoever. So homes in Manoa, I doubt that they are under the average home price, which I believe is 600-and some odd thousand dollars now. I will imagine with a Manoa address and the proximity to downtown work places, those homes can be squeaking up to being a million dollars. We aren't saying there should be a means test for the money we would be giving to these people, and I don't think that's a good idea either. Thank you."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. With all due respect, I rise in opposition to this bill. Thank you. With all due respect to my colleague who is looking out for his community, in the recent torrential rainfall that we had in the past few weeks. I have three 'ili: Aina Haina, Niu Valley, and Kuliouou, where residents are suffering from the same sort of situation, so I respectfully request too, that when this goes to Conference that we look at a broader conversation. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise with a very strong no on this measure. It gets very, policy wise, very difficult for me to support something that is so specific to an area. I think that we need in the State of Hawaii need to really, or the leaders in the Legislature, especially the introducer of this bill, the great Senator from Manoa, that we realize that these type of damages are a State issue, not a district issue. And we need to look at this from the bigger picture and make sure that we spread our resources over all of our people, not just a specific area where it's who you know, and who you are. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, just brief comments in support. I think some of the concerns raised are very valid, and it's actually good to see that in the Senate there are vehicles moving. The Governor has now gotten on board and supports some form of tax relief. I just want to explain to all the Members, the reason why it generated first in Manoa is that Senator Taniguchi and myself saw that over the past year and a half, there was so much that government does for infrastructure, but very little that they can do for individuals who are impacted. So you have situations, and this is true throughout Hawaii, you have many seniors who live in homes that are well above \$650,000, the average price for a home, but on a fixed income. And they're struggling to find the money to buy a new mattress, to buy carpets, to do those kinds of things, and they're looking for some type of assistance.

"\$10,000, which is the amount they would get. It won't make them whole, but it tells them that somehow that government wants to try and help. The concern about income is a valid one, and therefore the Water, Land Committee very wisely did put a requirement of \$75,000 income limit so it would not help those above that.

"It perhaps needs more tweaking, and I think this bill can be looked at as it goes into Conference, as a way to make sure that it's done correctly if its expanded across the State. That there is a means test. That there is no double-dipping. And I think that in the end we're going to see a bill that will come out that will be clean and benefit all the citizens for our State that have been affected by the flooding. Thank you very much, Mr. Speaker."

Representative Evans rose to speak in support of the measure with reservations, stating:

"I'm sorry. Can I register a vote with strong reservations, and just a couple of brief comments? One of the reasons, and I'm not going no. I'm going with reservations. One, is there's a defective date on it so I know its going to Conference, but I want to point out what disturbs me is that the title is saying, Relating to the Relief of Manoa Flood Victims. What I'm hoping is that there are other vehicles on flooding in the State. This is really good to have a discussion about how people are impacted over the short-term and long-term regarding flooding, but in the end, that this particular bill does not survive. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. Although a federal program under FEMA provides for individual assistance to disaster victims, the State did not meet the minimum criteria to be eligible for that program during the recovery period of the Manoa Flood Disaster of October 30, 2004. Therefore, many victims who did not possess flood insurance personally absorbed all of their property loss. A number of these victims are the elderly on fixed incomes.

"However, consideration should be given to appropriating the funds and administering the aid based on the need for reimbursement rather than handing out a flat tax credit for each flood victim."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3037, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RELIEF OF MANOA FLOOD VICTIMS," passed Third Reading by a vote of 41 ayes to 6 noes, with Representatives Berg, Hale, Harbin, Kahikina, Meyer and Thielen voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1478-06) recommending that S.B. No. 3054, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3054, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHARTER SCHOOLS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1479-06) recommending that S.B. No. 3072, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3072, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1480-06) recommending that S.B. No. 3084, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3084, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

Representative Evans rose to speak in opposition to the measure, stating:

"On 1480, I want to stand up with a no on this one. The biggest problem I have with this is really giving the Chairman and the Board of Land and Natural Resources so much power. I know that it's subject to review by the Attorney General, and the Board has to go back and they confirm it, but the experience, at least as long as I've been here at the Legislature, is that the Chair of the Board of Land and Natural Resources has an awful lot of power. I just see this as extending that to him, and at this time, I would not agree with that. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3084, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Berg, Carroll, Evans and Shimabukuro voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1481-06) recommending that S.B. No. 3197, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3197, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. On Stand. Com. Report 1481, I'd like to ask for a ruling on a potential of conflict of interest. My firm does work that has involved the litigation involving substitute teachers, but I don't work on that case," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3197, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1482-06) recommending that S.B. No. 3254, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3254, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1483-06) recommending that S.B. No. 427, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 427, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Evans rose to speak in opposition to the measure, stating:

"I wanted to speak on, if it's all right, I'll speak on 1483. I'm going to be registering a no vote. This is the bill that keeps coming back to the Legislature on child restraints, and the problem I have with this is we have a lot of families that are poor, or they have a lot of children. And until the State steps up to the plate and actually pays and can provide these families with passenger restraint seats, I think we set up a lot of our families to break the law. I have a problem with that."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 427, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Third Reading by a vote of 46 ayes to 1 no, with Representative Evans voting no, and Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1484-06) recommending that S.B. No. 951, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 951, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1485-06) recommending that S.B. No. 2006, SD 3, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2006, SD 3, HD 2, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," passed Third

Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1486-06) recommending that S.B. No. 2213, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2213, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

At this time, Representative Finnegan offered Floor Amendment No. 1, amending S.B. No. 2213, SD 2, HD 2, as follows:

SECTION 1. Senate Bill No. 2213, Senate Draft 2, House Draft 2, is amended by designating Section 1 of the bill as Part I and deleting sections 2 and 3, to read as follows:

"PART I

SECTION 1. Section 663-10.95, Hawaii Revised Statutes, is amended to read as follows:

"~~[H]§663-10.95 Motorsports facilities; waiver of liability.[I]~~ (a) Any waiver and release, waiver of liability, or indemnity agreement in favor of an owner, lessor, lessee, operator, or promoter of a motorsports facility, which releases or waives any claim by a participant or anyone claiming on behalf of the participant which is signed by the participant in any motorsports or sports event involving motorsports in the State, shall be valid and enforceable against any negligence claim for personal injury of the participant or anyone claiming on behalf of and for the participant against the motorsports facility, or the owner, operator, or promoter of a motorsports facility. The waiver and release shall be valid notwithstanding any claim that the participant did not read, understand, or comprehend the waiver and release, waiver of liability, or indemnity agreement if the waiver or release is signed by both the participant and a witness~~[-provided that-a].~~ A waiver and release, waiver of liability, or indemnity agreement executed pursuant to this section shall not be enforceable against the rights of any minor ~~[or the minor's representative.], unless executed in writing by a parent or legal guardian.~~

(b) The execution of a waiver and release, waiver of liability, or indemnity agreement shall create a presumption that the person signing the document read and understood the document.

~~[(c) For the purposes of this section:~~

~~"Motorsports facility" means land, building, structure, or area designed or modified for motorsports activities including the track and surrounding area wherein a motorsports or other event involving motor vehicles is held and which is clearly demarcated as a restricted area to spectators. "Motorsports facility" shall not include the areas intended for use by spectators or nonparticipants.~~

~~"Owner" means a person or entity which owns or holds fee simple title to, or a leasehold interest in, a motorsports facility or any portion of a motorsports facility, and shall include without limitation, a fee owner or lessor of the underlying land, a lessee, or sublessee, or a sublessor or master lessor, of a motorsports facility or a portion thereof.~~

~~"Participant" means a person who is participating in a motorsports event at a motorsports facility, including practices or trials, as a rider, passenger or driver, official, or owner of a vehicle or equipment used in a motorsports, or anyone assisting any of the foregoing, or a person entering an area of the motorsports facility restricted to participants.]~~

~~[(d)] (c) A waiver and release, waiver of liability, or indemnity agreement executed under this section shall be construed as an express assumption of risk on the part of the party executing such a waiver and release, waiver of liability, or indemnity agreement.~~

~~[(e)] (d) This section shall not apply to acts or omissions constituting gross negligence, wilful and wanton conduct, or intentional acts on the part of another participant or employees or agents of the motorsports facility.~~

~~[(f)] (e) The provisions of this section shall not apply to any motorsports facility unless the facility has a general liability policy of no less than \$1,000,000 for spectators and no less than \$500,000 for participants, per claim, indemnifying participants and spectators for the negligence of the facility, its employees or agents.~~

~~(f) Without regard to whether a waiver and release, waiver of liability, or indemnity agreement has been executed pursuant to subsection (a) and without regard to subsection (e), no public entity or public employee shall be liable to a participant, for injury or damage sustained during the person's use of a motorsports facility, except when the injury or damage is caused by a condition resulting from the public entity's failure to design, maintain, or repair the motorsports facility. This limitation of liability for public entities and employees applies only to the provision of motorsports facilities and shall not extend to other activities, including but not limited to police and security, ambulance and medical, fire, food concessions, and other non-motorsports activities or functions.~~

~~(g) For the purposes of this section:~~

~~"Motorsports facility" means land, building, structure, or area designed or modified for motorsports activities, including the track and surrounding area wherein a motorsports or other event involving motor vehicles is held and which is clearly demarcated as a restricted area to spectators. "Motorsports facility" shall not include the areas intended for use by spectators or nonparticipants.~~

~~"Owner" means a person or entity that owns or holds fee simple title to, or a leasehold interest in, a motorsports facility or any portion of a motorsports facility, and shall include without limitation, a fee owner or lessor of the underlying land, a lessee, or sublessee, or a sublessor or master lessor, of a motorsports facility or a portion thereof.~~

~~"Participant" means a person who is participating in a motorsports event at a motorsports facility, including practices or trials, as a rider, passenger or driver, official, or owner of a vehicle or equipment used in a motorsports event, or anyone assisting any of the foregoing, or a person entering an area of the motorsports facility restricted to participants."~~

SECTION 2. Senate Bill No. 2213, Senate Draft 2, House Draft 2, is further amended by adding a new Part II, to read as follows:

"PART II

SECTION 2. Chapter 671, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

"§671-A Limitation on noneconomic damages. Notwithstanding section 663-8.7, noneconomic damages as defined in section 663-8.5 shall be limited in medical tort actions against obstetricians, obstetrician gynecologists, and trauma care providers, to a maximum award of \$500,000.

"§671-B Attorney's fees. (a) An attorney shall not contract for or collect a contingency fee for representing any person seeking damages in connection with an action for a medical tort in excess of the following limits:

(1) Forty per cent of the first \$50,000 recovered;

(2) Thirty-three and one-third per cent of the next \$50,000 recovered;

- (3) Twenty-five per cent of the next \$500,000 recovered; and
- (4) Fifteen per cent of any amount recovered which exceeds \$600,000.

The limitations shall apply regardless of whether the recovery is by settlement, arbitration, or judgment, or whether the person for whom the recovery is made is a responsible adult, an infant, or a person of unsound mind.

(b) If periodic payments are awarded to the plaintiff pursuant to section 671-E, the court shall place a total value on these payments based upon the projected life expectancy of the plaintiff and include this amount in computing the total award from which attorney's fees are calculated under this section.

(c) For the purposes of this section, "recovered" means the net sum recovered after deducting any disbursements or costs incurred in connection with prosecution or settlement of the claim. Costs of medical care incurred by the plaintiff and the attorney's office overhead costs or charges are not deductible disbursements or costs for such purpose.

§671-C Assessing percentage of negligence. Upon request of any nonsettling healthcare provider against whom a plaintiff alleges a medical tort-causing injury, the trier of fact shall consider, in assessing any percentage of negligence or other fault, the negligence or other fault of all alleged parties, including the negligence or other fault of any person or entity who has entered into a settlement with the plaintiff for the claimed damages, even when the settlement has been determined to have been made in good faith, pursuant to section 663-15.5.

§671-D Proportionate allocation of economic damages. The amount of economic damages allocated to a healthcare provider in a medical tort action shall be based upon the healthcare provider's proportionate percentage of negligence or other fault.

§671-E Noneconomic damages. (a) If the trier of fact renders a verdict for the plaintiff in a medical tort action, the court shall enter judgment of liability against each defendant healthcare provider in accordance with the percentage of negligence or other fault for compensatory damages that is attributed to the healthcare provider by the trier of fact.

(b) Joint and several liability shall apply if a healthcare provider's degree of negligence is found to be twenty-five per cent or more under section 671-C.

(c) Where a medical care provider's degree of negligence is less than twenty-five per cent, then the amount recoverable against that medical care provider for noneconomic damages shall be in direct proportion to the degree of the negligence assigned.

(d) Judgment shall not be entered against any healthcare provider who has not been named a party or has been released, dismissed, or otherwise discharged as a party pursuant to section 663-15.5."

SECTION 3. Section 663-11, Hawaii Revised Statutes, is amended to read as follows:

"§663-11 Joint tortfeasors defined. For the purpose of this part [the term], "joint tortfeasors" means two or more persons jointly or severally liable in tort for the same injury to person or property, whether or not judgment has been recovered against all or some of them[-], except as provided for healthcare providers in chapter 671."

SECTION 4. Section 671-1, Hawaii Revised Statutes, is amended to read as follows:

"§671-1 Definitions. As used in this chapter:

[4] "Health care provider" or "healthcare provider" means a physician or surgeon licensed under chapter 453, a physician and surgeon licensed under chapter 460, a podiatrist licensed under chapter 463E, a health care facility as defined in section 323D-2, a chiropractor licensed under chapter 442, a dentist licensed under chapter 448, a dental hygienist licensed under chapter 447, an acupuncture practitioner licensed under chapter 436E, a massage therapist licensed under chapter 452, a nurse licensed under chapter 457, an occupational therapist licensed under chapter 457G, an optometrist licensed under chapter 459, a pharmacist licensed under chapter 461, a physical therapist licensed under chapter 461J, a psychologist licensed under chapter 465, a marriage and family therapist licensed under chapter 451J, a dietitian licensed under chapter 448B, a radiologic technologist licensed under chapter 466J, a speech pathologist or audiologist licensed under chapter 468E, a veterinarian licensed under chapter 471, and the employees and legal representatives of any of them. Health care provider shall not mean any nursing institution or nursing service conducted by and for those who rely upon treatment by spiritual means through prayer alone, or employees of such institution or service.

[2] "Medical tort" means [professional negligence, the rendering of professional service without informed consent, or an error or omission in professional practice, by a health care provider, which proximately causes death, injury, or other damage to a patient:] a negligent act or omission to act by a healthcare provider in the rendering of professional services, or the rendering of professional service by a healthcare provider without informed consent, which act or omission or rendering of service without informed consent is the proximate cause of a personal injury or wrongful death; provided that such services are within the scope of services for which the provider is licensed and which are not within any restriction imposed by the licensing agency or licensed hospital."

SECTION 5. The insurance commissioner shall prepare a report to be transmitted to the legislature, at least twenty days prior to the convening of the regular session of 2010, which shall include information regarding:

- (1) The number of medical tort actions filed since this Act took effect;
- (2) The number of medical tort actions filed against obstetricians, obstetrician gynecologists, and trauma care providers since this Act took effect;
- (3) The outcome of these actions; and
- (4) Any other information that may be necessary to assist the legislature in evaluating the efficacy of the Act, including suggested legislation.

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 7. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 8. If any provision of this Act, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act, which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 9. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 10. This Act shall take effect on July 1, 2006, provided that Part II shall be repealed on June 30, 2012; and further provided that chapter 671 and section 663-11, Hawaii Revised Statutes, shall

be reenacted in the form in which they read on the day before the effective date of this Act."

Representative Finnegan moved that Floor Amendment No. 1 be adopted, seconded by Representative Ching.

Representative Finnegan rose to speak in support of the proposed amendment, stating:

"Mr. Speaker, I rise in support. Thank you. This amendment adds the full contents of S.B. 3279, SD 2, HD 1, a very good bill that address medical malpractice tort reform, but only in two areas: obstetrics and trauma care. This amendment as S.B. 3279, SD 2, HD 1, passed out of the Health Committee and the Consumer Protection Committee.

"Mr. Speaker, this amendment is extremely important to access to healthcare. There's a crisis in obstetrics, especially on our Neighbor Islands. Something must be done. Medical malpractice insurance is so expensive, obstetricians are deciding not to deliver babies and they are leaving rural areas. Doctors are practicing quote unquote defensive medicine; using extra tests and referrals to prevent negligence claims, contributing to escalating costs of healthcare.

"We all know the statistics and the arguments because we passed this earlier. And Mr. Speaker, at the appropriate time I would like to call for a roll call vote," and the Chair "so ordered."

At this time, Representative Finnegan requested a roll call vote at the appropriate time.

Representative B. Oshiro rose to speak in opposition to the proposed amendment, stating:

"Mr. Speaker, I rise in opposition to this amendment. Very briefly, I'd just like to state that actually this amendment doesn't really just limit itself to obstetricians and gynecologist and trauma care providers because if you actually look at the rest of the bill, it's actually changing the way in which recovery from medical malpractice happens. It does that through changes to the joint and severable liabilities statute. And that actually has to do with the ability of a patient to collect what may be a judgment or settlement that some jury has rightfully entitled them to. This is changing it for all medical malpractice.

"But moreover, what is concerning is the change in definition to healthcare provider found on page 9. It changes it not only to medical physicians, but it changes it to a whole laundry list of people including chiropractors, marriage and family therapists, radiological technologists, speech pathologists, and audiologists. All of these people who will now come under Chapter 671. And for people that don't know what Chapter 671 is, that's our medical torts chapter.

"But first and foremost, before any claim can be brought into court, it needs to go through what's called the MCCP, the Medical Claims Conciliation Panel, under the DCCA. Now first if you do that, what they need to do is provide a report that says yes, this is something that we can move on through the process. But if the factfinder at the DCCA finds that this is a frivolous claim, that the claim has no merit, it cannot move forward. That's it. Too bad. You're out of luck. It doesn't go on into the court system.

"So first and foremost, we have to remember that these cases are not frivolous. These are cases that a lawyer and a physician sitting on this Board have deemed to be meritorious enough to go on through the process. Now the problem we have here is this will not only expand it to, as I said, medical providers. This will expand it to a whole laundry list of people. And what will happen is, and I know because my firm does some of this work, we will have a huge backlog when it comes to the MCCP. And people that need to go to court, people that need relief, people that need redress, will not get that type of redress for years and years and years, and that's the problem with the bill as its currently drafted.

"What we've done, maybe perhaps in looking to protect some certain physicians, is we actually impacted patient care in the entire industry, and that's why I am opposed to this amendment."

Representative Luke rose to speak in opposition to the proposed amendment, stating:

"Thank you, Mr. Speaker. In opposition. I just wanted to address the medical malpractice insurance. What this bill does is it actually takes away the recovery from patients, but at the same time provides no assurance that any savings from the insurance or as a result this bill will create, will be passed on to the doctors.

"If we really want to address medical malpractice insurance and the expense of the medical malpractice insurance, what we should be looking at is some type of provision that ties medical malpractice actions to a reduction in premiums. Otherwise how would we ever have any assurance that the premiums would hold down for doctors? What we're going to do is if we pass this amendment as is, we may be taking away some of the rights of patients, but at the same time we may never know if the premiums will go down unless there's some provision put in the law. Thank you."

Representative Moses rose to speak in support of the proposed amendment, stating:

"Thank you, Mr. Speaker. I'm in support of the amendment. Mr. Speaker, I'm very perplexed because I believe your Committee, the CPC Committee, passed this measure out. So I'm sure it got the proper scrutiny at that time and I'm just very surprised that now we're hearing these objections when we never heard them before on the floor. Thank you."

Representative Meyer rose to speak in support of the proposed amendment, stating:

"Thank you, Mr. Speaker. I'm rising in support of the amendment. I think that we could expect the malpractice insurance to go down because of the provision on page 5, the limitation on non-economic damages. It sets the maximum award at \$500,000. I think that will be helpful.

"This is a problem we've all been well aware of for a long time. A couple of summers ago, we had meetings with doctors and people from the Department of Health because of the lack of obstetricians especially on the Neighbor Islands. I think Molokai now has no obstetricians. There are just midwives and expectant mothers have to be flown to Oahu. Also Kona which is a very fast-growing community, I might not have the facts right, but I think there's only one obstetrician that will take patients.

"So you know, we're at a very critical stage and that's what we're hoping to address with this amendment. Thank you. And Mr. Speaker, just want to say that at the appropriate time, I would like to have a roll call vote."

The Chair responded, stating:

"Yes, the Minority Leader made that request."

Representative Thielen rose to speak in support of the proposed amendment, stating:

"Thank you, Mr. Speaker. Yes, Mr. Speaker, in opposition. Oh no, pardon me. In favor. Thank you, Mr. Speaker. You keep me on my toes. In favor of the amendment, Mr. Speaker. There is a provision too that I would ask Members to look at, and its on page 6. This would really help the injured party more. It caps attorney's fees, and I think when you take a look at some of the malpractice cases that have wound their way through the courts, sometimes you will find that actually the, I guess we might call them the injured party or whatever the terminology will be, ends up recouping very little

money while the attorney's fees are quite massive and seem to keep this whole medical malpractice industry going.

"I think that it would be much better if we took this step and passed this measure. If there are a few things that need to be adjusted as it goes forward, there's certainly time. And if we take a look at the cap on attorney's fees, that would be the best thing we could do actually for the claimant. Then the claimant would have something to recover. Thank you."

Representative Halford rose to speak in support of the proposed amendment, stating:

"Thank you, Mr. Speaker. In support. I just want to point out that this amendment creates an HD 3 and will go to Conference. I'm saying that to acknowledge that some interesting points were brought up by the Majority Floor Leader and the Chair of Judiciary. Those worthwhile questions can be addressed in Conference. This bill would go to Conference in any case. Thank you."

Representative Harbin rose to speak in support of the proposed amendment, stating:

"Mr. Speaker, I rise in support of this amendment. I have, since our particular language traveled from our Health Committee and our CPC Committee, I have stood here and encouraged this Body to really proceed with looking at this issue strongly. And the reason is, we have seen the report from the LRB and a report from Department of Health, the National Association of Orthopedics Surgeons, that say that our health care system, our trauma care system is broken. One of the three reasons is our problem with medical malpractice. And I as a member of this Caucus, begged and pleaded that we get the Judiciary hearing so that we can air the concerns that are being aired on the floor as we speak.

"This is a learning experience for me, but I don't have to learn to know that we have a problem. And running from this problem is not going to help our people, our injured people. And I believe it's about time that we bring the other stakeholders into this discussion, which are the attorney's fees. Thank you."

Representative Ching rose to speak in support of the proposed amendment, stating:

"Thank you, Mr. Speaker. In strong support, and I'll be brief about it. The fact is, is that our doctors are leaving the field. Less and less people, bright people, are willing to get into the medical profession and this portends a very serious problem for our State and our people. Thank you."

Representative Hale rose to speak in opposition to the proposed amendment, stating:

"Thank you, Mr. Speaker. I will be against this amendment. I will be voting no. But on the other hand, I would like to point out I am very concerned about parts of it. Unfortunately it was when I finally got a chance to actually read the amendment. To me it is far too broad, and therefore if it had been limited to the first five pages, I could support it. But the way it is written now, I cannot. Thank you."

Representative Sonson rose to speak in opposition to the proposed amendment, stating:

"Thank you, Mr. Speaker. I'm standing in strong opposition to the floor amendment, Mr. Speaker. First off, I like to start by reading some numbers and mind you Mr. Speaker, these are raw numbers received by my office on March 29th, 2006 from DCCA. We requested for a report of the Insurance Commissioner on the kinds of numbers we're looking at, as far as medical malpractice premiums. It starts in year 2000 as to the amount of money that went into the system. Premiums written is about \$24 million, and losses paid to claims is \$10 million. In 2001, \$24 million was earned in premiums

by the insurance companies, and they paid \$11 million. In 2002, \$25 million in premiums, they paid out \$15 million. In 2003, \$26 million was collected in premiums, and \$15 million was paid out in claims or losses. And Mr. Speaker, losses are not only claims. It covers losses in investments and cost of whatever else. In 2004 however, there was a change for one reason or another. There's \$23 million in premiums and \$26 in losses paid.

"But again Mr. Speaker, out of those five years, it seems that the insurance industry had suffered some losses, but it seems that the doctors had suffered a greater loss. That is, they paid too much in premiums. And why is that? We really cannot pinpoint it. There are studies upon studies on the subject. And at the national level, it's been said that malpractice insurance premiums is the greatest impediment to health care, to access their health care, specialized care from specialist. But we cannot get them to Molokai.

"You know Mr. Speaker, the conclusion of the General Accounting Office in response to Congress regarding this issue is that, look at the data, but don't listen to the hyperbole. People are using data from various sources, and these studies upon studies just shift the arguments to their side. What we're looking at in this bill is the way it's being framed, and that I really object to.

"It is really showing it as lawyers versus doctors. Now, we want doctors and we also want lawyers. There are good things in a lot of these professions. They're honorable professions, but we certainly don't want bad doctors to remain in the State of Hawaii. If the doctors commit negligence or even recklessness in the way they administer services to the patients: you, me, your parents, etc. The people we care about, the people who are faultless. The system we have in place allows recovery for those faultless people. In exchange for that, there is this negative implication that somehow we're going to get rid of that bad doctor, but is that really a bad thing? We think not.

"We should promote good practices in all professions, including doctors. In architects we demand the best. In lawyers we demand the best. In legislators we demand the best. And if there's a way that we can only weed out, besides the system we have in place, weed out these bad doctors, certainly this Legislature should support it.

"But you see Mr. Speaker, it saddens me that people are standing up and saying, 'You know, lawyers are making so much money, and lawyers should be capped.' But then we have to take a look at what kind of claims this is. This is not hourly rate. It is not like a lawyer contracts with the parents of a child that is laying in bed because his child is brain-dead for the rest of his life."

Representative Shimabukuro rose to yield her time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"Thank you very much, Representative. It is not the case. The lawyer here is not contracting for a guaranteed fee. A lot of lawyers indeed never make any money out of their good work that they do, which is to represent claimants.

"There is a report, again from the DCCA, and they looked at the number of claims that were heard in our system, MCCC. 302 parties were heard, and 63 hearings were conducted. Now 12 of those, they found that their doctors were negligent. In 4 cases, it was not. So in those cases the lawyers just lost out. They spend a lot of money researching, they spent a lot of man-hours and they don't get anything. Now we believe in rewarding work, Mr. Speaker, but there is no reward for lawyers that go into the contingency fee arrangements with clients when they cannot collect the fee they contracted for. Again the claim that somehow they're making a lot of money is not true when you look at the numbers.

"The way that this bill is also drafted does not really help claimants, Mr. Speaker. Most of the cases are not huge. Most of the

cases are indeed in the lower \$100,000 or so. Although it cost about \$100,000 or more to litigate the big, high profile cases such as the doctor that put a screwdriver part in the patient's leg. Or such as the doctor that somehow administered carbon dioxide instead of oxygen to this baby. Yes, it's a lot more expensive to do that because the insurance company, who eventually will pay for this will ensure that they have the best and brightest attorney, and that they are paid their hourly rate. Guaranteed money from the best attorneys in the State. And believe me Mr. Speaker, that's why the numbers are the way it is. A lot of them are getting away with it.

"There's no justice. If we have to err in administrating justice, Mr. Speaker, I think that the system fixes that. It allows for 12 people to look at the evidence. It does not look to the Legislature and say, 'Let's set an arbitrary number. Let's cap it at \$500,000.' Whatever cap we put Mr. Speaker, it is arbitrary by definition. The best system is what we have in place. Let the person off the street who becomes a jury member, let that person along with 11 others decide who is at fault. And let those people who have firsthand look at the evidence and hear the evidence, let them decide what is appropriate. It is not for us to dis-establish a system that's been in place in our country for over 200 years.

"Mr. Speaker, we want doctors to stay, but I'm afraid that the data and data, and studies and studies, including the one done by LRB indicates that insurance premiums, malpractice tort reform, will have no impact on whether or not a doctor, a gynecologist, obstetrician won't live in Molokai, Ka'u, or any underserved area. It is merely a matter of economics. What have we done for doctors? We do for the medical profession, what we do for doctors. We subsidize them. There is a big subsidizing in the health care industry in the form of tobacco tax. We will ..."

The Chair addressed Representative Sonson, stating:

"Representative Sonson, with your passion you've gone on for almost 10 minutes. I'll give you 2 more minutes to summarize. Please continue."

Representative Sonson continued, stating:

"Thank you, Mr. Speaker and colleagues. You know, I probably could speak a lot longer, but I will not because I think we heard enough. And I think that we should continue the discussion, however Mr. Speaker, I would ask that future discussions will ensure that it's not framed, doctors against lawyers. Certainly these are not the folks we want to impact. People hate lawyers for one reason or another. I have no clue why.

"Even for us, Mr. Speaker, in my hometown, Waipahu, people come to me all the time and ask me for my help. And I'm there. And I'm sure that there are a lot of attorneys out there who continue to do good work. We deserve to make good money, big money or not. Thank you, Mr. Speaker."

Representative Green rose, stating:

"Mr. Speaker, just a point of information. A couple points. Unfortunately, the medical mistake ... I'm rising on a point of clarification of a statement that was made. Just that it was a screwdriver in a gentleman's back."

At 2:28 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:32 o'clock p.m.

Representative Green rose, stating:

"Thank you, Mr. Speaker. I made a procedural mistake. I'll reserve my vote for whenever it's proper."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker. I'm rising again in stronger support. Just wanted to make a few comments about this amendment and maybe some clarification for people who may not be exposed that much to what it takes to be a doctor, and what is the situation right now.

"There are a lot easier ways to make a living than dealing with gunshot wounds, exposure to AIDS, make your 4.0 ... There are other things that it takes to become a doctor and what we're saying right now is that there are mistakes that are made at times, but in no way does it mean that people, that the mistakes made are always completely the doctor, and that all doctors are bad doctors. Mistakes happen, and the fact is we do want to attract the best and the brightest.

"I think the only thing I can agree with, with the previous speaker is that there's no justice, but I tell you this is not, judging by results, judging by results, this is not the best system in place. Because if we don't have people interested in the medical field, and in my family's case, both my siblings qualified for medical school, passed the MCATS. After speaking with their uncles, they decided not to. If that continues, you're going to get less and less of a pool of medical students. Less and less doctors. And I think that the health and the welfare of our people comes before the concerns of how much contingency, whatever.

"Yes we want as high a standard as possible, but understanding how the medical system works makes them realize that it's much more complex than what has been expressed on the floor of this House. It's a very hard profession and I don't think all those people appreciate doctors. Thank you."

Representative Meyer rose, stating:

"Mr. Speaker, I'm rising on a point of information. I would like you to make a ruling as to whether all the Representatives here that are lawyers have a conflict of interest? Or perhaps only those that are personal injury lawyers."

The Chair responded, stating:

"No conflict at this point, for all attorneys on the floor of this House."

The request for a roll call vote was put to vote by the Chair and upon a show of hands, the roll call was approved.

Roll call having been approved, the motion that Floor Amendment No. 1, amending S.B. No. 2213, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," be adopted, was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 33: Representatives Berg, Caldwell, Carroll, Chang, Chong, Evans, Hale, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Saiki, Say, Schatz, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tsuji, Wakai, Waters, Yamane and Yamashita.

Ayes, 14: Representatives Abinsay, Arakaki, Ching, Finnegan, Green, Halford, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.

Excused, 4: Representatives Cabanilla, Herkes, Morita and Tanaka.

(Main Motion)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2213, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Third Reading by a vote of 47 ayes, with

Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1487-06) recommending that S.B. No. 2243, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2243, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1488-06) recommending that S.B. No. 2328, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2328, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1489-06) recommending that S.B. No. 2358, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2358, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1490-06) recommending that S.B. No. 2360, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2360, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1491-06) recommending that S.B. No. 2667, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2667, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with some reservations on the measure. I hope maybe it can be fixed. The measure right now has some times that limit the purchase or sale of fireworks, and these are small things like sparklers and snakes, things like that. And one of the limitations is on New Year's Day. It stops at one minute after midnight on New Year's Day. You can no longer buy or sell these small fireworks.

"And the way I look at it, New Year's Day is a holiday. You might want to go with your kids to the park. Maybe you forgot to buy your sparklers or your snakes, and this would prohibit you from using them on New Year's Day. I suggest that this measure be amended in

Committee, and that it be changed to 12 p.m. on New Year's Day versus 12 a.m., meaning New Year's morning. Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, just in support. The time limitation brought out by the Representative from Kapolei is actually the current law. This bill is at the recommendation of the Fire Council and the Hawaii County Fire Department. The current law, what this does is it's not touching the time at all. So what the practice currently is, is not being changed by this law. So if for instance the Representative of Kapolei wanted to do it now, he couldn't have done it anyway, because the time limitation is not part of this bill that has been touched. Thank you."

Representative Moses rose to respond, stating:

"Sorry Mr. Speaker, but I'm looking on page 8 of the bill, subsection c and it is underlined, which means it changed. So if that's underlined and it's a change, we can change it anyway we like. Thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand with reservations. S.B. 2667 would greatly assist the enforcement and regulation of the fireworks control law by clarifying firework terminology to be consistent with federal law.

"As public policymakers, it behooves us to be mindful of the power of the message legislation sends to the community. I believe we must give equal time in permissible uses of consumer fireworks to all holidays. This measure permits consumer fireworks, such as sparklers, to be set off, ignited, or otherwise caused to explode within the State for four hours in celebrating New Year's, eight hours for the Fourth of July, and twelve hours on the Chinese New Year. Fireworks should not be used to discriminate against or give preferential treatment to special groups and certain holidays. This bill, as currently drafted, is demeaning in its discrimination to the celebration of our country's birthday, which binds Hawaii to our fellow states and nation."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, very briefly in support. On page 6, section 4, is actually where we're talking about the use of fireworks. Page 8 is talking about the sale of fireworks. So that's where we're changing the law. Not in the use."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2667, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1492-06) recommending that S.B. No. 2687, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2687, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Waters rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Caldwell rose to speak in support of the measure with reservations, stating:

"With reservations also. And just explaining my vote. The article by Lee Cataluna talking about the parks being our parks, sways me that there's some need for some kind of law that deal with the homeless problem. But we also need to deal with the homeless problem, and that's finding them somewhere else to live. Thank you Mr. Speaker."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with some reservations on this bill. A couple quick comments. Thank you. Of course most of you have read about what happened down at Ala Moana Park with the homeless sweep that happened in the past couple weeks.

"I went down there and I observed that, and the problem had gotten pretty bad. I believe that the police do need all of the laws in order to move the homeless people out if it becomes a real problem. At Ala Moana, what did happen in that case was there were so many of the social service agencies and church groups that were there to assist the homeless in finding a place to go, as well as the City and County stepping in, the Mayor stepping in to provide them a temporary place to camp out if they wanted.

"It did bring the situation to the forefront. But if the police did not have the laws in place that allowed them to ask the homeless to leave, that it would have been very difficult. The situation in the park would have been that the park was taken over by the homeless people and our citizens would not have been able to use it as their own. So I just would like to caution my colleagues that we shouldn't really lessen the laws that the police need to in a case like this. Thank you, Mr. Speaker."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, just with strong reservations, Mr. Speaker. And if the homeless had a place to go, I would vote no on this measure, but I have been surprisingly educated this Session. Last year, I did vote on a similar measure that made it a misdemeanor, so it made it less worse than it was before. But I had a homeless family in my district and we found out that it would take them three years to get into public housing, and one year to get into the homeless shelter that's in my area, and so I have taken this family in because through the whole Session, I couldn't find a place for them. Not even a place for them to rent at \$600.

"And so I can't in good conscience, while I want the parks for my family, I can't in good conscience vote for a measure if we ourselves are not giving an immediate alternative. But when we do give that alternative, I'd like to see the parks given back to the people. Thank you."

Representative Kahikina rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS," passed Third Reading by a vote of 43 ayes to 4 noes, with Representatives Ching, Finnegan, Meyer and Stonebraker voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1493-06) recommending that S.B. No. 2762, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2762, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Third

Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1494-06) recommending that S.B. No. 2986, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2986, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," passed Third Reading by a vote of 47 ayes, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

At 2:47 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2454, SD 1, HD 2	S.B. No. 3197, SD 2, HD 1
S.B. No. 995, SD 1, HD 1	S.B. No. 3254, SD 2, HD 2
S.B. No. 2274, SD 1, HD 2	S.B. No. 427, SD 1, HD 1
S.B. No. 2476, SD 2, HD 3	S.B. No. 951, SD 2, HD 1
S.B. No. 2487, HD 1	S.B. No. 2006, SD 3, HD 2
S.B. No. 2617, SD 2, HD 1	S.B. No. 2213, SD 2, HD 2
S.B. No. 2753, SD 1, HD 2	S.B. No. 2243, SD 1, HD 1
S.B. No. 2773, SD 3, HD 2	S.B. No. 2328, SD 2, HD 2
S.B. No. 2901, HD 1	S.B. No. 2358, SD 2, HD 2
S.B. No. 3003, SD 2, HD 2	S.B. No. 2360, SD 2, HD 1
S.B. No. 3037, SD 2, HD 2	S.B. No. 2667, SD 2, HD 1
S.B. No. 3054, SD 2, HD 2	S.B. No. 2687, HD 1
S.B. No. 3072, SD 1, HD 2	S.B. No. 2762, SD 1, HD 1
S.B. No. 3084, SD 2, HD 3	S.B. No. 2986, SD 2, HD 2

STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1525-06) recommending that H.R. No. 208, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 208, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO ESTABLISH STANDARDS OF BRAILLE PROFICIENCY AND INSTRUCTION," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1526-06) recommending that H.C.R. No. 268, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 268, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO ESTABLISH STANDARDS OF BRAILLE PROFICIENCY AND INSTRUCTION," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1527-06) recommending that H.R. No. 50, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 50, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1528-06) recommending that H.C.R. No. 66, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 66, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FORMATION OF A LONG-RANGE PLAN TO ADDRESS THE FUTURE OF PUBLIC AND SCHOOL LIBRARIES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Takumi, for the Committee on Education presented two reports:

(Stand. Com. Rep. No. 1529-06) recommending that H.R. No. 204, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1530-06) recommending that H.C.R. No. 264, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 204, HD 1, and H.C.R. No. 264, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of both measures with reservations, stating:

"Mr. Speaker. Thank you Mr. Speaker, just short comments on Stand. Com. 1529 and 1530. Just with reservations because we know that work such as this takes money. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 204, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EVALUATE VARIOUS ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY-EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS, AS WELL AS AIR COOLING METHODS THAT USE RENEWABLE ENERGY SOURCES TO ENCOURAGE COMPLIANCE WITH "LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN" STANDARDS," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 264, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EVALUATE VARIOUS ALTERNATIVE AIR COOLING METHODS SUCH AS FANS, HEAT REDUCTION, INSULATION, AND ENERGY-EFFICIENT INDIVIDUAL AIR CONDITIONING WALL UNITS, AS WELL AS AIR COOLING METHODS THAT USE RENEWABLE ENERGY SOURCES TO ENCOURAGE COMPLIANCE WITH "LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN" STANDARDS," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1531-06) recommending that H.R. No. 64, be adopted; and

(Stand. Com. Rep. No. 1532-06) recommending that H.C.R. No. 86, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 64 and H.C.R. No. 86, be adopted, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to both measures, stating:

"Mr. Speaker, I rise in opposition to these measures. Last Session I wasn't fortunate to be here, but believe me, I was out there watching as our gross excise tax got burdened upon our people of Oahu. This looks to me as another one of those potential exposures to our already over-strapped, over-taxed people of Oahu.

"We need to have better planning before we start marching ahead with setting policies, potential policies such as expanding mass transit or those types of expensive undertakings until the City and County themselves gets their act together and fixes things such as the sewers and so forth and so on. So I'm opposed to this. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 64, entitled: "HOUSE RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," was adopted, with Representative Harbin voting no, and, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," was adopted, with Representative Harbin voting no, and, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1533-06) recommending that H.R. No. 93, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 93, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A COMPREHENSIVE STATEWIDE PEDESTRIAN SAFETY ACTION PLAN," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1534-06) recommending that H.C.R. No. 127, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 127, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CREATE A COMPREHENSIVE STATEWIDE PEDESTRIAN SAFETY ACTION PLAN," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1535-06) recommending that H.R. No. 132, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 132, entitled: "HOUSE RESOLUTION EXPRESSING APPRECIATION TO THE AIRLINES SERVING THE STATE OF HAWAII AND REQUESTING A PARTNERSHIP BETWEEN THE AIRLINES AND THE STATE TO PERPETUATE HAWAII'S NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1536-06) recommending that H.C.R. No. 173, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 173, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING APPRECIATION TO THE AIRLINES SERVING THE STATE OF HAWAII AND REQUESTING A PARTNERSHIP BETWEEN THE AIRLINES AND THE STATE TO PERPETUATE HAWAII'S NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1537-06) recommending that H.R. No. 152, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 152, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF RETURNING THE KAPALUA-WEST MAUI AIRPORT TO PRIVATE OPERATION," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1538-06) recommending that H.C.R. No. 198, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 198, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO DETERMINE THE FEASIBILITY OF RETURNING THE KAPALUA-WEST MAUI AIRPORT TO PRIVATE OPERATION," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1539-06) recommending that H.R. No. 182, be adopted; and

(Stand. Com. Rep. No. 1540-06) recommending that H.C.R. No. 241, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 182 and H.C.R. No. 241, be adopted, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of both measures, stating:

"Mr. Speaker. I would like to speak in briefly in support of these measures. 1539 and 1540, HR 182. The federal SAFETEA-LU legislation provides an excellent opportunity for our State to implement a comprehensive array of pedestrian and bicyclist safety measures. This Resolution encourages the DOT to hire a full-time coordinator to take on this task.

"All of the testimony was in support of this measure, but I would like to remind you and the Members of the pressing need to address the safety issues raised by the drop-off and pick-up of students. With the federal money available, Hawaii should proceed aggressively. Pedestrians and bicyclists of all ages need all the help we can muster. Walking and bicycling to school is also an excellent form of physical activity, but it must also be safe. Perhaps we should even test measures such as pedestrian crosswalk flags.

"I urge my colleagues to vote yes on this measure. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 182, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR APPORTIONED FEDERAL FUNDING TO ESTABLISH A SAFE ROUTES TO SCHOOL PROGRAM IN HAWAII AND TO RECRUIT AND HIRE A FULL-TIME COORDINATOR FOR THE PROGRAM," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 241, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION TO APPLY FOR APPORTIONED FEDERAL FUNDING TO ESTABLISH A SAFE ROUTES TO SCHOOL PROGRAM IN HAWAII AND TO RECRUIT AND HIRE A FULL-TIME COORDINATOR FOR THE PROGRAM," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1541-06) recommending that H.R. No. 173, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 173, entitled: "HOUSE RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE MERITS OF CREATING A MONUMENT TO THE CITIZENS OF THE KINGDOM OF HAWAII IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KUPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Saiki, for the Committee on Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1542-06) recommending that H.C.R. No. 232, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE MERITS OF CREATING A MONUMENT TO THE CITIZENS OF THE KINGDOM OF HAWAII IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KUPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representatives Saiki and Kahikina, for the Committee on Hawaiian Affairs and the Committee on Housing presented a report (Stand. Com. Rep. No. 1543-06) recommending that H.C.R. No. 119, be adopted.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 119, be adopted, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I support measure HCR 119, Urging the United States President and Congress to immediately ratify the amendments made to the Hawaiian Homes Commission Act of 1920, as amended, as embodied in Act 302, Session Laws of Hawaii 2001. The purpose of this measure is to:

1. Promote increase self-governance by providing Hawaiian homestead community organizations with administrative authority over the affairs of their distinct native communities on Hawaiian Home Lands, and
2. Affirm that the United States has a unique trust responsibility to promote the welfare of the aboriginal, indigenous people of the State of Hawaii, and that the federal government has delegated broad authority to the State of Hawaii to act for their betterment."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO IMMEDIATELY RATIFY THE AMENDMENTS MADE TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED, AS EMBODIED IN ACT 302, SESSION LAWS OF HAWAII 2001, AND TO RECOGNIZE HAWAIIAN HOMESTEAD COMMUNITY ORGANIZATIONS AS SELF-GOVERNING ADMINISTRATIVE AUTHORITIES FOR THEIR RESPECTIVE COMMUNITIES," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented two reports:

(Stand. Com. Rep. No. 1544-06) recommending that H.R. No. 171, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1545-06) recommending that H.C.R. No. 226, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 171, HD 1, and H.C.R. No. 226, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Pine rose to speak in opposition to both measures, stating:

"Mr. Speaker. I'm in opposition to these measures as well, just because I feel that there should be a more expanded group with different types of family planning in the group. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 171, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR LEGISLATIVE CONSIDERATION IN THE STATE'S FISCAL BIENNIAL 2007-2009 BUDGET," was adopted, with Representatives Pine and Stonebraker voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 226, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR LEGISLATIVE CONSIDERATION IN THE STATE'S FISCAL BIENNIAL 2007-2009 BUDGET," was adopted, with Representatives Pine and Stonebraker voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1546-06) recommending that H.R. No. 218, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 218, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AMERICAN ASSOCIATION OF RETIRED PERSONS HAWAII TO CONDUCT A STUDY TO DETERMINE THE MEANS TO ESTABLISH AN "AGING IN PLACE" TAX CREDIT FOR HAWAII TAXPAYERS," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1547-06) recommending that H.C.R. No. 283, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 283, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AMERICAN ASSOCIATION OF RETIRED PERSONS HAWAII TO CONDUCT A STUDY TO DETERMINE THE MEANS TO ESTABLISH AN "AGING IN PLACE" TAX CREDIT FOR HAWAII TAXPAYERS," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1548-06) recommending that H.R. No. 164, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 164, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE AHUPUAA OF MUOLEA AS A COMMUNITY-BASED SUBSISTENCE FISHING AREA," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1549-06) recommending that H.C.R. No. 215, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 215, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DESIGNATE THE AHUPUAA OF MUOLEA AS A COMMUNITY-BASED SUBSISTENCE FISHING AREA," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1550-06) recommending that H.R. No. 202, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 202, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEOHE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET AND TO ESTABLISH A MARKED CROSSWALK ON KEOLU DRIVE NEAR KAELEPULU ELEMENTARY SCHOOL," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1551-06) recommending that H.C.R. No. 262, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 262, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEOHE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET AND TO ESTABLISH A MARKED CROSSWALK ON KEOLU DRIVE NEAR KAELEPULU ELEMENTARY SCHOOL," was adopted, with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Souki, for the Committee on Transportation presented two reports:

(Stand. Com. Rep. No. 1552-06) recommending that H.R. No. 107, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1553-06) recommending that H.C.R. No. 144, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 107, HD 1, and H.C.R. No. 144, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. On 1552 and 1553, I'm going to rise with reservations although my instinct is to say no. This has been a subject that has been bantered around, and bantered around, but I think, if we're going to keep on studying this issue, I think we should include in the title something that relates to the fact that we have development plans that are looking to move more of our planning into the Ewa Plains, and to continue to try to figure out how to get them back into town through these boondoggle type of means, I think it could possibly be just maybe a little waste of time as this has been looked at years and years and years over. Thank you."

Representative Ito rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Caldwell rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Lee rose to disclose a potential conflict of interest, stating:

"On this resolution, I should declare a possible conflict. I'm Chair of the OMPO Policy Committee, and OMPO was mentioned in the original resolution," and the Chair ruled, "no conflict."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 107, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAUS TO STUDY THE DEVELOPMENT OF A SUBMERSIBLE VEHICULAR TUNNEL FROM EWA TO DOWNTOWN HONOLULU," was adopted, with

Representatives Ito and Thielen, voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused; and

H.C.R. No. 144, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE DEVELOPMENT OF A SUBMERSIBLE VEHICULAR TUNNEL FROM EWA TO DOWNTOWN HONOLULU," was adopted, with Representatives Ito and Thielen voting no, and with Representatives Cabanilla, Herkes, Morita and Tanaka being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1554-06) recommending that S.B. No. 2913, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2913, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1555-06) recommending that S.B. No. 1015, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1015, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1556-06) recommending that S.B. No. 3076, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 3076, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representatives Abinsay and Kanoho, for the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1557-06) recommending that S.B. No. 2155, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2155, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1558-06) recommending that S.B. No. 2259, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2259, SD 1, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO INFORMATION CHARGING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1559-06) recommending that S.B. No. 1317, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1317, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1560-06) recommending that S.B. No. 1734, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1734, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

Representative Evans rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. At this time, I'm voting with reservations. Thank you Mr. Speaker. There are just so many unanswered questions. You know, we all agree, or at least most of us agree, that we need a racetrack for local racers, but this bill doesn't appear to provide that. It's for a world-class race track, bringing in mainland racers.

"But what was very interesting and disturbing was that when the person trying to get the tax credit, which is anywhere between \$40 to \$60 million, it depends on which version of the measure you look at, he was asked to provide his financial plan or his business plan. He wouldn't do that. He wouldn't tell us who the investors were. He also is supposed to be using that money to purchase some land in exchange for a parcel at Kalaeloa or Barber's Point. He wouldn't tell us the location of the land that he wishes to swap.

"And if we start looking at the parcel that's at Kalaeloa, it's at the intersection of runways so it's dangerous to aircraft. An argument could be made that, yah it's a general aviation airport there now, yes. Those are very small and light and slow-moving airplanes, but if we're going to have racers and spectators at the intersection runway which seems to me it would be very dangerous, especially if we have the airwing come in here from a carrier. Those are very fast movers and there would be distraction from lights, and there would be a lot of danger to the people at the racetrack.

"Let's look at another aspect of it. The land that is at that parcel is supposed to be swapped for land elsewhere. It's supposed to be swapped because right now it's owned by the Department of Hawaiian Homelands and we can't build homes on that parcel, so they want land elsewhere. Well the Department of Hawaiian Homelands not only yesterday, but again today, confirms that the person wanting that tax credit does not have site control.

"So you have all those things added up, and then when asked if this person wanting the tax credit would provide the dirt track, that's needed by about one-third of the local racers, he will not say, 'Yes.' He doesn't say, 'We'll try.' He just says that he cannot commit for the owners or the promoters. So when we ask who is that, so we can

allow the racers that want that kind of track to at least talk to these folks and see if they work out a deal. 'No, can't be done.'

"With that and about 14,000 other questions I have, and let me put it this way. I'm not opposed to tax credits for worthy causes. I'm not opposed to a racetrack. We need a racetrack. I just need some answers before I can support this. Thank you."

Representative Takai rose, stating:

"Point of information. I'm a little bit confused. Was the previous speaker speaking with reservations, or against? Because at the very end he said that he can't support this."

The Chair responded, stating:

"He said he was with reservations at this point."

Representative Wakai rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Schatz rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, in opposition. As briefly as I can, it is not the government's job to subsidize racetracks. That's the first point to be made and it feels a little bit funny to say this on the House floor. It should be obvious to us all that it's not the government's job to subsidize racetracks.

"I just want to be clear about what this does. It's actually a 100% subsidy for the development of this racetrack. The tax credit shall be equal to the qualified investment made by the taxpayer and the project for any one or more years than the 6 consecutive years beginning after December 2004.

"So whatever they spend, they get money back from the government to build a racetrack. It's just a waste of money. Thank you."

Representative Berg rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I rise in opposition. Thank you. I do support a racetrack. I learned a lot about motor sports in the past couple of hearings, and especially last night when we had a tremendous amount of testimony about racetracks and motor sports. But one piece of testimony from the Department of Taxation really was interesting to me. They claim that this is not the best funding method for it. It did occur to me that just having one person applying for this tax credit where there may be other people, other entities that could provide and build a racetrack facility that could serve more of the racers on Oahu. I think they should be given an opportunity too. I do note that the bill doesn't limit it to this one person, but it seemed like he was the only one there and present to testify, so I'd like to vote no on this measure. Thank you."

Representative Chong rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker, I rise with reservations. I have some concern regarding the tax implications and fiscal implications, but would like to see the discussion move forward. Thank you."

Representative Caldwell rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Hale rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Carroll rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Lee rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Nishimoto rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Green rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Yamashita rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Kahikina rose to speak in support of the measure with reservations, stating:

"With grave reservations."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker, with reservations. I just wanted to respond to something that was said about the government subsidizing a racetrack or a racing facility. Actually some of the other counties do provide racetracks on State land, and they are used for all kinds of racing venues. I do think a racetrack does have a public interest. There are many people that enjoy racing and it certainly would be safer on the streets if these people had a place to try their cars out, drag racing and wheel-to-wheel racing.

"I don't know that a tax credit is the way to go, but I think that the racing industry is a huge business. From the testimony heard last night in Finance, we are talking local folks who have been racing for years and years. This particular bill may not create the kind of racing facility that they want, but we, as a public policy body should not discount the fact that providing a place to race safely is in the public interest. Thank you, Mr. Speaker."

The Chair then addressed Representative Meyer, stating:

"So Representative Meyer, your position was a no vote? The Chair just wants to clarify your position."

Representative Meyer responded, stating:

"No, I'm with reservations. I'm sort of between a rock and a hard place because of the fact that we have closed down the only racing facility that we have."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. Tax credits should always be subject to scrutiny and debate, and should always determine whether the proposed activity is justified. However, tax credits have the ability to diversify, as well as stimulate the economy and give new industries opportunities. In considering new taxes, we must make sure local citizens benefit, and I would continue to support this measure only if that condition is met."

Representative Saiki rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1734, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Berg, Caldwell, Carroll, Evans, Finnegan, Hale, Saiki, Schatz, Shimabukuro, Stevens, Thielen and Wakai voting no, with Representatives Cabanilla, Herkes, Kanoho, Morita and Tanaka being excused.

At 3:04 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:06 o'clock p.m.

THIRD READING

S.B. No. 2244, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2244, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2597, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2599, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2599, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2607, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2607, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF APPEALS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2609, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2609, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2930, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 2930, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Caldwell rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Caldwell's written remarks are as follows:

"When animals and pets are subject to cruel and inhumane treatment, we are grateful to public and private agencies that intervene, remove the animals from the abusive situation, and house and care for their recovery in a safe and healthy environment. In these cases, the cost for animal care and sheltering should rightly fall on the shoulders of the abuser. SB 2930 HD1 would make this happen. The bill would also revoke the abuser's ownership and custodial rights of the abused animal and any other animals in his or her possession. This is policy that would protect our animal population from further abuse by an already identified perpetrator."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 2930, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 695, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 695, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2462, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2462, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MAKENAKEONEIO GOVERNMENT ROAD," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2063, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2237, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2237, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2382, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2382, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I'm rising in opposition. I believe this is a tax increase bill Mr. Speaker, and I'll tell you why. We had an agreement with the Governor and the House and the Senate and the leaders of both houses that we the Legislature and the State would not collect the half percent surcharge. This bill basically says we're going to collect the half percent surcharge, so in my estimation it now becomes a State tax versus a county tax, so we just voted, with the passage of this measure, we're voting for a half a percent increase in the GET tax for the State.

"In addition, it basically sets up the mechanism for the Department of Taxation to start taxing Internet sales. That will be a giant increase in taxes on the people of the State of Hawaii. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 2382, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Third Reading by a vote of 38 ayes to 7 noes, with Representatives Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Stonebraker voting no, and with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 2550, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2550, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm rising in opposition to this measure. Actually I have a couple of reasons, but what the first thing I'd really like to address is that the contents of this bill is to try to take Kakaako and put it back into the hands of the City and County of Honolulu. The City and County of Honolulu has consistently said through the process, as long as I've been here this year, that they don't want Kakaako back. They can't afford it. I think that perhaps the testifier that came out in support of this bill, perhaps maybe doesn't quite understand what happens when you turn something over to the City especially to a City as in disrepair as our City is.

"We have a valuable asset in Kakaako, a valuable economic asset and valuable land asset. And we have beautiful parks and beaches. The City can't even maintain and take care of the parks that they have in their possession now, much less that beautiful asset at Kakaako *makai*. The City, we're an international embarrassment because our beaches are contaminated because the City can't take care of their sewers. How can we take this asset and give it back to the City and County of Honolulu? So I think that perhaps maybe the businesses and the groups that supported this measure in Finance, perhaps maybe didn't quite understand that they were reacting a little too strongly.

"The other reason I'm in opposition to this is I'm very disappointed that as a member of Water, Land, Ocean, I didn't have a chance to hear this bill because for some strange reason, it went straight to Finance. And that's a process issue that I keep bringing up on this floor, that if we're going to play by certain rules, let's play them in general and continually, the same game. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker, I spoke rather extensively on this the other day, and I believe so did Speaker Emeritus and I think for many of the same reasons. I can't say if he's still opposing it, and I hope he is, but I certainly am opposing this bill.

"Mr. Speaker, the City doesn't have the money to do the infrastructure. It seems as if the Legislature has overreacted to a situation that basically involves whether we should sell public lands on the *makai* side in Kakaako, and then all of a sudden it escalated into this huge thing and now we're saying we're going to carve out this one segment of Kakaako and turn it over to the City and County. Well the City and County can't even pick up our trash and our green waste on this island. They certainly don't have the funds to do the infrastructure, which means that we have a pod left in Kakaako that will flood and where roadways won't go through and be part of the redesign and envisioned district renewal project.

"The other thing I keep bringing up is the produce and the Whole Foods store that will buy the produce from our local farmers. And we want to be very careful that we don't do something that derails that. The City wouldn't be able to do that kind of action. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 2550, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY DEVELOPMENT," passed Third Reading by a vote of 36 ayes to 9 noes, with Representatives Finnegan, Harbin, Marumoto, Meyer, Moses, Nishimoto, Pine, Souki and Thielen voting no, and with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 3051, SD 2, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 3051, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

S.B. No. 3111, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 3111, SD 1, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," passed Third Reading by a vote of 45 ayes, with Representatives Cabanilla, Carroll, Hale, Herkes, Morita and Tanaka being excused.

At 3:13 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2244, SD 1, HD 1	S.B. No. 2462, SD 1, HD 1
S.B. No. 2597, HD 1	S.B. No. 2063, HD 1
S.B. No. 2599, HD 1	S.B. No. 2237, SD 1, HD 1
S.B. No. 2607, SD 1, HD 1	S.B. No. 2382, SD 2, HD 1
S.B. No. 2609, SD 1, HD 1	S.B. No. 2550, SD 2, HD 1
S.B. No. 2930, SD 1, HD 1	S.B. No. 3051, SD 2, HD 1
S.B. No. 695, HD 1	S.B. No. 3111, SD 1, HD 1

ANNOUNCEMENTS

Representative Yamashita: "Thank you, Mr. Speaker. On this coming Monday, April 10th, my office along with Representative Karamatsu's office will be hosting the Bizarre Bazaar between 10:30 a.m. to 1:30 p.m. in Room 414. I encourage all of you to stop by for a variety of activities including the food and household items for sale, cooking demonstrations, and a silent auction. Flyers will be distributed to all of you with the details of the Bazaar. All the proceeds will be going to the Hawaii Foodbank. Thank you."

Representative Thielen: "Thank you, Mr. Speaker. I just wanted to remind Members of the Easter basket presentation for the Women's Shelter, 3:00 on Monday. If you'll bring your Easter

baskets down to the entry to the Rotunda area, and we will be presenting them there.

"Mr. Speaker, I also wanted to say how much I appreciate the Members that, in the spirit of Earth Day, wore natural fiber shirts. And I certainly think yours is a very good-looking one. Thank you."

At this time, Representative B. Oshiro moved to keep the Journal open until 10:00 p.m. this legislative day for the purpose of receiving Standing Committee Reports and Senate bills transmitted thereby, seconded by Representative Meyer and carried. (Representatives Cabanilla, Carroll, Chang, Hale, Herkes, Morita and Tanaka were excused.)

At 3:15 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 8:30 o'clock a.m., Tuesday, April 11, 2006. (Representatives Cabanilla, Carroll, Chang, Hale, Herkes, Morita and Tanaka were excused.)

STANDING COMMITTEE REPORTS

In accordance with the motion made, the following Standing Committee Reports (Stand. Com. Nos. 1561-06 through 1683-06) were received by the Clerk prior to 10:00 p.m. this legislative day, and the following action taken:

Stand. Com. Rep. No. 1561-06 (JUD) and S.B. No. 744, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1562-06 (JUD) and S.B. No. 2065, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1563-06 (JUD) and S.B. No. 2166, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO MINORS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1564-06 (JUD) and S.B. No. 2188, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1565-06 (JUD) and S.B. No. 2492, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1566-06 (JUD) and S.B. No. 3262, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1567-06 (FIN) and S.B. No. 2485, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1568-06 (FIN) and S.B. No. 3078, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1569-06 (FIN) and S.B. No. 2499, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1570-06 (FIN) and S.B. No. 2652, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1571-06 (FIN) and S.B. No. 2708, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1572-06 (FIN) and S.B. No. 2718, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1573-06 (FIN) and S.B. No. 2956, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1574-06 (FIN) and S.B. No. 3101, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1575-06 (FIN) and S.B. No. 3195, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1576-06 (FIN) and S.B. No. 3180, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1577-06 (FIN) and S.B. No. 2461, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1578-06 (FIN) and S.B. No. 2774, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1579-06 (FIN) and S.B. No. 3000, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1580-06 (FIN) and S.B. No. 3247, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1581-06 (FIN) and S.B. No. 2600, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1582-06 (FIN) and S.B. No. 87, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1583-06 (FIN) and S.B. No. 2273, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1584-06 (FIN) and S.B. No. 3090, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1585-06 (FIN) and S.B. No. 2879, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1586-06 (FIN) and S.B. No. 2570, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1587-06 (FIN) and S.B. No. 2575, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1588-06 (FIN) and S.B. No. 1294, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1589-06 (FIN) and S.B. No. 2150, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1590-06 (FIN) and S.B. No. 2898, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1591-06 (FIN) and S.B. No. 3059, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1592-06 (FIN) and S.B. No. 3119, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1593-06 (FIN) and S.B. No. 3146, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1594-06 (FIN) and S.B. No. 3205, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1595-06 (FIN) and S.B. No. 1899, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1596-06 (FIN) and S.B. No. 2949, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1597-06 (FIN) and S.B. No. 2505, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1598-06 (FIN) and S.B. No. 2838, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1599-06 (FIN) and S.B. No. 2145, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1600-06 (FIN) and S.B. No. 2348, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1601-06 (FIN) and S.B. No. 2480, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1602-06 (FIN) and S.B. No. 3105, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1603-06 (FIN) and S.B. No. 2227, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1604-06 (FIN) and S.B. No. 1512, SD 1, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1605-06 (FIN) and S.B. No. 3192, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1606-06 (FIN) and S.B. No. 2954, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1607-06 (FIN) and S.B. No. 696, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1608-06 (FIN) and S.B. No. 785, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1609-06 (FIN) and S.B. No. 2246, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1610-06 (FIN) and S.B. No. 2980, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1611-06 (FIN) and S.B. No. 3009, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1612-06 (FIN) and S.B. No. 3077, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1613-06 (JUD) and S.B. No. 2385, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1614-06 (FIN) and S.B. No. 3138, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1615-06 (FIN) and S.B. No. 2337, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1616-06 (FIN) and S.B. No. 2338, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1617-06 (FIN) and S.B. No. 2340, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1618-06 (FIN) and S.B. No. 3252, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1619-06 (FIN) and S.B. No. 2958, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1620-06 (FIN) and S.B. No. 2248, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1621-06 (FIN) and S.B. No. 965, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1622-06 (FIN) and S.B. No. 439, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1623-06 (FIN) and S.B. No. 613, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1624-06 (FIN) and S.B. No. 2433, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION

UNITS AND VICTIM WITNESS ASSISTANCE PROGRAMS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1625-06 (FIN) and S.B. No. 2887, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1626-06 (FIN) and S.B. No. 2948, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1627-06 (FIN) and S.B. No. 3120, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1628-06 (FIN) and S.B. No. 1223, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1629-06 (FIN) and S.B. No. 2546, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1630-06 (FIN) and S.B. No. 2909, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1631-06 (FIN) and S.B. No. 3021, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1632-06 (FIN) and S.B. No. 2074, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1633-06 (FIN) and S.B. No. 845, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1634-06 (FIN) and S.B. No. 2347, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1635-06 (FIN) and S.B. No. 2725, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTHY START," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1636-06 (FIN) and S.B. No. 2961, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1637-06 (FIN) and S.B. No. 2162, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1638-06 (FIN) and S.B. No. 2323, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL

REVENUE MAXIMIZATION IN THE JUDICIARY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1639-06 (FIN) and S.B. No. 3011, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1640-06 (FIN) and S.B. No. 2004, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1641-06 (FIN) and S.B. No. 3065, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1642-06 (FIN) and S.B. No. 2036, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1643-06 (FIN) and S.B. No. 2484, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1644-06 (FIN) and S.B. No. 1648, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1645-06 (FIN) and S.B. No. 2504, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1646-06 (FIN) and S.B. No. 2630, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1647-06 (FIN) and S.B. No. 2727, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1648-06 (FIN) and S.B. No. 3270, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1649-06 (FIN) and S.B. No. 2076, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1650-06 (FIN) and S.B. No. 3215, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1651-06 (FIN) and S.B. No. 2959, SD 3, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1652-06 (FIN) and S.B. No. 3035, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY

BENEFITS TO INJURED EMPLOYEES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1653-06 (FIN) and S.B. No. 1593, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1654-06 (FIN) and S.B. No. 475, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1655-06 (FIN) and S.B. No. 2357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1656-06 (FIN) and S.B. No. 2719, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1657-06 (FIN) and S.B. No. 743, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1658-06 (FIN) and S.B. No. 2957, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1659-06 (FIN) and S.B. No. 2021, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1660-06 (FIN) and S.B. No. 2502, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1661-06 (FIN) and S.B. No. 2339, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1662-06 (FIN) and S.B. No. 218, SD 4, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1663-06 (FIN) and S.B. No. 3181, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1664-06 (FIN) and S.B. No. 2926, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1665-06 (FIN) and S.B. No. 2486, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1666-06 (FIN) and S.B. No. 2545, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT

RELATING TO CONDOMINIUMS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1667-06 (FIN) and S.B. No. 2897, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1668-06 (FIN) and S.B. No. 3273, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1669-06 (FIN) and S.B. No. 2133, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1670-06 (FIN) and S.B. No. 2364, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1671-06 (FIN) and S.B. No. 2917, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1672-06 (FIN) and S.B. No. 3283, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1673-06 (FIN) and S.B. No. 2571, as amended in HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1674-06 (FIN) and S.B. No. 2572, SD 2, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1675-06 (FIN) and S.B. No. 2334, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1676-06 (FIN) and S.B. No. 2688, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1677-06 (FIN) and S.B. No. 3185, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1678-06 (FIN) and S.B. No. 2214, SD 2, HD 2, as amended in HD 3, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1679-06 (FIN) and S.B. No. 2343, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1680-06 (FIN) and S.B. No. 3114, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY

WORK DAY PROGRAM," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1681-06 (FIN) and S.B. No. 3186, SD 2, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1682-06 (FIN) and S.B. No. 2190, SD 1, HD 1, as amended in HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the calendar for Third Reading on April 11, 2006.

Stand. Com. Rep. No. 1683-06 (FIN) and S.B. No. 2997, SD 1, as amended in HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the calendar for Third Reading on April 11, 2006.

H.B. No 1878, SD 1
H.B. No. 2313, SD 1
H.B. No. 2443, HD 1, SD 1

ADJOURNMENT

At 10:00 o'clock p.m., the House of Representatives adjourned until 8:30 o'clock a.m., Tuesday, April 11, 2006.

HOUSE COMMUNICATIONS

"HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

April 7, 2006

The Honorable Linda Lingle
Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following Senate Bill, a copy of which is attached hereto:

S.B. No. 995, SD 1, H.D. 1, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES."

Said measure passed Third Reading in the Hawaii House of Representatives on this date.

Respectfully,
/s/Patricia Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Paul T. Kawaguchi, Clerk of the Senate
Dwayne Yoshina, Chief Election Officer"

House Communication dated April 7, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

FORTY-SEVENTH DAY

Tuesday, April 11, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 8:45 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Bishop Richard Chang of Episcopal Diocese of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Stonebraker and Takamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Sixth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 493 through 498) were received and announced by the Clerk:

Sen. Com. No. 493, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 2290, SD 2, HD 1 S.B. No. 3049, SD 1, HD 1
S.B. No. 2292, SD 2, HD 1

Sen. Com. No. 494, transmitting S.C.R. No. 48, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO RECOMMEND WHETHER THE DEPARTMENT OF TRANSPORTATION SHOULD ADOPT THE BASIC RIDER COURSE OF THE MOTORCYCLE SAFETY FOUNDATION AS A COMPREHENSIVE EDUCATIONAL PROGRAM FOR THE ENTIRE MOTORCYCLE COMMUNITY," which was adopted by the Senate on April 7, 2006.

Sen. Com. No. 495, transmitting S.C.R. No. 90, entitled: "SENATE CONCURRENT RESOLUTION REQUIRING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE CRIME RATES IN JURISDICTIONS IN THE UNITED STATES THAT ALLOW FOR THE OPEN CARRY OF A FIREARM," which was adopted by the Senate on April 7, 2006.

Sen. Com. No. 496, transmitting S.C.R. No. 151, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC POLICY CENTER OF THE COLLEGE OF SOCIAL SCIENCES AT THE UNIVERSITY OF HAWAII TO SPONSOR A SERIES OF PUBLIC POLICY DIALOGS ON OPEN GOVERNMENT," which was adopted by the Senate on April 7, 2006.

Sen. Com. No. 497, transmitting S.C.R. No. 228, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO DIRECT THE FEDERAL TRADE COMMISSION AND THE UNITED STATES POSTAL SERVICE TO EXAMINE THE FEASIBILITY OF ENACTING FEDERAL LEGISLATION THAT WOULD PROVIDE MAIL RECIPIENTS THE OPTION OF BEING INCLUDED ON A NATIONAL LIST OF THOSE NOT WISHING TO RECEIVE ANY UNSOLICITED COMMERCIAL MAIL," which was adopted by the Senate on April 7, 2006.

Sen. Com. No. 498, dated April 7, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bill:

H.B. No. 1982, Chair: Fukunaga
HD 2, SD 1 Co-Chair: Inouye
Members: Ige, Hogue

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate Concurrent Resolutions were referred to committee by the Speaker:

<u>S.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
2, SD1	Committee on Human Services
34, SD1	Committee on Housing, then to the Committee on Finance
42, SD1	Jointly to the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce
43	Committee on Human Services
47	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment
48, SD1	Committee on Transportation
51, SD1	Jointly to the Committee on Judiciary and the Committee on Legislative Management and the Committee on Human Services
55	Committee on Consumer Protection & Commerce, then to the Committee on Finance
70	Committee on Health
71, SD1	Committee on Health, then to the Committee on Finance
72, SD1	Committee on Health
74	Committee on Transportation
76, SD1	Jointly to the Committee on Health and the Committee on Higher Education, then to the Committee on Consumer Protection & Commerce
82, SD1	Committee on Consumer Protection & Commerce
84	Committee on Education
90	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary, then to the Committee on Finance
95	Jointly to the Committee on Transportation and the Committee on Labor & Public Employment
104	Committee on Education
105	Committee on Education
116	Committee on Health

145	Jointly to the Committee on Health and the Committee on International Affairs, then to the Committee on Consumer Protection & Commerce
147	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment
151, SD1	Committee on Higher Education
158	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
159, SD1	Committee on Agriculture, then to the Committee on Energy & Environmental Protection
160, SD1	Committee on Agriculture
163	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
165	Committee on Education
166, SD1	Committee on Education
170	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Energy & Environmental Protection
193, SD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on International Affairs
204, SD1	Jointly to the Committee on Human Services and the Committee on Health
228, SD1	Committee on Consumer Protection & Commerce
229, SD1	Jointly to the Committee on Human Services and the Committee on International Affairs

COMMITTEE REASSIGNMENTS

The following bills were re-referred to committee by the Speaker:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1, HD2, SD1	Committee on Higher Education, then to the Committee on Judiciary, then to the Committee on Finance
439, HD1, SD2	Committee on Legislative Management, then to the Committee on Judiciary, then to the Committee on Finance
2183, HD1, SD1	Jointly to the Committee on Education and the Committee on Public Safety & Military Affairs, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
2315, SD2	Committee on Consumer Protection & Commerce, then to the Committee on Finance
2319, HD1, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance

3036, HD1, SD2	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3118, HD1, SD1	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3123, HD1, SD1	Jointly to the Committee on Health and the Committee on Human Services, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Stonebraker and Takamine were excused.)

UNFINISHED BUSINESS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1561-06) recommending that S.B. No. 744, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 744, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1562-06) recommending that S.B. No. 2065, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2065, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1563-06) recommending that S.B. No. 2166, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2166, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. I looked through this bill and actually, the intent of this bill is a very good one. We're trying to make sure that medical services get to the child that doesn't have a parent, say a street child or a runaway. However, I do have some concerns about this bill.

"Basically in that attempt though, what I think is it also takes away my right to parent. And the reason why I say that is because this bill and some of the language I get from it, that if you're 14 or older, that you should have the opportunity to seek medical services or parental pregnancy counseling, those type of things. And I think that should be okay, but however, if my child is having a difficulty and maybe has done something and now my child is pregnant at the age of 14, I

want to be able to guide and talk and speak through this in a loving way. Whatever decision comes up with that, whatever decision or the outcome is a decision that I think that my parenting should be involved with.

"And what this does is it basically tells doctors and everybody else that if a child comes to you and basically says, 'I don't have a parent,' that, that is reason enough for them to clear out all of the records from ever getting back to the parent to know what had happened with them medically. And at the age of 14, that's really young to be able to not be without parental guidance when you have parents that love and care for you and want to help you through what might be a medically difficult time or emotionally difficult time.

"Mr. Speaker, it's just difficult enough to parent nowadays. I just hope that maybe there's another solution to getting at this problem. Thank you."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support of this measure. And this is a follow up of a program and a bill that was introduced some 15 years ago. Primarily it was for the Waikiki Youth Outreach Program. And I think as many of us know, many of the young people who are in Waikiki, as the previous speaker mentioned, are runaways, people who are basically disconnected from their families and their parents. And I think for those of you who are familiar also with the foster care system, many of these kids are those who have abandoned the foster care system or who have left foster care and do not care to return.

"I understand the concerns by the previous speaker, having three daughters myself. I know the ideal situation is to have your children come to you with these problems. But I think we have to look at the intent of this measure. The intent is to provide healthcare to those who would not ordinarily seek it, or who may be discouraged if they have to go out and get their parental approval because that's one of the reasons why they're on their own because they are disconnected from their parents.

"And I think if we want to look at preventing the spread of disease, especially sexually transmitted diseases, we need to look at how we can intervene in these cases and we need to encourage young people to access healthcare, especially those who are at risk. And the kids that we're talking about are very high risk. Not only for sexually transmitted diseases, but other health problems as well. So I hope everyone will look at the intent and not try to apply this to every child because it doesn't. Thank you Mr. Speaker."

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. In strong support. Just to clarify that when we met with the Waikiki Health Center and the proponents of this measure, we specially asked about situations where a minor would come in and we specifically asked them if they would just take the minor's word for it. In the bill it specifically says the consent, there has to be some due diligence where as if the practitioner reasonably believes, and not just take their word for it, reasonably believes that the minor is not under care, supervision, or custody. That's kind of a high standard. It's not as if anybody who comes in and says that, 'I need medical care,' and they're just going to believe the child. Thank you."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. The bill really first of all, focuses on all health issues and an unbelievable percentage, a great, great percentage will be basic health issues that the minors wouldn't otherwise access. To focus on family planning or abortion, really is I think a fringe perspective on the bill. But what I want to

tell you is what really happens in the clinical setting. When a minor comes in, the doctors, the nurses, the front desk, and the case managers go to great lengths to find support and to actually get consent under any circumstance for anyone. Particular these most vulnerable people.

"Because the goal is to get them healthcare, but to also get them support so the actual actions of the providers in the healthcare setting are to get as much support for those minors. The goal will never be to isolate them and quickly do a procedure or quickly get care without other backup. It will be to encourage the parents or the extended families, or the friends, to help that child. So really this would be to get more healthcare for people in the most safe of ways. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I just wanted to add a new perspective coming from the medical community. I rise in strong support. As the my colleague from Salt Lake is painting a picture of a 14 year old walking in and saying that she's emancipated or she doesn't have any parents.

"I would like to say that we, in the medical community, are very, very conservative people who don't take those things very lightly, when somebody walks in an emergency room or a clinic and claims that they are. I'm sure that if this bill passes, the medical community will react to it. That they will establish policies and procedures to address this type of concern. Thank you, Mr. Speaker."

Representative Finnegan rose, stating:

"Thank you, Mr. Speaker. My hope is that this is exactly what it does. That it gets to the street person or the street minor. Being that I have heard from a nurse, and a doctor, and a lawyer and being that this is saying that it's reasonable and the doctors would be conservative in their estimate, I'm going to change my vote from opposition to with reservations. However, Mr. Speaker, I really am concerned about the right of the parent in this and when if this comes out and I hear differently, I might change back to a no vote. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2166, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Moses voting no, and Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1564-06) recommending that S.B. No. 2188, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2188, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1565-06) recommending that S.B. No. 2492, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2492, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1566-06) recommending that S.B. No. 3262, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3262, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations. This measure is relating to health and what it's supposed to do is protect the public health and welfare by prohibiting smoking in public places and places of employment.

"However, it exempts State correctional facilities so that indicates to me that we don't care as much about prisoners or our correctional officers, or any other people that are working in our prisons or correctional facilities.

"It also makes the definition of an enclosed or partially enclosed areas to specify that the areas must be closed in by at least two walls. I'm still trying to figure out what a structure with only two walls would look like. So I think that there are problems there.

"But bigger than that, we keep talking about second-hand smoke and yet we all know it's unpleasant, it's noxious, people don't like the smell, but there is no case of a documented death due to second-hand smoke. And yet we devote all this time to second-hand smoke. If we want to get rid of smoking, let's ban cigarettes. Thank you."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. Thank you. I echo the concerns of the previous speaker. The definition of enclosed or partially enclosed areas, it seems to leave a lot of openings for interpretation. And I heard from several employees and several bar owners that if they have smoking in their bar, they have a 35% rule which allows them to I guess gain 35% of their revenues from food, but if they go over that then they cannot have smoking. I think that this smoking ban is more for a restaurant that focuses on food. I think that there's places that smokers like to go and they should be allowed to have that freedom, and as long as there are places for people to eat that's not infused with smoke. I just have some reservations with this bill and I believe that it needs a little bit more work. Thank you, Mr. Speaker."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this measure. In fact, I rise in the strongest support of this measure. Mr. Speaker, we were elected to protect the people of Hawaii. We were elected to make sure that their health was preserved. This bill will preserve the health of the people of Hawaii.

"A statement was made that second-hand smoke doesn't kill. That is a patently false and reckless statement. Forgive me Mr. Speaker, if I've spoken out of turn. Second-hand smoke does kill. It kills waitresses. It kills children when their parents smoke. And children that don't have a choice to get away from second-hand smoke. We're here to protect the children. We're here to protect the workers. We're here to protect to all of the people of the State of Hawaii, Mr. Speaker.

"When we talk about rights, the rights of someone in a restaurant. They have the right to eat at home. They have the right to go to another place. They have the right to wait to smoke because the real rights lie in the people that are sitting next to them, who are going to inhale smoke, who may have asthma, and have a devastating effect

from that smoke, who may have early lung cancer that gets progressed, who have chronic obstructive pulmonary disease.

"If we're going to look out for the rights of people, let's look out for all of the people of Hawaii. People can choose to smoke, but they shouldn't choose to smoke next to me if I have lung disease. I think that is far afield of what my right should be.

"We have the opportunity to keep thousands of people from dying over in the future years in the State of Hawaii. I think we should all take it and vote complete unanimously on this measure to ban second-hand smoke in public places."

Representative Evans rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. It's really great that we're having this debate on the Floor today. And I really appreciate the words of the previous speaker because I believe this is truly what a lot of people believe what he has said. But I want to talk about the other side of the story and that is where I believe this bill has gone way too far.

"What it's done now is, what we're talking about is now we're going to start fining people. So we're turning them into, you could say, criminals because they will get fined now. They will get ticketed by the police if this bill goes forward. And I want to point out some of the ... It's saying here that you cannot smoke in a shopping mall. It says you cannot smoke at a sports arena or at the airport, or stadiums, all these places where the public goes. There's nothing in this bill that says that they will have places to accommodate smokers. It's as if the smokers are these really bad people and we're going to punish them. I have a real problem with the way that this has been drafted and the message that's being sent.

"It's going to be really interesting with all our families and our visitors from the mainland around the world that come here and now we're going to have our police officers walking down the street, ticketing them? , I understand the people that write and why they feel so strongly about it, but I also believe that we're now going to turn people into criminals. People that are going to get fined for what they do and I just think that's wrong.

"And I really can't wait until someday that at the federal level, at the State level, we talk about what has been added into cigarettes and go after the tobacco companies for the things they add to tobacco. Tobacco's been around forever. People have been smoking tobacco forever and to now, somehow now say it's like totally banned, wrong, I think we're going down the wrong path. Thank you."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. In support. I wasn't intending to speak but in listening to the Representative from Kona, I was reminded of the observation that the English philosopher, John Locke, once said. He said, 'Your right to swing your fist ends where my nose begins.' I think that applies to this issue as well. You have the right smoke, but you don't have the right to make others breathe in that smoke. Thank you very much, Mr. Speaker."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, some of you can look back to 1984 when the elevators were full of smoke, restaurants were full of smoke, and theaters were full of smoke. And on the Big Island when I was on the Hawaii County Council, we passed the first comprehensive smoking ban throughout the County of Hawaii, which was vetoed by then Mayor Carpenter because of the concerns of having people arrested and so on and so forth. The Council overrode his veto and we have been since 1985, I think it's

when we passed it, there have been no problems at all with any of the concerns that people might be arrested for smoking. Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. This is a great day for Hawaii. In 1994 when I was coming to this Body to educate you as a member of the Department of Health, Tobacco Prevention Education Project Staff, we looked at Senate Bill 256. In fact that was the last time that I think this Body and also the Senate had an opportunity to vote on tobacco smoking in the work place. A smoking in the work place bill.

"That particular bill didn't pass the good sense test. In fact the governor, Governor Waihee at the time fortunately vetoed it. Twelve years later, we're here today and I can tell you that this bill will do wonders for not only our State, but it'll also encourage other states throughout the nation to do what we're going to be doing today.

"I think if you take a look at the description of this bill, it says it all. It establishes a consistent level of basic protection statewide. As you know Mr. Speaker, the Honolulu City Council and the City and County of Honolulu, as well as the other counties throughout our State, have done quite well in enforcing and setting ordinances for their respective counties. However, the county council cannot set policy for State jurisdictions. And that was our biggest problem in our State because we had effective workplace smoking bans in a number of our counties and yet we did not have anything to address smoking in our workplaces, in our State workplaces except for a Governor's message or Governor's policy, which was set forth by Governor Cayetano a few years ago.

"So I think this bill needs to be supported. We need to encourage the Senate to accept this draft, I think this is a wonderful day as I said before. And those of you, those of our colleagues who don't agree with this bill, I think you should just take a look at what's being done statewide and what our counties have already done because basically what this does is just codifies what the counties have already done. And I think we put everybody on a level playing field.

"And I just wanted to say one another thing in regards to what the Representative from Makakilo said and that is, I trust the experts. And the experts like the good doctor from Kona have said, we are losing 3,000 people nationally each and every day because of tobacco. And I think that says it all. Thank you, Mr. Speaker."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, second-hand smoke almost killed my son and I don't want to see anyone else have to go through those kinds of trauma. I think this bill is very important. Dave grew up here. He never smoked, and what affected him was the pervasive second-hand smoke that was in the community and everywhere, even in the schools with the teachers smoking at that period of time. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I wish to speak with some reservations on this measure. Mr. Speaker, before I go on, I want to incorporate the words of the Representative from Kohala and Kona and I believe that there is a lot of truth that was stated in those remarks. I'm opposed to smoking *per se*, but I believe this bill has gone a little too far.

"Mr. Speaker and Members, if we're going to look at deaths from second-hand smoke, let's look at deaths from obesity, from too much carbs. Let's look at deaths from all these other cancer inducing food items that we have around and let's fine them too. A person is 20% more overweight, let's fine that person because he is going to be an additional cost to the State of Hawaii and to the nation in providing

for the maintenance and the care of the patient. I mean, when will all this end, Mr. Speaker?

"We continue to be a big brother to every problem that we have. We think that we can resolve every situation. As was mentioned before, people have been smoking from time in memorial. Maybe it's not the cigarette *per se*, but what's in the cigarette that causes this cancer in the lungs because for some nations in Europe and in Asia, the incidence of lung cancer is very low. And they smoke a lot more than we do, so there must be something more to cigarette smoking. But to give into and get this fear of smoking that you're going to fine somebody, we will make it very difficult even for businesses and hotels to continue in business where they will prohibit any smoking areas or limit the smoking areas even more so. It makes it very difficult. This is a very imposing bill. While I support the non-smokers, this bill has gone a little too far, Mr. Speaker. Thank you very much."

Representative Meyer rose in support of the measure with reservations, and asked that the remarks of Representative Souki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'd like to speak in strong support. I was going to insert my comments into the Journal, but I just realized, and I'm hoping that we can get an agreement on this measure, that this may be our last chance to speak on it.

"I just want to say that, I think for some people this bill goes too far, but for me it doesn't go far enough. And for those who think that we should outright ban cigarettes, I think that's probably the most sensible thing to do. But given what we have today, this is the probably the most progressive, most sweeping public health measure that we have for your Health Committee, Mr. Speaker.

"And I think you know that smoking or controlling smoking has been a top priority for me as your Chair and for the Health Committee for the past several years and I really want to acknowledge publicly the Coalition for a Tobacco Free Hawaii and organizations like the American Heart Association of Hawaii for their consistent advocacy for the health of the people. This is one measure and one strategy that we can adopt that will improve the health of many people, especially our children.

"And I just want to respond to the concerns about our prisons and public safety. That was actually a request from the Public Safety Department to be exempted because they have people who are institutionalized and have to be in secure situations. But I had a chance to ask even our Hawaii State Hospital if they wanted similar exemptions, but they said no. They were more concerned about the health of their patients and so I hope everyone shares this concern. Not only for themselves, but for the rest of our citizens. So I urge everyone to support this measure. Thank you."

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support and I'd like to submit some written comments. I'd also like to say that in my opinion that this is probably the most important bill we'll pass this year. And for those of you who don't think second-hand smoke affects other people in a bad way, cancer occurs in a lot of people and many of the cancers that you think are not affected by smoke are things like cervical cancer, cancer of the bladder, cancer in areas of the body that you don't even think are connected to the lungs. So I think it's very important that we don't impose our habits upon other people.

"When I was growing up, my father was a really heavy smoker. My mother never touched a cigarette, but when she died this summer, she basically died of emphysema. She was old but she

probably would have lived a few more years without that emphysema. So I think that there's no doubt that if we can get rid of second-hand smoke, that we will decrease the incidence of things like heart disease, emphysema, maybe even bladder cancer, maybe even cervical cancer. So I'd also like to include the remarks of the Representative from Kona because I think his remarks were very germane to this bill. Thank you very much."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill will protect Hawaii residents and visitors from secondhand smoke in public spaces and places of employment. As a member of the Board of the American Cancer Society in Hawaii, I would like to briefly refer Members to the ACS' position paper on the secondhand smoke topic.

Each year in the United States, secondhand smoke is responsible for:

An estimated 35,000 to 40,000 deaths from heart disease in people who are not current smokers;

About 3,000 lung cancer deaths in nonsmoking adults;

Other respiratory problems in nonsmokers, including coughing, phlegm, chest discomfort, and reduced lung function;

150,000 to 300,000 lower respiratory tract infection in children which result in 7,500 to 15,000 hospitalizations; and

Increases in the number and severity of asthma attacks in about 200,000 to 1 million asthmatic children.

"The bill had almost unanimous support before the Health Committee, as most reasonable people agree that secondhand smoke is a public health menace. This is a Women's Caucus bill and I urge my colleagues to support it for the myriad of health benefits that will result. Thank you, Mr. Speaker."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. Again I want to remind the Body I'm rising with reservations. I'm pointing out some problems with the bill as it moves along. I believe also that it must be noted that people died of cancer and emphysema and all those things before smoking, without smoking, and in places where there isn't smoking. It's not the sole cause of any of those diseases. In fact, it may not be the cause of those diseases. Some people get those diseases anyway. And what I had stated about no cases of death, that's true. As far as I know, there are no documented cases where the cause of death is listed as second-hand smoking. Thank you."

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, very briefly, I'd like to ask for a ruling on a potential conflict of interest. The Coalition for Tobacco Free Hawaii is one of my clients, but I do corporate work for them and nothing related to this bill whatsoever," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3262, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Cabanilla, Evans and Nakasone voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1567-06) recommending that S.B. No. 2485, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2485, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm voting against this measure and I wanted to explain why. Thank you and Mr. Speaker, in the interest of saving time, these remarks also will be relevant to another measure that we'll be considering later, Senate Bill 2954. Thank you.

"Mr. Speaker, I'm going to be quoting from the Earthjustice testimony before the Committee on Finance. Earthjustice states in part that this bill and the other bill I mentioned, 'provides funding support for former-plantation ditch systems, diverting water from public streams. This substantial mobilization of State resources to support these systems is premature,' according to Earthjustice, 'and unwarranted, particularly since the State still has not fulfilled its primary obligation under the constitutional public trust doctrine, to protect and restore stream flows.' Based upon Earthjustice's extensive background with the Waiahole case, it emphasizes the negative ramification of these bills on the public interest.

"Mr. Speaker, Earthjustice comments that 'Hawaii's history tells us the irrigation systems these bills seek to support, were originally built by plantation interests who assumed that water was their property and ignored the impacts of diversion on public streams, on local farmers, and communities.' But with a landmark ruling of the Hawaii Supreme Court, our Court made it clear that water is a public trust resource and that the State has a responsibility as a trustee to protect and restore public streams being diverted by the plantation ditch system.

"Now these bills propose to establish extensive funding mechanisms to improve the plantation ditches and continue their diversion of stream flows. Particularly given the lack of proper instream flow standards, Earthjustice believes this proposal is premature and places an inappropriate emphasis on diverting, rather than protecting public streams. Earthjustice concludes, 'In short, these bills promote a backward, "fund first, plan later" approach to funding agricultural improvements.' They conclude, 'As the Waiahole case vividly demonstrates, such an approach will lead to waste, ad hoc planning, arbitrary decision making, and protracted litigation.' Thank you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2485, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Thielen voting no, and Representative Stonebraker being excused.

At 9:20 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 744, SD 2, HD 1	S.B. No. 2492, SD 1, HD 1
S.B. No. 2065, SD 2, HD 1	S.B. No. 3262, SD 1, HD 1
S.B. No. 2166, SD 2, HD 3	S.B. No. 2485, SD 2, HD 2
S.B. No. 2188, SD 1, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1568-06) recommending that S.B. No. 3078, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3078, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. Senate Bill 3078, HD 1, authorizes the LRB to conduct a study identifying the elements that should be included in Hawaii's agribusiness plan to assist the Agribusiness Development Corporation.

"In Committee, the Department of Agriculture, and the Agribusiness Development Corporation did not offer testimony in support of this bill. They only offered comments on the need for Hawaii's agricultural community to collectively provide input and develop a strategic plan for Hawaii's agriculture, and they suggested using the Hawaii Farm Bureau Federation's 2004 strategic plan as a starting point for discussion.

"Also HARC, the Hawaii Agriculture Research Corporation, they did not support this measure and they did not see the need for yet another study to be conducted. The cost to gather complete information and develop each part of the proposed plan would be significant. Additionally, adequate resources would need to be provided to ADC to complete the Agribusiness Development Plan. For these reasons, I cannot support the bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3078, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Finnegan, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1569-06) recommending that S.B. No. 2499, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2499, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1570-06) recommending that S.B. No. 2652, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2652, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1571-06) recommending that S.B. No. 2708, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2708, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1572-06) recommending that S.B. No. 2718, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2718, SD 1, HD 1, entitled: "A BILL

FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1573-06) recommending that S.B. No. 2956, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2956, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you on 1573, Mr. Speaker. I rise to express some reservations on this particular measure. Good public education requires a lot of money so we should not skimp on our children. However, neither should we spend money willy-nilly. We should spend it wisely.

"I understand there is \$508 million in the Department of Education construction pipeline now. That is over half a billion dollars. It is moving slowly, sluggishly. The DOE can't spend it as fast as we can appropriate it. Yes, I favor more money for R&M, repair and maintenance. I support more resources for school CIP. I am happy this bill appropriates dollars and the amount is unspecified for DOE operations. I'm glad we're giving UH more construction money through this measure. And it's about time we formally recognize the virtues of Certificates of Participations, COP, for new school construction.

"Regarding COPs, I do think however, that we should have the Department of Budget and Finance control the amount of financial obligations owed by the State. If B&F doesn't control debt, then it could adversely affect the credit rating of the State. And how in the heck does the Governor draw up a financial plan without control over these expenditures.

"But back to the amounts in the bill. The appropriations are staggering. \$100 million for repair and maintenance, when the pipeline is practically plugged. Another \$50 million for unspecified CIP. Yes, the need is there, but is there not a need to fund schools determined to be under-funded by the new weighted school formula. I say, spend the money a little more judiciously, where it is needed and where it can be used right away. Don't park it where it cannot be used, where it will sit idle. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you. I would like to also express my reservations on this bill for the similar concerns as the previous speaker. Thank you."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you Mr. Speaker. I'm rising in support of the measure, particularly in support of that portion that adopts the language and the concept of the bill that the Chair of Education and I introduced either last Session or the year before. Mr. Speaker, this is allowing the Department of Education to proceed with public-private partnerships and to build new schools. Actually to demolish those that are not worth repairing, build a new school structure, and then lease back the school from the private developer and ultimately own this school at the end of that period of time.

"Mr. Speaker, this is the idea that has been used by the military as it's renovating the military housing. It's a very successful approach and I was glad to see this bill adopt that procedure and I look forward to it being successful. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Reservations. I'm just very concerned about the blanket approach to incurring debt without going through Budget and Finance and how it makes it impossible for the State to make a 6-year financial plan."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. This bill has many good things in it, but as the good Representative from Makakilo stated, that one provision where the DOE can go ahead and borrow money and put the State into debt, I think is a very dangerous provision. So I have reservations."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. I do support of course, money that goes to R&M and CIP. One of the things that I have reservations about is basically how we fix and how we build schools in regards to priorities. And I mentioned this before, in regards to what are our priorities here at the Legislature, versus the priorities of the schools, or the priorities of the DOE and before we go into investing more money, I really do think that the priorities, either of the DOE or of the school, should come first before our own priorities in regards to building schools or repairing them."

"Also there are other pieces to this puzzle that I'm a little bit unclear on how they work together so my reservations will be on the overall big picture as well."

Representative Pine rose in support of the measure with reservations, and asked that the remarks of Representative Marumoto be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2956, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1574-06) recommending that S.B. No. 3101, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3101, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Third Reading by a vote of 49 ayes, with Representatives Stevens and Stonebraker being excused.

At 9:29 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3078, SD 2, HD 1	S.B. No. 2718, SD 1, HD 1
S.B. No. 2499, SD 2, HD 2	S.B. No. 2956, SD 2, HD 2
S.B. No. 2652, SD 2, HD 2	S.B. No. 3101, SD 2, HD 2
S.B. No. 2708, SD 2, HD 1	

At 9:29 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:37 o'clock a.m. with Vice Speaker Takai presiding.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1575-06) recommending that S.B. No. 3195, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3195, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. I've talked about this throughout the Session. Basically, the appropriations and the way we appropriate money and what we're supposed to do with the weighted student formula, or what we're trying to accomplish through the weighted student formula. And I was really happy to see that there was \$20 million in appropriation. But the main thing about the \$20 million is we want to be able to see that \$20 million go down to the school level and make sure there are no strings attached."

"Whenever we put money in or, whenever we appropriate money to either the DOE or to the schools and programs and line items and all of that stuff, it's just like a puppet on a string. We have the power and we're kind of like telling them, 'Okay, this is what you got to do. Move your right hand. Move your left hand.' when really the whole part of weighted student formula is to allow the schools to be able to choose what are their priorities and make sure that those priorities, first and foremost are funded before some of the other things."

"Now just last week we saw in the gallery a whole bunch of red jackets, and that was a program called, they changed their name one time and anyway, I went to the their dinner last week. SkillsUSA. And I went to that program and I saw the glow in the kid's eyes as they were competing, they were so excited. There were schools from Kapolei and Mililani. And Radford actually had all these national place winners."

"I was so proud of the fact that Radford had such a great history in this program. Well what was one of the hardest things that I have ever had to do in regards to people lobbying and coming to the Capitol, because they came to my office and they said, 'Please, you just cut my program.' And I said, 'No, we didn't cut your program. I want you to know what we're doing here is we're trying to get it so that you can have your program and so can another school have the programs that they really want.' And we can't do this if we continue to go around this line of line item budgeting and categorical funds and all of these appropriations that basically say, 'You need to spend your money in this way.' The \$20 million along with all the rest of the appropriations and operational appropriations should be going down to the school level with no strings attached."

"Now I realize that the history of the relationship between the Department of Education and the Legislature and all of this kind of stuff, that there needs to be improvement on the trust going both ways. And those are the kinds of things that we can do, the things that we can do to improve these relationships is to basically say, 'Hey, this is the direction that we're going on.' When it gets down to the school level that we can explain to them that this is the way that we're going to appropriate money. We want to be able to let go of the strings. We want to be able to cut the strings so that you have flexibility, but these things all need to work in concert with each other."

"There's some significant things that'll be coming up in regards to the Committee on Weights and hopefully seeing some of those changes being made. But in the meanwhile, if we continue to send this message that we're not fully behind the weighted student formula, it's choking off the kinds of things that you can do at the

school level. I said that in what we're doing, we're protecting the centralized system at the expense of the counselors and librarians and teachers at the school level. And I really want to make sure that people understand this so that we can move towards more flexible spending at the school level. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I will vote for this measure, but express some reservations. This bill will apply a small cold compress of cash on the huge wound caused by the application of the new weighted school formula. But it is an insufficient remedy to ease the pain of large budget cuts. What will be the final amount? I hope more than \$23 million when we really need much more.

"With a \$600 million surplus, I do not understand why so many schools must suffer. It is death to school excellence, not by a thousand cuts, but by large slashes in the body corporate. If weighted school formula is allowed to progress, it will eventually damage the vital organs.

"Under the weighted school formula, some schools suffer cuts. Others will pick up money. Why can we not apply some money from the large general fund surplus or money from the overfunded and slow moving Facilities Funds to help our underfunded schools. Why throw it at racetracks, tax credits, special funds? Why park it in all sorts of corners? Why put it into a high tech investment fund that may reach \$400 million in 4 years? Parents do not understand this and I do not understand this. We should use our taxpayer's precious money to fund the schools deemed under-funded. Too many of our so-called over-funded neighborhood schools will lose programs and personnel. This is not the way to educational excellence. It is, 'robbing Peter to pay Paul' and it is criminal.

"The formula must go back to the Board of Education drawing boards for revision. Allowances must be made for small schools. Schools need their librarians, but we can make some adjustments with this bill during this Session before we adjourn *sine die*. There is time colleagues, to properly fund education. Let's put our surplus to good use. Doctors are told do no harm. I say, legislators, do no harm to the schools in your district. Help the underfunded schools. Budget cuts in times of plenty are not acceptable. Mahalo."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I rise in support of this measure. Frankly Mr. Speaker, I'm very please to hear the previous speaker assert that we need more dollars into the Education budget. I fully support that. As you know Mr. Speaker, the Executive budget didn't allocate a single penny more to be given to the weighted student formula. The House budget allocates an additional \$20 million more. My understanding is the Senate budget allocates even more.

"If you want to fund the schools adequately, we can take the dollar amount given by the study that was done by the Department of Education two years ago. That came up to \$278 million. I will more than welcome next year, a bill from the other side appropriating those kinds of dollars to show that we are serious.

"Secondly, Mr. Speaker, under the current weighted student formula, it is true, 140 schools of the 283 schools, supposedly lost dollars. There are 140 schools with 140 different stories of why this is so. Let me give you one example.

"Take Hahaione Elementary School in Aiea, and take Kalihi Kai Elementary School in, of course Kalihi. Hahaione Elementary School has seven times fewer children who do not speak English as their first language, and seven times fewer children who come from disadvantaged backgrounds. In other words they do not qualify for reduced lunch as compared to Kalihi Kai. In other words, Kalihi Kai

conversely has seven times more of these types of students. Under the previous funding formula, Hahaione Elementary School received \$300 more per student than Kalihi Kai. Well, the previous speaker might say, 'Well, that's just the way it is.'

"The fact of the matter is Mr. Speaker, the dollars under the weighted student formula are going to the schools on the basis of the kinds of students they have. Did that result in some schools losing dollars? Absolutely, but the way to look at in another light is to say, perhaps now is the time that schools like Kalihi Kai, and Farrington High School, and Waipahu High School, and Nanaikapono Elementary School, and so on, receive the dollars they should have been getting all these years on the basis of the kinds of students that they had.

"Is it enough? The answer is no, because again we are not increasing the base budget of the Department by \$278 million, and I do not see us doing that this Session. But the fact remains that under the current weighted student formula, did it at least address the reality that some schools in the past did not get the kind of resources that they should have been getting? I think the answer is, yes.

"Thirdly, Mr. Speaker, under the current Committee on Weights, as you know Act 51 required that the Committee on Weights meets on an annual basis to tweak and amend and modify the formula, and then propose that to the Board for their approval. The current Committee on Weights is meeting, and I can assure the Members of this Body that they are certainly looking at an amount faced by the small schools.

"Mr. Speaker, let's not fool ourselves. The weighted student formula was never meant to reward or punish small schools, medium schools, or big schools. It was never meant to address whether school is a Blue Ribbon School or is currently in restructuring. All it really did was to take an inadequate amount of dollars and reallocate those dollars in a way that made sense and that is transparent. Do not foist upon the weighted student formula something that it was never meant to be. Thank you very much, Mr. Speaker."

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this bill. Thank you. I come from a different perspective, from the school level, as well as a community organizer. And one of the challenges we had in our Committee was to look at the intention of Act 51 as it was meant to not only bring parity to the schools, but also reinvent education means to do it a different way. So this bill enables schools to mitigate the pain that change incurs.

"This change, as I am finding working with my complex schools in East Honolulu, is that the schools are compelled to work with their communities, their students, their businesses, their parents, teachers, even students, to reassess what's happening in the classrooms. And if I understand the intent of Act 51, because I wasn't here when it was created. The intent is actually to view schooling differently so that achievement occurs and that we focus on the children. We focus on what's right for their young people and their students, and not how to keep a system the way the system wants to be. As a former classroom teacher, the easiest thing for me to do is to take material that was handed down to me, or take what I do every year and do the same thing with the students that I have this year.

"The challenge of these schools, that they're trying to face now is to really address the question, number one, who are the students that we're having in our classroom? Because with district exceptions as schools begin to change their populations, the challenge becomes to really identify who are the young people in our classrooms.

"The second thing that happens is that this bill eases the pain as the conversations are occurring within the schools, as well as within the complexes, as to what ways can we best meet the needs of these specific children. Not, how can we help each of us stay the same.

And yes, it will create the conversation of whether librarians are necessary. But the bigger conversation is what do librarians do for instance, that is so critical in the classroom that they can be retained.

"One of the other things that I think that this bill does is it creates and compels us to have the dialogue in every school community which is as an educator, very welcomed. It is painful. And my colleagues and I have talked extensively as to how do we bring a sense of this dialogue. And on that note I'll end by saying that I commend our Committee for wrestling with this, and hope that all the schools will look at this as an opportunity to continue improving student achievement in the classroom. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. Unfortunately, I must speak with reservation on this measure. I believe that the current appropriation of \$20 million or so, which might be used for the weighted formula shows that there is some problems with the weighted formula, and there's some pain. And the question is: was the pain necessary, and is the pain necessary? And this is one of the reasons that I am voting with reservation.

"I believe that there will be other ways to resolve the method rather than to take away. And it's in good faith. I know the Chairman acted in good faith, and the Committee acted in good faith. But I believe in the future we need to resolve this problem that we have among the schools, this receive and take away.

"When a school is getting \$32 million, and the other school loses \$32 million, that's a takeaway. And you know that there's going to be pain involved. Mr. Speaker, with this, I hope that in future that there will be some major reservations to this. Thank you."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Just rising in support. Thank you. I realize that this is not a perfect mechanism and I think there are some concerns, but I wanted to note my support for some of the items that this bill does fund. I think that they are needed improvements to the educational system. So I'm in support of specifically Section 6 and Section 7 of the bill, and would like to ask for additional written comments to be inserted in the Journal," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations. I have concerns regarding the ambiguity of appropriations in the bill. While this issue is particularly problematic, I do support sections of the bill, which relate to appropriations that are an asset and compulsory in our education system.

"This bill appropriates \$2,400,00 to provide \$200 debit cards to each of twelve thousand teachers to purchase classroom supplies, along with \$1,193,663 for English as a second language services, including instruction, transitional bilingual support, and multicultural education services."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3195, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Finnegan voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1576-06) recommending that S.B. No. 3180, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and S.B. No. 3180, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1577-06) recommending that S.B. No. 2461, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2461, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1578-06) recommending that S.B. No. 2774, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2774, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in strong support of SB 2774, SD 2, HD 1. Mr. Speaker, I believe that the passage of SB 2774, SD 2, HD 1, will support some of the significant adverse affects due to the recent announcement of pending closure of Del Monte Fresh Produce. Currently, many employees, retirees, and their families live in plantation homes owned by the company at the Kunia and Poamoho camps. With the closure of Del Monte Fresh Produce, many of these families face the possibility of losing their homes.

"SB 2774, SD 2, HD 1, will allow the above-mentioned parties to conduct joint efforts to assess and take action on housing issues and other concerns in this closure of Del Monte Fresh Produce.

"This measure would allow for establishment of supportive services such as low interest loan or grant programs for the acquisition, rehabilitation, or reconstruction of homes in the Kunia and Poamoho camps for the pineapple workers or retirees displaced by this recent closure.

"I grew up in the Mill Camp of the Waialua Sugar Plantation in the 1950s and '60s. Plantation camps were once a way of life that so many of Hawaii's rich cultural traditions were preserved, shared and then passed on through the generations. There was a sense of kinship, love, trust, gratitude, ethnic tolerance and pride shared among those who lived with in the camps. These are the values that make Hawaii a truly great State, and they were forged in the sugar and pineapple plantation camps. It is ironic that as we celebrate the 100th year anniversary of the Filipino immigration to Hawaii, we say goodbye to the plantation era that promised them a good life so many years ago. For me, the loss of the way of life is as important as the end of an industry.

"We now have a serious obligation to help the workers transition to another life. We also have a responsibility to remember the plantation camps with gratitude for the values they instilled to generations of Hawaii's people.

"Thank you, Mr. Speaker, and I ask my colleagues to support me on this bill. Malama pono."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2774, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING,"

passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1579-06) recommending that S.B. No. 3000, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3000, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1580-06) recommending that S.B. No. 3247, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3247, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support with just short comments. Thank you. I think that this goes a long way in regards to supporting community-based care, and also supporting care homes. And I am just in strong support of this, as well as look forward to more people that will be able to have long-term care. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3247, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1581-06) recommending that S.B. No. 2600, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2600, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 9:55 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3195, SD 2, HD 2	S.B. No. 3000, SD 2, HD 1
S.B. No. 3180, SD 1, HD 2	S.B. No. 3247, SD 2, HD 2
S.B. No. 2461, SD 1, HD 1	S.B. No. 2600, SD 1, HD 2
S.B. No. 2774, SD 2, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1582-06) recommending that S.B. No. 87, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 87, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLECTIVE BARGAINING IN PUBLIC EMPLOYMENT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1583-06) recommending that S.B. No. 2273, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2273, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1584-06) recommending that S.B. No. 3090, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3090, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting no on this matter. Conceptually, it is a very good concept to have some type of standardization of forms, but this is another one of our famous unfunded mandates. We are asking the Department of Labor to develop standardization of forms for providers, employers, employees, but we have no mechanisms of funding for this.

"We're at the age and stage of our lives where we should be looking very seriously at electronic medical records, and we're doing it in the private community, but the step child, workers' comp does not seem to be getting any of this attention.

"I see in some past testimony that the Department of Labor has asked and begged for at least a \$5 million funding appropriation so as to initiate and install electronic records at DCD. This is the least we can do if we're going to be mandating, standardization.

"The work comp system is already overwhelmed with the hassle factor. There's a friction between employers, employees, the Department, providers, because it's so difficult to communicate, which then again drags things out so then we have problems with employees not getting prompt, efficient care.

"I need to vote no with a resounding message that if we can find it in our hearts in Finance to get some type of funding specifically for DCD to achieve this, I will be back at the end of the Session with a resounding yes, and I will even offer to assist everyone in getting this done. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3090, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Harbin voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1585-06) recommending that S.B. No. 2879, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2879, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1586-06) recommending that S.B. No. 2570, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2570, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"I'm in favor of this measure and I would like to express some reservations. The film industry is one that Hawaii wants to promote. It's a clean industry and provides good paying jobs and highlights our beautiful scenery and usually wonderful weather.

"We should provide tax credits and promote a film and video curriculum at our universities. State and county governments should expedite permits and locations for this favored industry.

"But I do have reservations on the bill before us and it has to do with the title, Digital Medium. Digital technology is involved not just in film production, but is used in TV commercials, DVDs, videos and musical productions. And although the language of this bill speaks of film production, the application of the tax benefits provided herein may inadvertently extend to all types of digital medium. And while we specify an \$8 million per project cap on each production, we do not know how many projects DBEDT film office would authorize. There could be several qualified productions going on at one time, so perhaps we need an annual dollar cap for this tax break.

"I ask the Conferees on this measure to tighten up the language so as to help the film industry, and only that industry. That's the intent of this bill. It should be written to attract new film ventures to Hawaii and not necessarily help those who are already here. This is a worthy measure, Mr. Speaker, and one on which we should focus our attention. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2570, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1587-06) recommending that S.B. No. 2575, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2575, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 10:00 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 87, SD 2, HD 1	S.B. No. 2879, SD 1, HD 1
S.B. No. 2273, SD 2, HD 1	S.B. No. 2570, SD 2, HD 2
S.B. No. 3090, SD 2, HD 1	S.B. No. 2575, SD 2, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1588-06) recommending that S.B. No. 1294, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1294, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1589-06) recommending that S.B. No. 2150, SD 1, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2150, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1590-06) recommending that S.B. No. 2898, SD 2, HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2898, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, my apologies on Standing Committee Report 1590, S.B. No. 2898. I would like to ask for a ruling on potential conflict of interest. Similar to the other times this bill has come before us and I had been excused, these are one of my clients and I advise them on procurement," and the Chair ruled "you are excused."

Representative Kawakami rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kawakami's written remarks are as follows:

"Mr. Speaker, I rise in strong support of SB 2898, SD2, HD2, Relating to Procurement. This measure seeks to raise the current procurement threshold for small purchases from \$25,000 to \$50,000. In addition, this measure will establish the Chief Executive Officer of the Hawaii Health Systems Corporation as the Chief Procurement Officer.

"This measure is particularly beneficial to the Neighbor Island hospitals that are often hampered by the current threshold of \$25,000 enacted in 1993. The west end Kauai Veterans' Memorial Hospital has had great difficulty in terms of procurement under the current threshold, by raising the level of small purchases to \$50,000, Hawaii Health Systems Corporation will be able to operate more efficiently and have greater autonomy to meet the needs of their clients expeditiously.

"Not only will this measure benefit Hawaii Health Systems Corporation, but the Judiciary, Senate, House, Office of Hawaiian Affairs, University of Hawaii, and the Department of Education as well by affording each department with a deeper threshold of purchasing powers.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2898, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 48 ayes to 1 no, with Representative Herkes voting no, and Representatives B. Oshiro and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1591-06) recommending that S.B. No. 3059, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3059, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, there's been some debate on whether or not we should have a mandatory curriculum, statewide curriculum, or what we have here, which is an optional or recommended model curriculum. I just wanted to explain why I am in favor of the model curriculum instead of the mandatory curriculum.

"Basically when the State came up with its standards, it told all the schools that they needed to come up with their curriculum. So some schools went out and they actually put together their own curriculum. Other schools went out and bought curriculum. And so right now if we were to do a one-size-fits-all type of mandate on a statewide curriculum, it would really be basically, a message to the different schools that what they went through in creating this curriculum to meet the standards, that it would be like a basically waste of their time. And I know that they put in a lot of time and energy.

"So by making this optional, it allows these schools that may feel like, well maybe we could improve upon our curriculum, we can take a look at this model curriculum in ways that we can improve our curriculum. They can also adopt it if they think that theirs doesn't meet the standards, but it gives them this option.

"Now through this, one thing that I did learn is that this allows, this gives them guidance on what to teach, but doesn't necessarily tell them how to teach. And that was one of the big issues for the teachers. Another big issue for the teachers that I spoke with is that they spent so much time, for those who have chosen to do their own curriculum. They spent so much time and energy on this, that something like this in combination with the implementation of the standards would have been helpful back then. Thank you, Mr. Speaker."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising in support with some reservations. I feel somewhat the opposite of our Minority Leader. I think what we really need in our school system is a mandatory curriculum.

"The way things are now, if the students transfers from one public school to another, because of the great differences in curriculum, they might find themselves either way ahead or way behind because they may be on a totally different study cluster because the schools are not working in coordination with each other. There was an editorial in the *Advertiser* just a few days ago that was in support of a mandatory curriculum. I just feel that this bill, making it voluntary, doesn't move us any closer to an improved educational system. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3059, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1592-06) recommending that S.B. No. 3119, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3119, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you. This bill allows DHHL, the Department of Hawaiian Home Lands, to take control of the Hawaiian Home Lands Trust Fund and invest those funds in investment vehicles of its choosing in search of higher yields. This is contrary to common financial practices, which

promote fiscally conservative policies when handling trust funds, promoting a long-term safety of the trust over chasing higher yields.

"When handling trust funds it's common for banks and other fiduciaries to invest only in government bonds or related high-quality instruments that have lesser yields, but the highest degree of safety.

"My concern with this bill Mr. Speaker, is that there's a simple principle here. Higher yields mean higher risks, and when handling the core trust funds which DHHL holds on behalf of its beneficiaries, the pursuit of safety and security is not a vice.

"Exemptions from standards and statutory provisions for the handling and investment of public funds should only be granted on the basis of compelling reasons because those standard provisions have repeatedly proved necessary to prevent common errors and breaches of trust. There's no persuasive case that I can see from testimony, and even from the needs of DHHL at the moment, for exempting them.

"So I rise in opposition, and I also urge my colleagues to look more closely at this particular Department because at the moment, what I'm finding is that they, although on surface they are looking as if they fulfilling their fiduciary responsibilities to their beneficiaries, in reality I think there's a lot more going on. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3119, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Berg voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1593-06) recommending that S.B. No. 3146, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3146, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Caldwell rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I just want to disclose a potential conflict on Standing Committee Report 1593-06. My wife serves on the board of Queen's Hospital, and I think they may be one of the beneficiaries," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3146, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1594-06) recommending that S.B. No. 3205, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3205, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 10:07 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 1294, SD 2, HD 1	S.B. No. 3119, SD 2, HD 1
S.B. No. 2150, SD 1, HD 1	S.B. No. 3146, SD 2, HD 1
S.B. No. 2898, SD 2, HD 2	S.B. No. 3205, SD 2, HD 1

S.B. No. 3059, SD 2, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1595-06) recommending that S.B. No. 1899, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1899, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you. This bill appropriates funds to support deregulation of genetically modified papayas so that they can enter the Japanese market, and further for the development and implementation of a marketing plan to promote genetically modified crops.

"The danger is that this bill commits the State to a position that runs contrary to public opinion in much of the world, and runs the danger of associating Hawaii in the minds of international consumers with what they view as potentially unwanted genetically modified crops.

"We're far from a consensus on this issue of consuming genetically modified crops, and this measure puts the State in front despite the lack of a consensus. In our Committee, we passed a measure that was actually pretty revolutionary, I guess looking at the history, to explore this further and to ask the companies that are doing these kind of experimental and non-experimental products to be more transparent.

"So my concern is that the very real risk associated with being wrong if we are certain that genetic modifications are healthy, then we can certainly wait on this kind of measure. I would hate us to be on the forefront of being looked at as a GMO state. Thank you."

Representative Thielen rose in opposition to the measure and asked that the remarks of Representative Berg be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Morita rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I also rise in opposition to this measure and I also would like to adopt the words from the Representative from Aina Haina as my own," and the Chair "so ordered." (By reference only.)

Representative Morita continued, stating:

"I rise in opposition to this measure whether real or perceived, there is a real distaste for GMO crops worldwide. Right here in Hawaii there's a growing excitement over Whole Foods coming to Honolulu, but you can be sure that they won't be selling Rainbow papayas there.

"Where there is no consumer demand or support for GMO crops, the only way the US can export its GMO crops to other countries is to strong-arm these countries through trade agreements. So why are we appropriating funds to promote a GMO crop in markets that do not support GMO foods. It's a bad investment."

Representative Shimabukuro rose in opposition to the measure and asked that the remarks of Representatives Berg and Morita be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in strong support of this measure. If it were not for the research that was done to cure the problem of Ringspot Virus, we would have probably no papayas on the market. This took many years to take care of that problem. The University was right out front trying to solve the problem. Today the papaya industry is struggling to get anywhere near where they were about 15 years ago.

"Personally, I can't tell the difference between a Rainbow papaya and a Kapoho Solo papaya. I think the papayas are a very good grade. The Japanese tourists who come here enjoy them. I think that we should be supporting our diversified ag industry. And papayas have gotten a bad rap because of this almost near hysteria about genetically modified foods. This is a small thing we can do to support diversified ag, which we do a lot of talking about here on this floor, that we want to support them. And so I'm disappointed at all this testimony against this bill. Thank you, Mr. Speaker."

Representative Carroll rose in opposition to the measure and asked that the remarks of Representatives Morita and Berg be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Sonson rose in support of the measure and asked that the remarks of Representative Meyer be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. I think that we need to protect our agricultural industry. We have been known to be the exporters of papaya. And a lot of the farmers, my family farmers on the Big Island rely on papaya for their livelihood. I think this is a measure to protect our small-time farmers. Thank you, Mr. Speaker."

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support. This is one of the primary agricultural products of my district in Puna. And a few years ago the whole papaya crop was destroyed, the Kapoho papayas, because of the virus. And only because of the engineering that was done by the head at Cornell University, who is now the head of the Pacific Basin Agricultural Facility in Hilo, the papaya industry was revived. And this is one of the very few profitable areas in my area that can support our economy and I don't think this will hurt anybody who is against genetically modified papayas because this has been tested. I eat it myself all the time, and I hope all of you will live to my age. Thank you."

Representative Herkes rose to speak in support of the measure with reservations, stating:

"In support with reservations. I was representing Puna when the Ringspot hit, and I understand the value of what happened to saving the papaya crop, but my concern is the potential impact on Kona coffee. Thank you."

Representative Abinsay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Just very briefly in support. And if I can just mention what are the intents of these GMOs. The Committee Report, it ensures the development and implementation of a marketing plan to promote transgenic and non-transgenic Hawaiian papaya in Japan, and in future markets including China and the European Union. Thank you, Mr. Speaker."

Representative Tsuji rose to speak in support of the measure, stating:

"In strong support, and just a short comment. Today, the industry that almost got wiped out, the Kapoho papaya, is fully thriving and that is being exported to Japan right now through the heat treatment process. The most popular papaya being consumed in our tourist resort areas is the Rainbow papaya. There is no evidence that the genetically modified Rainbow papaya cannot coexist with the ordinary Rainbow papaya. And I strongly support this measure. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1899, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Berg, Carroll, Morita, Schatz, Shimabukuro, Takumi and Thielen voting no, and with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1596-06) recommending that S.B. No. 2949, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2949, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I am rising in support, but just with a couple of reservations. Mr. Speaker, I believe that the Ombudsman already has the authority to do what this bill asks him to do. I think that there could be a very practical solution. And the practical solution would be that the Department would put into every contract between an out-of-state facility that the Ombudsman would have the authority to investigate such issues and it could just be handled that way. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I heard this measure both in Public Safety and in Finance Committee. I'm rising with reservations. Thank you. The purpose of the bill is to provide the Office of the Ombudsman the authority to investigate out-of-state private or federal correctional facilities that have contracts with the Department of Public Safety to house Hawaii inmates. That's fine.

"But it goes on in the bill, it says the Ombudsman shall investigate any incident or death or riot occurred or person committed to the custody of the Director of Public Safety, including a person held at a out-of-state facility, sustaining serious bodily injury as a result of actions taken by an employee of the Department of Public Safety and an employee of an out-of-state facility or another person held in custody.

"The Ombudsman, first of all, does have the authority already, to respond to any cases brought before him, whether it be by family member or the inmates themselves. And they can investigate their complaints and they do, do that they say, and they refer them to the Attorney General or to the Department of Public Safety. Or they say the can refer them out. I'm not quite sure what that means.

"The Ombudsman doesn't believe that they should handle death or riot cases because of possible legal actions. They say it could jeopardize the case. So I think the measure does need some fixing as it goes along. And in fact, your Committee on Finance stated that they noted several amendments were offered by the Ombudsman to better clarify the intent of the measure and the role of the Ombudsman, but they didn't want to take action because it's out of the purview of that Committee. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in strong support of this measure. The genesis of this bill was the death of an inmate, Sarah Ah Mau, from Hauula, who died in Kentucky. I'd like to see this bill go forward, but as was stated in Committee, the Ombudsman would need sufficient funding if he's going to have this kind of additional duty. We're actually adding the administrative acts of out-of-state facilities to his jurisdiction and this would require additional funds. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2949, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1597-06) recommending that S.B. No. 2505, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2505, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1598-06) recommending that S.B. No. 2838, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2838, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMPREHENSIVE SCHOOL ALIENATION PROGRAM," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1599-06) recommending that S.B. No. 2145, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2145, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1600-06) recommending that S.B. No. 2348, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2348, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," passed Third Reading by a vote of 49 ayes, with Representatives Nishimoto and Stonebraker being excused.

The Chair then announced:

"Members, I'd just like to remind you that we're on Third Reading, however, this discussion that we've been having is good. But if we continue to discuss some of these bills at length we're going to be here till close to 12 midnight. So if I can encourage us, as much as possible, to insert written comments into the Journal. As much as possible. I'm not saying that we can't speak either in favor or against, but as much as possible, written comments please."

Representative Thielen rose, stating:

"Mr. Speaker, thank you for that, except that I feel that the discussion, the debate is very important. I wouldn't have been alerted to the issue that was brought up on Standing Committee Report 1595 have we not had this kind of debate. And so I hope that Members will not hold back when they have important things to say. I hope that they will speak up. Thank you, Mr. Speaker."

At 10:21 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 1899, SD 1, HD 1	S.B. No. 2838, SD 2, HD 2
S.B. No. 2949, SD 2, HD 1	S.B. No. 2145, SD 2, HD 2
S.B. No. 2505, SD 2, HD 1	S.B. No. 2348, SD 1, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1601-06) recommending that S.B. No. 2480, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2480, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support. The purpose of this bill is to appropriate funds to conduct a study on the feasibility of constructing a wastewater treatment facility for the Kapoho Vacationland estates and farm lots, and public restrooms at the Wai O Pae Marine Life conservation district on the island of Hawaii.

"I realize Mr. Speaker, that this is very, very far from my district, but in light of the recent events of wastewater spillage in Waikiki, I believe that this is clearly a timely example of a prevention being very, very important and much more effective than the cure of what we're experiencing down in Waikiki. So I'm in strong support of this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2480, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1602-06) recommending that S.B. No. 3105, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3105, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Nakasone voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1603-06) recommending that S.B. No. 2227, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2227, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1604-06) recommending that S.B. No. 1512, SD 1, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1512, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1605-06) recommending that S.B. No. 3192, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3192, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1606-06) recommending that S.B. No. 2954, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2954, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"On 1606, Relating to Agriculture, irrigation repair and maintenance. I'm voting against this Mr. Speaker, and I would like to reference my earlier remarks on Senate Bill 2485 and Earthjustice's remarks," and the Chair "so ordered." (By reference only.)

Representative Marumoto rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I rise with reservations on SB 2954, SD2, HD2, Relating to Agriculture, which establishes a tax credit for matching funds provided by landowners who receive funding from a proposed irrigation repair and maintenance special fund. The Department of Taxation was concerned about requiring the Department to pass any personal tax information from recipients of the credit to the BOA because of current confidentiality laws. The Department of Budget and Finance also does not support the creation of any special fund that does not meet statutory requirements, stating that there should be a distinguishable nexus between the benefits and charges of the fund, and that the special fund should be appropriately financed and financially self-sustaining. The Tax Foundation also raised the point that with the tax credit and matching funds, the State would ultimately be footing the bill for 100% of the cost for improvement."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Abinsay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Very briefly Mr. Speaker, this is just a follow up of what we addressed last Session as far as identifying IAL, important agricultural lands. I think we are just being proactive here to make sure that we have recognition of the importance of agricultural lands, we also recognize the importance of the availability of water, and this is going to address that. Thank you very much."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with reservations. I just want to note that the original amount requested in the measure was \$11.866 million. So it's a lot of money and it's going to be general fund money going into the account. And once we have the account, it's a special fund, and you know I do not favor special funds. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2954, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Thielen voting no, and Representative Stonebraker being excused.

At 10:25 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2480, SD 1, HD 1	S.B. No. 1512, SD 1, HD 3
S.B. No. 3105, SD 2, HD 2	S.B. No. 3192, SD 1, HD 2
S.B. No. 2227, SD 2, HD 2	S.B. No. 2954, SD 2, HD 2

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1607-06) recommending that S.B. No. 696, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 696, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1608-06) recommending that S.B. No. 785, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 785, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1609-06) recommending that S.B. No. 2246, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2246, SD 1, HD 2, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2246, SD 1, HD 2, passed Third Reading in the following form:

S.B. No. 2246, SD 1, HD 2

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to article I of the Constitution of the State of Hawaii to provide that the legislature may define what behavior constitutes a continuing course of conduct in continuous sexual assault crimes against minors younger than fourteen years of age and what constitutes the jury unanimity that is required for a conviction.

Under current Hawaii law, it is difficult to prosecute those who repeatedly sexually assault a child, because of the difficulty young children have in remembering the individual dates on which they were sexually assaulted. This amendment would allow the legislature to enact a law that would permit juries to convict a person of the continuous sexual assault of a minor younger than fourteen years of age, if each member of the jury was convinced beyond a reasonable doubt that the defendant had sexually assaulted the child the required number of times (such as three), even if there were not unanimity as to the individual assaults. This would make it easier to prosecute those who repeatedly sexually assault a child.

The legislature passed such a law in 1997, but that law was invalidated by the Hawaii supreme court. An amendment similar to this amendment was proposed to the voters in 2004 and the amendment was invalidated by the Hawaii supreme court.

SECTION 2. Article I of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"SEXUAL ASSAULT CRIMES AGAINST MINORS

Section . In continuous sexual assault crimes against minors younger than fourteen years of age, the legislature may define:

1. What behavior constitutes a continuing course of conduct; and

2. What constitutes the jury unanimity that is required for a conviction."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the Constitution of the State of Hawaii be amended to provide that in continuous sexual assault crimes against minors younger than fourteen years of age, the legislature may define:

(1) What behavior constitutes a continuing course of conduct; and

(2) What constitutes the jury unanimity that is required for a conviction?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect on July 1, 2020, and upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1610-06) recommending that S.B. No. 2980, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2980, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kawakami rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On 1610, Relating to Education, I'm in support of this measure. Mr. Speaker, just a few words to say that this bill will appropriate funds to increase the number of public high schools who will participate in the Construction Academy training program from 8 public high schools to all public high schools. The

Academy training program allows high school students to enroll into a pre-apprenticeship program, which will enable them to enter at the higher skill levels.

"So it's an important bill to all of you because of the great role the construction industry that is going to be playing in our State. So I ask you all to support such a great measure. Thank you, Mr. Speaker."

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker I rise in strong support of SB2980, SD2, HD 1.

"Mr. Speaker, I believe that the passage of SB 2980, SD2, HD1 will assist in providing educational career opportunities, for high school students. By appropriating funds to high schools specifically for the purpose of increasing the number of public high schools participating in the Construction Academy training program, it will encourage collaboration with colleges, and trade schools in supporting the construction industry.

"This measure will assist in providing individuals with a head start on a two-year, post-secondary degree, while allowing students to enter a post-secondary apprenticeship program at a more qualified skill level.

"The passage of SB2980, SD2, HD1, will allow the State to create an invaluable awareness among individuals who may not know such career options exists. Through a pre-apprenticeship program, trade organizations can be assured that this program will bolster the idea that becoming a plumber, carpenter, or electrician can provide a successful, satisfying, and lucrative career. It will assist in expanding the Construction Academy program and the apprenticeship-training program, which in turn, will assist in sustaining the current construction boom and recent shortage of qualified workers in the trades.

"I believe that we have a responsibility to support SB2980, SD2, HD1, as it will help provide our State in building a sustainable, economical future. Thank you Mr. Speaker, and I ask my colleagues to support me on SB 2980, SD2, HD1. Malama Pono."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure which appropriates funds to expand existing construction academy programs from 8 schools to 26 public high schools, and expand apprenticeship-training programs at Honolulu Community College, Hawaii Community College, Maui Community College, and Kauai Community College.

"This initiative would help our State in providing the necessary workforce that is so desperately needed in the growing technology industry and would provide a statewide public policy initiative that benefits the State's entire economy. This bill provides for a more comprehensive and coordinated way for high school students to earn academic credits needed for graduation while gaining first hand information, and experiences about various career fields. The Construction Academy would be in partnership with the University of Hawaii and business and labor communities. We believe that support for the expansion of programs such as the construction academy is critical to the continued growth and diversification of Hawaii's economy and to the personal and professional development of our young people.

"I share the sentiments of the Hawaii Business Roundtable which said in testimony: "One of the sad ironies of our current economic situation is that while Hawaii's rate of unemployment has steadily declined over the past decade, we have been forced to import workers into our state in order to fill high paying jobs in industries such as healthcare, education, and construction"."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2980, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1611-06) recommending that S.B. No. 3009, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3009, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. Thank you. The purpose of this bill is to ensure that a fair and equitable civil service system is used for a majority of employees in public service and conforms to the intent and purpose of Act 253, better known as the Civil Service Reform Act.

"I'm rising in opposition because several departments had strong concerns about this measure. The Department of Commerce and Consumer Affairs said that since DCCA needs to compete with the private industry, this bill takes away from DCCA's ability to hire outside Chapter 76 and removes the Director's authority to hire a number of positions that are critical to the needs of the Department on a temporary or exempt basis.

"The Public Utilities Commission had similar concerns. Department of Land and Natural Resources also testified they had several positions that required exempt hiring because there are no comparable civil service positions in State government that would meet the needs of the Department. And the Department of Human Resources Development also testified they needed more time to work with the affected departments to identify the additional positions that should be replaced with civil service positions. So for those reasons, I'm rising in opposition. Thank you Mr. Speaker."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, brief comments in support. This is an attempt to try to deal with a problem that's been ongoing for many years, dealing with exempt employees. We have about 2,500 exempt employees in State government and over the past 6 years, 250 have been converted to civil service. Not exactly a good track record even though there's been attempt after attempt to encourage the Executive Branch to move forward with doing this.

"We have examples, for example, at DLNR, the Office of Historic Preservation, every member of that Office is an exempt employee. And some of them have been exempt for 15 years. If that's not a civil service position, I don't know what is. An effort has to be made to try to address this problem.

"The legislation that's moving forward is a good attempt to do that. We've heard the concerns from various agencies and we have tried to address them by providing exemptions within their departments to the conversion plan. It's an ongoing effort. I think it's a good compromise. And we are working with DHRD and the various

agencies to try to address their limited concerns on some of these positions. So I hope that everyone will support this legislation. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Stevens be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3009, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1612-06) recommending that S.B. No. 3077, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3077, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising in support, but I do have some reservations about this. Thank you. Mr. Speaker, I'm going to ask that my remarks be placed into the Journal. They specifically relate to my concern that this will slow down the process. I think that we could end up losing some transfers of land or acquisitions where we won't be able to move quickly enough. We're only in session for less than six months a year. I'm thinking particularly of the Waimea Valley acquisition and if that consultation could not occur quickly enough, we might have lost that opportunity. Thank you."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise with reservations on this measure.

"I have concerns that Senate Bill 3077's provision requiring DLNR to consult with the Senate President and the House Speaker will hamper their timely response to conservation opportunities where immediate action is necessary.

"As we all remember, in the Waimea Valley acquisition, grassroots organizations, the City and County of Honolulu, OHA, DLNR and the military worked as a collective to preserve this historic valley for future generations. By not having to consult with the Legislature's leaders, DLNR quickly responded to the situation, dedicated funds and joined the consortium in successfully acquiring Waimea Valley.

"Considering our short legislative Session, requiring DLNR's consultation with the President and the Speaker when preparing a resource land acquisition plan or making recommendations to the BLNR, will delay future conservation projects. Why should we risk future opportunities to save Hawaii's endangered natural treasures?

"Thank you, Mr. Speaker."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have similar reservations and I just ask that I can insert some remarks in the Journal," and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising with reservations on SB 3077, SD2. By forcing both the BLNR/DLNR to consult with the House Speaker and the Senate President before they take action on any land transactions can only slow down an already slow process. The BLNR only meets twice a month as it is. Having to consult with the legislative leaders will make for a delayed process.

"DLNR's land division is leasing property throughout the year. Will they have easy access to the legislative leaders so they can proceed? How disruptive will these consultative meetings be for both the Department and the legislative leaders? If the Legislature is worried about sales of State land, then limit this bill to sales only. This bill as written is far too broad and will only serve to aggravate and discourage the hard working people at both the DLNR and the BLNR. By bringing the legislative leadership into all decisions about land acquisition, we could be drawing out the acquisition process, possibly creating a situation where we lose the opportunity to purchase because another buyer is able to act more quickly, or the seller changes his mind. Thank you, Mr. Speaker."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose to speak in opposition to the measure, stating:

"Just briefly again, Mr. Speaker. In opposition. I just want to say that this measure starts a very bad precedent. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Just very briefly, the bill only calls for a consultation with the Senate President and the Speaker of the House because ultimately, if we are going to be moving forward with our Legacy Lands Act, that was passed last year, as a legislative initiative, I think the Legislature should have a role in determining what lands are going to be purchased. And if ultimately that purchase and use of the Legacy Lands Fund will require legislative approval, I don't see any reason why the Legislature should not be involved, at least in the consultation process. There's no approval process here. There's nothing requiring that the Legislature actually have a vote. All it does is mere notice and consultation. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations. The proposed bill requires the Board of Land and Natural Resources and Department of Land and Natural Resources to confer with the House Speaker and Senate President relating to land acquisition planning, exercise of eminent domain, acquisitions of purchases or gifting of land, and the selling, leasing or conveying of land.

"While this measure opens the avenues of communication and consultation between State departments and the Legislative body, my concerns are in the legislative disapproval which could create problems because landowners would be reluctant to purchase land if the legislature could come in and void agreements. Introducing an element of uncertainty of a legislative approval or a disapproval process could possibly hinder and complicate the overall process."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3077, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Finnegan, Marumoto, Moses and Stevens voting no, and Representative Stonebraker being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1613-06) recommending that S.B. No. 2385, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2385, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm going to talk about a few parts of the bill, with reservations. Some of these comments I made before and they still haven't been fixed so I'm going to point them out.

"On page 7 of the bill, you're talking about photo red light imaging detector systems. This measure by the way is the photo red light at intersections, which is good. That's good. The problem is how we go about it. So it talks about the detector system and then on page 8 it says, 'no summons or citation pursuant to the photo red light imaging detector system program should be issued unless it contains a clear, unobstructed, photographic, digital or other visual image of the driver of the motor vehicle.' Okay.

"Then it goes on the page to talk about summons or citations. And when we come over to page 9, it says, 'the registered owner shall be determined by the identification of the vehicles' registration plates.' So on one case it says the photo of the driver and in another place it talks about the registration plates. So it's inconsistent internally, and it's been inconsistent internally when it was the House bill, and now as the Senate Bill. And unless we get that fixed, the measure is not going to be upheld in court. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2385, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Marumoto and Thielen voting no, and Representative Stonebraker being excused.

At 10:35 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 696, SD 1, HD 2	S.B. No. 3009, SD 2, HD 2
S.B. No. 785, SD 2, HD 2	S.B. No. 3077, SD 2, HD 2
S.B. No. 2246, SD 1, HD 2	S.B. No. 2385, SD 1, HD 2
S.B. No. 2980, SD 2, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1614-06) recommending that S.B. No. 3138, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3138, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PREPARATION OF THE 2050 SUSTAINABILITY PLAN," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1615-06) recommending that S.B. No. 2337, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2337, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," passed Third Reading by a vote of 46 ayes,

with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1616-06) recommending that S.B. No. 2338, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2338, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1617-06) recommending that S.B. No. 2340, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2340, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1618-06) recommending that S.B. No. 3252, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3252, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1619-06) recommending that S.B. No. 2958, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2958, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations on 1619. This is relating to housing. It's the Housing Omnibus Bill. And the 5% of the State low-income public housing units put aside for grandparents who are the primary caregivers for one or more of their grandchildren violates Chapter 515 of the Hawaii Revised Statutes.

"The Attorney General is concerned that if the grants were made pursuant to Chapter 42F of the HRS, the requirements of Chapter 42F must still be satisfied before funds can be appropriated. Basically it says, a grant must be appropriated to a specific recipient tied to a program.

"Additionally, section 10 states that the remaining fiscal year '07, undistributed grant funds be transferred to public housing. However, funds will lapse on June 30, 2007, and there will be no money on that date to appropriate. The conveyance tax would be deposited into the Rental Housing Trust Fund. This type of funding is unreliable and could hamper the fund in the future.

"Finally the bill mandates that Hawaiian Housing Finance and Development Administration exercise its powers of eminent domain on the Kulana Nani property with an agreement to acquire properties

not leased by June 30, 2007. This amendment of the bill hurts the land owned by Kamehameha Schools because perspective buyers now know that Kamehameha Schools must rush to complete a deal before eminent domain proceedings occur."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2958, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Third Reading by a vote of 46 ayes, with Representatives Arakaki, Kawakami, Schatz, Stonebraker and Takumi being excused.

At 10:37 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3138, HD 1	S.B. No. 2340, SD 1
S.B. No. 2337, SD 1	S.B. No. 3252, SD 2, HD 1
S.B. No. 2338	S.B. No. 2958, SD 2, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1620-06) recommending that S.B. No. 2248, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2248, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1621-06) recommending that S.B. No. 965, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 965, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Meyer rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am rising in support of SB 965 SD2 HD1. This bill is absolutely essential if we want to crack down on large and small ice dealers. The electronic surveillance law presently on the books is useless. It has only been used a few times. We have one of the worst ice problems in the country, and because of that, the federal government established a High Intensity Drug Trafficking office here about four years ago. That office, in coordination with HPD, Narcotics Division, has been responsible for some very large drug busts over the last three years. The Feds have very sophisticated electronic surveillance systems and they gather a lot of hard evidence on our local ice dealers in the process of getting self-incriminating recordings on the big fish they are investigating. Unfortunately, with our present law, State prosecutors can not use any of the recordings gathered by the HIDTA office because our local courts would rule it inadmissible because our law does not allow for electronic surveillance without a prior judicial hearing. This bill will change our law to conform to the federal law. Thank you, Mr. Speaker."

Representative Finnegan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise to strongly support passage of SB 965, S.D. 2, Relating to Electronic Surveillance.

"Law enforcement agencies in Hawaii have had their hands tied with the current restrictive language in Chapter 803, Part IV, Hawaii Revised Statutes, which covers electronic eavesdropping. Electronic technology has been evolving rapidly and will continue to advance.

"This bill is supported by all law enforcement agencies in Hawaii including federal agencies; the Federal Bureau of Investigation (FBI) and the Drug Enforcement Agency (DEA). This bill will bring Hawaii law closer to conformance to federal laws, as well as the laws of the other states. Attorney General Mark Bennett has indicated in his testimony that Hawaii's existing wiretap law was found by the attorneys of several other states to unnecessarily impede law enforcement while imperiling the safety of the law abiding citizens.

"Because of Hawaii's current restrictive law, evidence which has been obtained through federal warrants may not be admissible in state courts. This has been a significant problem as federal agencies such as DEA work to assist local law enforcement in battling the major methamphetamine problem.

"It was recently reported in the Honolulu Advertiser that a massive two year FBI investigation produced indictments charging more than 35 persons with felony gambling, cockfighting, extortion and drug offenses. This investigation started when an informant identified the home of an FBI secretary as a "drug stash" house. Fortunately this became a federal investigation where wire taps were used to identify at least five HPD officers, an Aloha Stadium security official as well as the Honolulu Liquor Commission investigator supervisor. Without the benefit of wiretaps, most, if not all, of these alleged felons would not have been caught and indicted.

"There are adequate provisions included in the law to protect the law abiding citizen from unwarranted electronic surveillance. Thank you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 965, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Evans voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1622-06) recommending that S.B. No. 439, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 439, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1623-06) recommending that S.B. No. 613, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 613, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE SANCTIONS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1624-06) recommending that S.B. No. 2433, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2433, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CAREER CRIMINAL PROSECUTION UNITS AND VICTIM WITNESS

ASSISTANCE PROGRAMS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1625-06) recommending that S.B. No. 2887, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2887, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Yamashita rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 2887, HD1. This measure will provide greatly needed vocational education teachers in Hawaii's schools. Currently, there is a severe shortage of teachers in career pathway courses. Also, many highly qualified individuals with real-world experience who wish to teach are being turned away due to existing teacher licensing practices. In 2004 alone, there were forty thousand public school students enrolled in vocational education classes in Hawaii. We cannot abandon these students.

"Granted, we cannot simply allow anyone to teach in our schools, but by directing the Hawaii Teachers Standards Board to create alternative standards for vocational educators, we will ensure the future of vocational education in Hawaii's public schools. Passage of this measure will greatly aid our *keiki* in the job market of tomorrow. Thank you."

Representative Ito rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of Stand. Com. Report 1625-06, SB 2887, S.D. 1, H.D. 1.

"Mr. Speaker, as a former Vocational Education teacher and the former President of the Hawaii Vocational Association and Hawaii Industrial Arts Association, I understand the plight vocational education in the secondary schools have in recruiting qualified teachers. This measure would help to mitigate the shortage of vocational education teachers by permitting the Department of Education to develop criteria allowing more individuals with trade or industry experience to teach in a vocational, technical, or career pathway education. Additionally, this measure will authorize the Superintendent of Education to issue teaching permits to highly qualified individuals with pertinent trade or industry experience. These individuals will not, I state will not, be issued teaching certificates.

"Mr. Speaker, in the future these individuals should be certified upon completion of their probationary period and recommendation from their principal.

"Mr. Speaker, this is a measure that will help the Vocational Education programs in the secondary schools in the State of Hawaii and I ask all my colleagues to support this measure."

Representative Finnegan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in strong support of SB 2887. In order to give Hawaii's children more opportunities we need to address the increasing shortage of vocational education teachers and create alternative criteria to allow greater numbers of prospective and qualified vocational, technical, and career pathway teachers with trade or industry experience to teach in classrooms. The Department of Education has been unable to hire and adequately train classroom teachers within the Career and Technical Education pathway. There should be other measures of qualifications so these teachers can become available and guide students into careers needed to support industries in Hawaii. If we don't change this current problem, there will be long-term consequences and opportunities for teachers and children will be lost.

"Children need a variety of learning experiences and pathways to choose from. Giving Hawaii's children more options in specialty areas such as carpentry, landscaping, plumbing, and engineering can produce more successful pathways for different individuals. I think it's important for students to take a career core class that introduces them to particular career pathways and provides them guidance on what courses they can take that will pertain to their interest in their future career. Let's support SB 2887 for the sake of Hawaii's youth. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2887, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1626-06) recommending that S.B. No. 2948, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2948, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support with brief comments. Thank you very much. This bill represents a good faith effort on the part of the Legislature and the Administration to fulfill its trust responsibilities as mandated by the Admissions Act of State Constitution and our statutes. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2948, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 10:40 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2248, SD 2, HD 1	S.B. No. 2433, SD 2, HD 1
S.B. No. 965, SD 2, HD 1	S.B. No. 2887, SD 1, HD 1
S.B. No. 439, HD 2	S.B. No. 2948, SD 1, HD 2
S.B. No. 613, SD 2, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1627-06) recommending that S.B. No. 3120, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3120, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1628-06) recommending that S.B. No. 1223, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1223, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker. I appreciate you going back to this to this measure. I rise in opposition. The purpose of this very short measure was to increase the return of bounced check fee that's charged to consumers. And the current fee is set, Mr. Speaker, at \$20 and the testifiers wanted it increased to \$30.

"In the Finance Committee, we heard some testimony from the Office of Consumer Protection and they found that similar fees in other states do range from \$10 to \$30, while local financial institutions charge about \$20. At this time, the Department was not aware of any cost analysis justifying an increase in the fee. And during previous hearings on this matter, no statistical justifications from the industry were provided.

"As we heard in the Finance Committee, only general statements were provided regarding the increased expenses of the industry that goes out and collects these bounced checks or tries to collect payment for them.

"If the proponents really believed that fee is justified, they really should come up, Mr. Speaker, with some information validating their position. I believe that we need to take into account, how the consumers will react if all, of a sudden a bounced check fee goes from \$20 up to \$30 and they see that on their statements. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure as well. It is interesting that in Committee, there were no bankers in there. These were all collection agencies. And through the questioning by various members on the Finance Committee, it became pretty clear that the collection people, the bulk of them I mean, collecting bad debts, where they're keeping usually about 50% of what they collect and that can add up to a lot of money.

"The banks are not complaining about the \$20 fee. They are normally taking it from their customers when they pass bad checks or people have a cover check agreement with the bank, where they still pay a fee. This fee was raised about six years ago. This could hit a lot of young people who are just getting out on their own, who maybe aren't as careful as they could be. They're busy balancing college and jobs. They go to the ATM machine and the bank says they got plenty of money, they don't think about the checks that are out.

"I don't think this is something we should do in a big hurry. I would have liked to have seen a more balance representation of people that would be affected by this, rather than just one industry. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you. Mr. Speaker, I was just hearing some of the debate just a little while ago with the two previous speakers, I was thinking to myself, who does this really affect? And the pictures that come in my mind are those who live from paycheck to paycheck. Every other week, every

month. Trying to make ends meet and then you come up with maybe one day when a paycheck comes in late.

"Or you're trying to juggle your money around and between paychecks. Now this is a long time ago that I use to do this, a really long time ago. However, I can still feel the pain of what it's like to juggle paychecks. And what happens when say you are sending out your bills because you want to make sure that you're paying your bills on time and some people actually, I think they call it 'check surfing', where they wait for their check to come in. Well they don't wait for the check to come in, but they know that their paycheck is coming in and so they send out some checks so it's not late and they basically are looking for those couple of days. So say if they're short, sometimes these checks all come in on one day. So you have maybe one, two, three, four, five checks. At \$20 apiece currently, that could take you out of a budget if you're working from month to month.

"Now I believe in personal responsibility and you shouldn't be doing stuff like surfing checks and all those other things, but many of our people in Hawaii do it because it they have to. We live in a society where we have a high cost of living, and we also have basically one of the highest tax and even tax for our poor, so I'm just thinking that this not a very good idea. This isn't an issue, from what the previous speaker said, it's not an issue with the banks. So my real concern is, who will this affect? And a 50% increase is quite a large increase and if I'm not mistaken it's blank at this point so it could be even higher than that. Thank you."

Representative Sonson rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. I would like to request that the words of the Representative from Waikiki be inserted in the Journal as my own. She does make a lot of good sense. She actually convinced me," and the Chair "so ordered."

Representative Cabanilla rose in opposition to the measure and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1223, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Cabanilla, Ching, Finnegan, Halford, Marumoto, Meyer, Pine, Sonson, Stevens and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1629-06) recommending that S.B. No. 2546, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2546, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. This is a very historic bill that will enable Hawaii to have a diversified economy by supporting Hawaii-based businesses in the fields of technology, life sciences, and renewable energy. Currently, Hawaii is in the beginning stages of establishing a strong knowledge-based industry. Unlike other areas of the United States and world, Hawaii-based businesses in these fields lack the amount of capital investments needed to move them from product development to commercial success.

"This measure will play a huge role in solidifying a new economy in Hawaii based on technology, life sciences, and renewable energy

by establishing \$100,000,000 Hawaii innovations partnership special fund for the fiscal year 2006-2007 to invest in these entrepreneurial ventures through grants and capital investments. Thereafter, from 2007 to 2011, there will be an annual appropriation of one-half of one percent of the general revenues of the State into this fund. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'd like to enter a no vote on this measure. While I am sure it was with well intentions that this bill be gutted, I'd like to bring to the attention of this floor that this particular bill, Senate Bill 2546, originally came over to us as a bill to establish a taskforce to study the feasibility of establishing a Hawaii Construction Authority.

"Somehow in the process of our House process, it has now become a Hawaii innovations partnership corporation bill with some, I think very good language because I truly support the life sciences and technology and advanced technology.

"However, as I have made comments on this floor time and time again, process is one of the things that drives discontent. We have discontent coming, bubbling all the way up through our grassroots communities. We have discontent on the floor. And I have discontent within myself.

"I'd like to refer to *Mason's* section 402 that says that amendments must be generic or germane ..."

The Chair interjected, stating:

"Representative, you're out of order. Our discussion right now is on House Draft 2 of Senate Bill 2546. Please keep your discussions germane to that House Draft."

Representative Harbin continued, stating:

"Then germane I think is the key word here, Mr. Speaker, and with that being said, that we agree that there must be germaneness, I will let that particular issue pass.

"However, I would like to also bring to the attention of this Body that this particular measure may be constitutionally unfit. In *Taomae v. Lingle*, which I think we are all aware that our Hawaii Supreme Court was very clear on constitutional amendments. However, it has also said in that same Supreme Court decision, and I have a letter from the Attorney General that says that a bill cannot become a bill or a law unless it passes three Readings on different days in two houses.

"This bill is a 'gut and replace'. That's not germane. Different subject matter is destined for untimely death unless we get it heard in Senate. These are the 'gut and replace' issues that we must stop because it is going to kill good ideas such as this. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. I think also as the previous speaker said, there are some very good ideas here. I support the industries that would be helped by this and it will establish the Hawaii Innovations Partnership Corporation.

"The thing is it appropriates a \$100 million out of general revenues. \$100 million into the Innovations Partnership Special Fund and 0.5% of general revenues for the next five fiscal years. I have these following concerns.

"One is the size of the appropriation. And again \$100 million. Investing it and helping Hawaii's high tech and life sciences industry is certainly important. Appropriating \$100 million now while there is so many other pressing needs seems a bit much. There are other

things that need our attention that should be prioritized above this idea. Why not \$50 million? Why not \$25 million? Why not just get it started? Get a seed started?

"It not only puts \$100 million general revenue, it also appropriates that half percent of the general revenues for the next five years in the special fund. Again a lot of money in binding future Legislatures. Not only is it a large appropriation, it is a percentage amount, not a specific dollar amount.

"B&F testified that this is impossible to implement because it is impossible to determine the exact amount of the appropriations until after the close of the fiscal year. A specific dollar amount should be identified, and again recommend that it be a smaller amount. This is for partnerships. Let the venture capitalists out there put in some too. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. This particular bill, it's actually a good idea, but as I look at it as a whole, I have to go in opposition. This bill appropriates \$100 million and perhaps in excess or, I guess there's different numbers. In excess of \$200 million, or possibly \$400 million, or \$600 million, or depending upon future numbers, but by the end of the five years.

"What is the State's guarantee that these local companies and enterprises that this bill seeks to aid will actually remain in Hawaii? If the intent of this bill is to provide financing and further investments in Hawaii's companies, in an effort to allow them to remain in this State and contribute jobs and tax revenues. What guarantee does the State have that once these companies, quote unquote, make it, so to speak, that they in fact will remain in Hawaii and contribute jobs and revenues? When a company succeeds and they no longer needs Hawaii's help, what would stop this company from moving to a more business-friendly state.

"If I'm not mistaken, Mr. Speaker, I think this has happened when we were using incentives from the Act 221 tax credits. And I'm just thinking in regards to prioritizing, then maybe we should be making or helping the business climate improve, so that these funds and these companies will remain in Hawaii once we invested over whatever, the hundreds of millions of dollars in this bill.

"Mr. Speaker, I was wondering if it was okay for us to just maybe learn some lessons from Act 221 and be able to speak on that?"

The Chair responded, stating:

"Can that be inserted in the Journal?"

Representative Finnegan continued, stating:

"Okay, then just let me go ahead and talk about one of the issues with the Act. I'll talk just a little, a little bit. Act 221. Basically one of the problems that they're facing and we have responded by creating this SPIF fund. I think it's called the State Private Investment Fund, but my understanding is that we haven't funded that yet. And before we go on to a new idea, maybe we should complete that idea and fund what they need to be funded at this point and time, which is in the later stages of business development. And follow through with one of the ideas before we go into a brand new or another area.

"Mr. Speaker, in regards to Act 221, one of the other things is just knowing that we need to plan better, and we need to assess a little bit better. This is a big amount of money. And one thing that happened with Act 221 is Guy Kawasaki, a co-founder of Apple, once commented that in order for Hawaii to have a self-sustaining tech industry, Hawaii needed to improve its public education system and its business climate. This grant is meant to jump-start a new economy in Hawaii by taking a strong step forward in supporting the

development of advanced technology, life sciences, and renewable energy, but do we have what it takes to sustain this effort? Where is the clear and coordinated long range plan so we can explain how we will be equipped with a work force of well-educated workers in these fields, and how will we improve our business climate in order to keep these businesses here for the long term?

"Mr. Speaker, basically all I want to know is before we commit to this huge amount of money, that we know that this will benefit Hawaii's people, long term. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations, and asked that the remarks of Representative Finnegan be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This bill proposes the creation of a brand new entity that would more than likely duplicate functions and responsibilities already performed by other agencies like HSDC and HTDC. I think that we should look back at some of the problems we had with Act 221, the tax credit for high tech. There was a lack of transparency and I'm concerned about that same problem with this bill.

"I'm also concerned about the use of general funds to make these loans to these attractive looking companies that are up and coming. Whenever the State gets into the business of lending money, I think back at the fishing vessel loans that DBEDT got into and the fact that there are so many loans still on the books, bad debts that they haven't been able to collect, and that's been probably over a 15- or 16-year period. And I think there are companies that are in the business of lending money, venture capitalists. So those are some of the problems I have with this bill as it's presently written."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I really support this because I think we've heard a lot of rhetoric throughout the years about our need to diversify our economy and it's time that we start putting our money where our mouth is.

"Because really when we take a look at the recent poll that came out in the *Star-Bulletin* today, for the first time in 2005, a majority of the people feel that this island is being run for tourists at the expense of local people.

"And while we do need to support our tourism industry, as one of our prime drivers in this economy, what we also need to realize is that we need to diversify. Because we cannot be too dependent on one industry especially in today's society when that can be subjected to something as extreme as a terrorist attack as we saw with 9/11, when our tourism industry completely fell apart.

"With the upcoming negotiations that are going to happen in June, there's also that potential that our tourism industry could once again fall. And I think it's really important for us to start looking at where we are going to diversify and this is an excellent place to start. To make sure that the people that want to stay here, the people that have the intellectual capacity to make sure that our kids stay here, that there's future jobs here, that we really make sure that this happens. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Still in opposition, just this one comment. That's something that I definitely agree with, with the

previous speaker, that we do need to diversify our economy. However, in regards to some of our top jobs here in Hawaii, we still are looking on the mainland to bring people in to fill those jobs. And so all I'm asking for is a plan and a better idea of how we can see these moneys help Hawaii in our diversification of our economy, but also what is the follow through so that it would be most effective. Thank you."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"I'm sorry, Mr. Speaker, I just have to say my piece on this. \$100 million is a lot of money. I stand with reservations. \$100 million is a lot of money and you have listened to me repeatedly in this Chamber. I keep talking about infrastructure that we need in Ewa Beach. I would rather see that money, that \$100 million, allocated to my district so we can have transportation.

"We suffer gridlock everyday and I would like to remain consistent. I know that I'm in opposition of the \$50 million in tax credit. I stand in opposition of this \$100 million, because I think that we need to allocate it the people on the Leeward side. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2546, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Finnegan, Harbin and Meyer voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1630-06) recommending that S.B. No. 2909, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2909, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. This measure is relating to permit approval. And it gives is the counties the option to opt out of automatic permit approvals. We've heard some good comments here. It said that requesting and allowing the counties to opt-out of a process has resulted in improving government accountability. Focus shouldn't be on eliminating the time requirement, but having reviewing agencies become more proactive in planning the processing of permits. And what it does again Members, is if the counties don't act in time, the builders, the developers, whoever it is, will get automatic approval to move forward. Whether it's building a new dam, reservoir, subdivision, whatever it is, it'll be automatic approval. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2909, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Marumoto, Meyer and Pine voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1631-06) recommending that S.B. No. 3021, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3021, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise with a strong no on this measure. This is unprecedented or maybe it is preceded. I just was not around when the precedent was set. But the precedent of regulating something that is not mandated is rather interesting to me, considering two bills earlier we were discussing and talking about how great this new economic development will be as it was talked about in Stand. Com. 1629.

"Bills like these, measures like these, that seem to have been around for four years and don't seem to die a natural death, they just keep seeming to come back and come back and come back. These are the types of things that make a \$100 million dollar worth of investments useless because this is an anti-business bill.

"What we are trying to do here is completely 'saddle strap' businesses because they cherish their employees and are concerned for their employee's health, provide them unmandated sick leave. Now we're going to regulate their sick leave through legislation and say, you must do X, Y, Z. And in sitting in these hearings it seems to be that this has been an ongoing issue because of one problem with one large employer in the State of Hawaii with their union. But now this bill is going to impact every business, whether you are a 'mom and pop', or you are a multinational, global business.

"Mr. Speaker, we have got to stop this stuff. We got to stop mandating and regulating businesses. If we want that economic development, we need to become business friendly and we need to understand the trials and tribulations of business. I had asked that we at least experiment and make this law only impact businesses of a 100 or more employees, and that wasn't even given any attention. So let's let this bill die its timely death and let it not come back again. Thank you."

Representative Berg rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations. Thank you. Looking at the Committee Report and the number of testimony there were that opposed this measure, I would hope that in Conference we get to iron out whatever details were offensive and that might provide a fair and balanced approach to this whole issue. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. As you know, this Legislature has attempted to address this issue in the past and we continue to address to this day. We have worked hard both labor and management to try to craft legislation that would be acceptable to both sides. And I have to thank everyone who's been involved, including the Minority Leader, who has met with this group to try to come up with a proposal because I think she understands what the problem is.

"And the problem Mr. Speaker is simply this. Companies have a sick leave policy. They provide their employees a certain amount of sick leave. Then they have an absentee policy. So you're a legitimately sick employee who is out of the office because you're sick, and you get written up for being absent.

"Now what employer will want to actually do that? There are few that do, and unfortunately it's those kinds of actions that require legislation to address the problem. I can't see how anyone wouldn't want to try to resolve it. This legislation that we're looking at today is not perfect, but I think it's a step in the right direction. I think the Finance Committee is trying to get to some middle ground, and we're looking at that middle ground right now.

"And as we move into Conference, the discussion can go on. And I welcome working with all parties, all stakeholders, including the Minority Leader, to come up with something that doesn't penalize legitimately sick people, many of them, working mothers, for being out of work and still being written for being absent. And while they

may not be terminated, they may look at their promotion opportunities being limited because of their file being papered. Thank you very much, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Yes, I am the Minority Leader so I will speak to what I understand this bill to do. I'm rising with reservations. Thank you, Mr. Speaker. I do know that there needs to be work on this bill and that trying to get at the problem of the conflict that there is an absentee policy and a sick leave policy is a difficult one.

"I know that there's been many drafts to see whether or not we could actually address the problem. And for me, I think one of the issues that I have, because I came very close to voting against this bill just a couple minutes ago. But I decided to change my mind because just within me, deep within me, there's a little bit of sense of unfairness if you have a conflicting policy of benefits that talk about having large sick leave, but then when you legitimately use them, that you get dinged for an absentee policy.

"So I hope that we can get to that problem. If we cannot get down to that problem and it continues to still have some issues, I will be voting no in the future. However, just to make known that I think that the amendment, that it not be considered that we carve out basically small businesses, I think that would be a very good amendment. Thank you."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm just going to comment my reservations on this bill. This bill is going to go to Conference and frankly, I'm okay with this discussion so I'm willing to let it go on. However, if this were the final version, I would vote no.

"Mr. Speaker, I don't see this so much as an anti-business bill, but it is. I see it more as an anti-worker bill because Mr. Speaker, the sick leave is provided voluntarily. These companies are providing, coming up with sick leave, providing sick leave for their workers. Not because they're required to but because they see that it's useful for workers usually.

"The more that we do to constrict or hamper the ability of business to provide sick leave, the less sick leave they're going to ultimately provide. And while this may not affect sick leave policy within a business's current budget, I think we will find that in their next year's and following year's budgets, the more we constrain them, the less sick leave they will provide their workers. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. You already heard that it could have unintended consequences. Some employers might just decide they're not going to give sick leave anymore and they could do that. But it's also an unwarranted intrusion into the operations of businesses and management's right to provide and administrate a nongovernmental mandated benefit.

"It might place every employee who took sick leave in a protected class which would incur far less complaints of alleged unlawful practice. It's unnecessary as the State and federal laws on disability, discrimination, and family leave already extend protection to individuals whose absence from work is legitimate or are not covered by sick leave as under the Family Medical Leave Act, and American with Disabilities Act, and the Hawaiian Employment Practices Act. And for public employees, the measure deals with the subject that is related to collective bargaining and therefore should not be legislated."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations. This measure prohibits employers from discharging, withholding pay, or disciplining employees who use accrued sick leave, unless the employer finds employee's use of sick leave was not legitimate or violated sick leave policy, or if the employer's actions are in accordance with provisions of the attendance policy.

"This measure helps to address a situation where employers might treat abusers of sick policies and legitimately ill individuals in the same manner, having legitimately ill workers disciplined by employers for utilizing available sick leave benefits.

"However, I am concerned about the possible unintended consequences in mandating employer actions regarding sick leave policies, and the potential of this measure to add cost to business, eventually hurting employers as well as the employees' and economy as a whole."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3021, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES," passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Evans, Harbin, Marumoto, Meyer, Moses and Pine voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1632-06) recommending that S.B. No. 2074, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2074, SD 1, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENT OF A NON-EMERGENCY REPORTING SYSTEM, KNOWN AS 3-1-1," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1633-06) recommending that S.B. No. 845, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 845, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 11:10 o'clock a.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 11:13 o'clock a.m.

At 11:15 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3120, SD 2, HD 1	S.B. No. 3021, SD 2, HD 2
S.B. No. 1223, SD 2, HD 1	S.B. No. 2074, SD 1, HD 2
S.B. No. 2546, SD 1, HD 2	S.B. No. 845, SD 2, HD 2
S.B. No. 2909, SD 1, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1634-06) recommending that S.B. No. 2347, SD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2347, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION," passed Third Reading by a vote of 49 ayes, with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1635-06) recommending that S.B. No. 2725, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2725, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTHY START," passed Third Reading by a vote of 49 ayes, with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1636-06) recommending that S.B. No. 2961, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2961, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. This bill is a tax increase on the citizens of Hawaii. I'm disappointed that this bill appropriates no money toward educating our youth about smoking. It doesn't raise money for any smoking prevention program.

"Hawaii tax rates on these products are already among the highest in the nation. Even though the Attorney General has the authority and stopgaps are in place to stop black marketeering, with the immensity of the Internet, total stoppage of a black market created by this large tax increase is unrealistic.

"This tax is not a reliable funding mechanism. The UH School of Medicine, the Emergency Medical Services Special Fund, the Trauma Care Fund, and Department of Health, who this bill will benefit will not have a regular flow of money year to year from this tax and will not be able to correctly budget this appropriation because it will fluctuate each fiscal year.

"If this Body is really concerned about the people's health and not about funding special projects through this tax increase, we should look at banning tobacco in its entirety from Hawaii, not by raising taxes on an addictive product that we know many people will buy even if the prices rise."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am voting with a strong no. A tax increase, is a tax increase, is a tax increase. We have got to stop raising taxes. The gross excise tax is one of the most permeating taxes we have in the State of Hawaii with its pyramiding effect and impact. And to take a tax increase on the lives of people that smoke cigarettes, I think is dreadful. It's a terrible, terrible policy.

"We attempt to sugarcoat this horrible tax on this horrible product, cigarettes, by saying that we're going to take all this wonderful tax money and we're going to spend it on research. We're going to spend it on EMS services. We're going to spend it on trauma care, as if this is a really good excuse to encourage more cigarette smoking so that we can make more money.

"This is just not a good public policy and I am embarrassed that we would even put the two things together, research and trying to save

lives, as we take money from those that we allow to kill themselves. Thank you."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with some reservations. The original version of the bill had the Cancer Center as one of the recipients of the revenues generated by the tax and I would just like to see that in Conference Committee, the Cancer Center be included just because for me, in order to vote for a tax increase, I really do need to see a nexus of what it's going to be used for. And I believe that having the Cancer Center as a recipient is a makes it a little more palatable for me. Thank you.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I speak in strong support of this measure. I would consider this the second silver bullet of our double-barreled approach to address smoking. I'm not ashamed that we can tax people that not only put themselves at risk, but put others at risk too with their smoking.

"I think the really great thing about this increase in taxes is it affects young people because young people are the most price sensitive in terms of these increases. I think all of us would agree that one of the best strategies we can employ is to keep young people from starting smoking because when they do start, when they become addicted, many times it becomes a life long habit that's difficult to break.

"And so this measure does serve several purposes. I know we can argue about what the purpose of the tax should be. This is one of the few times that we are able to earmark funds from the tobacco tax for specific purposes. But I think if you look at what the purpose is that are being proposed, including the proposal in the original measure, it all has to do with healthcare and improving healthcare, improving research. And I don't think anybody can argue that the people that do smoke place a large burden on the resources of our healthcare system whether it's directly or indirectly. So I don't think there's any shame about sort of having, sort of like a 'sin tax' for their not being willingly to give up a habit that is costing our healthcare system a lot of money.

"So I hope people can see that. I hope they can see through the smoke and see the real issue that's at hand. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I just rise with some reservations and they stand for my disappointment also that cancer research has been deleted in this draft. I would also like to ask for additional written comments be entered," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support, but with reservations.

"This measure would significantly increase taxes on tobacco products as a means to discourage the initiation and continuation of tobacco use and allocates an unspecified amount of revenues to the John A. Burns School of Medicine, Emergency Medical Services statewide Trauma Care Resources and Community health centers statewide. My hopes are that the allocation to the Cancer Research Center will be reinvested however, as I believe that this is the most appropriate and effective use of this revenue.

"My reservations rest with the concern that black markets on cigarettes not be increased as a result of this measure."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. You know I was dedicated, at least I was going to pass out a bill increasing the cigarette tax for the Cancer Center because there was an internal struggle. Raising taxes or missing out on the opportunity of coordinated cancer care and developing and building the Cancer Research Center, and the Cancer Research Center won out in the previous bill. I was prepared to vote with reservations in passing that tax increase.

"However, in this form, I cannot. The Cancer Center is ... Well basically, I'm looking at some of these other things and these all should be, with our surplus, should be funded by the general fund. These are our obligations that this State should be funding, and so I cannot support it in this form. But if it should come back with the Cancer Center in it, it's very possible that I will pass that out."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Very briefly in support. There's a definite nexus between tobacco use and our healthcare crisis in our State. Resources will only go into healthcare. They'll make it to research, they'll make it to a cancer facility. I think we can all be proud of that. And I like to say that I'm happy to see that we did have bipartisan support. The Governor and the Surgeon General of the United States came and testified on behalf of this bill, in support."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Just in opposition with very short comments. Just the fact that we in Hawaii, we're the only state with the gross excise tax which is very regressive, and the people in the lowest income bracket get hit the worst. I think we were number two in the nation for taxing the poorest amongst us at the highest level. And a lot of people in the lower income bracket also enjoy smoking. This is a large increase going from 9 cents, to 11 cents, to 13 cents per cigarette, on top of a 40% excise tax on cigarettes in general. This hits these people in a very big way. A tax is a tax, and I just can't support this."

Representative Arakaki rose to respond, stating:

"Thank you, Mr. Speaker. If you can indulge me. One thing that I forgot to mention is that one of the proposals that the House inserted was to fund the Medical School debt service. One of the reasons we're doing that is because they're currently using the Tobacco Settlement funds to cover the debt service, and we felt that by returning the funding for tobacco cessation and prevention to the Tobacco Settlement Fund, it will be better used for that purpose.

"Again Mr. Speaker, I want to thank those passionate advocates, and I know they're up in the gallery, from the Tobacco Free Coalition and the American Heart Association, and also the American Cancer Society, for their steadfast support of these measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2961, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 43 ayes to 6 noes, with Representatives Evans, Finnegan, Harbin, Meyer, Moses and Pine voting no, and with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1637-06) recommending that S.B. No. 2162, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2162, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition to this measure. As I understand it, a foster child would, if they had an auto accident, their damages would be paid by the State. But it would appear to me that if foster parents had a car, or two or three, and allow the foster child to drive the car, then the child would be covered by the parent's insurance. So I would assume that this would apply when the foster child has his or her own car. And it would occur to me that if they have enough money to purchase a car, then they should have enough money to purchase their own insurance.

"I object to this because if the State pays any damages, it's paid by all policyholders, and that's why our auto insurance gets expensive from time to time. Thank you."

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. Mr. Speaker, this bill is to help foster children successfully transition out of foster care into independent living. Sadly for many foster children, the difficulty in obtaining parental consent on an application for an instructional permit or license proves to be an insurmountable barrier, and one that most of us could not imagine.

"I do hear the objections about some about the provisions regarding the car insurance. Let me point out that the bill does say that the natural parent should be responsible for providing the insurance on the car, and there are provisions where if they cannot afford to pay that, the State should cover it. I must remind you that we're talking about minor foster children who are wards of the State.

"The other thing about this bill is that it does also allow foster board payments to be paid directly to a former foster child. Mr. Speaker, these are things that the Hawaii Youth Services Network, which consists of many foster children have testified in strong support of consistently throughout this Session. I think it's really critical that we as legislators listen to the voices of the foster youth in passing this important bill. I also have additional written comments in support," and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of a bill which will allows foster children to apply for a driver's license.

"The purpose of the bill is to help foster children successfully transition out of foster care and into independent living. Sadly, for many foster children, the difficulty in obtaining parental consent on a driver's instruction permit or license proves to be an insurmountable barrier - one that most of us could not imagine having to contend with. As stated in the Committee Report of the Committee on Consumer Protection and Commerce, "this bill is consistent with the State's responsibility to provide the best possible care of its foster children."

"Some may object to the bill on the grounds that driving a motor vehicle is privilege, not a right, and therefore the State has no obligation to provide the means or facilitate the process for a foster child to apply for a license. I would submit that in our present-day economy, the ability to drive is not a luxury. It is often a necessity for certain types of employment. One of the keys for young people to transition out of foster care and take their place in the community as productive citizens is to find a job. A driver's license may very well make a difference in enabling that youngster to secure meaningful employment.

"Others may object that the bill requires a foster child's natural parents to pay for the child's car insurance, with such a requirement not only being burdensome but also coercive. I must note that the bill does establish provisions for payment if the natural parents are unable to pay, and does not apply in circumstances where the foster parents are cooperative with the drivers' license process and willing to cover car insurance costs. Further, the bill is only intended to apply to minor foster children, who, I must emphasize, are wards of the State. I would also add, that foster children are no different from other teenagers when they reach legal driving age. Since it is the rare young person who is able to afford his or her own insurance, it is the parent who assumes that responsibility - hopefully, with the son or daughter contributing at least some share when possible.

"Another benefit of this bill is to allow foster board payments to be paid directly to a former foster child. This is a good bill, Mr. Speaker, which is strongly supported by the Hawaii Youth Services Network and many others. It will help deserving young people to join their peers in enjoying the privilege of driving - an accepted part of "coming of age" in our society."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. There's a part in this bill that repeals the medical and social records requirement to be given to the foster parents, and I wondering if there's an unintended consequence with that, if I read the bill correctly.

"Basically, my husband and I have been thinking for a long time and contemplating whether or not to become foster parents. We don't necessarily want to have any more biological children, or at least I'm not willing to have more biological children. But if given the chance, I would love to foster parent some children.

"And when I take a look at this, I'm looking at my own family. I have young kids, and many of the foster kids have challenges and some of them are at-risk. Now in order for me to know and make good choices for what's good for my family, I will have to take into consideration the time constraints that I have with this job and other things in order to make a good decision about foster parenting. And this is one of the things that would help me make that good decision, and if I don't have, if I'm not given those type of records to help me understand what kind of commitment that I'm making for a foster child, then I just may turn around and just say, 'Well you know what? Then I won't do it.'

"And I'm not sure as to the reasoning for taking this out in this particular bill, but I'm very concerned that is would an unintended consequence that would shrink the pool of foster parents willing to open up their homes to foster children. Thank you."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"I have reservations about SB 2162 HD1, Mr. Speaker. I am not against foster children getting drivers licenses, but I believe the foster parents should be included in that decision. They may not want the foster child driving their car, and they should not be forced into a situation where the foster child gets the director of DHS to sign an application for an instruction permit, and then hound the foster parents to teach them how to drive.

"An even more troubling part of this bill is section 6. This section amends present law by removing foster parents as a party to whom the DHS should disclose the foster child's medical records and relevant social history within thirty days of foster placement. I believe foster parents have a right to know of any problems or potential problems they may face with bringing a child into their home. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2162, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Third Reading by a vote of 45 ayes to 4 noes, with Representatives Evans, Finnegan, Marumoto and Moses voting no, and with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1638-06) recommending that S.B. No. 2323, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2323, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," passed Third Reading by a vote of 49 ayes, with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1639-06) recommending that S.B. No. 3011, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3011, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with some reservations on this measure. Thank you. The term, 'first consideration' is still not defined in either of the language of the bill, nor in current law. The lack of a definition I believe, may cause ambiguity as to how to implement this law. I believe that this may open up the State to lawsuits by the employees that are passed over for selection for open civil service positions. So I hope that during Conference Committee that somehow, the parties can come up with a real clear definition of what this 'first consideration' would mean. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Just very briefly, I want to say that the measure violates the merit principle, which we fought so hard to do here in the Legislature. We passed laws on that. We have waived the taking of examinations, so let's just give them the position because they're there. Thank you."

Representative Meyer rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"I am rising in opposition to SB 3011, SD1, HD1, Mr. Speaker. I believe it is a way of rewarding mediocrity and making our civil service sub-par. The incentive to really excel in employment is diminished by the knowledge that you will be considered first if another position opens up. It is foolhardy to give a job to someone on the basis that they are already in the system, when there are those on the outside who are possibly more qualified and able. I am consoled by the fact that this bill violates the Merit Principle of the State Constitution and is unnecessary because of the internal

recruitment systems that are already in place. Thank you, Mr. Speaker."

Representative Caldwell rose to speak in support of the measure, stating:

"Brief comments in support, Mr. Speaker. At the time of the Civil Service Reform Act passage, there was commitment made by the Administration that they would work on rules to implement the Civil Service Reform, and ensure a policy that would remain in place. That is something that everyone uses, whether it's private sector or public sector, and it's looking within first to hire, and it is part of the policy of civil service.

"You want to develop a civil service group of professionals who feel that they should be trained and promoted where necessary. Under the passage of their reform bill, there was a commitment that they would implement these rules. It has never taken place. But we have determined through hearings that in fact DHRD has that policy in place at the current time, and they have to clarify it. They committed that they're going to be working on the policy, updating it, and making sure that you look within first before you look outside, and that if there is someone who applies for a job, and they're not going to be considered any further, then they be told upfront so they don't sit around for four or five or six months while they look outside.

"This is the first step in that direction. It's good policy, and it's something that we should support. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3011, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE LAW," passed Third Reading by a vote of 42 ayes to 7 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Stonebraker and Yamashita being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1640-06) recommending that S.B. No. 2004, SD 1, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2004, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I'm rising in opposition to this measure. Thank you. Mr. Speaker, in the interest of time I would ask that the brief testimony from a Kaneohe resident in opposition to this measure be placed in to the Journal. The name of the individual is Lee Williams," and the Chair "so ordered."

Representative Thielen continued, stating:

"And he does speak Mr. Speaker, about how he's a third generation Kaneohe resident and how he and his family, as well as many other families on the Windward side have used this sandbar respectfully and for recreational purposes.

"He also speaks a bit about how this is really the only beach-going possibility for people on Kaneohe Bay because the Bay itself doesn't have beaches like Kailua beach has. He and large numbers of Windward residents who signed the petition against this measure, opposed this bill moving forward. Thank you."

Representative Thielen submitted the following testimony:

"TESTIMONY IN OPPOSITION OF SB 2004
BEFORE THE SENATE COMMITTEE ON

WATER, LAND AND AGRICULTURE

February, 27, 2006

2:45 p.m., Conference Room 212

Committee Chair Russell Kokubun, Vice-Chair Gary Hooser, and Members of the Senate Committee on Water, Land and Agriculture:

Good afternoon. My name is Lee Williams. I am a long-time Kaneohe Bay resident. My two children are third generation Kaneohe residents. Their grandparents have resided in Kaneohe since the 1960's. They are longtime members of Windward's fishing and boating community.

Currently, there is no Kaneohe beach area available for our Windward families to enjoy. Kaneohe Beach Park is a muddy mudflat and not a beach. Rarely, do Windward residents frequent Kaneohe Beach Park because it lacks a shoreline beach and blue shores as other beach park areas throughout this State. However, nestled within Kaneohe bay at low tide is one of Hawaii's hidden natural treasures, it is the Tahiti-like sandbar where Windward families, including my family, consistently enjoy, respect and love. Windward families sunbathe, relax barbeque, play volleyball and Frisbee, bring their pets, water ski and water skurf, and pull their keiki in inner tubes from the back of their boats, all at the Sand bar. It is the most perfect family spot in Kaneohe. Now, all of this is at risk because of this Bill.

Senate Bill 2004 was drafted to eliminate those rare occasions when there has been some misbehavior on the Sandbar.

Senate Bill 2004 is unnecessary to regulate certain activities on the Sand bar. The rational basis for this Bill is to curtail "drinking, littering, and fights." However, existing laws are already in place that regulate public drunkenness, drinking and boating, littering, public defecation and fighting, making this Bill totally redundant and unnecessary.

To reiterate Charles Memminger from his Star Bulletin column on February 9, 2006, "We can't stop rare incidents of bad behavior at island natural attractions simply by making them kapu or turning them into monuments."

"Kaneohe Bay is one of the few places where recreational boaters who do not want to risk the dangers of the open ocean, can cruise swim, picnic and spend the night on their boats in safety. You'd be hard-pressed to find a group of people who care more for the ocean, reefs and beaches than the recreational boaters, paddlers and fishing enthusiasts of Kaneohe Bay."

"Most regular users of Kaneohe Bay, including those who visit Ahu o Laka, see themselves as stewards of the bay and either report misuse to authorities or intervene personally to stop offending activity."

The Sandbar is Kaneohe's only traditional beach and the boating and fishing community respects its significance and beauty. To limit its use as a result of the lack of sanitation facilities, would be a grave governmental disservice to the Windward community, which is a beach going community that lacks a viable traditional beach park.

PLEASE DO NOT PASS SENATE BILL 2004. HUNDREDS OF WINDWARD RESIDENTS OPPOSE THIS BILL AS DEPICTED IN THE PETITION. IT IS IN THE BEST INTEREST OF THE PEOPLE TO TABLE THIS BILL AS UNNECESSARY AND REDUNDANT.

Respectfully submitted,

/s/Lee Williams
Lee Williams"

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I remain in opposition to this bill. While it has been changed somewhat from how it was originally introduced, the recreational boaters are still very concerned about the bill in its present form. This bill would create a monument, Ahu o Laka, out of the sandbar at Kaneohe Bay.

"The introducer of this bill in the Senate has also introduced a Resolution, and it's my hope that he would move that Resolution because there are many conflicting stories about the importance of that sandbar. It goes by a number of names with different significance.

"The Resolution that was introduced took that into account and it would have created a taskforce and had people come to the table to try to create some kind of agreement on what reason and why, and what name it should be, and that is why I hope that instrument would move forward. That's why I'm against moving this forward at this time.

"I think that if you're going to establish a monument, you have to be really clear about your intentions. I think most of us are familiar with *heiau* that are magnificent, like the Mookini Heiau. Iolani Palace is a monument. Mauna Ala in Nuuanu is a monument. If we were to make Ahu o Laka, which even the name, there is no agreement on the name. A monument. This would be very unusual. There is nothing there. It's underwater, in every 24-hour period.

"Sandbars by their very nature are moving and changing. Many people not aware of it, but during the second World War, the Navy dredged deepwater channels right down the middle of Kaneohe Bay, which changed the pattern of currents and helped to move away some of the sand that previously had stood higher.

"There also was a gentleman who owned Coconut Island, which is now owned by the State of Hawaii. And he sent people to take barges of sand and dredged, transfer it from the sandbar to Coconut Island. All this has changed the geology and the geography of the sandbar, so I would ask rather than we speed ahead with this, that those Representatives, especially those that represent Windward area, they should have heard from a number of their constituents to vote no on this bill at this time. Thank you, Mr. Speaker."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise with a no. I heard this bill when it was in Water, Land, Ocean, and since then it absolutely amazes me how many friends, cousins, uncles ... I have even been *hamai*-ed by people that I thought I knew, and I didn't know they used this sandbar or this location.

"You have to remember, we are an island state, and we, I believe, we are all everything that we have is a monument. But we also have people that use the monument of their family gatherings, their togetherness, to join and enjoy each other at certain of these locations.

"This is one of them, and the calls and the pleas that I have received is, let's not proceed hastily with establishing this in such a manner that it becomes unusable or unattainable for people who use it for bonding, family bonding. So I ask that on this bill, we vote no. But those of you that are maybe not sure about voting, that we encourage that the great, infamous hole of Conference Committee, that this somehow gets lost there. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2004, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 44 ayes to 5 noes, with Representatives Finnegan, Harbin, Meyer, Moses and Thielen voting no, and with Representatives Stonebraker and Yamashita being excused.

At 11:41 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2347, SD 1	S.B. No. 2323, SD 2, HD 1
S.B. No. 2725, SD 2, HD 1	S.B. No. 3011, SD 1, HD 1
S.B. No. 2961, SD 1, HD 1	S.B. No. 2004, SD 1, HD 1
S.B. No. 2162, SD 2, HD 1	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1641-06) recommending that S.B. No. 3065, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3065, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1642-06) recommending that S.B. No. 2036, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2036, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1643-06) recommending that S.B. No. 2484, SD 1, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2484, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1644-06) recommending that S.B. No. 1648, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1648, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1645-06) recommending that S.B. No. 2504, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2504, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1646-06) recommending that S.B. No. 2630, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and S.B. No. 2630, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Stonebraker being excused.

At 11:42 o'clock a.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3065, SD 1, HD 1	S.B. No. 1648, SD 1, HD 2
S.B. No. 2036, SD 1, HD 1	S.B. No. 2504, SD 2, HD 2
S.B. No. 2484, SD 1, HD 1	S.B. No. 2630, SD 2, HD 1

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1647-06) recommending that S.B. No. 2727, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2727, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations. Thank you, Mr. Speaker. This measure is for neurotrauma, where it says, Relating to Neurotrauma. And its talking about the Neurotrauma Special Fund and from what I understand the Neurotrauma Special Fund only gets about \$400,000 a year into it. And what the measure says is it's going to be used in part for direct services that assist individuals in neurotrauma injuries. It doesn't really explain what those direct services might be, and I'm concerned that the measure again relies on this special fund, which is only \$400,000 per year funding source. Maybe we need to get some federal match also, but that still doesn't seem like a lot of money. Just want to point that out. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2727, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1648-06) recommending that S.B. No. 3270, SD 2, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3270, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3270, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Meyer voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1649-06) recommending that S.B. No. 2076, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2076, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Chong rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. Mr. Speaker, my reservations pertain to the issue that this essentially exempts the capital gains for people selling their property. I understand the predicament that the lessors and the lessees are in, in trying to encourage the landowner to sell their fee.

"My concern again, is with the tax exemption, especially since my understanding of this bill is this generally not for residential property, but investment property. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2076, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1650-06) recommending that S.B. No. 3215, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3215, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1651-06) recommending that S.B. No. 2959, SD 3, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2959, SD 3, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with reservations. While establishing a rapid response development and training program to facilitate these displaced workers' return to the labor market is a worthwhile investment, the bill comes severely flawed, and that is the program should be established within the Department of Labor rather than the Community College system, as the Department is a more appropriate facility for training those who are currently unemployable. The Community College system should not be shouldering the responsibility of securing transportation and childcare services for program participants.

"To saddle the Community Colleges with the burden of providing these costly service exceeds the outer bounds of reason, fairness, and cost efficiency. I urge my colleagues to look at this measure and try to figure out why we are putting all these programs and these buildings on the Community Colleges, which are there to teach, rather than relying on the Department of Labor to do their job as it is already mandated. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations. And the reservations that I have Mr. Speaker, have to do with basically federal funds needing to go through the DLIR, and not being able to go through the Community Colleges. I'm not exactly sure how that works, but that would cause me to have some reservations. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm in opposition to this bill. As originally introduced, it took all the programs out of the Department of Labor and move them into the Community Colleges. The Department uses

special funds for these retraining programs. It's not clear that this money could be used at the Community College level.

"This bill talks about a rapid response development and training program. We have the lowest unemployment in the nation. It's sort of perplexing to me that we have this great move to get people retrained and moving. We have industries that we've identified like the construction industry, that we need to train people in a fast way. And there are other bills that are handling that, so I'm a little confused on why we are transferring programs that have been in the Department of Labor over to the Community Colleges."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, I'd just like to state that there are two main reasons why we need to do this. One is that the Community Colleges are integrated throughout our State and actually a part of our community. Unfortunately, the Department of Labor is an isolated office that cannot and does not have the outreach that the Community Colleges do.

"And why this is so important is that when you look at the studies that are being conducted by the Department of Business and Economic Development, what they estimate is through the year 2012, they estimate that there is actually going to be a huge shortage of workers in our labor marketplace because what we have is the baby-boomers retiring. So they estimate there are about 21,000 jobs that will be available every year through the retirement system, as well as new businesses opening up. But there are only about 9,000 people that are going to be entering the labor market through graduation.

"That leaves us with an estimated 12,000 jobs that we don't know how this need is going to be met. That's why it's so important for there to be training, so people can fulfill these jobs, and so that we can bring new people into the marketplace. Because without that, and with, as the Minority Floor Leader said, unemployment at the lowest rate, where everybody who can work pretty much, is working. Where are we going to get these people? We need to have a responsive plan that will address this, because this workplace shortage will be hitting us very soon, and we need to have a plan. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"A couple more brief comments in support, Mr. Speaker, talking about why we need a rapid response team approach here. You look at what's happening at the Naniloa Hotel in Hilo, or Del Monte out in the Ewa Plain, and you're talking about workers that do need to be retrained to be integrated into the workforce.

"We're talking about hotel workers in Hilo who don't have a lot of other choices to work in resorts other than driving for two hours to Kona. If they're going to have gainful employment, the rapid response team will help them through the Community College in Hilo, and help them train to find other jobs.

"The Del Monte workers. These are hard-working people that do an excellent job in the agricultural field. There is not a growth in these jobs on Oahu. There may be a demand over in Kapalaia in Maui or something, but if they're going to have gainful employment, they need help.

"So even though we're at very low unemployment, there are pockets throughout our State that do suffer the impacts when industries are shut down, or a certain business is sold. This would help address that problem.

"In addition Mr. Speaker, as stated by the Majority Floor Leader, it's best done through the Community College. The Department of Labor could not do this type of training. It's basically working with

kids coming out of high school, getting them to understand basic things like math and reading, so they can get into programs where they won't drop out, so that they will go on to high-paying jobs, pay their taxes, educate their kids, and help the economy overall.

"So I'm kind of surprised that there would be any opposition or any with reservations votes. In fact, Mr. Speaker, this is an investment. This is a commitment to our future, to all of our futures. And I think everyone would want to get behind this kind of legislation. Thank you very much, Mr. Speaker."

Representative Waters rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. One of the speakers previously said that we would be saddling the Community College with this obligation. The University of Hawaii and the Community College asked us to help in this. They asked us to fund this, and we're responding to their request. It was approved by the Board of Regents, and I was happy to support this because it will provide better paying jobs. It will allow people to better their quality of life, and any measure that does that, I'd be happy to support. Thank you."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. I'm remaining with reservations. I just want to point out that the measure also requires things such as transportation and babysitting. I just don't think those are things that the Community College should be saddled with. I understand the Department of Labor can help in those matters, but not the Community Colleges.

"They're there to produce classrooms and teachers and instructors to train people for those new fields that they're trying to go into, or give them basic job skills if they came out of other jobs where they didn't need those skills. But not to babysit, and not to provide transportation and get them to the school. There are other methods and there's other things in place already to do that. Thank you."

Representative Waters rose to respond, stating:

"Thank you, Mr. Speaker. The bill on page 5 says, 'Priority will be given to growth industries including, but not limited to, electronics, software, instrumentation, biotechnology, renewable energy, telecommunications, computers, mariculture, aquaculture, tropical agriculture, Hawaiian natural products, and space applications including astronomical research.' Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. I'm rising for the second time. There's one problem you could run into by having these retraining programs at the Community College. I'm thinking of some of the employees at Naniloa. If they have not graduated from high school, they would not be able to go to the Community College until they get their GED. Whereas, if they were going to go to a training program put on by the Department of Labor, that would not be a requirement."

Representative Meyer later rose stating:

"Thank you, Mr. Speaker. I wanted to change my vote on Stand. Com. Report 1651 from a no vote, to support with reservations."

The Chair responded, stating:

"Okay, you'll be able to do during our roll call."

Representative Meyer: "Well I wanted to get ahead of the roll call vote because we were moving along so quickly."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2959, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed

Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1652-06) recommending that S.B. No. 3035, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3035, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am voting with a no. It's very hard to stand and speak against an injured worker, especially an injured worker that is injured through no fault of their own. In fact I now have a stepson that is an injured worker, and it's very difficult for me to help him through the system knowing that there are so many pitfalls and stumbles that make it so difficult for our employees to make it through the system.

"However, what this bill attempts to do, is to, I think, create a very bad situation and make it even worse. We already have the highest, most expensive workers' comp system in the nation, and it continues to be broken. The problem that I have with my stepson is that when he moved to one of the Neighbor Islands, he was unable to find a work comp physician to pick up his case. So after three months of knocking on doors, he's unable to get a physician, and he got an automatic termination because after three months without a physician working on you, you're terminated.

"So I was able to intercede and get him to a physician so that we were able to get the physician's report and he came back on with his TTD benefits. But to codify this as a right so that an employee then is more encouraged to just sit back and not do anything until the system, which as we all know is broken, could take six months to get him to a hearing to say, 'Oh yes, you are not entitled to those rights.' Off he goes and who is left holding the bag of that six months of waiting? It would be the employer.

"Their experience rating will go up even though it was no fault of their own. Their premiums will go up even though it was no fault of their own. It is our fault. It is our fault because we continue to pressure a system that is broken. And I know it's like rubbing salt in the wound, but I think we could have made a very small step to perhaps maybe resolving this type of an issue last Session when we unilaterally just brushed aside these guidelines that we were talking about, that we had public hearings on, because that could have taken care of this problem because that employee then would have continual care under the guidelines.

"So as it is right now, we cannot support this. I cannot support this bill. And when I asked the question of what if this employee if found to not be covered under this temporary disability, well what happens? Oh well, we'll just see if the employee can pay it back. C'mon. We have to get real. That's not going to happen. And why would we want to pressure someone with this type of pressure? An individual who the system couldn't help?

"They were saying, someone said to me, I think it was our Chair of Labor, 'Well, we'll just figure out some way to get credit back to the businesses.' It is not the way to deal with this. The way to deal with this is to fix this problem. Not continue to make it more expensive and more difficult to do business in the State of Hawaii, which all those technology companies that we're encouraging to open up businesses in Hawaii, you too are going to fall into this trap. You too are going to be priced right out of the market because of these types of craziness. Thank you."

Representative Meyer rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"I am strongly opposed to this bill, Mr. Speaker, not only because there is no need for it as the current system does not appear to be broken, but also because of the incredible cost that will be incurred if this bill passes. There are no safeguards to prevent this new system from being abused. How do we know our insurance companies will not be paying for a previously injured worker to take a few more days off to go to the beach? Or visit relatives? Or merely stay home and do nothing as the money continues to come in? If passed, this bill will increase the cost of workers' compensation insurance. The cost is already prohibitive and businesses keep asking the Legislature to reform workers' compensation laws to bring down the cost. Instead we are entertaining bills that go the other way. Everyone will end up paying for the cost of those who stay home from work, legitimately or not, because businesses will have to raise their prices to cover the added costs. Thank you, Mr. Speaker."

Representative Ching rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition of this bill. This proposed bill though well intended adds considerable cost to the workers' compensation system, creates a disincentive for an employee to return to work, and removes disability determination out of the hands of the healthcare profession where it rightly belongs."

"This measure will also prevent an employer from asking for termination of TTD benefits. Additionally, this situation is already addressed by current law, which enables an employee to continue to receive TTD benefits if there is no work to which the employee can return. To be clear and consistent, this bill should include language that makes it clear that continued TTD benefits will be available only if the injured employee's inability to return to work is due to the decision of his or her employer. Otherwise, the bill will not only increase the cost of providing workers' compensation benefits, but it may encourage employees to stay out of work until TTD benefits are terminated."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3035, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," passed Third Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1653-06) recommending that S.B. No. 1593, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 1593, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in very strong support with brief comments. Mr. Speaker, this bill would ensure the retention of affordable housing so sorely needed in our State. The units might otherwise be sold, and our leadership needs to be complemented for this stroke of brilliance in the establishment of community development district. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Mr. Speaker, thank you. I will be voting no on this measure for many, many reasons. First of all, we have spent this entire Session scolding, threatening, asking for changes in the HCDA. To now take the HCDA and throw another district at them and say, 'Here, go fix this.' I do not believe is the right thing to do."

"First of all, the HCDA is not an affordable housing building organization. The HCDA is in fact a redevelopment agency. To take them now and put them into the Kalihi, Liliha-Palama district and say to go fix this affordable housing is not what we should be doing. That's my first piece of my no vote. I have two more."

"My second piece of my no vote is the way this whole process was done. This bill came over as a Senate Bill, and what that Senate Bill did was it allowed counties to recommend rural district amendments and to form an advisory group to redefine rural districts. And we, in our infamous wisdom, took that bill and did our infamous 'gut and replace.'"

The Chair addressed Representative Harbin, stating:

"Representative, let's focus on ..."

Representative Harbin: "I'm sorry. I am speaking to the bill. The bill as it stands is an illegal measure."

Vice Speaker Takai: "You need to speak on the bill as currently in front of us. That is House Draft 2."

Representative Harbin: "That is exactly what I'm speaking to, Mr. Speaker. Mr. Speaker, this bill has not reached its constitutional test of a bill. It fails under Section 402 of *Mason's Rules* because it is not germane to the original subject matter, which is exactly what it is that I'm trying to share with my fellow Members. It is not germane."

Vice Speaker Takai: "Representative, I'd like you to stick to House Draft 2. Thank you."

Representative Harbin: "Thank you. I will now go to my third reason for voting no. In *Taomae v. Lingle*, in the Hawaii Supreme Court Decision, it says ..."

Vice Speaker Takai: "Representative, you brought this up for a previous measure."

Representative Harbin: "And I'm going to bring it up again because we need to, we need to realize that it is the process that is going to get us into trouble with what could be very, very necessary amendments from this House because of the fact that we are not following our own constitutional amendment. It says in Article III, Section 14, that no law shall be passed by bill and it shall not become law unless it passes three readings in each House on separate days."

Vice Speaker Takai: "Representative, I'm going to call you out of order at this point."

Representative Harbin: "Mr. Speaker, this bill will not do what it is intended. HCDA is an economic development agency. Within their rules there are provisions for certain portions of affordable housing when there is an affordable housing measure."

"When I went to the hearing, I was handed this document that gave me a factsheet on Kukui Gardens. This is what we were voting on, without any pre-information. And what is the Kukui Gardens? 22 parcels of lands. A number of residents estimated 2,500. Many immigrants from China and Korea. Rents, \$444 for 1 bedroom; \$818 for a 4-bedroom unit."

"Mr. Speaker, affordable housing right now, it's our people that are in crises. All of our people. We have people that are on the streets that could not even get into this Kukui Gardens. We need to look at what we are doing. We need to not give false hope to these 2,500 people of which 15 were brought down here to testify, pleading for

their homes. This was not a fair bill. This is not a legal bill. And there's got to be a better way to do this, but this is not the right way. Thank you."

At 12:02 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:05 o'clock p.m.

Representative Arakaki rose in support of the measure, stating:

"Mr. Speaker, I stand in strong support."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I also stand in support and request to submit written comments. And just to comment that this gives us a chance to have some discussion, some alternatives and choices. Thank you."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I support this measure which would as stated in section 1: Require the office of planning to work with the counties to recommend rural district amendments, convene an advisory group for redefining rural districts, allow counties one opportunity to reclassify areas of land into rural land use districts, appropriate money to accomplish the purposes of this act.

"It is our duty to preserve the unique qualities our historic communities offer. We, as State must cherish and preserve our archaeological, cultural, and historic identity, while allowing for revitalization of our community's needs and input.

"It creates the Liliha-Palama community development district within the administration of the Hawaii Community Development Authority. While there may be concerns about the HCDA, in the best interest of our community, we must keep our options open for our community's benefit, while we seek the community's input."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition. I think the comments made by the Representative from Downtown Honolulu, that the process was very, very unusual, and the bill that has come out, having HCDA in charge of redoing Liliha-Palama. It is amazing because we have seem to have such a schizophrenic relationship with HCDA. It's almost laughable that we would now say, 'You've done such a great job, we want to hand over to you Liliha-Palama.' I think this bill has a long way to go and I can't support it."

Representative Kanoho rose to respond, stating:

"Thank you, Mr. Speaker. Just for the clarification, the HCDA in the administration of its duties and in exercising of its power is responsible for 40% affordable units in the Kakaako district. Thank you."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm rising in support of the measure, but I do have some considerations. Yes, reservations. Thank you. Mr. Speaker, this schizophrenic attitude toward HCDA, I think is a apt way to describe this. In certain measures, we're really gutting their authority, saying they have to come and ask us for permission to do everything.

"I think there's a better way to preserve the Kukui Gardens as low rental or affordable, actually low rental housing. I think that's a very

noble cause, but it actually will take money. We can't say that we're going to take those and keep them in low income housing unless we put funds forward to do it.

"I think this HCDA thing really complicates the issue and we can't say to them on one hand, now you're going to be in total control, but over here in Kakaako, we're carving out areas where we're saying the City is going to take it over from you, and with what you have left to do, you have to come to us to ask permission for everything.

"So I think this is not well thought out. There's still a little bit of time to improve things and I think we need to focus on what we want to do and that is to preserve the housing so those people aren't added to the list of those who don't have a roof over their heads. Thank you."

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Very briefly, in opposition. Thank you. In the Finance Committee, we didn't hear any testimony from the City and County. Nor did we hear very much from the public, from the Liliha-Palama area. And the public that did testify, they were more from the Kakaako side and I believe that they were reacting to what's going on in Kakaako. So I'm in opposition to this bill, but only because I believe that it needs a little more public input because an area is carved out and turned into another development district. Thank you, Mr. Speaker.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you. Just very briefly, I'm rising in opposition. It's been mentioned before. I just want to make it clear to this Body. In the Kakaako measure we took a portion of the HCDA development away and we're saying, 'Let's give it to the City.' The City didn't want it, and I can understand why, because you know that's just more expense. But here, we're going to take a piece of the City and give it to HCDA, and I'm sure the City will be very happy. But isn't it ironic? Taking it away in one place and giving it in another place. Either we trust HCDA or we don't. Please, let's get it straight."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1593, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Finnegan, Harbin, Meyer, Moses and Stevens voting no, and Representative Stonebraker being excused.

At 12:13 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2727, SD 1, HD 2	S.B. No. 2959, SD 3, HD 1
S.B. No. 3270, SD 2, HD 1	S.B. No. 3035, SD 1, HD 1
S.B. No. 2076, SD 2, HD 2	S.B. No. 1593, SD 2, HD 2
S.B. No. 3215, SD 1, HD 2	

At this time, the Chair stated:

"Before moving on, I'd just like to encourage Members to give our Majority Floor Leader and Minority Floor Leader your pink slips and green slips so we can avoid this situation in the future."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1654-06) recommending that S.B. No. 475, SD 2, HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 475, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Shimabukuro rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"I, along with a consortium of social service providers known as the Welfare and Employment Rights Coalition (WERC), strongly support this Women's Caucus measure and have urged its passage for the past several years.

"Simply put, welfare recipients have not received an adjustment to their assistance amount since 1993. This bill would finally correct this injustice, and raise the Standard of Need to the current Federal Poverty Level.

"At long last, this year the Department of Human Services joined the call to finally increase the Standard of Need, and supported this measure. According to DHS' cost analysis submitted to the Finance Committee, the cost of this measure is a mere \$5 to \$13 million in general funds per year. The variation in cost is due to the bill's granting of latitude to DHS in adjusting the percentage, from 50 to 62.5 percent, of the Federal Poverty Level, in determining the assistance amount.

"Please note that DHS, the Attorney General, and social service providers collaborated on a proposed House Draft 2 of the measure. These groups obtained the House Human Services Committee Chair's prior concurrence to this proposed House Draft 2, and the Committee Report notes that the draft is "worthy of examination and consideration as this measure progresses through the legislative process."

The proposed House Draft 2 does the following:

- 1) Calculates the standard of assistance at 62.5% of the current Federal Poverty Level;
- 2) Includes General Assistance and the Aged, Blind, and Disabled payments;
- 3) Increases DHS' Fiscal Year 2007 budget by \$27 million (\$14.3 million in Federal funds, and \$12.9 million in General Funds); and
- 4) Most importantly, will increase payments to indigent families, the elderly, and disabled by approximately \$200 per month

"Please note that for Fiscal Year 2008, DHS is estimating a cost savings of \$8.6 million under the Proposed House Draft 2.

"One final very important note is that this bill will provide much needed relief to elderly and disabled Medicaid recipients on the "Cost Share" or "Spend Down" program, by decreasing their monthly co-payment by up to \$200 per month.

"I urge my colleagues to support this long awaited measure."

Representative Finnegan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in strong support of SB 475. This bill's purpose is to find ways to improve public assistance recipients with adequate income. We cannot continue to ignore the economic reality and needs of these impoverished families and that's what we do when we base the assistance on 1993 poverty levels.

"We know that even individuals that have a regular income struggle with everyday costs of living in Hawaii. We should not keep the current system's amount of cash assistance because it is an

unrealistic amount. The current amount of cash assistance is insubstantial to maintain rent in this State, much less food, water, clothing and school supplies. This bill would change the basis of the calculation to a more current level.

"We need to help the families of Hawaii who are struggling with the standards of living and help minimize the many negative effects of poverty. Let's keep our Legislature honorable and raise the standard of need for households, particularly for the sake and well being of Hawaii's children.

"By increasing the level and other measures, like DHS's First-Work Program, we can give people a hand up instead of a hand out. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 475, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1655-06) recommending that S.B. No. 2357, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1656-06) recommending that S.B. No. 2719, SD 2, HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2719, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1657-06) recommending that S.B. No. 743, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 743, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1658-06) recommending that S.B. No. 2957, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2957, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1659-06) recommending that S.B. No. 2021, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2021, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION

HEALTH BENEFITS TRUST FUND," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1660-06) recommending that S.B. No. 2502, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2502, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 12:15 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 475, SD 2, HD 1	S.B. No. 2957, SD 2, HD 2
S.B. No. 2357, HD 1	S.B. No. 2021, SD 2, HD 2
S.B. No. 2719, SD 2, HD 1	S.B. No. 2502, SD 2, HD 1
S.B. No. 743, SD 2, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1661-06) recommending that S.B. No. 2339, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2339, SD 2, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1662-06) recommending that S.B. No. 218, SD 4, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 218, SD 4, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1663-06) recommending that S.B. No. 3181, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3181, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This is another tax increase and I'm voting no. Thank you. This is going to hit the poor and larger families the most. This is increasing the bottle bill container size to 68 ounces. It's also going to increase, we're going to have an increase of a half a cent on this deposit fee, if you call it that. It's a tax.

"I know half a cent, because the number of the returned containers is so high, so we're going to be paying 6 and a half cents for each 5 cents we get back. And as I said with the larger size containers, which is what you buy in the 'big box' stores, you're going to hit the poor and larger families the most. Those who are in the most need of tax relief, we're going to tax the most. Thank you."

Representative Yamashita rose in support of the measure with reservations, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in support of Senate Bill 3181, SD2, HD1, with reservations. While I do support Hawaii's beverage container recycling program, there are serious flaws within SB3181 that need to be addressed.

"When the original bottle bill was passed in 2002, a one cent deposit beverage container fee was put in place so long as the number of bottles redeemed stayed under 70 per cent. As the current percentage of recycled bottles hovers near that mark, passage of SB3181 will push the percentage of recycled bottles beyond 70 per cent. Currently, Hawaii's consumers are paying five refundable cents plus the one non-refundable cent per beverage container. Passage of SB3181 will increase the nonrefundable deposit beverage container fee. Although it is environmentally friendly to recycle more beverage containers, the administrative fee that is already being shouldered by Hawaii's consumers will have to be increased to support the increased recycling infrastructure.

"In addition, SB3181 places an undue burden on beverage container vendors, by mandating that vendors not within two miles of an independent redemption center operate a redemption center of their own for at least 30 hours per week.

"Although Hawaii's beverage container recycling program is important in protecting our State's environment, Senate Bill 3181, SD2, HD1 has a number of flaws that must be resolved before becoming law. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations. We must make sure that any amendments to our bottle bill will streamline the redemption process and provide residents with convenient recycling where they shop, when they shop.

"This measure increases the volume limit of beverages from 64 to 68 fluid ounces, and may help the redemption process. However, we must be careful not to adversely affect the ability to service customers promptly. Restrictions such as the mandate require to hand count containers may penalize hard-working business owners."

Representative Karamatsu rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3181, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Third Reading by a vote of 39 ayes to 11 noes, with Representatives Chang, Finnegan, Ito, Kawakami, Marumoto, Meyer, Moses, Nakasone, Pine, Souki and Yamane voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1664-06) recommending that S.B. No. 2926, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2926, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Third

Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1665-06) recommending that S.B. No. 2486, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2486, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1666-06) recommending that S.B. No. 2545, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2545, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose in support of the measure, stating:

"Mr. Speaker, I rise in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2545, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1667-06) recommending that S.B. No. 2897, SD 2, HD 2, as amended in HD 3, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 12:18 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2339, SD 2, HD 1	S.B. No. 2486, SD 2, HD 1
S.B. No. 218, SD 4, HD 1	S.B. No. 2545, SD 2, HD 2
S.B. No. 3181, SD 2, HD 2	S.B. No. 2897, SD 2, HD 3
S.B. No. 2926, SD 1, HD 2	

At 12:18 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:18 o'clock p.m.

At this time, the Chair announced:

"Members, at this time we're going to take a lunch break and reconvene at 1:30. Lunch for the Members is available on the Majority Caucus Room side of the House."

At 12:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:56 o'clock p.m. with the Speaker presiding.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1672-06) recommending that S.B. No. 3283, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that notwithstanding the report of the Committee, that S.B. No. 3283, SD 1, HD 2, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

At 1:57 o'clock p.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:59 o'clock p.m.

The motion was put to vote by the Chair and carried, and S.B. No. 3283, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was recommitted to the Committee on Finance, with Representatives Berg and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1668-06) recommending that S.B. No. 3273, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3273, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1669-06) recommending that S.B. No. 2133, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2133, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I rise in opposition of Standing Committee Report 1669 and the underlying bill. Mr. Speaker, this bill is premature. There's a taskforce meeting regularly that is dealing with Universal Healthcare, and the taskforce will have its recommendation when it reports in June of this year.

"I also oppose this bill because Universal Healthcare, simply doesn't work. Here are some examples. Canada has a national doctor shortage. In Ontario, there are 1.4 million people without the services of a family doctor and the reduced availability of many desirable drugs has lead many Canadians to head to the United States to buy drugs that they can't get at home.

"Canada, the country where a dog can get hip replacement in under a week, but humans must sometimes wait for two to three years. Its publicly financed health insurance system is gradually breaking down. Private clinics are opening around the country by an estimated one per week. Some cancer patients are waiting months for diagnostic tests and treatment. The average wait times between referral by a family doctor and treatment range from five and a half weeks for oncology, to 40 weeks for orthopedic surgery.

"In 1998 there were more than 1.3 million British patients on waiting list for medical care. There are cases of people waiting four months to receive an operation for colon cancer, and in some cases, drugs may be cheaper under universal healthcare, but when a government buys drugs, it must also ration them. With no private sector alternatives, there is no private sector alternatives, patients have no choice, but to accept what their government, not what their doctors decide is best.

"History has shown that any single-payer initiative requires much more money than advocates claim. This will lead to higher taxes and the rationing of healthcare with the government determining which medical treatments that will or will not be covered. Almost every European country with a national healthcare system has introduced market-oriented reforms and turned to the private sector to reduce the cost of care and availability and effectiveness of treatments. For example, Finland in 1991 encouraged competition among providers, called for improving accounting systems and allow patients greater choice in selecting providers. Results were felt almost immediately. Hospital productivity rose by an average of 16% between 1991 and 1993. New market and product procurement cut cost anywhere from 10% for any amount of services, to 40% for medical laboratories and radiography.

"I'm mostly disappointed that this bill was gutted from its original version, and versions from three separate bills were combined into this bill. I want to make sure that the public knows I'm not opposed to a suicide prevention program, or keeping our mothers safe from mercury containing vaccines, but I cannot vote for a bill that promoted Universal Healthcare because it is not effective for the people of Hawaii, and I don't want anybody to wait four months for a surgery for something as life threatening as cancer, which has occurred in countries where Universal Healthcare exists."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting no for this measure for I believe, three reasons. One, this particular bill is very contrary to Section 402 where the amendments must be germane to the original bill, which came over from the Senate. Just so that the public is aware, the original bill was a very important bill, that provided that placenta must be released by a hospital to the women from which it originated. And we, in the House have gutted it and replaced it with three separate issues, three of which have absolutely no common denominators.

"I believe this bill is contrary to our Hawaii State Constitution in that it cannot pass constitutional muster because of the fact that these particular measures have not been heard by the Senate, therefore I will be voting no. Thank you."

Representative Evans rose to speak in opposition to the measure, stating:

"I rise in opposition. I just wanted to point out to the Members that I'm very pleased to see that when we vote on resolutions later in the agenda, that we do have one requesting the Department of Health to establish and operate a statewide suicide early intervention and prevention program, and so I'm really pleased. I'd like to see us move that forward. I too was a little concerned about putting three different ideas in one bill.

"And regarding the Hawaii Health Authority, that would have been more palatable to me if it had really expanded it to looking at the Certificate of Need, and maybe removing the Certificate of Need to promote better healthcare in Hawaii.

"Also looking at what happened in Massachusetts this last week, to where that State is now mandating everyone, everyone has health insurance. And the State will subsidize those that can't afford it and that is their way to try to get Universal Healthcare, so I know it's a problem. I know we need to address it, but this was too narrow so I'm voting no. Thank you."

Representative Ching rose in opposition to the measure and asked that the remarks of Representatives Moses and Evans be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Colleagues, I'm not asking you to support this bill today. I am supporting it, and this is why. This bill creates a Hawaii Health Authority, the piece I'm talking about. Right now, you need to know that there's a war going on. It's a war in the United States between people who have insurance and the ability to get it.

"Every year things get worse in the United States, every single year. Millions, and millions, and millions of people become uninsured in America to the point where it's 45 million people in our country. A country where freedom is important, and where we believe we have three of the most important ideas to export to the rest of the world. Meanwhile we're failing our people, particularly people without means.

"The reason it's important to create a Hawaii Health Authority or to have the taskforce this past year, or to have new proposals coming forward into the future, is because we really have to be ready for change. In Hawaii, things are pretty extraordinary. Uninsured rates are somewhere between 9% and 12%. We're going to insure every kid. We have a lot of things going for us. The Prepaid Healthcare Act gives us a lot of protection, but what happens when our population has more uninsured? When it goes from 10%, 120,000 people, to 15%, or 20%, and we didn't have plans in place to deal with it.

"We're doing a lot of great things. We're doing a good job with health centers which deal with this issue, the uninsured. We're doing a very good job with our safety net. But hyperbole the likes of which I've heard before, saying that we're going to become Canada, and we're going to replace the hips of dogs before people, doesn't help matters. Forgive me for being so direct, but we're talking about human lives and care, so we have to have plans.

"That's why I started and I'll finish with this point. You don't have to support Hawaii Health Authority. You don't even have to support Universal Healthcare, but what you do have to support is solutions. So if we vote down solution after solution, if we don't let certain plans like ... And unfortunately, it's okay. We don't do the map maybe, the workforce map for healthcare. There are a lot of things that we don't have to do today. But please don't come back to the people when things are worse when people are sicker and take credit for doing good things on healthcare.

"We have to rise to the occasion and in Hawaii, we have an opportunity to really show the rest of the country that we can do it. Because our predecessors did great things with the Prepaid Healthcare Act and built these health centers and have some good hospitals for us, we can achieve great things in healthcare. But we also could fail and go the way of the mainland and watch our uninsured rates rise higher and higher. So please, in these coming months and years, be very focused on our ability to take care of people, and let's not get into hyperbolic rhetoric about other systems. We in Hawaii can lead the way. Thank you colleagues."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I'm going to be a little stronger, emphasizing how important this measure is. First of all, the original bill is still alive in the form of the House Bill which is going to come back for Conference. But it's really important that we consider this measure whether we adopt it in the end or not. We need to have this discussion.

"And I would have to say, as policymakers, we need to be a little more visionary. We need to stop putting our heads in the sand. Just look at what's happening here in Hawaii. The cost of healthcare is going up. The cost of reimbursements are going down. Our elderly population is increasing all the time. And with the chance of more federal assistance coming to Hawaii, or to any other state, it lessens with every year.

"We're heading for that perfect storm, and if we don't do anything to prepare or to address these issues, then who do we have to blame? Or are we just going to throw our hands up and say, 'Well, what can we do about it? It's just like the weather.' Well with healthcare, we can do something about it because the data shows, the preliminary report from Lewin shows, that we spend more than enough to care for every citizen, to provide for quality healthcare to every citizen in this State. But it's a matter of putting together resources. It's a matter of people sacrificing. Not just people, but programs and agencies.

"Everybody has to give up a little bit to make this thing work, and that's what the Health Authority is for. It's not for us to figure out what kind of system we want. We're asking the Authority, we're giving them the responsibility to figure out, according to what's already reported and what is going to be reported through the research, because there is a potential, Mr. Speaker, of saving over \$700 million according to the preliminary report, if we adopt, for example, expansion of our EUTF Health Benefit program.

"The potential is there. And of course like I said, some people are going to have to give up a piece of their pie perhaps, to make it work. But it can work, and I believe Hawaii is a perfect place to make it work, because as the Vice Chair mentioned, we have all these things in place already.

"So Mr. Speaker, I hope we can be bold. I hope we can be visionary. And I hope we can set an example for the rest of the country on what a healthcare system should be like if we're going to meet the healthcare needs of our citizens. Thank you Mr. Speaker."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this bill. As the speaker from Downtown Honolulu said, this bill as its been amended, has three very separate and distinct parts to it. The part on setting up a way to be vigilant for teenage ... I can't think of the word right now. Suicides. I think has real merit.

"I don't see why we're rushing in to creating this Authority. There is a taskforce that's been meeting regularly, dealing with Universal Healthcare and the taskforce is yet to come out with its final report. That would come out June of this year. Then with the contents of that report, then I think we should start deciding what the next move is. Instead we're doing this with the cart before the horse. We're moving this ahead without the benefit of that report.

"Another part of this bill with a mercury substance that's used as a preservative in vaccines, and pretty much wanting pharmaceuticals not to use this substance anymore. It's used routinely in multi-doses of vaccines. We have another bill before us today that will be appropriating millions of dollars to the Department of Health so that we can stockpile vaccines for maybe perhaps, the avian flu. We know that this mercury substance works. We don't have another product that works like it does, and this bill would work against that. So for those reason, I'm voting no on this bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2133, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Third Reading by a vote of 41 ayes to 9 noes, with Representatives Ching, Evans, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine and Thielen voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1670-06) recommending that S.B. No. 2364, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2364, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

At 2:20 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:23 o'clock p.m.

Representative Meyer rose to speak in support of the measure, stating:

"Mr. Speaker. We have moved along so quickly, we passed over a bill that I wanted to just make a few brief remarks on. Thank you very much. This is Stand. Comm. Report 1670. This is a bill relating to alcohol and substance abuse.

"This is, I think a very good bill. It will help in our fight over our serious drug abuse problems. Has two parts actually. The bill will establish an affirmative requirement that all health insurers provide coverage for an insured's injury that results from the insured's intoxication or being under the influence of any narcotic. Under current Hawaii law, healthcare providers are hesitant to link alcohol or substance abuse to an injury for fear of non-reimbursement of services rendered. The change in the bill will eliminate that fear and hesitancy.

"The second part of the bill is really the important part. It will create a pilot program to be conducted in hospital emergency rooms. Everyday our emergency medical doctors and nurses see people who are addicted to alcohol and narcotic type drugs, such as ice or cocaine, come in with injuries. This new program would have somebody in the emergency room who is being treated for an injury, who will after the person has received the medical care he needs, will sit down with the person who is obviously either on drugs, on alcohol, or has serious problems with drugs, and conduct a briefing to ask them about their situation. And for many persons, this is perhaps the first time a trained, interested person has inquired as to their problems. Do they have a problem with alcohol? Do they think they have a problem? Are they addicted to some kind of a drug?

"This trained person will also suggest intervention like a referral or recommend treatment. This program is known as SBRT and capitalizes on what trained people call a 'teachable moment,' a time of vulnerability, when an addicted individual would be more open to intervention and dialogue.

"Programs like this have been going on in San Diego for about 10 years with very good results, and I think this is something that is going to make a difference in our communities. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I strongly support this bill, as it will allow individuals in Hawaii access to needed medical services, regardless of intoxication from alcohol or narcotics.

"This measure will prohibit medical health insurers from excluding coverage from injuries sustained by insured persons as a result of intoxication from alcohol and narcotics, and appropriates funds to establish a screening, briefing, intervention, referral, and treatment pilot program at the locations in the State of Hawaii. This is a tool in the important fight against drugs and crime."

Representative Evans rose to speak in support of the measure with reservations, stating:

"I rise in support with reservations. Regarding the program they call SBRT, and intervention in an emergency room. I have some real strong concerns about money being spent on this. I really believe that when people have problems with substance abuse or with drinking that, when they ask for help, I believe it's there. And if someone goes into an emergency room and it's because of an accident and they have a high alcohol blood level in their blood, then I'm assuming by this bill that the medical doctors there will then reveal this information to someone who is ... what? Sitting around 24 hours a day just waiting for someone to come in? What are we going to do with these people in the meantime?"

"So here you have the program, or you have a psychologist, a social worker. We're not sure who it's going to be. Sitting around, waiting for this 'teachable moment', and then a person who comes in, their blood's been tested, now someone walks up to them and say, 'Guess what? That person is legally drunk,' or 'They're on substance abuse.' So now you go and intervene, even though the person hasn't asked for it. You're going to go and intervene and make a difference.

"And I believe we should be spending our money on the kids in the middle school that have substance abuse and alcohol abuse, and maybe even smoking cigarettes problems. I do not think this is a good use of money. I said it in the Finance Committee. I do not think we should be promoting this at this time. I do believe that there are doctors, there are pastors, there are all kinds of wonderful people that are in hospitals that can give them access to people that are going to help them if they decide that they, their life is unmanageable. Thank you."

Representative Lee rose in support of the measure and her written remarks be inserted in the Journal, and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This measure will remove an archaic and harmful provision of Hawaii's insurance law. The bill will mandate that treatment for injuries suffered by insured individuals resulting from substance abuse will be covered. This provision, coupled with the appropriation in the bill, will make it more likely for healthcare professionals to seize upon a 'teachable moment' when a substance abuser has injured himself or herself. Presently, health care workers are tempted to overlook any suspicion or evidence of substance abuse because to make note of it would deny the patient the needed care for his or her injuries.

"With this amendment to the law, injured patients who may have substance abuse issues will be promptly referred to other medical professionals for evaluation and treatment. The sooner substance abusers can get treated; the sooner they may recover. Nobody benefits under the existing regime of denial. The increase in insurance premiums resulting from this change, if any, will be worthwhile.

"I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2364, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO ALCOHOL AND SUBSTANCE ABUSE," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1671-06) recommending that S.B. No. 2917, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2917, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with some reservations. Originally, Senate Bill 2917 removed the sunset date for the Hawaii insurance premium rate oversight, but the current version falls short of this because it extends rate oversight only until a specified date, currently 2010. I know that is just a defective date, it can change, and that's the reason I would support this measure at all because at least it does push the date out in the future.

"The rate oversight should be made permanent because it will take a long-term commitment to encourage competition to come into Hawaii's market. Also HMSA is projecting that rates will double in 10 years. In this environment, it's essential that excessive profits be removed from rates. The Legislature should decide once and for all whether it wishes to have rate oversight and not continue to defer the decision.

"Another thing it does is it changes rate oversight in two negative ways. First, it exempts from rate oversight, vision and dental rates, which are now currently under review. And second, it only requires only a methodology filing rather than a full week filing which could leave the Insurance Commissioner without a solid basis for evaluating whether rates are excessive, inadequate, or unfairly discriminatory.

"It makes confidential, only the information containing a rate filing, making it inaccessible to the public and destroying the transparency of rate oversight. It makes the period for filing 30 days with a possible 30-day extension to ensure the proper rate filing. It's currently 90 days.

"It requires the Commissioner to disclose the specific basis for disapproval thereby making it easier for the health plan to contest the Commissioner's decision. It requires the Commissioner to set an interim rate that is halfway between the requested rate and the disapproved rate. This creates an incentive for the health plan to set rates high and simply take the median rate, thereby bypassing the process.

"And finally Mr. Speaker, with all these, I still support it because at least it pushes the date forward. I hope we can fix this bill in Conference Committee and return it to its original intent and that was to delete the sunset date on the Insurance Commissioner's oversight of health insurance premium rates. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising with a no. I know this is quite contradictory from where I basically have been advocating and standing for many, many years starting in 2002 when the original bill passed. I know compromise, and give and take, is what this Legislature is all about, but sometimes in life where you have to draw the line and you say, 'I will not give.'

"I have received so many phone calls from business owners that say, 'Give it up. They're going to get what they want down there,' because of things like this. How can the business community and the employees that they insure, healthcare insure, through the Prepaid Healthcare Act that they accept as a way of life in Hawaii. How can we sit here and bargain away the ability to have an independent third party looking at the rates that they are charged for their health insurance for their employees. This is probably the first time I'm actually going to incorporate the words of a fellow legislator because I usually like mine better, but I would like to incorporate the words of the Representative who spoke prior to me because that is exactly what is going on.

"We keep saying the Insurance Commissioner wants these changes. The Insurance Commissioner I talked to doesn't want these changes. He wants the law to stay as it is. We want the law to stay as it is. Actually we could make it stronger, we could make it tougher. The rate regulation as it stands right now does not allow the Insurance Commissioner to take into the account the half billion dollars worth of reserves that our friends at HMSA hold on with such strength. They cannot take into account the income that they continue to receive every year, investing off of our premium dollars while they continue to lower the reimbursement to the providers.

"I'm drawing the line. Leave it as it is. These amendments are unacceptable. You're violating, you're taking away, and they're going even as far as to say, 'We're going to take away what transparency we have.' That's what this place is about, transparency. How can we have Universal Healthcare as we talked about in the earlier bill if we can't even control the monopoly we have now? My vote is no, but please, please, for the sake of the people of Hawaii, the employees of Hawaii, pass the rate regulation out. Leave it as is. Get rid of the sunset. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2917, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE RATE REGULATION," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Harbin voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1673-06) recommending that S.B. No. 2571, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2571, HD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2571, HD 1, passed Third Reading in the following form:

S.B. No. 2571, HD 1

A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII STATE CONSTITUTION RELATING TO SPECIAL PURPOSE REVENUE BONDS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose amendments to article VII, section 12, of the Constitution of the State of Hawaii to:

- (1) Authorize the State to issue special purpose revenue bonds and use the proceeds from the bonds to assist not-for-profit private organizations in the development of low- and moderate-income housing; and
- (2) Authorize the State to combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private organizations in the development of low- and moderate-income housing, separately authorized, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds.

SECTION 2. Article VII, section 12, of the Constitution of the State of Hawaii is amended to read as follows:

"DEFINITIONS; ISSUANCE OF INDEBTEDNESS

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.

2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit of the State or a political subdivision are pledged and, unless otherwise indicated, includes reimbursable general obligation bonds.

3. The term "net revenues" or "net user tax receipts" means the revenues or receipts derived from:

- a. A public undertaking, improvement or system remaining after the costs of operation, maintenance and repair of the public undertaking, improvement or system, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made; or
- b. Any payments or return on security under a loan program or a loan thereunder, after the costs of operation and administration of the loan program, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made.

4. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity, governmental body or agency, board, bureau or other instrumentality thereof, or any combination of the foregoing.

5. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments or return on security under a loan program or a loan thereunder; provided that insurance premium payments, assessments and surcharges, shall constitute rates, rentals and charges of a state property insurance program.

6. The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or a combination of both, may be derived for the payment of the principal and interest as reimbursement to the general fund and for which reimbursement is required by law, and, in the case of general obligation bonds issued by the State for a political subdivision, general obligation bonds for which the payment of the principal and interest as reimbursement to the general fund is required by law to be made from the revenue of the political subdivision.

7. The term "revenue bonds" means all bonds payable from the revenues, or user taxes, or any combination of both, of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law, including a loan program to provide loans to a state property insurance program providing hurricane insurance coverage to the general public.

8. The term "special purpose revenue bonds" means all bonds payable from rental or other payments made to an issuer by a person pursuant to contract and secured as may be provided by law.

9. The term "user tax" means a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by a public undertaking, improvement or system; provided that mortgage recording taxes shall constitute user taxes of a state property insurance program.

The legislature, by a majority vote of the members to which each house is entitled, shall authorize the issuance of all general obligation bonds, bonds issued under special improvement statutes and revenue bonds issued by or on behalf of the State and shall prescribe by general law the manner and procedure for such issuance. The

legislature by general law shall authorize political subdivisions to issue general obligation bonds, bonds issued under special improvement statutes and revenue bonds and shall prescribe the manner and procedure for such issuance. All such bonds issued by or on behalf of a political subdivision shall be authorized by the governing body of such political subdivision.

Special purpose revenue bonds shall only be authorized or issued to finance facilities of or for, or to loan the proceeds of such bonds to assist:

1. Manufacturing, processing or industrial enterprises;
2. Utilities serving the general public;
3. Health care facilities provided to the general public by not-for-profit corporations;
4. Early childhood education and care facilities provided to the general public by not-for-profit corporations;
5. Low and moderate income government housing programs; [or]
6. Not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities[;]; or
7. Not-for-profit private organizations in the development of low and moderate income housing.

each of which is hereinafter referred to in this paragraph as a special purpose entity.

The legislature, by a two-thirds vote of the members to which each house is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which each house is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the legislature; ~~and~~ provided further that the State may combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private organizations in the development of low and moderate income housing, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds. The legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person or persons under contract or from any security for such contract or contracts or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The governor shall provide the legislature in November of each year with a report on the cumulative amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the State be authorized to issue special purpose revenue bonds and use the proceeds from the bonds to assist not-for-profit private organizations in the development of low and moderate income housing; and to combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private organizations in the development of low and moderate income housing, separately authorized, in a total amount not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. This amendment shall take effect on July 1, 2020, upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

At 2:30 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3273, SD 2, HD 2	S.B. No. 2917, HD 3
S.B. No. 2133, SD 2, HD 2	S.B. No. 2571, HD 1
S.B. No. 2364, SD 2, HD 3	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1674-06) recommending that S.B. No. 2572, SD 2, as amended in HD 1, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2572, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1675-06) recommending that S.B. No. 2334, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2334, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1676-06) recommending that S.B. No. 2688, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2688, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm in support with reservations. My reservations are in the date that this goes into effect. This is putting a new Authority in charge of the Youth Correctional Facility. There's a memorandum of agreement that the Attorney General has entered into with the US Department of Justice, and it addresses the concerns raised by the DOJ findings letter of August 4, 2005.

"In the MOA, the State agreed to make substantive, remedial changes over a three-year period to resolve the DOJ's concerns over

conditions at HYCF. The MOA reflects the current statutory relationship between HYCF and OYS, the Office of Youth Services.

"With the Office of Youth Services overseeing the youth facility, it will assume certain supervisory responsibilities remain for OYS. It does not contemplate this diversion of responsibility between the HYCF and the OYS, and it does not include the concept of a commission that will oversee the two separate administration offices. So at least we have to make sure that no changes occur before 2099, I believe, otherwise we're going to find ourselves with a problem with the US federal government. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2688, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1677-06) recommending that S.B. No. 3185, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3185, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising in support and I have some comments. Thank you. Mr. Speaker, I think Members here are aware that no other state relies so heavily on oil as we do in Hawaii. We stand alone in the nation on our staggering 77% usage of fossil fuels for energy production. We know as an isolated land mass, that places us in an extremely dangerous position, leaves us vulnerable to international politics, fluctuating supply, and escalating prices. But we have a current policy, Mr. Speaker, that this bill is at least touching upon that could change this whole direction.

"We have a current policy, which is the fuel adjustment clause or the Energy Costs Adjustment Clause, the ECAC. And the ECAC continues to allow the utilities to make us totally dependent on fossil fuel. The ECAC permits energy utilities, such as Hawaiian Electric and its subsidiaries, to avoid any financial risk resulting from fluctuating oil prices because the utilities simply pass on those prices and risks to the consumers.

"I'm not sure if everyone in this Chamber knows that. When the price of oil goes up, so does your utility bill. The utility doesn't share any of the risk or the cost for that. So it's very critical that the Public Utilities Commission significantly adjust the ECAC because by doing so it will force Hawaiian Electric and its subsidiaries to move toward non-fossil fuel energy.

"Director Liu in his testimony before this Senate showed the ECAC's harsh impact on the consumers, stating that it accounted for 33% of Oahu's, and 50% of Maui's residential electricity cost in February 2006. This means that Maui residents could have cut in half their electric bills if Hawaiian Electric were forced to assume the cost of fossil fuel and were forced to really pursue renewable energy projects. HECO's ECAC charge to the consumer increased by 81%, and I believe that was in 2005 according to Director Liu.

"Well, you might what did the other states do. There are 32 states in the nation that have a form of an ECAC. The next highest to Hawaii in oil dependency is Florida and instead of 77%, Florida is simply at a 17% dependency on fossil fuel. So of course their consumers in Florida don't get hit as hard as our consumers in Hawaii with this continual increase in the cost of fossil fuel.

"The bill on page 16, does address the ECAC and turns it over to the Public Utilities Commission to examine the functioning of the ECAC to determine whether the clause operates in a manner that is

fair to rate payers and whether the ECAC should be modified to encourage greater use of renewable energy by the utility.

"My concern about the bill is that we're not taking as bold a leadership step as we should. Mr. Speaker, a couple of years ago after a number of years of trying to do this, we put in a mandate that by the year 2020, utilities would derive 20% of their power from renewable energy sources. That was visionary. That was a positive statement. In this one, it's not as I guess, not as much of a leadership statement as I would like it to be. Not as much of a leadership policy statement. We could have said, 'Okay, Florida's at 17%. Hawaiian Electric you're sort of futzing around and not really doing much with renewable energy.'"

Representative Stevens rose to yield her time, and the Chair, "so ordered."

Representative Thielen continued, stating:

"Thank you. 'Hawaiian Electric you're futzing, f-u-t-z-i-n-g, futzing around and not doing what you really should be doing with renewable energy.' But we're going to the say to PUC, 'Okay, go look at it.'

"I would rather say, 'Okay, Hawaiian Electric. Florida only depends upon fossil fuel for 17% of its power. You're depending on 77%. We're going to set, not a goal, but a mandate that you move away from passing through that. You can only be allowed to pass through 50% of the fossil fuel cost to the consumer by the year 2010.' In 2012, we drop it more, drop it more and drop it more until finally Mr. Speaker, Hawaiian Electric should not be able to pass through any of those costs.

"These are the only things that are going to bring Hawaiian Electric to the bargaining table. That's the only way that they're going to really go out and either cooperate, partner with, or stop preventing competitors from coming into this State when those competitors have viable renewable energy projects that they want to install.

"Mr. Speaker, I spent three years getting through a simple bill to have Hawaiian Electric disclose on their utility bills the percentage of fossil fuel they were using to supply consumers with power. Hawaiian Electric fought that for three years. That's the mentality of that corporation. They're after profits for their shareholders and the rest of it, whatever. So of course it's in their shareholders' best interest for them to say, 'Gee, oil is going up. Too bad, the consumers pay. We're not changing. We can rely upon fossil fuel,' as William Bonnet said to me a number of years ago, 'We can rely on fossil fuel for 300 years.'

"That's the mentality we're dealing with it. And so we need to have a much more of a policy statement. We need to say, yes, we'll turn it over to PUC, but we need to set not just goals, but mandated levels of where the Hawaiian Electric can no longer ultimately pass through increases in fossil fuel to our consumers.

"On Maui, the ratepayers will be very happy because they're subsidizing Hawaiian Electric with 50% of their utility bills. And on Oahu, I think we'll be pretty happy too because you and the rest of us that live on Oahu are paying like about 33% because of Hawaiian Electric's insistence on staying, you call it, 'in the La Brea Tar Pits' with our feet sinking in fossil fuel and not being visionary and moving ahead aggressively. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I wish to speak in favor of the bill with some reservations. The former speaker's remarks, the speaker from Kailua, is sort of Pollyanna. I used to work for an electric company, I wish to disclose that, many years ago. A little story on that. I tried to

form a union and after I failed, I was asked to leave. So it goes quite a way back.

"And after that Mr. Speaker, I want to just give some incidental stories to let you see where I'm going. I got into the anti-poverty program where I was very active in building solar water heaters, insulation, and windmills. Some of the first in Maui County at least. And also, every time Maui Electric requested a rate increase, we intervened. I had many interventions asking them to show exactly every cent and every cost that they have to justify the rate increase.

"So where I'm getting to here is that, when you look at trying to stop the pass on of the cost of the oil to the consumers, in effect, if it's going to result in a loss for the company, they're going to make it up in a case for increasing rates. You can be assured that they're going back to the Public Utility Commission to request that they have a rate increase so that they can continue to have the margin that is allowed by the Public Utility Commission. So in effect, it will result, it will have the opposite result, we would have an increasing rate rather than what you're have right now.

"Also, in the area of alternate energy, speaking about Maui, since you spoke about Maui and you're so concerned about me and Maui, I'm very happy about that. Mr. Speaker, I have a lot of favor from this woman, I think. This Legislator. Maui at one time had four plantations. Now we're down to two. Well in fact one, only HC&S. The only one that's been producing. We don't have to the bagasse now that we had some years ago to provide for the alternate fuel. They have that much less. Pineapples is not that much that we have. There's only one pineapple company so you cannot use the refuse for that.

"We don't have any water dams. Some years ago we attempted to dam an area and everybody got up and tried to save the environment, which is good. But what resulted is you have that much less alternate fuel. Alternate energy going into it. We have now, driving on Maui, going up to Lahaina, you have a whole slew of windmills. Huge windmills and that will provide some alternate energy that will be sold to Maui Electric Company."

Representative Tanaka rose to yield his time, and the Chair, "so ordered."

Representative Souki continued, stating:

"Thank you very much, to the Representative from Lahaina. But I'm trying to say that it's good to talk about alternate energy. We should set goals, but it should be realistic goals. You look at the capability that we have here and how much we can raise. In the meantime, we need to keep the electric company solvent so they can continue to generate enough electricity so we will not have brownouts and blackouts throughout the State. But Mr. Speaker, I believe that when we go out and explain and tally up the bills, we need to be realistic as we set these goals. Thank you very much."

Representative Herkes rose to speak in support of the measure, stating:

"In support, Mr. Speaker. I'm a longtime advocate of renewable energy. What bothers me is the comparison of the State of Hawaii to other states in the nation and the percentage of oil consumption. For a number of reasons, I think that is somewhat deceptive. We can't transport energy between state lines.

"Take for example the Tennessee Valley Authority. The huge hydroelectric capability of being able to transport that power to many other states. Natural gas, coal, all of those things that we don't have access to.

"I took the hit in 1988 when I was in the Senate and we permitted geothermal. We thought that the world was going to come to an end. Now it's readily acceptable.

"Mr. Speaker, we have enough geothermal energy on the Big Island to supply most of the electricity needs of the State, but they're trying to transport that energy between islands. It is almost impossible to get that approval. I know when it first came up, there was a cry loud enough to lift the roof of this Chamber.

"I mean Mr. Speaker, if we want to look far enough ahead into the future, when Buzz Aldrin spoke to us in the year 2000, I asked him, why we went to the moon? And he said well one of the reasons is that we found enough energy on the moon to supply all the energy needs of this earth. He explained to me how it was and how to get it here. Don't ask me to try and explain it because I don't have a clue, but we need to be looking far enough ahead, utilizing all of the geothermal and all of the alternative energy that we have in this State to solve the problem."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. With all due respect to the first two speakers, just listening to them, I've gotten confused over this bill, which I helped write. I think right now, we're at a critical point. We can write all the policies that we want to promote renewable energy, but where we have a huge barrier is on the regulation side and this is what this bill tries to accomplish. How to deal with a rate structure that helps to promote renewable energy and help to stabilize energy cost in this State.

"This measure was done in close consultation with all parties in trying to move this State forward in getting the most reasonable, predictable cost for energy as we transition into different technologies to improve our electricity delivery and usage. And so with this bill, I hope the Members can understand, it address a very critical issue on rate structure, and rate structure that promotes renewable energy and energy efficiency. Thank you."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I just wanted to clarify for the Members that when the Representative from Maui was talking about a relationship with me or whatever, he was being facetious. We do have our differences. He knows what they are. I know what they are. And occasionally, it's very rare, but twice this Session we have agreed on certain measures and I think those were related to HCDA. But I didn't want the Journal to be misread by anyone because of his comments. Thank you."

Representative Ching rose in support of the measure and asked that the remarks of Representative Morita be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3185, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1678-06) recommending that S.B. No. 2214, SD 2, HD 2, as amended in HD 3, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2214, SD 2, HD 3, pass Third Reading, seconded by Representative B. Oshiro.

Representative Herkes rose to speak in support of the measure, stating:

"I stand in support. It's a good bill."

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Now I want to point out, this is having to do with disaster preparedness. And right now the funding comes from the interest from the Hurricane Relief Fund and as long it doesn't touch the corpus, I am in support. I just want to point out that I do have a little bit of problem and that's because it's another special fund, but at least we're not touching the corpus. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2214, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1679-06) recommending that S.B. No. 2343, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2343, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1680-06) recommending that S.B. No. 3114, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3114, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Yamashita rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 3114, SD2, HD2. By supporting the community work day program with funds from the State, we will help beautify Hawaii. With an economy focused on tourism, the community work day program litter clean up efforts are invaluable to our island State. With our current economic prosperity, we have the assets to aid essential programs such as the community work day program. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3114, SD 2, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE COMMUNITY WORK DAY PROGRAM," passed Third Reading by a vote of 49 ayes, with Representatives Sonson and Stonebraker being excused.

At 2:50 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2572, SD 2, HD 1	S.B. No. 2214, SD 2, HD 3
S.B. No. 2334, SD 2, HD 2	S.B. No. 2343, SD 2, HD 2
S.B. No. 2688, SD 2, HD 2	S.B. No. 3114, SD 2, HD 2
S.B. No. 3185, SD 2, HD 2	

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1681-06) recommending that S.B. No. 3186, SD 2, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 3186, SD 2, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would like to once again cast my no vote. I think since I'm one of the newcomers here, perhaps maybe I might explain a little, why I have such a strong feeling about a no vote.

"We're dealing with an industry that is a global industry and is bigger than probably the United States itself. We are one of the first states to start moving forward or did move forward with some type of a control to understand how it is that the oil industry charges for a very important commodity to the people of Hawaii.

"I think we were there, but because of incidences that were beyond our control, which almost everything in Hawaii is beyond our control, I'm so afraid that this particular Chamber is fearful and is running and hiding from trying to be strong policymakers.

"What this measure does, it doesn't put the gas cap or controls into a hold pattern. It literally repeals it. What we're doing is we're attempting also in this bill to establish some mode of transparency. And I think being that we're a state that seems to be driven by monopolies and oligopolies, this is probably, it's something that we've learned to live with but, now it's having such an impact on our lifestyle, the way we live, and I think that the way that our future children are going to live.

"But what we're trying to do with this bill is we're running and hiding and we're saying, 'Hey, you're bigger than us. You know more than us, so we're going to trust you. We're going to put our future and the future of our children in your hands, oil industry. We're going to assume you're going to give us the information so that we can make good policy decisions.' Well they haven't in the past, they will not in the future, and we're jeopardizing the lives of our people.

"Back in the 1990s, I had the fortune of being the President of the Hawaii Automotive Repair and Gas Dealers' Association for many years. And during that time was when we saw the huge merger between Shell and Texaco. And what I did as the President was I stood up, and we, the Association, worked with the Texaco dealers, which were by the way our local small businesses, as they were going to be literally pushed out of business because of this merger, and Texaco would leave the State, thereby leaving us in the hands of Equilon. I had the fortunate, and maybe misfortune because now that I have information that was at my disposal at that time, because I understand how the cash flow works in these oil companies. And probably I will go to jail if I were to share that information with you all, and I saw it. I know the kinds of profits that they take home. And when I say home, home is not here. Home is in Texas. They take it away from us.

"This measure was the first time for us to bring them into some type of control. We had a hard time doing it through antitrust lawsuits. We worked, the Association worked with the Attorney General back in the 80s and 90s as we tried to understand and get them to stop ripping our people off. But guess what we did not under the antitrust laws, we were not able to prove to the court what it is that antitrust laws required.

"So we again walked away with no answers. But the one answer that we got through those antitrust lawsuits, and this is as I get ready to use up the last of my eight minutes here, is the one thing that I learned from that antitrust lawsuit and the one thing that I learned watching what these Texaco dealers went through, and looking at the data that I was given the ability to look at is, as one federal judge said, 'They lie.' They lie folks and guess what? This bill is going to give them the ability to keep on lying to us. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, I stand with strong support for the bill. Mr. Speaker, in the past nine months, I think the consumers of this State have

experimented with the gas cap and we have all seen the extreme volatility that's resulted. And we still remain the highest price for gas in the country.

"Having said that, I have to say that this Legislature from before I joined it, before others joined it, have struggled with how to address this very real problem in a serious way to help all the consumers of our State, and it came up with a gas cap, as a first step, a bold step to see what they could do. And it's important to remember Mr. Speaker, what one of my favorite Presidents, Franklin Roosevelt said a long time ago. He said, 'The country needs and demands bold persistent experimentation. It is common sense to take a method and try it. If it fails, admit it frankly and try another, but above all, try something.'

"Mr. Speaker, I think it's in this spirit that this Legislature adopted the gas cap. It's a bold initiative. It's hard to be constructive. It's easy to tear down. We've seen it time and time again by people and it takes a belief in the future to step forward.

"Now this Body, Mr. Speaker, I think is stepping forward with another proposal, thanks to the Chair of Environmental Protection and Energy and others, to see if there isn't something better that we can do. In the meantime suspend the gas cap so there's a package of bills. Some of them are combined in the bill that we're looking at today and others are moving. We've heard speeches from both sides of the aisles on those bills. Brought together, I think it's going to result in more meaningful, real improvement.

"We've been decisive this year, Mr. Speaker, in addressing this issue. We've taken a wide-angle view, a long-term view, in addressing the problems that Hawaii's petroleum industry has created in our State. And I think it's a constructive and meaningful approach that we've taken, no matter what people may say in the other Body or out there in the community including from some of our former governors, Mr. Speaker.

"I'm hoping that our colleagues in the Senate will be prepared to take the steps that are necessary to bring about real improvement. Not playing it cute. Not trying to think someone is going to miss it and that we're going to remain with the gas cap in place. But true improvement, because in the end Mr. Speaker, if we don't reduce our dependence on fossil fuel, we're just pushing our State into a looming crisis. And I think this Body with you at the lead, are pushing a new way to approach our problem with dependence on fossil fuel. Thank you, Mr. Speaker."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have some reservations, in support with reservation. My reservations are that this does not, right now, repeal the gas cap. It merely suspends it. And I hope it stays suspended, and it doesn't repeal until 2011. I'd just like to see it repealed right now. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support with reservations. My reservations have been articulated by the Representative from Makakilo. But the Representative from Manoa talked about bold steps to do something to help the consumers.

"I hardly say that the gas cap was a bold step. We sort of put it out there and didn't even make it happen for three years. Just had it hanging over the heads of the oil industry and used it as we might, those that wanted to bludgeon people that didn't support it over the head, saying they were in the pocket of big oil. But we created the gas cap and then we hung it over the heads of the oil industry, and then we had it finally come into effect in August of '05. And we have seen what it did.

"And now what again has been stated as another bold move, we're talking about suspending it maybe. I mean from the conversation in the other Chamber, their bill is quite different, where they would have some kind of temporary suspension and any time the price went above a certain benchmark, we'd bring back the gas cap. So I mean I don't think anything about this is bold.

"There was a *People's Pulse* magazine sent around to all of us on the question about the gas cap was put before average citizens. And close to 70% of the people said get rid of the gas cap. Bold action would be doing just that and that's not what we're doing here today. Thank you."

Representative Finnegan rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support, but I would like to adopt the words of my colleague from the Windward side and just add one sentence from the DBEDT report, that their analysis reveals that the gasoline price cap cost consumers as much \$54.9 million between September 1st through January 2006. It's a lot of money our consumers have had to pay for a faulty system. Thank you."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I wish to speak in favor with some minor reservations. One of course, I would prefer that we would have a repeal outright, rather than the current measure that's before us. But being what it is, I think we need to move on.

"Also Mr. Speaker, I will want to include the remarks of the Representative of Manoa as my own. I want to add one caveat to all of this. I'm certainly hoping that the Chair of CPC in the Senate does not accept the House position. If they do, it means that we will continue with the gas cap until 2020. Thank you."

Representative Finnegan rose, stating:

"Mr. Speaker, can I adopt the words of the Representative from Kailua and Kaneohe, and Hauula and I will forego my written comments," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3186, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Third Reading by a vote of 49 ayes to 1 no, with Representative Harbin voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1682-06) recommending that S.B. No. 2190, SD 1, HD 1, as amended in HD 2, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2190, SD 1, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting no on this measure. I'd like to maybe perhaps explain a little bit about what's going on with this bill because I know quite a few people are quite confused about this bill because it does seem like the semblance of a gift or a relief to businesses. But I think if we look at the bill in its form that is before us today, it's a rather spooky relief.

"First of all, the bill provides that the rollback for businesses on the unemployment insurance will be for just a year. The second piece also says that we are going to raise the amount of benefits and I believe it's an 18% increase. I think what we need to take a look at is unemployment insurance is a temporary assistance for workers who are in between jobs, that have lost their job and are looking for another job. It is not an economic relief package. It is not meant to give workers the ability to go out and plunge money into the economy for revival should there be a turnaround in the economy, contrary to the belief of some of us.

"The problem is we're going to rollback the amount businesses per year, and which by the way the Fund right now is standing at \$558 million. We take in approximately a \$138 million per year, and right now we are only paying out something like \$89 million a year. With this additional increase in benefits, my math is pretty bad, but it looks to me like the increase in benefits are going to go up \$15 million. But the problem is benefits. These benefits are a permanent benefit. You cannot go back to an employee, and I would never do this to an employee, and say, 'Oh, what I gave you by the way, I change my mind. I'm taking it back.' So it's going to be a permanent increase, but we're only going to do the rollback of pay in only for a year. So the amount going out is going to increase and it's never going to go down, but after a year, we need to pay back into Fund.

"I really question whether or not that is a benefit for the business community. I think perhaps maybe if we could do it two or three years and then take a look at it. That might be, maybe a little bit more agreeable.

"And I think one of the worst parts of this particular bill is the definition of 'willful and wanton behavior'. It really scares me because I think the debate has been going on for years that we abhor violence in the workplace. That is unacceptable behavior. However, this bill sends a different message. It says, 'Hey, if you believe in violence in the workplace, and you try to strangle one of your fellow employees or maybe even the owner, given the right reasons, then you can still collect unemployment insurance because that is not willful or wanton.'

"Now there are so many different messages in this measure, that what started out as potentially a real benefit for businesses, I think has turned out to be a real insult, a real insult, and I hope that those small businesses that happen to have the time to be listening to us today, that you call us and say it's better that maybe perhaps we leave this alone until we really give it some real thought. Thank you."

Representative Chong rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative B. Oshiro rose in support of the measure with reservations, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative B. Oshiro's written remarks are as follows:

"Mr. Speaker. Because I support the purpose of this measure as it was introduced, I am in support of moving this bill along. However, because I have grave concerns with which the bill has been amended, I have strong reservations that I hope will be addressed as the bill goes into Conference.

"First, let me be clear that I support the portion of the bill that reduces assessments to employers. The Unemployment Insurance Fund is at an all-time high and has a healthy reserve. Balancing that against our State's rate of unemployment being the lowest in the nation, I feel that some reprieve to employers and businesses is justified. The bill would provide an estimated savings to businesses of \$55 million.

"However, I am opposed to the remainder of the bill that increases unemployment benefits. Hawaii's unemployment insurance ("UI") is already one of the most generous in the nation, in terms of amount, duration and conditions under which employees are eligible. There has been absolutely no showing that these changes are needed to help those who are unable to find employment or accomplish the purposes of the UI Fund. Secondly, the Department of Labor and Industrial Relations estimates that this would raise costs of UI by about 18%. This undermines any of the initial intent of the bill to provide savings to employers.

"Most disconcerting, are the changes to the law requiring an employer to show "willful and wanton" misconduct in the denial of UI benefits. Again, there has been no showing that the current system is unfair. Rather, this standard will only invite more abuse and litigation to contest that perceived abuse.

"In the end, I was torn as to whether to vote for this bill. However, I decided to support the bill with reservations to allow discussion to continue. I believe that through the process, when all of the evidence is considered, the objectionable parts of the measure will be removed, and we will be able to come out with a good and beneficial piece of legislation. Thank you."

Representative Yamashita rose in opposition to the measure, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in opposition of Senate Bill 2190, SD1, HD2. This bill has serious flaws, and will be harmful to both employers and the unemployed in Hawaii. Passage of SB 2190 would discourage those receiving unemployment benefits to find new work by extending those benefits from 26 weeks to 30 weeks. Perhaps under certain circumstances, such as a mass layoff, unemployment benefits could be lengthened through special legislation that has been done in the past, however giving all unemployed an extra month of benefits will most likely delay their return to the workforce.

"In addition, lowering the ceiling for employer payments into the unemployment fund will be harmful to employers over the long term. Reducing the contribution cap to seven thousand will provide \$55 million in relief in the short term, but will cost employers \$59 million the very next fiscal year with the schedule adjustment mechanism currently in place. Instead, the payment ceiling should be lowered more moderately; to between \$14 and \$17 thousand, which both aid employers and avoid a severe fiscal backlash. Aiding employers and the unemployed is very important, however SB 2190 does neither. We must rethink existing unemployment mechanisms to ensure that the unemployment fund continues to receive adequate finances and employers are not overly taxed. Doing so will ensure that workers will have something to fall back on in times of economic hardship, employers will not be over burdened, and that the fund balance will remain both fair and reasonable. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition. I would ask that the words of the Representative from Downtown Honolulu be inserted in the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Meyer continued, stating:

"I also want to just make the point that the money that goes into this Fund comes from the employers only. It's not a withholding tax. The employees don't put any of their money in it and it's important to note that it's not a social program. And what we've done here, we started with a good bill, trying to give businesses a break and now we turned it on its head. We're just going to give the businesses a break for one year, and we made these permanent increases in benefits to

unemployed employees. And that wasn't the purpose of the bill at all. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I will be voting no at this time because I really support the rollback of the taxable wage base to \$7,000. But one year is not enough. It should be three years or five years. We must find a way to reduce the \$500 million Fund because it doesn't do us any good just sitting there. If it was a five-year rollback, then I might consider voting differently. Thank you."

Representative Ching rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition to this bill. This measure considerably increases unemployment compensation. Hawaii's unemployment rate, currently the lowest in the nation, has had the net effect of driving wages to an all-time high."

"In its current form, this bill would greatly expand the amounts employers pay. According to the National Federation of Independent Businesses, this measure, "though labeled as "Unemployment Insurance", the collection of unemployment insurance premiums is effectively a tax, paid by employers to the Unemployment trust fund and used to pay unemployment benefits."

"Also, there are concerns about the raising of the standard for denial of benefits to misconduct."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you. With reservations. I just wanted to point out that while this unemployment tax or unemployment fee might be considered paid only by business, it isn't a withheld item from payroll. Nevertheless, these kinds of costs do affect the amount that employees are paid."

"In the private sector, whether union or nonunion, responsible employers are looking at the total cost of having an employee or having their employees. Anytime we ratchet up the cost whether by this method or workers' compensation rates being too high, that adds to the total compensation and reduces the amount that the employer could pay the employees."

"So indirectly, if you think it through in its composite, these kinds of raising the cost of keeping employees actually diminishes the amount the employees earn. So having said that, I am in favor of workers' compensation and I am in favor that we have those costs, but I'm pointing out that if the cost go up, especially if it's unnecessarily going up then the employees are actually hurt by that. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I'll just make two other quick points. This measure also increase to 80% the cap on maximum weekly benefit amounts. And it increases the annual maximum benefits on an eligible individual from 26 times to 30 times the eligible individual's weekly benefit amount. These are other costs in addition, which as the previous speaker mentioned, we end up paying for them. Thank you."

Representative Takamine rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of the measure. Mr. Speaker, maybe at the outset let me just kind of outline what the bill does because basically Senate Bill 2190, SD 1, HD 2, provides for tax relief, unemployment insurance tax relief to the employers in the State of Hawaii. And what the bill does is it provides for, as indicated by a number of speakers, one year of relief."

"What wasn't said is the value of that relief, Mr. Speaker, because the value of that relief turns out to be \$55 million. And \$55 million, Mr. Speaker, turns out to be the largest such tax relief we provided to the employers under the Unemployment Insurance Law in the history of our State."

"Essentially the other part is the package of benefit improvements, and as indicated by earlier speakers, it provides for a package of improvements that would amount to about 18% in terms of payout to the unemployed employees."

"Let me cover the one-year period first because a number of speakers had hit upon that. In the history of our State, we provided this kind of tax relief on four occasions in the past two decades. In 1998, we provided one-year relief to the employers amounting to about \$40 million. In 1991, we provided for one year of relief to the employers, again amounting to \$40 million. And in 2001, and this is in the post-9/11 experience that we went all went through, we provided the employers with one year of relief for \$40 million. The fourth time, Mr. Speaker, was in 1992 when we actually provided a package of relief to the employers valued at \$50 million for one year. And so on each occasion that the Legislature has provided such relief, it has been for one year even though the debate at the time was, as indicated today, we should provide for a multiyear tax relief package that the Fund can withstand such a hit and therefore it would be fair to provide that."

"But Mr. Speaker, I would submit to you that there was a reason that each Legislature provided for one year of tax relief. And essentially that's because we cannot predict the future. We don't know what's around the corner. Whether or not there's a 9/11, heaven forbid, or a hotel strike, or any other of these things, we don't know. Yet, we do know that if we provide for one year of tax relief, there'll be the next Session to consider based on the experience that has occurred whether there's adequate capacity to provide for additional relief. And actually history shows that we did that in 1991 and 1992."

"But let me talk about the other part where there's been references to providing one year of relief to the employers. That seems to be temporary, yet the improvement of benefits seems to be permanent, so how is that a balance? And let me begin Mr. Speaker, by at least indicating or briefly covering what's in the bill currently because as earlier speakers have indicated, one of the changes is to take the maximum number of weeks that an unemployed employee can receive unemployment insurance. Currently it's 26 weeks. This bill will increase it by four weeks."

"Actually post-9/11, we as a Legislature, if you recall, because of the staggering unemployment that occurred because tourism was hit and hit hard. When all the flights were cancelled and all of that, there was an immediate and direct impact on our economy. We knew that by providing relief to the unemployed, they would at least have resources to take care of food, shelter, essentials. And that's what they did because by spending that money it helped to turn things around faster rather than on a more-lengthy basis. And therefore, even though the average claim in the State of Hawaii, the average claim, unemployment insurance claim last about 14 weeks. This would provide an additional four weeks primarily ..."

Representative B. Oshiro rose to yield his time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Thank you very much. Primarily for those who are structurally impacted in terms of unemployment. For example, the Del Monte workers. Those who have lost their jobs and would need training, that would of course, take a longer period of time and at least they might experience the benefit of four more weeks of unemployment insurance payments.

"The second change is a change to the cap. Currently no matter how much you are paid, your unemployment insurance benefit amount is determined on the amount of pay you receive. Today employees receive about 60% of what they make. But at a certain level the higher paid employees are subject to a cap so that even though their 60% of what they make would be more, they're stopped by the cap amount. Currently in 2006, because the average weekly wage is \$654, that cap is about \$459. So therefore anyone who makes about \$18.48 an hour, anyone above that is affected by the cap and would not receive the 60% of what they make.

"The proposal in the bill would be to increase 70% of the average weekly wage to 80% of the State's average weekly wage and potentially add up to about \$65 more per payment for those employees who make over \$18.48, yet who make less than \$21.12 because once you're at that level you'd be subject to the 80% cap and you could not receive more than that even though 60% what you made amounted a higher amount.

"And the final provision in the bill provides for what we have referred to as the offset, for those employees who are forced to work more than one job. Where they get laid off from, they're entitled to unemployment insurance. However, if they're working part-time and make some payments off of their other job, anything more than \$50 of that is deducted from their unemployment insurance and therefore under certain circumstance could be a deterrent, with this incentive at least.

"This is the package of benefits that collectively the Department of Labor says would amount to 18% increase in the payouts. But let me point to what history has taught us because in 1992, we made some fundamental changes to the unemployment insurance law. And at that time we recognized that, we're just part of a federal system because we need to comply with the federal unemployment insurance law. If we don't, there's some significant penalties. And the whole idea was after going through the Depression and all of that, government in its wisdom saw that there is a need. That given our economic system that goes through cycles, when we go through a downturn, we need help to turn that around and the sooner the better.

"Also that is not the time to hit employers with any kind of additional financial burden. And therefore based on the concept that during the good times you put away so that during the downturn, during the bad times you can pull from that to inject more cash flow into the economy. That would help shorten the time it takes to come out of that economic slump or depression.

"Therefore based on that premise, the State Legislature, in its wisdom in 1992, put into place a new system, a self-adjusting system where you have schedules A through H, that would adjust sooner and provide during the good times for that reserve to be used during the bad times."

Representative Caldwell rose to yield his time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Thank you very much. I'll try to finish up and wrap up, Mr. Speaker. In 1992, what we did was, we attempted to put into place, balance. What we did was we provided for a \$50 million economic relief package for the employers, but we also packaged that with a number of benefit improvements.

"Number one, what we did was adequacy. How much do you need to keep in the fund to be able to last through the bad times? Until 1992, it was one year of benefits at the high unemployment insurance rate and the amount that we needed so you could accomplish that.

"In 1992, we increased that by 50%, we said look at the high unemployment insurance rate, 18 months ability to make payments to the unemployed would be what adequacy would be. That was put into the law. We also changed the benefit amount. For each person until then, they received about 50% of their wages, actual wages. In 1992, we changed that to about 61% of their wage amount, the amount of wages that they received. And therefore for all claimants there was an improvement.

"Also the cap at that time was 66 and 2/3% of the State average weekly wage. That's when we moved it up to 70%. So we increased the cap at that time. And also the offset, the offset was \$2, not the \$50 that is currently there, and at that time we changed the \$2 to \$50.

"Granted this was a larger package of benefit improvement but that was the package that was passed in 1992. And I guess my point, Mr. Speaker, is that, the bill before you would provide the largest tax relief package in the history of our State. \$55 million, even more than the \$50 million that we put into place in 1992.

"In 1992, the improvement package was probably larger than what is in Senate Bill 2190. However, history tells us that when the Legislature did that, it set the stage, well first of all there was no catastrophes to their system. What in fact we have is the ability, the capacity, Mr. Speaker, to go through a 9/11 experience. To live through that, come out okay with the adjustments that were made and to be in a position four years later to give to the employers the largest tax relief package ever in the State of Hawaii.

"I think it says something how the unemployment insurance system is working. Therefore, the 1992 package was only one year of tax relief and the benefit improvements were permanent. In light of that, I would urge positive consideration of the measure before us. Thank you."

"Representative Halford rose to respond, stating:

"Thank you, Mr. Speaker. With reservations as I was before. I'd like to point out that, what is characterized as the largest tax relief in the history of the State is simply a rebate of over-collections. What this is being referred to as tax relief, is just returning to the employers what was an apparently, at least in retrospect, an over-collection and apparently we do that from time to time.

"Further, I'd like to point out that this was mentioned as a one year phenomenon has occurred from time to time. But the other benefits that are being mentioned here are an increase in benefits to those who are unemployed. It's a definitive increase in unemployment benefits. This is costing in the long run, this is going to cost more while those who are on unemployment will in fact benefit, get higher benefits. The impact of this tax as a cost of employees, impacts all employees. So it's important when we deliberate on making these increases to understand that while we're giving benefits, higher benefits to those who actually do become unemployed, this is actually reducing the payrolls of all of those who do work and do not go on unemployment. It's a tradeoff. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you, Mr. Speaker. I'm a little puzzled. I guess I don't have all the history and background in regards to the unemployment tax, but I am a little puzzled when we call this tax relief. Mainly because in tax relief, if I pay taxes and I get relief, it comes back to me. Well what I'm seeing in this is sort of like tax relief because the people who are paying the tax will get some relief, but in the meanwhile more relief or more money would be going towards expanding the benefits.

"So it's kind of like if I were to pay insurance for someone else because I needed to or wanted to, and then when they say, 'Okay, well know what? You overpaid or we're going to give you a rebate,' they're going to give it to that person instead of giving it to me, the person who has paid. And that's what you're doing, I think, when you take a look at giving the one-year versus, in perpetuity for the rest of the benefits.

"And the other thing that's a little puzzling to me is that in the statement where we're saying well we don't know what's going to happen in the future and that's why we're giving one year of relief, or giving one year of lowering the tax wage base, then I would say, how do you explain in perpetuity giving the increase in benefits because we don't know what's going to happen later on in the future. And that maybe both should be done for a year only.

"Then the other thing Mr. Speaker, is just investing in businesses, we're talking about reinvesting in the economy should we have a slump. Well by giving some of these premiums back to businesses, we're actually investing in those businesses so that they can make it through an economic slump. That's how I see some of this. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in very strong support of this measure. And I would like to thank the Chair of the Finance Committee for standing up and explaining this measure. I am in support of increasing the benefits for the unemployed because I was unemployed when I left active duty with the Army and the amount I was getting and I was getting the pay of a Captain when I left Army. It was just like leaving steak and going back to bread and water after I left the Army. It gave me six months of unemployment. I did choose to. There's really no way that I could survive with that amount.

"So I'm in full support of that measure. And furthermore, this benefits both the unemployed and the employers. So we're going both ways with this. And the other thing is that it's written conservatively enough that it's only good for one year. And we'll be here next year, Mr. Speaker. And if it needs to be extended, I would support it again if the economy allows for it. Thank you."

Representative Harbin rose to respond, stating:

"Thank you, Mr. Speaker. I again have to emphasize my no vote and I just need to get the last word in here on this particular issue. The reason is, is those of you that don't know me back in the 90s when we were going through this, what I think we're now calling a recession in Hawaii. The business community was here begging for relief from this very same issue and we were told, 'Go away, go back home, and continue to work because this is a bad economy and we cannot, we cannot not take from you.'

"So now we have a good economy and we are saying, 'Oh, this is the time that we need to take from you.' We need to figure this out. If we support our business community and support future economic growth as in sustainability, then we need to pay attention and we need to send a resounding message that we're done overburdening our small businesses. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Brief comments, Mr. Speaker. I'd just like to point out Mr. Speaker, that according to the Department of Labor, if the Fund balance continues on the course that it currently is set to eclipse \$523 million at the end of this fiscal year, that businesses will get an added benefit besides the \$55 million tax break. They will in fact be paying less because the UI Fund is set to move from the index C assessment to the index B assessment, Mr. Speaker. And that's a significant affect on the Fund balance. And

what that means Mr. Speaker, is that they're actually paying rates similar to what they paid in 1992-94, and that will also mean significant savings for the businesses. So I think that this is a balance approach. Thank you, Mr. Speaker."

Representative Meyer rose to respond, stating:

"Just one short remark. I think something that's maybe not evident to everybody in this Chamber is that, whereas the largest majority of states on the mainland charge the UI Insurance on the first \$7,000 of an employee's wage, Hawaii has a moving target. They do it by some kind of a formula. Right now it's set at about the first \$32,000 worth of payroll payment. So we are collecting, and yes the Majority Leader's right, when we're at these different levels, we pay a lower percentage of that first \$32,000. But the bill before us gives the businesses a break because it drops it to what the majority of the other states have and the businesses will only pay the insurance on the first \$7,000. So this still is a very unfair bill. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2190, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Third Reading by a vote of 31 ayes to 19 noes, with Representatives Berg, Carroll, Ching, Chong, Finnegan, Harbin, Ito, Kahikina, Karamatsu, Marumoto, Meyer, Moses, Nakasone, Pine, Shimabukuro, Tanaka, Thielen, Yamane and Yamashita voting no, and Representative Stonebraker being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1683-06) recommending that S.B. No. 2997, SD 1, as amended in HD 1, pass Third Reading.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2997, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you. I request that we just look at it a little bit further. This bill exempts agencies specifically named from State procurement laws. My concern about this is that it appears to ignore the fact that current procurement laws were drafted to face situations involving serious breaches of public trust.

"We currently have control over procurement for a reason. It's cumbersome, perhaps. It's inconvenient, as time consuming as they may appear. But it's much easier I think and often more tempting to streamline purchasing in ways that lend themselves to fraud and abuse.

"I would not want to subject these corporations and entities to that sort of questioning. I think what we would rather do is have the procurement laws looking at more sufficient mechanisms for moving more quickly when circumstances justify needed action, but keeping the process always transparent. The public really wants, requests, and deserves transparency when we're working with public funds. So I stand in opposition."

Representative Meyer rose in opposition to the measure, asked that her written remarks be inserted in the Journal, and asked that the remarks of Representative Berg be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in opposition to SB 2997 SD1 HD1, which exempts legislative agencies, the Hawaii Strategic Development Corporation, the High Technology Development Corporation and NELHA from the Public Procurement Code. The State Procurement Code's source selection methods provide for invitations for bids,

requests for proposals, professional services, small purchase, sole source, and emergency purchases for almost all of the procurement requirements covered. Even when none of the Code's methods are practicable, the Code allows for specific exemptions. Exemptions may be specified by law, by rules that the Procurement Policy Board may issue, or by determinations that the Chief Procurement officer makes in writing. Given this flexibility for reasonable, specific exemptions, there is no need for blanket exemptions from the code for any of the agencies seeking them in this bill. DAGS testified that the specific agencies requesting exemption do not possess unique requirements that would necessitate exemption from the Code.

"There is also no need for exempting the services of contractors under the contract with a legislative agency for the purpose of preparing a study or report for submission to the legislature. DAGS has contracted for such studies pursuant to the code and been able to fulfill the legislative intent in a timely manner. It was the Legislature's intent for the Procurement Code to be the single source of public procurement policy. It provides for transparency and fairness in the procurement process, fosters effective broad-based competition, and increases public confidence in public procurement. The code safeguards against negative public opinion of government procurement procedures and protects against any public perceptions of governmental waste, fraud, or abuse. Changing the law to create these blanket exemptions is not a good idea. Thank you, Mr. Speaker."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Harbin rose in opposition to the measure and asked that the remarks of Representative Berg be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I think with the recent change in this measure, it only exempts persons or entities doing business with the Legislature. So it is reports for the Legislature to contractors under contract with a legislative agency. I don't get it. Are we just exempting ourselves now? Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2997, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Berg, Finnegan, Harbin, Meyer and Moses voting no, and Representative Stonebraker being excused.

At 3:33 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:34 o'clock p.m.

At 3:35 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 3186, SD 2, HD 2 S.B. No. 2997, SD 1, HD 1
S.B. No. 2190, SD 1, HD 2

THIRD READING

S.B. No. 2298, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2298, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2260, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2260, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2265, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2265, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2327, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2327, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 2327, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 2922, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2922, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Finnegan, Moses and Pine voting no, and Representative Stonebraker being excused.

S.B. No. 2913, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2913, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Third Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Finnegan, Meyer, Moses and Thielen voting no, and Representative Stonebraker being excused.

S.B. No. 1015, SD 1, HD 1:

Representative M. Oshiro moved that S.B. No. 1015, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm going to be rising with a no on this measure. And I'd like to offer my apologies to those that are impacted by this particular issue from the island of Kauai. However, I must once again raise the issue of our process of gut and paste, which we've been looking at *Mason's* section 402, in which the amendments must be germane. And these amendments are not germane. And I would also like to raise the issue that this measure may be unconstitutional as it will not pass the constitutional muster of three hearings on three separate days in both Chambers. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 1015, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 49 ayes to 1 no,

with Representative Harbin voting no, and Representative Stonebraker being excused.

S.B. No. 3076, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 3076, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 3:39 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2298, SD 1, HD 1	S.B. No. 2922, SD 1, HD 1
S.B. No. 2260, SD 1, HD 1	S.B. No. 2913, SD 1, HD 1
S.B. No. 2265, SD 1, HD 1	S.B. No. 1015, SD 1, HD 1
S.B. No. 2327, SD 2, HD 1	S.B. No. 3076, SD 1, HD 1

The Chair then announced:

"Members of the House, we will be taking Senate Bill No. 1734, SD 2, HD 1, out of order."

S.B. No. 1734, SD 2, HD 1:

Representative Chang moved that notwithstanding the report of the Committee, that S.B. No. 1734, SD 2, HD 1, be recommitted to the Committee on Finance, stating:

"Mr. Speaker, in light of the unresolved issues concerning this measure among the racing community, I move to recommit S.B. No. 1734, SD 2, HD 1."

Representative Kanoho seconded the motion.

The motion was put to vote by the Chair and carried, and S.B. No. 1734, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was recommitted to the Committee on Finance, with Representative Stonebraker being excused.

S.B. No. 2155, SD 2, HD 1:

Representative M. Oshiro moved that S.B. No. 2155, SD 2, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm going to be voting no on this measure and I'd like to just give a few remarks. Thank you. Mr. Speaker, as I understand it, Lake Wilson and Wahiawa Dam are part of the land that is involved in this. I believe that whatever we would do, we would need to demand that the present landowners bring the land into conformance with health, safety, and environmental requirements before there's any purchase of that land. Otherwise we are buying a big liability. Thank you."

Representative Caldwell rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd just like to declare a potential conflict. My wife is Vice Chair at Bank of Hawaii. They manage the Galbraith Trust. In addition, several of my law partners are beneficiaries of the Galbraith Trust," and the Chair ruled "no conflict."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations on this measure. I was not able to get an adequate explanation why general fund cash would be used for the purchase of this property rather than CIP bond funds. Nor did I get a good description of what U.S. Treasury zero coupon bonds are. I have no idea. And also, I'm unsure as to the exact amount that we are appropriating. So I will reserve my vote until the final hour, but at this time I will vote with reservations."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Berg rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I also have some reservations. In talking with the farming community, I know whereas government buying land will ensure that it's kept in the public trust and in the public intention. My concerns are with ADC taking on new responsibilities. There are some questions that need to be clarified. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm rising in opposition to the bill. I think that I did ask the Majority Leader what the property was appraised at. What kind of a price tag are we looking at? He said somewhere between \$40 and \$60 million. I just really question whether that's a good investment. We have so many other needs for the money. And as the Representative from Waialae said that we're talking general funds at this point in time. I think there's a lot of liability involved with this property with Lake Wilson and the dam. You remember when we had all those plants growing there and fish dying. And that was a very expensive proposition. Things like that can happen. So I think there's a lot of maintenance involved in this purchase and we should think very carefully before we jump into it. Thank you."

Representative Carroll rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and S.B. No. 2155, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Meyer and Thielen voting no, and Representative Stonebraker being excused.

S.B. No. 2259, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 2259, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION CHARGING," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

S.B. No. 1317, SD 1, HD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, S.B. No. 1317, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL," passed Third Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 3:44 o'clock p.m., the Chair noted that the following bills, passed Third Reading:

S.B. No. 2155, SD 2, HD 1	S.B. No. 1317, SD 1, HD 1
S.B. No. 2259, SD 1, HD 1	

SUPPLEMENTAL CALENDAR #1

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1684-06) recommending that H.R. No. 53, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 53, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1685-06) recommending that H.C.R. No. 69, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1686-06) recommending that H.R. No. 89, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 89, entitled: "HOUSE RESOLUTION URGING HAWAII'S COUNTY, STATE, AND FEDERAL LEVEL GOVERNMENT OFFICIALS TO PLAY AN ACTIVE ROLE IN CREATING "HEART HEALTHY COMMUNITIES"," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1687-06) recommending that H.C.R. No. 122, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 122, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S COUNTY, STATE, AND FEDERAL LEVEL GOVERNMENT OFFICIALS TO PLAY AN ACTIVE ROLE IN CREATING "HEART HEALTHY COMMUNITIES"," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1688-06) recommending that H.C.R. No. 126, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 126, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S NATIONAL CAMPAIGN TO RAISE AWARENESS AND INFORM WOMEN ABOUT MENOPAUSAL HORMONE THERAPY AND DESIGNATING SEPTEMBER AS MENOPAUSE AWARENESS MONTH IN HAWAII," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1689-06) recommending that H.C.R. No. 219, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 219, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO SUPPORT THE FORMATION OF A HEALTH INFORMATION EXCHANGE SYSTEM FOR THE STATE OF HAWAII," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1690-06) recommending that H.R. No. 43, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 43, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE PREPARED EMERGENCY RESPONSE COMMISSION TO STUDY EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN IN THE EVENT OF A NATURAL DISASTER," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1691-06) recommending that H.C.R. No. 58, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 58, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PREPARED EMERGENCY RESPONSE COMMISSION TO STUDY EXPEDITED LICENSING OR LICENSING EXEMPTIONS FOR CONTRACTORS AND TRADESMEN IN THE EVENT OF A NATURAL DISASTER," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1692-06) recommending that H.R. No. 150, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 150, entitled: "HOUSE RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1693-06) recommending that H.C.R. No. 196, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1694-06) recommending that H.R. No. 129, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 129, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVITALIZE LALAMILO STATION WITH THE COLLABORATION OF THE COLLEGE OF TROPICAL

AGRICULTURE AND HUMAN RESOURCES," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1695-06) recommending that H.C.R. No. 170, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVITALIZE LALAMILO STATION WITH THE COLLABORATION OF THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1696-06) recommending that H.R. No. 126, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 126, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO DEVELOP A WEST HAWAII COMMUNITY COLLEGE CAMPUS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1697-06) recommending that H.C.R. No. 167, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 167, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO DEVELOP A WEST HAWAII COMMUNITY COLLEGE CAMPUS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1698-06) recommending that H.R. No. 217, be adopted; and

(Stand. Com. Rep. No. 1699-06) recommending that H.C.R. No. 282, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 217 and H.C.R. No. 282, pass Third Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just some reservations. I'm not sure about how to express outrage. But I would like to point out that the Education and Workforce Chairman Boehner said that most of the savings in the bill comes from administrative cost and subsidies to lenders, not from students. And so the students do fine under this proposal. The lenders out there, they're bleeding. The Committee had said that the measure would reduce insurance rates given to lenders to help protect them from defaulted loans and increased lender fees. It also aims to lower collection costs, encourage lenders to be more efficient in collecting on loans. Thank you."

Representative Schatz rose to speak in support of the measure, stating:

"Mr. Speaker, briefly in support. This is a little difficult, but apparently second-hand smoke doesn't cause cancer. There's no

global warming. And Pell Grant cuts are not actually hurting students, they're hurting the lenders. It's just difficult for me to sort of grasp what's going on, on the House floor here.

"Let me be clear, there was \$17 billion worth of Pell Grant cuts. And just as an example, a friend of mine comes in to my other office, and says, 'You know my interest rate from my student loan for my son, it went up from 3.5% to 6.25%.' So I don't see how that hurts a lender. I see how that hurts an individual person, a middle class person trying to put their student, their son, through college. I am outraged. I know exactly how to express it. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 217, entitled: "HOUSE RESOLUTION EXPRESSING OUTRAGE AT RECENT CONGRESSIONAL CUTS TO STUDENT LOAN PROGRAMS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused; and

H.C.R. No. 282, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING OUTRAGE AT RECENT CONGRESSIONAL CUTS TO STUDENT LOAN PROGRAMS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1700-06) recommending that H.R. No. 29, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 29, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO ESTABLISH UNDERGRADUATE AND GRADUATE DEGREE PROGRAMS IN INFORMATION SECURITY WITHIN THE DEPARTMENT OF INFORMATION AND COMPUTER SCIENCES TO DEVELOP SKILLED AND HIGHLY-TRAINED GRADUATES TO ASSIST THE STATE IN DEFENDING AGAINST CYBER-THREATS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1701-06) recommending that H.C.R. No. 298, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 298, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII AT MANOA TO STUDY THE FEASIBILITY OF MANDATED OR INCENTIVE BASED VOLUNTARY ROOFTOP LANDSCAPING AND AGRICULTURE IN URBAN DISTRICTS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1702-06) recommending that H.R. No. 198, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 198, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE ADMINISTRATIVE AND EXTENSION WING OF THE KOMOHANA RESEARCH AND EXTENSION CENTER IN HONOR OF TADASHI HIGAKI," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1703-06) recommending that H.C.R. No. 258, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 258, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE ADMINISTRATIVE AND EXTENSION WING OF THE KOMOHANA RESEARCH AND EXTENSION CENTER IN HONOR OF TADASHI HIGAKI," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1704-06) recommending that H.R. No. 248, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 248, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY TO REVIEW AND REPORT ON THE LONG-TERM DEVELOPMENT OF OBSERVATORY SITES ON THE SUMMIT OF MAUNA KEA," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1705-06) recommending that H.C.R. No. 314, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 314, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY TO REVIEW AND REPORT ON THE LONG-TERM DEVELOPMENT OF OBSERVATORY SITES ON THE SUMMIT OF MAUNA KEA," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1706-06) recommending that H.R. No. 101, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 101, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO REAFFIRM THEIR COMMITMENT TO MAINTAINING A SYSTEMWIDE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS AND TO FILL THE VACANT POSITION OF THE VICE PRESIDENT FOR STUDENT AFFAIRS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1707-06) recommending that H.C.R. No. 137, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO REAFFIRM THEIR COMMITMENT TO MAINTAINING A SYSTEMWIDE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS AND TO FILL THE VACANT POSITION OF THE VICE PRESIDENT FOR STUDENT AFFAIRS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Waters and Kahikina, for the Committee on Higher Education and the Committee on Housing presented a report (Stand. Com. Rep. No. 1708-06) recommending that H.R. No. 167, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 167, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON CREATING CONTRIBUTORY AFFORDABLE HOUSING SOLUTIONS THROUGH MANDATED STATE SPECIAL ASSESSMENTS AGAINST REAL PROPERTY AND IMPROVEMENTS THAT ACCRUE TO COMMERCIAL AND INDUSTRIAL LESSORS THROUGH THE EXERCISE OF FULL-TERM EXPIRATORY REVERSION CLAUSES IN GROUND LEASE CONTRACTS ENTERED INTO AFTER DECEMBER 31, 1963," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Waters and Kahikina, for the Committee on Higher Education and the Committee on Housing presented a report (Stand. Com. Rep. No. 1709-06) recommending that H.C.R. No. 203, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A STUDY FOR CREATING CONTRIBUTORY AFFORDABLE HOUSING SOLUTIONS THROUGH MANDATED STATE SPECIAL ASSESSMENTS AGAINST REAL PROPERTY AND IMPROVEMENTS THAT ACCRUE TO COMMERCIAL AND INDUSTRIAL LESSORS THROUGH THE EXERCISE OF FULL-TERM EXPIRATORY REVERSION CLAUSES IN GROUND LEASE CONTRACTS ENTERED INTO AFTER DECEMBER 31, 1963," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1710-06) recommending that H.R. No. 56, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 56, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, ADULT FOSTER HOME ASSOCIATION, AND CASE MANAGEMENT COUNCIL TO WORK TOGETHER TO CLEARLY DEFINE AND RECOMMEND THE THREE DISTINCT COMPONENTS OF THE RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY AND THEIR MODE OF SERVICE DELIVERY, FOR INCLUSION IN THE DEPARTMENT OF HUMAN SERVICES QUEST EXPANDED ACCESS REQUEST FOR PROPOSAL," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1711-06) recommending that H.C.R. No. 72, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 72, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, ADULT FOSTER HOME ASSOCIATION, AND CASE MANAGEMENT COUNCIL TO WORK TOGETHER TO CLEARLY DEFINE AND RECOMMEND THE THREE DISTINCT COMPONENTS OF THE RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY AND THEIR MODE OF SERVICE DELIVERY, FOR INCLUSION IN THE DEPARTMENT OF HUMAN SERVICES QUEST EXPANDED ACCESS REQUEST FOR PROPOSAL," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Souki and Waters, for the Committee on Transportation and the Committee on Higher Education presented a

report (Stand. Com. Rep. No. 1712-06) recommending that H.R. No. 206, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 206, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF TRANSPORTATION TO WORK COLLABORATIVELY TO PURSUE, ON A PRIORITY BASIS, THE RELOCATION OF THE UNIVERSITY OF HAWAII MARINE CENTER FROM THE FORMER KAPALAMA MILITARY RESERVATION, HONOLULU HARBOR," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Souki and Waters, for the Committee on Transportation and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1713-06) recommending that H.C.R. No. 266, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 266, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF TRANSPORTATION TO WORK COLLABORATIVELY TO PURSUE, ON A PRIORITY BASIS, THE RELOCATION OF THE UNIVERSITY OF HAWAII MARINE CENTER FROM THE FORMER KAPALAMA MILITARY RESERVATION, HONOLULU HARBOR," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1714-06) recommending that H.R. No. 156, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 156, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF HAWAIIAN HOME LANDS, OFFICE OF HAWAIIAN AFFAIRS, UNITED STATES ARMED FORCES IN HAWAII, AND THE COUNTIES TO STUDY THE USE OF TRAILER PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S HOMELESS AND AFFORDABLE HOUSING CRISIS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1715-06) recommending that H.C.R. No. 202, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 202, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII PUBLIC HOUSING ADMINISTRATION, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, DEPARTMENT OF HAWAIIAN HOME LANDS, OFFICE OF HAWAIIAN AFFAIRS, UNITED STATES ARMED FORCES IN HAWAII, AND THE COUNTIES TO STUDY THE USE OF TRAILER PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S HOMELESS AND AFFORDABLE HOUSING CRISIS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources

presented a report (Stand. Com. Rep. No. 1716-06) recommending that H.R. No. 228, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 228, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITY OF THE STATE DEVELOPING AND OPERATING MANUFACTURED-HOUSING PARKS TO HELP ALLEVIATE HAWAII'S HOMELESS AND AFFORDABLE HOUSING CRISIS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Kahikina and Kanoho, for the Committee on Housing and the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1717-06) recommending that H.C.R. No. 293, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 293, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE POSSIBILITY OF THE STATE DEVELOPING AND OPERATING MANUFACTURED-HOUSING PARKS TO HELP ALLEVIATE HAWAII'S HOMELESS AND AFFORDABLE HOUSING CRISIS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1718-06) recommending that H.R. No. 109, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 109, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PROVIDE A DEFINITIVE LEGAL OPINION REGARDING WHETHER CHAPTERS 383, 386, 392, AND 393 HAWAII REVISED STATUTES, EACH EXCLUDE FROM THE DEFINITION OF "EMPLOYMENT" THOSE INDIVIDUALS WHO PERFORM ATTENDANT CARE AND DAY CARE SERVICES AUTHORIZED UNDER THE SOCIAL SECURITY ACT, AS AMENDED, IN THE EMPLOY OF PERSONS, INCLUDING CORPORATIONS AND PRIVATE AGENCIES, WHO CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND WHO ARE THE RECIPIENTS OF SOCIAL SERVICE PAYMENTS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1719-06) recommending that H.C.R. No. 147, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 147, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO PROVIDE A DEFINITIVE LEGAL OPINION REGARDING WHETHER CHAPTERS 383, 386, 392, AND 393 HAWAII REVISED STATUTES, EACH EXCLUDE FROM THE DEFINITION OF "EMPLOYMENT" THOSE INDIVIDUALS WHO PERFORM ATTENDANT CARE AND DAY CARE SERVICES AUTHORIZED UNDER THE SOCIAL SECURITY ACT, AS AMENDED, IN THE EMPLOY OF PERSONS, INCLUDING CORPORATIONS AND PRIVATE AGENCIES, WHO CONTRACT WITH THE DEPARTMENT OF HUMAN SERVICES AND WHO ARE THE RECIPIENTS OF SOCIAL SERVICE PAYMENTS," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1720-06) recommending that H.R. No. 90, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 90, entitled: "HOUSE RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1721-06) recommending that H.C.R. No. 123, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 123, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1722-06) recommending that H.R. No. 95, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 95, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO CONDUCT A SECURITY AUDIT OF THE HAWAII YOUTH CORRECTIONAL FACILITY," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1723-06) recommending that H.C.R. No. 130, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 130, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO CONDUCT A SECURITY AUDIT OF THE HAWAII YOUTH CORRECTIONAL FACILITY," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

Representatives Hale and Chang, for the Committee on International Affairs and the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 1724-06) recommending that S.C.R. No. 83, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 83, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING THE IMPORTANCE OF A CULTURAL EXCHANGE BETWEEN THE PEOPLE OF HAWAII AND THE ISLAND OF RA'IATEA AND REQUESTING KE ALA 'OLINO NATIVE CULTURAL CENTER TO CONVENE A TASK FORCE TO HELP FACILITATE A CULTURAL EXCHANGE," was adopted, with Representatives Hale, Nakasone and Stonebraker being excused.

ANNOUNCEMENTS

Representative Thielen: "Thank you, Mr. Speaker. I'm really happy to announce that the combined Easter Basket Drive produced 306 Easter baskets filled with helpful items for the Women's Shelter at IHS. And I would like to thank everyone for participating, both House and Senate side.

"I'd particularly like to thank the Sergeant-at-Arms' Office. They did an outstanding job. They had just a huge array of baskets filled with very, very useful items for the Women's Shelter. They also helped a great deal with getting the van loaded two times. They had to take two trips because there were so many items. So a big thank you to the Sergeant-at-Arms Office and to everyone else that participated. And the next Easter Basket Drive is only 263 days off, so if people could be ready for that. Thank you."

Representative Karamatsu, for the Committee on Economic Development & Business Concerns and the Committee on International Affairs requested a waiver of the 48-hour advance notice requirement to hear H.R. No. 214 and H.C.R. No. 277, Encouraging the Legislature, the Administration, the University of Hawaii, and Hawaii's Congressional Delegation to Work Collaboratively with the National Aeronautics and Space Administration, the Japan Aerospace Exploration Agency, and Other Public and Private Aerospace-Related Agencies and Institutions, to Expand and Diversify the Aerospace Industry through the Development of the Pacific International Space Center for Exploration System, tomorrow at 9:00 a.m. in Conference Room 325, and the Chair "so ordered."

Representative Karamatsu: "I'd like to make a second announcement. Tomorrow, we have a drive to collect clothes, stuffed animals and coffee mugs for the sex abuse treatment center. They are going to use it for their clients. We will also have honorary co-chair, Brittany Perrineau. She's the advocate of sex abuse and domestic violence, and the wife of *Lost* actor Harold Perrineau. He will also be there, and Daniel Dae Kim will be there. So we look forward to that and encourage everyone to participate. Thank you."

Representative Shimabukuro: "Mr. Speaker, the Rural Caucus will be having a meeting tomorrow morning. And the topic will be important agricultural lands and rural coastal zone management. Speakers are Laura Thielen from Office of Planning, Anthony Ching from the Land Use Commission, and Alan Takemoto from the Farm Bureau. We'll have a continental breakfast. All are welcome. This will be 9 o'clock in the morning tomorrow in Room 212. Thank you."

Representative Kahikina: Thank you, Mr. Speaker. On behalf of your Committee on Housing, I'd like invite my colleagues to this information briefing tomorrow at 9 a.m. in Room 329. And the topic is how to build affordable homes in Hawaii. And I want to invite all of you to come and participate. It will be televised on 'Olelo. Thank you."

ADJOURNMENT

At 3:54 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Thursday, April 13, 2006. (Representatives Nakasone and Stonebraker were excused.)

HOUSE COMMUNICATIONS

"HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

April 11, 2006

The Honorable Linda Lingle

Governor of the State of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following Senate Bills, copies of which are attached hereto:

S.B. No. 2246, SD 1, H.D. 2, entitled:

"PROPOSING AN AMENDMENT TO ARTICLE I OF THE
CONSTITUTION OF THE STATE OF HAWAII RELATING TO
SEXUAL ASSAULT."

S.B. No. 2571, H.D. 1, entitled:

"PROPOSING AMENDMENTS TO THE HAWAII STATE
CONSTITUTION RELATING TO SPECIAL PURPOSE
REVENUE BONDS."

Said measures passed Third Reading in the Hawaii House of Representatives on this date.

Respectfully,
/s/Patricia Mau-Shimizu
PATRICIA MAU-SHIMIZU
Chief Clerk

Enclosure

CC: Paul T. Kawaguchi, Clerk of the Senate
Dwayne Yoshina, Chief Election Officer"

FORTY-EIGHTH DAY

Thursday, April 13, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:14 o'clock p.m., with the Speaker presiding.

Representative Bev Harbin introduced Pastor Fili Tualalelei, Mr. Tom Lail, Master Brennan Javonillo-Lauro and Master Matthew Wong, who then delivered the invocation in song, after which the Roll was called showing all members present with the exception of Representatives Kahikina and Takamine, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Seventh, Twenty-Eighth, Twenty-Ninth, Thirtieth, Thirty-First, Thirty-Second, Thirty-Third, Thirty-Fourth, Thirty-Fifth, Thirty-Sixth and Thirty-Seventh Days were approved. (Representatives Kahikina and Takamine were excused.)

At 12:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 499 through 680) were received and announced by the Clerk:

Sen. Com. No. 499, dated April 11, 2006, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

S.B. No. 427, SD 1, HD 1	S.B. No. 2599, HD 1
S.B. No. 695, HD 1	S.B. No. 2607, SD 1, HD 1
S.B. No. 951, SD 2, HD 1	S.B. No. 2609, SD 1, HD 1
S.B. No. 995, SD 1, HD 1	S.B. No. 2617, SD 2, HD 1
S.B. No. 2006, SD 3, HD 2	S.B. No. 2667, SD 2, HD 1
S.B. No. 2063, HD 1	S.B. No. 2687, HD 1
S.B. No. 2213, SD 2, HD 2	S.B. No. 2753, SD 1, HD 2
S.B. No. 2237, SD 1, HD 1	S.B. No. 2762, SD 1, HD 1
S.B. No. 2243, SD 1, HD 1	S.B. No. 2773, SD 3, HD 2
S.B. No. 2244, SD 1, HD 1	S.B. No. 2901, HD 1
S.B. No. 2274, SD 1, HD 2	S.B. No. 2930, SD 1, HD 1
S.B. No. 2328, SD 2, HD 2	S.B. No. 2986, SD 2, HD 2
S.B. No. 2358, SD 2, HD 2	S.B. No. 3003, SD 2, HD 2
S.B. No. 2360, SD 2, HD 1	S.B. No. 3037, SD 2, HD 2
S.B. No. 2382, SD 2, HD 1	S.B. No. 3051, SD 2, HD 1
S.B. No. 2454, SD 1, HD 2	S.B. No. 3054, SD 2, HD 2
S.B. No. 2462, SD 1, HD 1	S.B. No. 3072, SD 1, HD 2
S.B. No. 2476, SD 2, HD 3	S.B. No. 3084, SD 2, HD 3
S.B. No. 2487, HD 1	S.B. No. 3111, SD 1, HD 1
S.B. No. 2550, SD 2, HD 1	S.B. No. 3197, SD 2, HD 1
S.B. No. 2597, HD 1	S.B. No. 3254, SD 2, HD 2

Sen. Com. No. 500, transmitting S.C.R. No. 31, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS OF PROPOSED REGULATORY MEASURES REQUIRING PROFESSIONAL LICENSURE OF GENETIC COUNSELORS," which was adopted by the Senate on April 11, 2006.

Sen. Com. No. 501, transmitting S.C.R. No. 118, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO RESEARCH AVENUES OF APPROPRIATE FINANCING FOR CAPITAL IMPROVEMENTS FOR FEDERALLY QUALIFIED HEALTH CENTERS, INCLUDING USE OF

REVOLVING LOAN FUNDS," which was adopted by the Senate on April 11, 2006.

Sen. Com. No. 502, transmitting S.C.R. No. 120, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON CREATING CONTRIBUTORY AFFORDABLE HOUSING SOLUTIONS THROUGH MANDATED STATE SPECIAL ASSESSMENTS AGAINST REAL PROPERTY AND IMPROVEMENTS THAT ACCRUE TO COMMERCIAL AND INDUSTRIAL LESSORS THROUGH THE EXERCISE OF FULL-TERM EXPIRATORY REVERSION CLAUSES IN GROUND LEASE CONTRACTS ENTERED INTO AFTER DECEMBER 31, 1963," which was adopted by the Senate on April 11, 2006.

Sen. Com. No. 503, transmitting S.C.R. No. 144, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A LONG-TERM CARE INFRASTRUCTURE PLAN FOR HAWAII TO ENSURE PUBLIC SAFETY WHILE SUPPORTING AGING IN PLACE," which was adopted by the Senate on April 11, 2006.

Sen. Com. No. 504, transmitting H.B. No. 1242, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 453-16, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 505, transmitting H.B. No. 1819, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 281, HAWAII REVISED STATUTES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 506, transmitting H.B. No. 1920, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY MONTH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 507, transmitting H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 508, transmitting H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 509, transmitting H.B. No. 2287, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 510, transmitting H.B. No. 2303, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 511, transmitting H.B. No. 2309, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 512, transmitting H.B. No. 2311, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 513, transmitting H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 514, transmitting H.B. No. 2331, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 515, transmitting H.B. No. 2400, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 516, transmitting H.B. No. 2476, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 517, transmitting H.B. No. 2857, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 518, transmitting H.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 519, transmitting H.B. No. 3126, entitled: "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 520, transmitting H.B. No. 3254, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO OATHS OF OFFICE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 521, transmitting H.B. No. 1, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 522, transmitting H.B. No. 30, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 523, transmitting H.B. No. 173, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 524, transmitting H.B. No. 237, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 525, transmitting H.B. No. 266, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LABOR," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 526, transmitting H.B. No. 439, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 527, transmitting H.B. No. 487, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 528, transmitting H.B. No. 970, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY

RELIEF FOR NATURAL DISASTERS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 529, transmitting H.B. No. 1021, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 530, transmitting H.B. No. 1033, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 531, transmitting H.B. No. 1155, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 532, transmitting H.B. No. 1448, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX CREDIT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 533, transmitting H.B. No. 1466, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 534, transmitting H.B. No. 1706, H.D. 3, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 535, transmitting H.B. No. 1723, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL INVESTMENTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 536, transmitting H.B. No. 1800, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 537, transmitting H.B. No. 1809, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 538, transmitting H.B. No. 1821, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 539, transmitting H.B. No. 1825, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 540, transmitting H.B. No. 1833, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 541, transmitting H.B. No. 1843, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL AGRICULTURE EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 542, transmitting H.B. No. 1861, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 543, transmitting H.B. No. 1862, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 544, transmitting H.B. No. 1865, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 545, transmitting H.B. No. 1866, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 546, transmitting H.B. No. 1867, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 547, transmitting H.B. No. 1871, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 548, transmitting H.B. No. 1879, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 549, transmitting H.B. No. 1880, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 550, transmitting H.B. No. 1889, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 551, transmitting H.B. No. 1890, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 552, transmitting H.B. No. 1891, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 553, transmitting H.B. No. 1899, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 554, transmitting H.B. No. 1900, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 555, transmitting H.B. No. 1917, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 556, transmitting H.B. No. 1918, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 557, transmitting H.B. No. 1922, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 558, transmitting H.B. No. 1923, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 559, transmitting H.B. No. 1928, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 560, transmitting H.B. No. 1947, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 561, transmitting H.B. No. 1948, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE MANAGEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 562, transmitting H.B. No. 1955, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 563, transmitting H.B. No. 1977, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STRUCTURED SETTLEMENTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 564, transmitting H.B. No. 1995, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 565, transmitting H.B. No. 2039, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 566, transmitting H.B. No. 2045, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 567, transmitting H.B. No. 2050, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 568, transmitting H.B. No. 2051, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 569, transmitting H.B. No. 2075, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 570, transmitting H.B. No. 2097, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 571, transmitting H.B. No. 2109, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 572, transmitting H.B. No. 2133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 573, transmitting H.B. No. 2145, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 574, transmitting H.B. No. 2146, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 575, transmitting H.B. No. 2153, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 576, transmitting H.B. No. 2175, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 577, transmitting H.B. No. 2176, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 578, transmitting H.B. No. 2179, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 579, transmitting H.B. No. 2182, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 580, transmitting H.B. No. 2183, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY SHELTERS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 581, transmitting H.B. No. 2187, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 582, transmitting H.B. No. 2192, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 583, transmitting H.B. No. 2199, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 584, transmitting H.B. No. 2204, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 585, transmitting H.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 586, transmitting H.B. No. 2211, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 587, transmitting H.B. No. 2214, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 588, transmitting H.B. No. 2239, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 589, transmitting H.B. No. 2258, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HUMAN

SERVICES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 590, transmitting H.B. No. 2265, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 591, transmitting H.B. No. 2271, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 592, transmitting H.B. No. 2273, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 593, transmitting H.B. No. 2275, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 594, transmitting H.B. No. 2277, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 595, transmitting H.B. No. 2278, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 596, transmitting H.B. No. 2315, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 597, transmitting H.B. No. 2319, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 598, transmitting H.B. No. 2343, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 599, transmitting H.B. No. 2346, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 600, transmitting H.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 601, transmitting H.B. No. 2367, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 602, transmitting H.B. No. 2399, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 603, transmitting H.B. No. 2410, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 604, transmitting H.B. No. 2412, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 605, transmitting H.B. No. 2422, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 606, transmitting H.B. No. 2423, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 607, transmitting H.B. No. 2440, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 608, transmitting H.B. No. 2454, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 609, transmitting H.B. No. 2457, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 610, transmitting H.B. No. 2500, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 611, transmitting H.B. No. 2535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 612, transmitting H.B. No. 2540, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 613, transmitting H.B. No. 2555, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 614, transmitting H.B. No. 2558, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 615, transmitting H.B. No. 2587, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO MARINE RESOURCES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 616, transmitting H.B. No. 2595, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VISITS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 617, transmitting H.B. No. 2619, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 618, transmitting H.B. No. 2625, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM STATE LAWS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 619, transmitting H.B. No. 2626, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 620, transmitting H.B. No. 2637, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 621, transmitting H.B. No. 2639, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 622, transmitting H.B. No. 2641, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 623, transmitting H.B. No. 2669, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 624, transmitting H.B. No. 2678, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 625, transmitting H.B. No. 2692, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 626, transmitting H.B. No. 2708, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 627, transmitting H.B. No. 2713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR KAWAIAHAO SCHOOL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 628, transmitting H.B. No. 2715, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 629, transmitting H.B. No. 2737, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 630, transmitting H.B. No. 2747, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 631, transmitting H.B. No. 2763, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO ERADICATE AND CONTROL THE COQUI FROG," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 632, transmitting H.B. No. 2771, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN AGRICULTURAL PARK IN ROYAL KUNIA," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 633, transmitting H.B. No. 2772, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 634, transmitting H.B. No. 2774, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 635, transmitting H.B. No. 2778, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 636, transmitting H.B. No. 2796, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HONEY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 637, transmitting H.B. No. 2805, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 638, transmitting H.B. No. 2806, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 639, transmitting H.B. No. 2836, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION SECURITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 640, transmitting H.B. No. 2848, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 641, transmitting H.B. No. 2878, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 642, transmitting H.B. No. 2925, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 643, transmitting H.B. No. 2947, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 644, transmitting H.B. No. 2950, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 645, transmitting H.B. No. 2952, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 646, transmitting H.B. No. 2961, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 647, transmitting H.B. No. 2964, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 648, transmitting H.B. No. 2966, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 649, transmitting H.B. No. 2974, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 650, transmitting H.B. No. 2987, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 651, transmitting H.B. No. 2991, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 652, transmitting H.B. No. 3018, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 653, transmitting H.B. No. 3036, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 654, transmitting H.B. No. 3037, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 655, transmitting H.B. No. 3056, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 656, transmitting H.B. No. 3060, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 657, transmitting H.B. No. 3067, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 658, transmitting H.B. No. 3087, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 659, transmitting H.B. No. 3100, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 660, transmitting H.B. No. 3105, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 661, transmitting H.B. No. 3115, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 662, transmitting H.B. No. 3116, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 663, transmitting H.B. No. 3118, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 664, transmitting H.B. No. 3121, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 665, transmitting H.B. No. 3123, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HURRICANE PREPAREDNESS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 666, transmitting H.B. No. 3142, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 667, transmitting H.B. No. 3194, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 668, transmitting H.B. No. 3217, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 669, transmitting H.B. No. 3225, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 670, transmitting H.B. No. 3235, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 671, transmitting H.B. No. 3237, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 672, transmitting H.B. No. 3244, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 673, transmitting H.B. No. 3257, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 674, transmitting H.B. No. 3259, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 675, transmitting H.B. No. 3261, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," which passed Third Reading in the Senate on April 11, 2006.

Sen. Com. No. 676, dated April 11, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 2479, HD 1	Chair: Kokubun Co-Chair: Hanabusa Member: Hemmings
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S.B. No. 2984, SD 1, HD 1	Chair: Kokubun Co-Chairs: Hanabusa, Taniguchi Member: Hemmings
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S.B. No. 3049, SD 1, HD 1	Chair: Kokubun Co-Chair: Baker Member: Whalen
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Sen. Com. No. 677, dated April 11, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

H.B. No. 2780, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
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H.B. No. 3101, HD 1, SD 1	Chair: Hanabusa Members: English, Hee, Whalen
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H.B. No. 3242, SD 1	Chair: Hanabusa Members: Chun Oakland, Whalen
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H.B. No. 3256, HD 1, SD 1	Chair: Hanabusa Members: Hee, Whalen
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Sen. Com. No. 678, transmitting H.B. No. 1935, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," which passed Third Reading in the Senate on April 13, 2006.

Sen. Com. No. 679, transmitting H.B. No. 2043, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," which passed Third Reading in the Senate on April 13, 2006.

Sen. Com. No. 680, transmitting H.B. No. 2419, H.D. 1, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on April 13, 2006.

Representative M. Oshiro moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Kahikina, Nakasone and Takamine were excused.)

H.B. No. 1, H.D. 2, S.D. 1	H.B. No. 2343, H.D. 1, S.D. 2
H.B. No. 30, H.D. 1, S.D. 2	H.B. No. 2346, S.D. 1
H.B. No. 173, H.D. 1, S.D. 1	H.B. No. 2347, S.D. 1
H.B. No. 237, H.D. 3, S.D. 1	H.B. No. 2367, H.D. 1, S.D. 1
H.B. No. 266, H.D. 1, S.D. 2	H.B. No. 2399, H.D. 2, S.D. 1
H.B. No. 439, H.D. 1, S.D. 2	H.B. No. 2410, H.D. 1, S.D. 2
H.B. No. 487, H.D. 1, S.D. 3	H.B. No. 2412, H.D. 1, S.D. 1
H.B. No. 970, H.D. 1, S.D. 1	H.B. No. 2419, H.D. 1, S.D. 3
H.B. No. 1021, H.D. 2, S.D. 2	H.B. No. 2422, H.D. 1, S.D. 2
H.B. No. 1033, H.D. 1, S.D. 2	H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 1155, H.D. 1, S.D. 2	H.B. No. 2440, H.D. 2, S.D. 2
H.B. No. 1448, H.D. 2, S.D. 1	H.B. No. 2454, H.D. 1, S.D. 2
H.B. No. 1466, H.D. 1, S.D. 2	H.B. No. 2457, H.D. 1, S.D. 1
H.B. No. 1706, H.D. 3, S.D. 1	H.B. No. 2500, H.D. 2, S.D. 2
H.B. No. 1723, H.D. 2, S.D. 2	H.B. No. 2535, S.D. 2
H.B. No. 1800, H.D. 1, S.D. 1	H.B. No. 2540, H.D. 2, S.D. 2
H.B. No. 1809, H.D. 2, S.D. 2	H.B. No. 2555, H.D. 2, S.D. 2
H.B. No. 1821, H.D. 2, S.D. 2	H.B. No. 2558, H.D. 1, S.D. 2
H.B. No. 1825, H.D. 1, S.D. 2	H.B. No. 2587, H.D. 2, S.D. 2
H.B. No. 1833, H.D. 1, S.D. 2	H.B. No. 2595, H.D. 1, S.D. 2

H.B. No. 1843, H.D. 1, S.D. 2	H.B. No. 2619, S.D. 1	31,	Committee on Consumer Protection & Commerce,
H.B. No. 1861, S.D. 1	H.B. No. 2625, H.D. 1, S.D. 2	SD1	then to the Committee on Finance
H.B. No. 1862, H.D. 2, S.D. 2	H.B. No. 2626, S.D. 1		
H.B. No. 1865, H.D. 1, S.D. 2	H.B. No. 2637, H.D. 1, S.D. 2	118,	Committee on Health
H.B. No. 1866, H.D. 1, S.D. 2	H.B. No. 2639, H.D. 2, S.D. 2	SD1	
H.B. No. 1867, H.D. 1, S.D. 2	H.B. No. 2641, H.D. 1, S.D. 2		
H.B. No. 1871, H.D. 1, S.D. 2	H.B. No. 2669, H.D. 1, S.D. 2	120	Committee on Housing
H.B. No. 1879, H.D. 1, S.D. 1	H.B. No. 2678, H.D. 2, S.D. 2		
H.B. No. 1880, H.D. 2, S.D. 2	H.B. No. 2692, H.D. 1, S.D. 1	144,	Jointly to the Committee on Human Services and the
H.B. No. 1889, H.D. 1, S.D. 2	H.B. No. 2708, H.D. 2, S.D. 2	SD1	Committee on Health
H.B. No. 1890, H.D. 1, S.D. 2	H.B. No. 2713, H.D. 1, S.D. 1		
H.B. No. 1891, H.D. 2, S.D. 2	H.B. No. 2715, H.D. 1, S.D. 2		
H.B. No. 1899, H.D. 1, S.D. 1	H.B. No. 2737, H.D. 1, S.D. 1		
H.B. No. 1900, H.D. 1, S.D. 1	H.B. No. 2747, H.D. 2, S.D. 1		
H.B. No. 1917, H.D. 2, S.D. 2	H.B. No. 2763, H.D. 1, S.D. 2		
H.B. No. 1918, H.D. 1, S.D. 2	H.B. No. 2771, H.D. 2, S.D. 1		
H.B. No. 1922, H.D. 1, S.D. 2	H.B. No. 2772, H.D. 1, S.D. 2		
H.B. No. 1923, H.D. 1, S.D. 2	H.B. No. 2774, H.D. 1, S.D. 2		
H.B. No. 1928, H.D. 2, S.D. 2	H.B. No. 2778, H.D. 2, S.D. 2		
H.B. No. 1935, H.D. 1, S.D. 1	H.B. No. 2796, H.D. 1, S.D. 1		
H.B. No. 1947, S.D. 1	H.B. No. 2805, S.D. 1		
H.B. No. 1948, H.D. 2, S.D. 2	H.B. No. 2806, H.D. 1, S.D. 2		
H.B. No. 1955, H.D. 1, S.D. 1	H.B. No. 2836, H.D. 1, S.D. 2		
H.B. No. 1977, H.D. 1, S.D. 2	H.B. No. 2848, H.D. 2, S.D. 2		
H.B. No. 1995, H.D. 1, S.D. 2	H.B. No. 2878, H.D. 1, S.D. 1		
H.B. No. 2039, H.D. 2, S.D. 2	H.B. No. 2925, H.D. 1, S.D. 2		
H.B. No. 2043, H.D. 2, S.D. 3	H.B. No. 2947, H.D. 2, S.D. 2		
H.B. No. 2045, H.D. 2, S.D. 1	H.B. No. 2950, S.D. 2		
H.B. No. 2050, H.D. 2, S.D. 1	H.B. No. 2952, H.D. 1, S.D. 2		
H.B. No. 2051, H.D. 1, S.D. 2	H.B. No. 2961, H.D. 1, S.D. 1		
H.B. No. 2075, H.D. 1, S.D. 2	H.B. No. 2964, H.D. 1, S.D. 2		
H.B. No. 2097, H.D. 2, S.D. 2	H.B. No. 2966, H.D. 2, S.D. 2		
H.B. No. 2109, H.D. 1, S.D. 2	H.B. No. 2974, S.D. 1		
H.B. No. 2133, S.D. 1	H.B. No. 2987, H.D. 1, S.D. 2		
H.B. No. 2145, H.D. 2, S.D. 1	H.B. No. 2991, H.D. 2, S.D. 2		
H.B. No. 2146, H.D. 1, S.D. 1	H.B. No. 3018, H.D. 1, S.D. 1		
H.B. No. 2153, H.D. 2, S.D. 2	H.B. No. 3036, H.D. 1, S.D. 2		
H.B. No. 2175, H.D. 2, S.D. 2	H.B. No. 3037, H.D. 1, S.D. 1		
H.B. No. 2176, H.D. 2, S.D. 2	H.B. No. 3056, H.D. 2, S.D. 2		
H.B. No. 2179, H.D. 2, S.D. 2	H.B. No. 3060, H.D. 1, S.D. 2		
H.B. No. 2182, H.D. 1, S.D. 2	H.B. No. 3067, H.D. 2, S.D. 2		
H.B. No. 2183, H.D. 1, S.D. 1	H.B. No. 3087, H.D. 2, S.D. 2		
H.B. No. 2187, H.D. 2, S.D. 2	H.B. No. 3100, H.D. 1, S.D. 1		
H.B. No. 2192, H.D. 2, S.D. 2	H.B. No. 3105, H.D. 2, S.D. 2		
H.B. No. 2199, H.D. 2, S.D. 1	H.B. No. 3115, H.D. 2, S.D. 2		
H.B. No. 2204, H.D. 2, S.D. 2	H.B. No. 3116, H.D. 2, S.D. 2		
H.B. No. 2210, S.D. 1	H.B. No. 3118, H.D. 1, S.D. 1		
H.B. No. 2211, H.D. 1, S.D. 1	H.B. No. 3121, H.D. 2, S.D. 1		
H.B. No. 2214, H.D. 1, S.D. 2	H.B. No. 3123, H.D. 1, S.D. 1		
H.B. No. 2239, H.D. 1, S.D. 2	H.B. No. 3142, H.D. 2, S.D. 2		
H.B. No. 2258, H.D. 1, S.D. 2	H.B. No. 3194, H.D. 1, S.D. 1		
H.B. No. 2265, H.D. 2, S.D. 1	H.B. No. 3217, H.D. 1, S.D. 1		
H.B. No. 2271, H.D. 1, S.D. 2	H.B. No. 3225, H.D. 1, S.D. 1		
H.B. No. 2273, S.D. 1	H.B. No. 3235, H.D. 1, S.D. 1		
H.B. No. 2275, S.D. 1	H.B. No. 3237, H.D. 2, S.D. 2		
H.B. No. 2277, H.D. 2, S.D. 2	H.B. No. 3244, H.D. 1, S.D. 2		
H.B. No. 2278, H.D. 1, S.D. 2	H.B. No. 3257, H.D. 1, S.D. 2		
H.B. No. 2315, S.D. 2	H.B. No. 3259, H.D. 1, S.D. 2		
H.B. No. 2319, H.D. 1, S.D. 1	H.B. No. 3261, H.D. 1, S.D. 2		

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following Senate concurrent resolutions were referred to committee by the Speaker:

S.C.R.
Nos. **Referred to:**

COMMITTEE REASSIGNMENT

The following bill was re-referred to committee by the Speaker:

H.B. No.	Re-referred to:
3018, HD1, SD1	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance

The following concurrent resolution was re-referred to committee by the Speaker:

H.C.R. No.	Re-referred to:
193, HD1	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns

The following resolution was re-referred to committee by the Speaker:

H.R. No.	Re-referred to:
147, HD1	Jointly to the Committee on Agriculture and the Committee on Economic Development & Business Concerns

The following Senate concurrent resolution was re-referred to committee by the Speaker:

S.C.R. No.	Re-referred to:
12, SD1	Committee on Public Safety & Military Affairs

UNFINISHED BUSINESS

At this time, the Chair announced:

"Members, please note that H.R. No. 147, HD 1, and H.C.R. No. 193, HD 1 were re-referred solely to the Committees on Agriculture and Economic Development and Business Concerns per Committee Referral Sheet No. 54 which was placed on your desks today. The Committee on Higher Education waived its referral to these measures and therefore it is appropriate for the House to consider action for adoption."

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the rules were suspended for

the purpose of reconsidering action previously taken on H.R. No. 147, HD 1, and H.C.R. No. 193, HD 1. (Representatives Kahikina, Nakasone and Takamine were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action taken pursuant to the recommendation contained in Standing Committee Report No. 1438-06, in referring H.R. No. 147, HD 1; and Standing Committee Report No. 1439-06, in referring H.C.R. No. 193, HD 1, to the Committee on Higher Education, seconded by Representative B. Oshiro, and carried. (Representatives Kahikina, Nakasone and Takamine were excused.)

ADOPTIONS

H.R. No. 147, HD 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING," was adopted, with Representatives Kahikina, Nakasone and Takamine being excused.

H.C.R. No. 193, HD 1

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.C.R. No. 193, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY COMMISSION ON BIOPROSPECTING," was adopted, with Representatives Kahikina, Nakasone and Takamine being excused.

STANDING COMMITTEE REPORTS

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1725-06) recommending that H.R. No. 190, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 190, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING "RECEIVING HOMES" IN EAST AND WEST HAWAII," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1726-06) recommending that H.C.R. No. 250, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING "RECEIVING HOMES" IN EAST AND WEST HAWAII," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1727-06) recommending that H.R. No. 80, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.R. No. 80, HD 1, entitled: "HOUSE RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT AND DEPARTMENT OF PUBLIC SAFETY SHERIFFS TO CHECK VEHICLE STATUS PRIOR TO TOWING TO ENSURE TOWING FEES OF STOLEN VEHICLES WILL NOT BE PASSED ON TO THE VICTIMS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Luke, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1728-06) recommending that H.C.R. No. 108, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 108, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HONOLULU POLICE DEPARTMENT AND DEPARTMENT OF PUBLIC SAFETY SHERIFFS TO CHECK VEHICLE STATUS PRIOR TO TOWING TO ENSURE TOWING FEES OF STOLEN VEHICLES WILL NOT BE PASSED ON TO THE VICTIMS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1729-06) recommending that H.C.R. No. 73, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 73, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE CERTIFICATION OF NURSE AIDES WHO WORK IN SETTINGS OTHER THAN MEDICARE- OR MEDICAID-CERTIFIED NURSING FACILITIES AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RESCIND ITS DECISION TO END CERTIFICATION OF THESE NURSE AIDES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1730-06) recommending that H.R. No. 120, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 120, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT H.R. NO. 3468 TO CONTROL THE INTRODUCTION AND SPREAD OF INVASIVE SPECIES AND DISEASES IN HAWAII," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1731-06) recommending that H.C.R. No. 160, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO SUPPORT H.R. NO. 3468 TO CONTROL THE INTRODUCTION AND SPREAD OF INVASIVE SPECIES AND DISEASES IN HAWAII," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1732-06)

recommending that H.C.R. No. 278, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 278, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS, DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF LAND AND NATURAL RESOURCES, CITY AND COUNTY OF HONOLULU, HONOLULU BOARD OF WATER SUPPLY, QUEEN EMMA FOUNDATION, AND KAMEHAMEHA SCHOOLS TO SUPPORT THE ESTABLISHMENT OF A CULTURAL PRESERVE IN HA'IKU VALLEY AND NORTH HALAWA VALLEY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Arakaki, for the Committee on Water, Land, & Ocean Resources and the Committee on Health presented a report (Stand. Com. Rep. No. 1733-06) recommending that H.R. No. 207, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 207, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ALL PUBLIC AGENCIES THAT PROVIDE POTABLE WATER TO THE PUBLIC TO PROVIDE PRIOR NOTICE OF ANY ADDITIVES TO THE WATER OR ANY DISTRIBUTION SYSTEM OR TRANSMISSION LINE MAINTENANCE OR IMPROVEMENTS TO THE DEPARTMENT OF HEALTH," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Arakaki, for the Committee on Water, Land, & Ocean Resources and the Committee on Health presented a report (Stand. Com. Rep. No. 1734-06) recommending that H.C.R. No. 267, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 267, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL PUBLIC AGENCIES THAT PROVIDE POTABLE WATER TO THE PUBLIC TO PROVIDE PRIOR NOTICE OF ANY ADDITIVES TO THE WATER OR ANY DISTRIBUTION SYSTEM OR TRANSMISSION LINE MAINTENANCE OR IMPROVEMENTS TO THE DEPARTMENT OF HEALTH," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1735-06) recommending that H.R. No. 234, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 234, HD 1, entitled: "HOUSE RESOLUTION ESTABLISHING A LAND USE WORKING GROUP TO ADDRESS ISSUES RELATING TO NON-AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Abinsay, for the Committee on Water, Land, & Ocean Resources and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1736-06) recommending that H.C.R. No. 300, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 300, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A LAND USE

WORKING GROUP TO ADDRESS ISSUES RELATING TO NON-AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Chang, for the Committee on Tourism & Culture presented two reports:

(Stand. Com. Rep. No. 1737-06) recommending that H.R. No. 160, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1738-06) recommending that H.C.R. No. 212, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 160, HD 1, and H.C.R. No. 212, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of both measures, stating:

"Mr. Speaker, I would like to rise in favor of Stand. Com. Report 1737 and 1738. I simply bring this up because many of the younger Members of this House may not recall the historic pineapple-shaped water tank, which stood as a landmark next to the Dole Cannery in Iwilei. It was taken down in 1993 and one of these days it would be nice to see it go back up again or another one just like it against the Honolulu skyline. I believe it should stand as a tribute to the many workers who toiled in the fields, and those who worked in the Cannery, and the many students who spent summers there making money. One of these days we'll see it up again. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 160, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIR OF THE HOUSE COMMITTEE ON TOURISM AND CULTURE TO DESIGNATE A MEMBER OF THE HOUSE COMMITTEE ON TOURISM AND CULTURE TO CONDUCT INFORMAL DISCUSSIONS ON WAYS TO REPLICATE THE HISTORIC IWILEI PINEAPPLE-SHAPED WATER TANK," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 212, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIR OF THE HOUSE COMMITTEE ON TOURISM AND CULTURE AND THE CHAIR OF THE SENATE COMMITTEE ON TOURISM TO EACH DESIGNATE A MEMBER OF THEIR RESPECTIVE COMMITTEES TO CONDUCT INFORMAL DISCUSSIONS ON WAYS TO REPLICATE THE HISTORIC IWILEI PINEAPPLE-SHAPED WATER TANK," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1739-06) recommending that H.C.R. No. 92, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 92, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO RELAX RESTRICTIONS ON THE ISSUANCE OF TEMPORARY NONIMMIGRANT E2 AND E3 VISAS TO ALLOW GRADUATE NURSES TO ENTER THE UNITED STATES FOR THE PURPOSE OF TAKING THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR REGISTERED AND PRACTICAL NURSES, AND TO ALLOCATE MORE EMPLOYMENT VISAS TO INDIVIDUALS TO ENTER THE UNITED STATES TO WORK AS NURSES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1740-06) recommending that H.C.R. No. 156, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 156, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG OPPOSITION TO PREEMPTIVE FEDERAL INSURANCE LEGISLATION THAT WOULD THREATEN THE POWER OF STATE LEGISLATURES, GOVERNORS, INSURANCE COMMISSIONERS, AND ATTORNEYS GENERAL TO OVERSEE, REGULATE, AND INVESTIGATE THE BUSINESS OF INSURANCE AND PROTECT CONSUMERS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1741-06) recommending that H.R. No. 216, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 216, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE IMPACT OF HAZARDOUS SUBSTANCES IN FERTILIZERS, ANIMAL FEED, SOIL AMENDMENTS, AGRICULTURAL MINERALS, AUXILIARY SOIL, AND PLANT SUBSTANCES ON THE HEALTH AND SAFETY OF CONSUMERS, FARMERS, AND THE GENERAL PUBLIC," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1742-06) recommending that H.R. No. 130, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 130, HD 1, entitled: "HOUSE RESOLUTION URGING THE BOARD OF EDUCATION TO REQUEST THE DEPARTMENT OF EDUCATION TO DEVELOP PLANS TO INTEGRATE CREATIVE APPROACHES FOR SERVICE LEARNING AND COMMUNITY SERVICE IN THE REQUIREMENTS FOR EACH STUDENT TO GRADUATE FROM HIGH SCHOOL," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1743-06) recommending that H.C.R. No. 171, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 171, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD OF EDUCATION TO REQUEST THE DEPARTMENT OF EDUCATION TO DEVELOP PLANS TO INTEGRATE CREATIVE APPROACHES FOR SERVICE LEARNING AND COMMUNITY SERVICE IN THE REQUIREMENTS FOR EACH STUDENT TO GRADUATE FROM HIGH SCHOOL," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1744-06) recommending that H.R. No. 243, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 243, HD 1, entitled: "HOUSE

RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN TO ENCOURAGE CURRENT PUBLIC SCHOOL PRINCIPALS, VICE PRINCIPALS, AND TEACHERS TO INTEGRATE HAWAIIAN LANGUAGE AND CULTURE INTO THE SCHOOLS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1745-06) recommending that H.C.R. No. 309, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 309, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PLAN TO ENCOURAGE CURRENT PUBLIC SCHOOL PRINCIPALS, VICE PRINCIPALS, AND TEACHERS TO INTEGRATE HAWAIIAN LANGUAGE AND CULTURE INTO THE SCHOOLS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Karamatsu and Hale, for the Committee on Economic Development & Business Concerns and the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1746-06) recommending that H.R. No. 214, be adopted; and

(Stand. Com. Rep. No. 1747-06) recommending that H.C.R. No. 277, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 214 and H.C.R. No. 277, be adopted, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. I rise in support of 1746 and 1747. Thank you. These Resolutions encourage the Legislature, the Administration, the University of Hawaii, and the Congressional delegation to work towards promoting the Aerospace Industry in Hawaii.

"I got involved with this as a ship agent when the company called Sea Launch was asking to bring their launch pad out to Hawaii just for refueling and reprovisioning. They would then take the ships and the rockets and launch down in the South Pacific around Christmas Island. Then later, right before the deadline for Resolutions, DBEDT had asked to introduce this Resolution. Along the same lines, there's a lot of opportunities for the astronauts, remote sensing equipment to be tested in various places throughout the island. UH-Hilo I believe is going to be their central location. I really would like to encourage my colleagues to support this. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 214, entitled: "HOUSE RESOLUTION ENCOURAGING THE LEGISLATURE, THE ADMINISTRATION, THE UNIVERSITY OF HAWAII, AND HAWAII'S CONGRESSIONAL DELEGATION TO WORK COLLABORATIVELY WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JAPAN AEROSPACE EXPLORATION AGENCY, AND OTHER PUBLIC AND PRIVATE AEROSPACE-RELATED AGENCIES AND INSTITUTIONS, TO EXPAND AND DIVERSIFY THE AEROSPACE INDUSTRY THROUGH THE DEVELOPMENT OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 277, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE LEGISLATURE, THE ADMINISTRATION, THE UNIVERSITY OF HAWAII, AND HAWAII'S CONGRESSIONAL DELEGATION TO WORK COLLABORATIVELY WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JAPAN AEROSPACE EXPLORATION AGENCY, AND OTHER PUBLIC AND PRIVATE AEROSPACE-RELATED AGENCIES AND INSTITUTIONS, TO EXPAND AND DIVERSIFY THE AEROSPACE INDUSTRY THROUGH THE DEVELOPMENT OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1748-06) recommending that H.R. No. 63, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 63, entitled: "HOUSE RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1749-06) recommending that H.C.R. No. 83, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE "UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Waters and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 1750-06) recommending that H.R. No. 231, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 231, entitled: "HOUSE RESOLUTION REQUESTING THAT SIGN LANGUAGE INSTRUCTION BE COORDINATED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Waters and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 1751-06) recommending that H.C.R. No. 296, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 296, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT SIGN LANGUAGE INSTRUCTION BE COORDINATED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Arakaki and Hale, for the Committee on Health and the Committee on International Affairs presented two reports:

(Stand. Com. Rep. No. 1752-06) recommending that H.R. No. 108, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1753-06) recommending that H.C.R. No. 145, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committees be adopted, and that H.R. No. 108, HD 1, and H.C.R. No. 145, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to both measures. Mr. Speaker, I ask my colleagues, why are we here making laws, if in the future somebody would just say, 'Well, let's just forgive everybody who broke them.' It's the same thing we're asking for here. We're asking to legalize illegal immigrants. The words don't even make sense. So we're saying that anytime we pass a law, somebody can come along and say, 'Well, let's just forgive everybody who broke them. We didn't really mean it.'

"My grandparents came over here legally. They immigrated to the United States. It was long and hard. My wife and her family immigrated legally. It was long and it's hard, but they did it legally. They abided by the law.

"And there's a second portion of these measures, Mr. Speaker, that asks the federal and State Departments of Health to provide medical services to this population, that's the illegal immigrant population, in medical emergencies. I believe that's already done, Mr. Speaker. I don't know of anybody that's turned away, if they go into an emergency room. They're not asked first, where's your green card or where's your driver's license, etc. They're treated first. There may be a problem later when somebody tries to bill them and if the hospitals can't collect, they don't collect. And we know that. But they are treated medically first.

"So I think there's no need for this. In fact, I think it's a devastating bill, again for the State of Hawaii to say, we will take you, no matter if you obey the law or not. We can make it easier. We can say, 'Okay, let's urge them to review the visa process.' I'd go along with that. But let's not say if they come, make it legal, even though they broke the law getting here. Thank you."

Representative Finnegan rose in opposition to both measures, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"A concern in this time of the terrorist threat is that it is reported that terrorists are able to get lost in the mass of humanity that streams across the northern and southern borders of the mainland United States. These persons who would gain legal status would be able to move about the country more freely.

"These Resolutions also seeks to provide illegal immigrants emergency medical care, but it is my understanding that any person requiring emergency medical treatment cannot have treatment denied whether they can pay or not no matter what their status might be. Some believe that cultural and language barriers keep illegal immigrants from seeking available emergency treatment.

"The unfairness issue is unsettling to me. Those who come illegally are rewarded, while many other families continue to wait for years for their kin to get the thumbs up.

"Mr. Speaker, I urge you not to adopt House Resolution No. 108, HD 1, and House Concurrent Resolution 145, HD 1."

Representative Cabanilla rose to speak in support of both measures, stating:

"Mr. Speaker, I rise in support of these measures. Almost all of us in this room came through this process. We are, we came in as

immigrants, and these Resolutions are asking that the people who are considered illegal right now, that there should be a review process, an exclusion review process, and that we don't criminalize these so-called illegal immigrants.

"I believe that criminalizing them is a move defined to criminalize poverty. A lot of people that come into this country as immigrants because they're fleeing away from poverty. And like our forefathers, they came in for the reason to this country. And this country has become great, the way it is now because we all came as immigrants and we made this nation great.

"To reverse our process, Mr. Speaker, is to reverse our history. A lot of people come to this country because this is the land of liberty and there's hope for that future. We must all work together as citizens, children of God, to make brothers and sisters be as great as we are. Thank you Mr. Speaker."

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Pine rose to speak in opposition to both measures, stating:

"Just in opposition, Mr. Speaker. I do appreciate the words of the previous speaker because my family are also immigrants from many different countries. On the Filipino side, they worked on the plantation, but they all came here and they signed documents that made it legal. If we start changing the rules, and I understand this is a national debate and it pits immigrants against non-immigrants, but I think there needs to be some kind of a rule when you come to our country. I'd like to know who's coming, you know to my State. You know, are there people who've been criminalized in other states? Or are they just people who want to be American? And I think we need to have some kind of a process."

Representative Meyer rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to these measures. I think there's been a lot of conversation on the problem with illegal immigrants in the last few months with Congress looking at various bills to try to come to some kind of resolution. I think it would be better if we had a Resolution that talked about looking at how the immigration laws could be changed to make it easier, not quite as arduous for people to become legal immigrants. And I think that's part of the problem. But as the Representative from Makakilo said, we cannot just with the stroke of a pen say the illegal are now legal.

"In this Resolution, we thought there is a clause that talks about political asylum, and I think here in Hawaii we do have a fairly large number of immigrants who are here because of political asylum, but that's a process and they are welcomed in because of that reason.

"I think some of the problems immigrants get into is because they don't do things in a timely manner. I don't think anybody wants to lock anybody up, but we cannot close our eyes to the fact that we have a very large problem in America. America has always had its arms wide open and welcomes people, but with the problems with terrorism, we have the huge border in Canada and the porous border in the south. Just making the illegal legal is not the way to handle this problem. Thank you Mr. Speaker."

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative Sonson rose to speak in support of both measures with reservations, stating:

"Thank you very much, Mr. Speaker. I'm standing with no position, I'll say. I'm in support with some reservations. The issue is

a national debate of course. What shall we do with the immigrants that came here that did not undergo the rigorous process of first applying for visas to come in? They are here nevertheless and there's a lot of them.

"America's hands, American's arms are wide open, as one previous speakers says is true, when we need them. Sometimes it's very convenient to have an illegal alien working in our farms, working in our homes as housekeepers, because indeed Mr. Speaker, it's cheaper. And we who consume these products that are manufactured, gathered, harvested, by illegal aliens benefit from this. As a society we must admit that we do in some way, indirectly are affected and benefit from the labors of illegal immigrants.

"But still, there are some who would say, 'Why won't they come in legally through the process?' These people asking these questions are obviously people that were born here and never been through the process. It is so hard to get into the United States today. If you are married to a national or a foreigner, it is hard and difficult to ensure that are able to come here.

"A personal experience is my marrying a national from Panama. My wife had to return home for two years before she was able to return here. It is even more difficult for some today.

"The issue also includes the problem that we have which is a term we say, 'national security'. Why are we proposing, why are laws being proposed today on a national level to legalize those that illegally here in the name of national security. It is obvious to some speakers and I point to the fact that they are here, we don't know who are, they could be very dangerous to us. Therefore this reasoning that says we should do it for our own sake, for national security, makes sense.

"We should have these illegal immigrants come out of the dungeons, come out of the closet, come out to the areas where they are being abused and mistreated. Bring them out into the open, into the public and you know give them a chance to tell us who they are. Give them a chance to be helped medically, and also legally, and also benefiting us at the same time. If we know who they are. We can check where they are from. We can check who they are associated with. We can ensure that we know where to find them in case there are any problems.

"Mr. Speaker, we probably should not solve this with this Resolution. We cannot allow the results of the second portion of it, which is requesting that federal and State Departments of Health provide medical services to this population in medical emergencies. Yes indeed they are being provided for in our emergency rooms. That is very difficult for our emergency rooms in hospitals, and it's very difficult for a health system. We cannot absorb the cost of these illegal immigrants. But if the federal and State departments were to allow them to obtain benefits, I tell you Mr. Speaker, we'll help the health centers that are currently treating them for free.

"So these are Resolutions. They have the force of only what ... I guess there is a force. Not the force of law, but it does has some force. It shows that the Legislature is concerned about this issue and through these Resolutions, we'll hope to solve those two things that are being presented in these Resolutions which is to, one, to try to find a resolution to try to legalize those illegal immigrants who are already here; and two, to see whether or not it is feasible for the federal and State government to legalize the medical services that are being given to these illegal immigrants. Before I close, Mr. Speaker, I just thought of one more point. Let me just reserve that for another time. Thank you very much."

Representative Arakaki rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, I wanted to respond to some remarks that we're trying to change laws. If they read the Resolution, basically what we're doing is, in the

debate, and I believe we have a right to engage in this debate, it's actually Congress and the President looking at ways to make those who are illegal legal, because we want legal citizens. That's the goal. But if you look at the body of the Resolution, the Be it resolved purpose, we're asking that in their debate, we look at those who are being considered, the so-called undocumented aliens or illegal immigrants who are asking for compassion and understanding, that we don't split up families, that we provide health care.

"At the core of this argument is that we don't want to end up throwing people in jail, or you know sending them back to where they came from, not necessarily. But obviously it's a very sticky problem. But I think we as a State, as policymakers, we have a right, especially through Resolutions to express our feelings on this issue. And I believe we also has a right as a state that has a history of many immigrants coming to our State, to express our desire to see that this issue be handled with care and compassion. So that's basically what its asking for."

Representative Marumoto rose in opposition to both measures and asked that the remarks of Representative Finnegan be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in opposition to both measures, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to these Resolutions. These Resolutions seek to legalize the status of illegal immigrants and requests the Federal and State Departments of Health to provide medical services to this population in medical emergencies. First, this measure invalidates our policy on immigration and is not fair to those who undertake the arduous process of obtaining citizenship. Our efforts to provide regularized avenues for obtaining citizenship for immigrants to our country are emblematic of the strength of our country's rule of law. Secondly, immigrants already have access to medical services in the State of Hawaii."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her on both measures, and the Chair "so ordered."

Representative M. Oshiro rose in support of both measures, stating:

"I stand in strong support, Mr. Speaker."

Representative Takumi rose in support of both measures and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takumi's written remarks are as follows:

"I rise in support of the measure. It's ironic that a previous speaker spoke about how we in the U.S. have always welcomed immigrants with "open arms." This is historical amnesia at best, and totally false at worst. Mr. Speaker, while on the East Coast it was the Statue of Liberty that proclaimed, "Give me your tired, your poor, your huddled masses yearning to breathe free," on the West Coast it was cries of the "Yellow Peril." This led to the first anti-immigration law, the Chinese Exclusion Act of 1882, which barred immigration from China. Later, the 1908 Gentlemen's Agreement had the same effect for Japanese immigration and then in 1934, the Tydings-McDuffie Act limited immigration from the Philippines to fifty people a year. The effect of these racist laws was to doom thousands of immigrant workers to lives of solitude with little opportunity to establish families.

"Furthermore, granting legal status to undocumented immigrants is nothing new. In 1986, the Simpson-Rodino bill known as the Immigration Reform and Control Act (IRCA) passed that enabled

thousands of migrant farm workers to establish legal status in this country.

"The current bipartisan effort in the Congress to address immigration is something we should support. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committees were adopted and H.R. No. 108, HD 1, entitled: "HOUSE RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND UNITED STATES CONGRESS TO LEGALIZE ILLEGAL IMMIGRANTS AND REQUESTING THE FEDERAL AND STATE DEPARTMENTS OF HEALTH TO PROVIDE MEDICAL SERVICES TO THIS POPULATION IN MEDICAL EMERGENCIES," was adopted, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 145, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND UNITED STATES CONGRESS TO LEGALIZE ILLEGAL IMMIGRANTS AND REQUESTING THE FEDERAL AND STATE DEPARTMENTS OF HEALTH TO PROVIDE MEDICAL SERVICES TO THIS POPULATION IN MEDICAL EMERGENCIES," was adopted, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1754-06) recommending that H.C.R. No. 36, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 36, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"The bedbug problem in Hawaii is limited, but may be growing. With simple precautions and public education, Hawaii should be able to prevent any widespread bedbug infestations.

"The negative consequences of allowing the problem to go unaddressed could have significant effects on tourism. Bedbugs do not discriminate between residents and visitors. The same thing that makes Hawaii attractive to tourists – our climate and warm-hearted residents – are the same features that make us especially susceptible to bedbug infestation.

"Let's not let bedbugs become the next coqui frog. Let's address this problem while it is still small and manageable. I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 36, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONDUCT A PREVENTION AND EDUCATION CAMPAIGN ON THE INCREASING INCIDENCE OF BEDBUGS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1755-06) recommending that H.C.R. No. 106, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 106, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO CONDUCT A FEASIBILITY STUDY ON PREVENTING AN AVIAN INFLUENZA PANDEMIC," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1756-06) recommending that H.C.R. No. 113, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 113, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho, Kahikina and Karamatsu, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1757-06) recommending that H.R. No. 238, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 238, entitled: "HOUSE RESOLUTION REQUESTING THE COUNTIES TO REQUIRE ALL NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENTS BE EQUIPPED WITH WATER CONSERVATION DEVICES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho, Kahikina and Karamatsu, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1758-06) recommending that H.C.R. No. 304, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 304, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO REQUIRE ALL NEW RESIDENTIAL AND COMMERCIAL DEVELOPMENTS BE EQUIPPED WITH WATER CONSERVATION DEVICES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Kanoho and Morita, for the Committee on Water, Land, & Ocean Resources and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1759-06) recommending that H.C.R. No. 192, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committees be adopted, and that H.C.R. No. 192, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you. Mr. Speaker, I'm rising to speak strongly against this Resolution. Thank you. Mr. Speaker, if we pass this Resolution, I have no doubt that attorney Bill McCorriston and his client Pflueger will be celebrating with champagne tonight because we will have

knocked out the most effective, the most aggressive attorney to pursue this matter.

"Mr. Speaker, there's been some allegations that because Attorney General Mark Bennett was a former partner with Bill McCorriston, Attorney General Mark Bennett cannot be impartial. Well, I think the lawyers in this Chamber know that that is not the case. They know that that former partnership does not mean that Attorney General Bennett would not pursue this case vigorously.

"He brought, Attorney General Bennett, brought up felony criminal charges against Pflueger. Over the Attorney General's objections, the judge let Pflueger plead no contest. Then Pflueger wanted to enter into a plea agreement, and the Attorney General Mark Bennett filed new charges pursuant to the plea agreement. And as a result, Mr. Speaker, Pflueger pled guilty to ten felonies and now has a criminal record for the rest of his life.

"He was sentenced to pay a \$500,000 fine, the largest environmental criminal crime assessed by State Court and collected in Hawaii's history. That's not the action of a man, of an attorney, that was ineffective or trying to change the case to protect Pflueger. That's the action of a brilliant, dedicated Attorney General who is probably the smartest Attorney General we have ever had the privilege to have serve this State of Hawaii.

"I'll tell you how attorney Bill McCorriston is looking at it. He's trying to influence people to say, 'Hey yeah, there's an appearance of an apparent conflict of interest.' And attorney Bill McCorriston, Pflueger's attorney goes on that, 'many people have expressed the opinion that Attorney General Bennett's interest is to blame everything on Mr. Pflueger and get the state off the hook,' McCorriston said. This is quoted from an *Advertiser* article in today's paper. And then he goes on about, 'the concentrated effort to establish a problem with the outflow unfortunately tends to reinforce that view. Whether the outflow had any substantive part in the dam's failure is a matter under study,' says McCorriston.

"Well, darn right it's under study. And darn right we want the best person representing the State in this matter. And darn right if Pflueger is responsible, Attorney General Bennett will go after him tooth and nail.

"I find that this is the most ... It started out as a questionable Resolution. I can't even understand how we would want to muzzle the person who will do the best job for this State, Mr. Speaker. Because without Bennett there, we run a risk of someone not having all of the tools at the Attorney General's grasp by nature of his office. We also run the very serious risk of the State being the only person left holding the bag, because McCorriston who wants to get rid of Attorney General Bennett because it's in McCorriston's best interest, it's in Pflueger's best interest. If McCorriston can get his client off, guess who pays? You, me, our constituents, all the taxpayers in the State. So why are we trying to go with less than the best in this case?

"I just can't understand it, Mr. Speaker. It is such a bad step that were this to go through, and were we to knock out the best Attorney General ..."

Representative Stevens rose to yield her time, and the Chair, "so ordered."

Representative Thielen continued, stating:

"Thank you very much, Representative. Were we to go forward and knock out the very best in this case, Attorney General Bennett, then it is going to be very, very costly for this State if McCorriston gets Pflueger off the hook. Attorney General Bennett has already shown how aggressively he has pursued things in the past.

"\$500,000 was paid to this State by Pflueger due to the actions of Attorney General Bennett. Why? I just ask the Members here, why? Why on earth don't we want the best going forward on this? And

why? Why on earth do we want to risk the taxpayer's money? Because someone's going to be left holding the bag when Pflueger gets off. So I guess I would say to my Members here that if you go ahead and pass this tonight, listen for the champagne corks because Pflueger and McCorriston are sure going to be popping those corks and celebrating for getting Bennett out of the case.

"The other thing I have a concern about, this House Concurrent Resolution goes over to the Senate. Senator Colleen Hanabusa is representing Pflueger on a civil action against the Department of Land and Natural Resources that has just been filed. That's very questionable too. So on both sides, we would have people that want to get rid of the very best. The most brilliant mind, the most aggressive attorney, the one who has already shown that he can bring Pflueger to justice and make him pay. I would hope that others would join with me in voting down this Resolution. Thank you.

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this Concurrent Resolution. It's really unfortunate, but the best has a cloud over it that needs to be resolved. In light of the many calls for an outside, independent investigation of the Kaloko Reservoir Dam breach, I would like to explain my position on this resolution to the Members of this Body.

"This Resolution requests the Attorney General to appoint an independent special deputy attorney within the Department of the Attorney General. This does not satisfy my constituents who want a 3rd party, outside, independent investigation.

"However this is a decision I cannot make alone for my constituents, as many reputations are at stake and the integrity of the Department of the Attorney General and its ability to carry out its constitutional and statutory mandates in this investigation are at issue.

"This Resolution is not a finished product as what we are attempting to accomplish and are directing to the Attorney General is not clear. This Resolution should be viewed as a vehicle for continued discussion and debate on how to proceed with the investigation. Again, what is at stake is the integrity of the Department of the Attorney General to do its job, as well as the future dependability and reliability of all governmental operations to serve our people and natural resources, not only on Kauai, but throughout this State.

"Secondly, let me explain why there are so many people in my district calling for an independent investigation, and why there is so much distrust in government. Many, myself included, do not view the dam breach as an isolated incident. For many, many years, illegal grading and grubbing, major land and water alteration activities were happening within the vicinity of Kaloko Reservoir and the nearby properties under the control of one person. People in my community questioned all this unpermitted activity with no response from the County of Kauai or the State. Although in some cases, after the fact permits were given by the County of Kauai.

"On November 22nd, 2001, due to illegal grading, a major landslide occurred covering an adjacent landowner's property in mud. The person who caused the mudslide proceeded with heavy equipment to push dirt and debris into Pilaa Stream, which empties into Pilaa Bay, with sedimentation smothering the coral reef in the bay.

"Despite all the photographic, physical, and eyewitness evidence of Clean Water Act violations, the County and State did not investigate this incident immediately. Only when a citizen suit was filed in federal court by two Kauai community groups, did the County and State become involved.

"The result of this one mudslide was four separate legal actions. A federal lawsuit which resulted in an EPA consent decree finalized last month, a county criminal case which resulted in the DAG plea, a Department of Land and Natural Resources administrative fine, which is being appealed, and a State criminal case which resulted in a ten count guilty plea and half a million dollars in fine.

"However the State criminal case is another area of great concern to my constituents because the guilty plea was totally unrelated and did not include the critical November 22nd, 2001 mudslide, which triggered the catastrophic damage to Pilaa Bay.

"I understand the Attorney General's role as a prosecutor in this case to have wide discretion in how to handle the resolution of this criminal case. I understand that a guilty plea may sound more appealing than a no contest plea, but the no contest plea was broader in scope and included the catastrophic event of November 22nd, 2001. However from the perception of my community ..."

Representative Luke rose to yield her time, and the Chair, "so ordered."

Representative Morita continued, stating:

"Thank you. However from the perception of my community, justice was not served in this criminal case and the integrity of the Department of the Attorney General is at question in what some described as a 'sweetheart deal'. With this perception from community, how, with the same players involved, both prosecution side and defense side, can justice be carried out in the investigation of the Kaloko Reservoir Dam Breach?

"There is no doubt that many emotions and motives, some pure, some impure, are driving both the pros and cons of an independent investigation of the Kaloko Reservoir Dam Breach. I hope that this Body will continue to ask the tough questions, evaluate whether the perceptions of my community can be overcome with fair and logical explanations by the Attorney General, and that by the close of the 2006 Legislative Session, this Body can get a clear, unambiguous request to the Attorney General on how to proceed with the thorough investigation of the Kaloko Dam breach to bring resolution and closure to this tragic event. Thank you, Mr. Speaker."

Representative Schatz rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, in support. I'll be very brief because the Chair of the Energy Committee was very articulate in her reasoning. I think the main point that I want to make here is that there a couple of reasons why people want an independent investigation.

"One, is this question about the Attorney General having worked for or with Bill McCorriston. I don't consider that to be a central question. I don't think that that's a good reason to ask for an independent investigation. I'm just one person, but that's not my concern. And I don't have any question as to how vigorously this Attorney General would pursue this case. But there's another question and it has to do with the inherent potential conflict of interest which would occur if the Attorney General's office pursues this as a prosecutor and eventually finds, may find, culpability on the part of State employees, either appointed or civil servants.

"So the Attorney General's office would then be in the untenable position of representing both the prosecution and the defense. So if, as the Representative from Kailua said, the Attorney General vigorously pursues this case and finds, let's say a private landowner culpable, but also maybe an employee of the State or an appointee of the State culpable, then the Attorney General would as a supervisor of this case and as a supervisor of the AG's office have to say, 'Okay on the one hand I'm the prosecutor and I'm coming after this State employee, but on the other hand Deputy Attorney General so and so please go and provide an adequate defense to this employee which

I'm going to go after.' If this were a private law firm, they would say, 'You know, we have to farm this out. We have a conflict here.'

"And it's not ... Let me be clear. There are two kinds of conflicts of interest. One, is where something inappropriate is coming up. And the other is where you just have a conflict and you can't fairly represent both sides of a question. And the second one is the one I'm trying to articulate here. I know from my interactions with the Attorney General, he seems personally aggrieved, and I am sorry about that because I very much respect him as an individual, and as an attorney, and as an Attorney General.

"But I'm talking about process here. And the idea that anybody, any law firm or any agency could represent both sides of a case is tough for me to swallow. And that's why I think that as we move forward we're going to have to get our minds around that particular problem before the people of Kauai and elsewhere feel that this is being done properly. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I'm one of those attorneys that I guess the Representative from Kailua is talking about, saying that we would all agree. I would have to say that I disagree with her position. And I want to make it clear in disagreeing that this is not about Mark Bennett. It's not about his character or his quality as a lawyer. He's an excellent lawyer, although I have to say that some of the partners in my firm have gone head to head with him and won when he was in the private sector. There are other excellent lawyers out in our community that would be able to take on this case and do a very good job representing the people of Hawaii, and particularly the people in Kilauea.

"So we're not talking about Mark Bennett here. What we are talking about Mr. Speaker, is doing the right thing, and showing the people of our State that there is no appearance of impropriety.

"Our Governor did a great thing after the breaking of the dam, the Kaloko Dam. She flew there, met with the people along with the Representative from Kilauea who spoke so eloquently, and I like to incorporate her words as if they were my own. And she reached out and it gave the people hope. But then this issue occurred, that probably most people in our State didn't realize. That you did have an Attorney General who was one of the close partners, one of the law partners with the man who is representing the landowner where the dam is located.

"And the smell test, the feel test. It just didn't feel right. Then additional facts came out that the Sierra Club had reported a flash flood that damaged property before the breaking of the dam. And that it was reported to the Department of Health and to the Department of Land and Natural Resources and that some action and an investigation was taken, but there was no complete follow through. And after the burst of the dam they were told to stop talking, which doesn't again feel right, smell right.

"And it would be my hope, I was hoping that our Governor would step up to the plate and say, 'You know you're right. It doesn't smell right. It doesn't look right. And this is not about the integrity of Mark Bennett. This is not about the impartiality of Mark Bennett. But I believe for the people of our State that we should have an independent third party, Deputy AG appointed from outside the of the AG's Department. Pick one of the other great lawyers in our community. I think everyone in this room could probably name two or three off the top of their head that could represent this State vigorously.

"I don't think you can predict that Pflueger is going to be drinking champagne at some point down the road if Mark Bennett didn't proceed. In fact, I think if you pick a person like Rick Fried, he'd be very worried. And there are many others you could pick, Mr. Speaker.

"So this is not about that, but it is about impropriety, looking balanced, looking fair, and I think the people of Kilauea deserve that at this point. That they don't have to question whether the best job is going to be done. And anything that we can do to ensure them that that will happen is what we should do, and this Resolution takes us in that direction. Thank you very, Mr. Speaker."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, in opposition. I heard a lot about will the best job be done. Well it sounds like we're worried that he's doing such a good job that he's going to take Pflueger to task, and I thought that's what we wanted. So I just remain in opposition."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'll be voting no this Resolution. I believe it impugns the integrity of the Attorney General. Thank you."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose in opposition to the measure and asked that the remarks of Representative Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on this measure. The qualifications of the Attorney General, Mr. Mark Bennett, are of the highest caliber; therefore, questioning the Department's ability, under his leadership, to undertake a thorough investigation into the collapse is misguided. I have the fullest confidence in the Department to conduct an investigation into the causes of the Kaloko Reservoir Dam collapse and to bring the individuals and entities responsible to swift and appropriate justice. Unfortunately, this Resolution appears to question the ability of the Department of the Attorney General to perform one of its primary mandates, which is to investigate all alleged violations of the law and which is, at this point, unwarranted.

"However, some residents of the affected area have voiced concerns that the Department of the Attorney General, as an entity of the State, may appear partial in investigating the Kaloko Reservoir Dam collapse. While I have the highest confidence in the ability of the Department and its leadership, I feel that we must address the concerns of residents."

Representative Harbin rose to speak in support of the measure, stating:

"Mr. Speaker, please enter my yes vote. A very strong yes, in support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.C.R. No. 192, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE

ATTORNEY GENERAL TO APPOINT A SPECIAL DEPUTY ATTORNEY GENERAL TO INDEPENDENTLY AND IMPARTIALLY INVESTIGATE THE KALOKO RESERVOIR DAM COLLAPSE," was adopted, with Representatives Finnegan, Halford, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1760-06) recommending that H.R. No. 187, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 187, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO NEGOTIATE RECREATION-RESIDENCE USE LEASES IN KOKEE WITH CERTAIN EXISTING LESSEES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1761-06) recommending that H.C.R. No. 246, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 246, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO NEGOTIATE RECREATION-RESIDENCE USE LEASES IN KOKEE WITH CERTAIN EXISTING LESSEES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1762-06) recommending that H.C.R. No. 220, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 220, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO EXPEDITIOUSLY PURSUE THE PRIVATIZED CONSTRUCTION, OPERATION, AND MAINTENANCE OF SMALL BOAT BERTHING FACILITIES AT KEEHI LAGOON, PARALLEL TO LAGOON DRIVE," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Abinsay, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1763-06) recommending that H.C.R. No. 180, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 180, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. A no vote please on 1763. And the reasons Mr. Speaker, are similar to those that I stated on our full day session; that we need to first have the work done on the stream flow and make sure that we are protecting our farmers. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 180, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE AND THE AGRIBUSINESS DEVELOPMENT CORPORATION TO SEEK FEDERAL

MATCHING FUNDS FOR THE IRRIGATION REPAIR AND MAINTENANCE SPECIAL FUND," was adopted, with Representative Thielen voting no, and, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1764-06) recommending that H.C.R. No. 280, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 280, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO STUDY THE IMPACT OF HAZARDOUS SUBSTANCES IN FERTILIZERS, ANIMAL FEED, SOIL AMENDMENTS, AGRICULTURAL MINERALS, AUXILIARY SOIL, AND PLANT SUBSTANCES ON THE HEALTH AND SAFETY OF CONSUMERS, FARMERS, AND THE GENERAL PUBLIC," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1765-06) recommending that H.R. No. 195, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.R. No. 195, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1766-06) recommending that H.C.R. No. 255, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.C.R. No. 255, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented two reports:

(Stand. Com. Rep. No. 1767-06) recommending that H.R. No. 119, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1768-06) recommending that H.C.R. No. 159, as amended in HD 1, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 119, HD 1, and H.C.R. No. 159, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 119, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION, WITH ASSISTANCE FROM THE DEPARTMENT OF LAND AND NATURAL

RESOURCES, TO FURTHER PROMOTE ITS STATEWIDE GREENBELTS STRATEGY," was adopted, with Representative Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 159, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION, WITH ASSISTANCE FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO FURTHER PROMOTE ITS STATEWIDE GREENBELTS STRATEGY," was adopted, with Representative Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1769-06) recommending that H.C.R. No. 235, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 235, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF PROVIDING VIDEO-CONFERRING CAPABILITY IN THE STATE CAPITOL TO ENSURE CLOSE COMMUNICATION WITH NEIGHBOR ISLAND RESIDENTS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1770-06) recommending that H.C.R. No. 260, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 260, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COMPTROLLER TO ESTABLISH A VOLUNTARY PUBLIC TRANSIT BENEFIT PROGRAM FOR STATE EMPLOYEES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Moses rose, stating:

"Mr. Speaker. I'd just like to point out to the Body that Resolutions on page 11 and basically to the end, from SCR 1771 to 1802, we passed these out of the Finance Committee, decision making only, with no testimony at all delivered in Finance Committee. So it was very, very difficult. There were a few of these that we individually had heard in prior Committees. I believed that I heard three of them in prior Committees. But we did not have the, if you want to call it the, luxury of hearing the testimony in Finance Committee. And I understand the Senate does it all the time, but this isn't the Senate. And it is something that we don't normally do in this Body. Thank you."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1771-06) recommending that H.C.R. No. 11, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 11, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INVASIVE SPECIES COUNCIL TO STUDY AND REPORT ON SPECIFIC STRATEGIES TO PREVENT THE SPREAD OF COQUI FROGS AND OTHER INVASIVE SPECIES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1772-06) recommending that H.C.R. No. 37, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 37, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ASSESS THE SOCIAL AND FINANCIAL EFFECTS OF REQUIRING HEALTH INSURERS TO OFFER COVERAGE FOR SURVIVORS OF BRAIN INJURIES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1773-06) recommending that H.C.R. No. 38, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 38, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm going to, I'd like to speak in support of this measure with a couple reservations. Mr. Speaker, this is requesting the Auditor to audit the methods and procedures employed by the Governor in soliciting private sector funds to support or defray the costs of trade missions.

"Mr. Speaker, I see this as potentially useful because the trade missions were so successful that the people of Hawaii benefited so much by this. And the Administration really went within the law, but outside the box of our thinking, and accomplished a tremendous thing with these trade missions. I think it's good that this Legislature would learn how that was done, and how we might cooperate with them more in the future for further, better success.

"With my reservations, Mr. Speaker, a couple things. One is that the Auditor did not testify. It's common for her to show up at our hearings. Not to speak in favor or against, but to be there to comment and did not occur and I believe it should have occurred.

"Further in the language of the resolution it asks that the Auditor is requested to audit the appropriateness, and I don't know if there is such a thing as an audit of appropriateness. I think the language is weakened in that respect."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, just in opposition with short comments. Thank you. The only that puzzles me in this particular measure is that, I believe in the budget, I'm not sure if it was the House's doing or the Senate's doing, but we actually take out the government money for these government trade missions and say that the State can raise the funds for the trade missions. So I think that's kind of like speaking out of two sides of our mouth. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. Mr. Speaker, I hope this HCR does pass out of the Senate and does compel the Auditor to audit the methods and procedures applied by the Governor through her Director at DBEDT.

"What we found at the hearing, Mr. Speaker, was nothing less than astounding and amazing. He basically stood for the proposition that as long as you make a buck, you can bend the rules, you can break the rules and the ends justify the means.

"So when I hear previous speakers talk about this trip being so successful because it raked in millions and millions of bucks, that may be true Mr. Speaker. But what's even more alarming and troubling for me is that this was at the expense of public integrity, of public honesty, of public trust.

"Mr. Speaker, government access and services should not be subject to sale by any governor, any administration, any department, any trade mission. Making money at the expense of the State's standing in the community ..."

Representative Halford rose, stating:

"Mr. Speaker. He is not characterizing the issue here."

The Chair responded:

"He is addressing the issue at this point and time. And that's why this particular Resolution is before this Body. Representative Marcus Oshiro, please proceed."

Representative M. Oshiro continued, stating:

"I'll end with this, Mr. Speaker. Government access should not be for sale and should not be condoned. Thank you."

Representative Meyer rose to respond, stating:

"Mr. Speaker, having had the pleasure of going on the trip to China with the Governor, I could see where those donations from companies were of great value. The entire traveling group from the Polynesian Cultural Center traveled with us and entertained in numerous venues, and those folks could not have afforded to come. This was the kind of thing that the money was used to defray cost.

"The performances there in China would have made everyone proud. Everyone in this Chamber. You know I was proud to be a part of it and just to see how well everybody performed, but it takes money to do that. These young people had to stay in hotels, they needed airfare. There was a group from Waianae High School that through their class on video, taping the 'Olelo program. They were just troopers, but they all had to get airfare and food and places to stay. These were the kinds of things that these additional donations were used for, and it made for a very impressive showing from the State of Hawaii. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"In support, Mr. Speaker. Very briefly, I just want to I think elaborate a little bit on what the Majority Leader explained. I think it really does have to do with fairness and integrity. That's the underlying purposes of the procurement code.

"The procurement code is all about government services being available for everyone. We want to make sure it's an even playing field so that it's open competition, open bidding. So that the process is open so that anybody who wants to avail themselves of government services and those benefits can utilize and participate in the system.

"The problem here is that DBEDT basically circumvented the procurement code. They went about, found the people they liked, and basically gave them the services. They did that through this partnership with a nonprofit corporation. And let me explain that they asked for an exemption from the procurement code from the State Procurement Office. The State Procurement Office said, 'No. You need to follow the procurement code.' What did they do? They then went and partnered with the nonprofit and let the nonprofit enter into the agreement with the chosen vendors.

"That to me is a circumvention of the procurement code. It excludes people who want to participate in government services and those benefits. And as creative and as wonderful as we may think these partnerships with private businesses may be, ultimately government needs to be held to a higher standard, and we need to make sure that we do it in a way which is not only fair, but which complies with the law and specifically Chapter 103D. Thank you."

Representative Schatz rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, in support. First of all, audits are helpful. I think we need to remember that most private sector companies get audited. Most public agencies get audited. And so if we want to improve the way that government works, we should be auditing ourselves regularly. We should be auditing the Executive Branch.

"Second of all, these trade missions. I don't think there's any disagreement in these Chambers that these trade missions are tremendously useful for Hawaii's economy, and that they should continue. And in my view, they should continue on the basis of a public-private partnership. There should be some private funding in the mix.

"But my eyebrows rose was when I found out that there were solicitation letters coming from high government officials in Hawaii saying essentially this: Here's how much access you get to the Chinese Government for this price. Here's how much access to the Chinese Government you get for this price. And to me that's pretty extraordinary to explicitly offer access to other governments through our government for a certain dollar amount. That is excluding other people from the process.

"So I think as the Director of DBEDT and others work on these trade missions and we try to have more of them, and plenty of private sector dollars in the mix, I think what would make sense is for the Auditor to look at this and try to figure out what is our public policy in this area. Do we want to fully, as the Minority Leader suggested, do we want this to be fully government funded? Do we want a private sector mix? If so, how do we solicit those contributions? And are we allowed to offer anything in exchange? Those are very legitimate questions that an audit can help us to clarify so we can come into the next Session and either give guidance, or actually write a statute that governs how trade missions are to occur.

"So I just don't see, there's a lot of protesting too much here. That anything that seems to indicate that the Executive Branch did something that wasn't precisely perfect, is somehow viewed through a partisan lens.

"We are the Legislative Branch, and we are exercising our oversight responsibility over the Executive Branch. And if we thought something was not quite appropriate and is worth reviewing and seeing how we can do it better the next time, it shouldn't be viewed as an attack. It should be viewed as exercising our constitutional responsibility. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, short comments in opposition. There's just two points. The Legislature is a part of the government, but we do two things. We pass a bill that says we are going to exempt ourselves from this procurement, and we also pass a bill, I mean and we in law that we exempt ourselves from the 'sunshine law'. And there's two things that we're talking about right here and arguing about open government, but we're done that and we're a part of government as well. So you know, I just think let's take a look, and take a look in the mirror before we start-pointing fingers. Thank you, Mr. Speaker."

Representative Arakaki rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with some reservations. I see nothing wrong with doing an audit. I think everything should be transparent and above board. I guess my concern is number one, is that I'm hoping that taking these kinds of actions will not have a chilling effect on trade and international relationships, because I think especially being in the middle of the Pacific, we should encourage both the Administration and ourselves to do, to maintain contact and open doors."

"I also think that there should be a definition of what a trade mission is, because I know they are also looking at the mission that we went to the Philippines for, which I didn't consider a trade mission, but more of a goodwill mission. But I know they're looking at what happens in those cases as well. I can tell you from experience that there are things that we're guided by, restricted by, especially in terms of entertainment and food that we can't expect the State to pay for. I think it would be unrealistic to expect our host country that we're visiting to pay for either. So I think there has to be a mechanism where moneys can be raised, and has to be through the private sector so that we can be good visitors and at least cover the cost of our share of the food and entertainment. So maybe these things need to be looked at by a taskforce and some rules devised. Thank you, Mr. Speaker."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition, and I want to ask if the remarks of the Representative from Kalihi be entered as my own. You know I think when we as a legislators look towards the overall good of our State, our citizens, I know that we often try to pass legislation that furthers, encourages, the relationship with our State, our country, to other countries. Myself having been an English as a Second Language teacher, spending a decade of that, I truly value this."

"I wish actually that I could have participated in these missions. I was not able to as I have now a two year-old, but I'm wondering what is this effect in the big picture going to do for the future. If I were a company, I'm not, but if I were a company, and I'm going to be audited now. I'm all for open government also, but you're asking to audit me. I think most companies if I take a poll, they kind of consider that negative, you know. So it adds to the negativity."

"And secondly, I mean it costs every time you do something. It's costs, it's effort. So when we weigh this, you know I start to wonder. I can't help but think this is a little bit of, you know a little bit of harassment. So I'm in opposition. Thank you."

Representative Takai rose to speak in support of the measure, stating

"Thank you, Mr. Speaker. I rise in support of this measure. First if I could get your permission to insert the words of the Majority Leader as if they were my own," and the Chair "so ordered."

Representative Takai continued, stating:

"Thank you, Mr. Speaker. I wanted to just mention three things. First of all, when we were in the Committee hearing for Legislative Management Committee, the Director of DBEDT suggested and said on numerous occasions that a delegate that paid \$500 for this trip got the same treatment as a sponsor that paid \$50,000. As the Representative from Makiki has already stated, there are documents that show otherwise. And I think that to suggest that a person paying \$500 get the same access as the sponsors, the gold level sponsors that were paying up to \$50,000, and to tell us that when his own documents and people have verified that that in fact is not true, is concerning."

"In fact, Mr. Speaker, I'd say that the 'pay to play' scheme or system in Hawaii is alive and well. It is true, because based on just that: You pay \$50,000, you get invited to these meetings. You pay \$500, you can join everybody else. That to me suggests there's something wrong with this picture."

"The other thing, Mr. Speaker, is we received a letter from a nonprofit who did the State's bidding, and the nonprofit acknowledged that they paid the bills as recommended by the Administration, by the Director, and by his people. That to me just suggests that the nonprofit was utilized as the Majority Floor Leader already said, as just a conduit, and as a way to bypass procurement. Because the fact is that all of the expenses for this particular trip were paid for by the nonprofit, but they were directed by the State and that to me is something that this audit should and must take a look at. Thank you, Mr. Speaker."

At 1:25 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:31 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 38, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO AUDIT THE METHODS AND PROCEDURES EMPLOYED BY THE GOVERNOR IN SOLICITING PRIVATE SECTOR SPONSORSHIPS AND CONTRIBUTIONS, IN CASH OR IN-KIND, TO SUPPORT OR DEFRAY THE COSTS OF OFFICIAL GOVERNMENT FUNCTIONS, INCLUDING TRADE MISSIONS," was adopted, with Representatives Ching, Finnegan, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1774-06) recommending that H.C.R. No. 42, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 42, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1775-06) recommending that H.R. No. 59, be adopted; and

(Stand. Com. Rep. No. 1776-06) recommending that H.C.R. No. 77, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 59 and H.C.R. No. 77, be adopted, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to both measures, stating:

"Thank you Mr. Speaker, I rise in opposition to these measures. If I may, I like to take us down a little path of history. Back in the 30s, 40s, and part of the 50s, the people of Hawaii of which I was one, were nothing but chattel to the Big 5. Fortunately in the late 50s we had an evolution called, A Voice of the People. We actually were able to bring unionization to our employees. In fact, I was one of those employees that worked under the pineapple symbol in Iwilei, so I know what it was like back in those days.

"However, like anything else in life, the pendulum swings. And I'm voting no on this particular measure because I think the pendulum has swung way too far. And when I look at these particular Resolutions, I wonder why are we, as a legislative body, attempting now to legislate and unionize through legislation.

"The people of the *Tribune Herald* obviously have made their choice. They have a union. We have no business sticking our nose into their business. And if they feel that their union is not properly representing them then, then go move to get rid of them and get another union that will take care of them.

"So let us not unionize through legislation. And I hope that other people will vote no and that business can get on. Thank you."

Representative Meyer rose to speak in opposition to both measures, stating

"Thank you, Mr. Speaker. I too toiled at the cannery at Iwilei, but I never felt like a chattel. I got a lot of pineapple rash, and I got up very early. So I'm rising in opposition and with the exception of the chattel comment, I would like the words of the Representative from Downtown Honolulu to be enter into the Journal as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Stonebraker rose and asked that the Clerk record a no vote for him on both measures, and the Chair "so ordered."

Representative Ching rose to speak in opposition to both measures, stating

"Thank you a no vote and I just want to mention that I really, what I have deep concerns with is when we start to poke our nose into these sort of things. I have to agree that, that's the whole point of negotiations, right?"

Representative Finnegan rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Moses rose to speak in opposition to both measures, stating

"Thank you Mr. Speaker, in opposition. It appears that the union workers have more access to government here at the Legislature than through the people who actually run the paper, and that's why they're getting this measure through. Thank you."

Representative Caldwell rose to speak in support of both measures, stating:

"Mr. Speaker. In support with brief comments. I also never worked under the pineapple water tank, but I did work at Puna Sugar for a couple of summers in the *sabadon* gang, and I have to say thank God there was a union representing those sugar workers, ILWU. They made a huge difference in terms of working conditions for the people that work in incredibly hard jobs.

"On this particular Resolution, Mr. Speaker, they talk about history. We have seen now since 1996, how this company that came in and bought the *Hawaii Tribune Herald* has treated their workers and has consistently worked to break the union there and has mistreated many, many dedicated people at that newspaper. This Resolution is just asking that they reconsider how they approach this and be fair. The National Labor Relations Board just ruled against the newspaper and found gross abuse and mistreatment by one of the workers. So I think this is the proper thing to do and I hope that everyone votes for these Resolutions. Thank you very much, Mr. Speaker."

Representative Sonson rose to speak in support of both measures, stating:

"Just in support with one sentence. Who could be against having a fair and equitable contract? This is looking at both sides Mr. Speaker. For both sides. A fair and equitable contract. It doesn't say fair and equitable contract for the workers. So I think that it is proper for this House to support this, and hopefully those who are in a position to this will take a look at this as something good. Not as bad."

Representative Ching rose to respond, stating:

"I'm sorry, Mr. Speaker. I just wanted to clarify again. In opposition. As legislators, we want to make sure that because this is a law, or in this case a resolution, the beginning of perhaps law. We're setting precedent here all the time. And so at what point do we stop getting into other people and their business? I mean, I'm sure everyone's for fairness, and in that case, in very fact, who else could be not in support, dilutes the resolution, making it ... You know. I don't think its worthy of the Body. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.R. No. 59, entitled: "HOUSE RESOLUTION SUPPORTING A FAIR AND EQUITABLE CONTRACT FOR UNION WORKERS AT THE HAWAII TRIBUNE-HERALD," was adopted, with Representatives Ching, Finnegan, Harbin, Meyer, Moses and Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 77, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING A FAIR AND EQUITABLE CONTRACT FOR UNION WORKERS AT THE HAWAII TRIBUNE-HERALD," was adopted, with Representatives Ching, Finnegan, Harbin, Meyer, Moses and Stonebraker voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1777-06) recommending that H.C.R. No. 80, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT CHANGES TO THE MEDICARE PART D PROGRAM," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1778-06) recommending that H.R. No. 65, be adopted; and

(Stand. Com. Rep. No. 1779-06) recommending that H.C.R. No. 87, be adopted.

Representative M. Oshiro moved that the reports of the Committee be adopted, and that H.R. No. 65 and H.C.R. No. 87, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. I have some reservations on this. This is seatbelts for school buses. Everybody would like seatbelts for their kids. It's mandated in cars. We think it's a good idea, but we heard testimony after testimony. We heard it again in the Transportation Committee that seat belts don't work in buses because they injure children.

"The way that buses are designed, if you have the seat belts on and the bus goes over on its side, or goes over on the roof, the children are hanging there and they sustain more injuries from the seat belt than they do from the bus because the bus is constructed so that it isn't crushed. So when the experts, including the federal government say that the buses are not designed for seat belts, what are we trying to put seat belts in buses for? Thank you."

Representative Lee rose to speak in support of both measures stating:

"Mr. Speaker. I rise in support. Mr. Speaker, although we have heard from some people that seat belts are not advisable, there are other groups that feel that seat belts are really necessary. For example, the American Academy of Pediatrics. So I think this study is really necessary because I think there are conflicting opinions and the bottom line is the safety of our children. Thank you very much."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 65, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO SHOW THE COSTS ASSOCIATED WITH, AND THE ADVISABILITY OF MANDATING THE USE OF SEAT BELTS FOR MINORS IN EVERY SCHOOL BUS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 87, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO SHOW THE COSTS ASSOCIATED WITH, AND THE ADVISABILITY OF MANDATING THE USE OF SEAT BELTS FOR MINORS IN EVERY SCHOOL BUS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1780-06) recommending that H.C.R. No. 97, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 97, be adopted, seconded by Representative B. Oshiro.

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, just with reservations, Mr. Speaker. As the speaker from Liliha said a little while ago, that all these audits do cost money. I'm sure that the State Historic Preservation Division would welcome an audit, but they just had one. So hopefully, maybe the Senate can look into that and make sure that we're not auditing an audit that has already been done. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with reservations on this measure. This bill requests a management audit of the State Historic Preservation Division of the Department of Land and Natural Resources.

"The Department of Land and Natural Resources is an extensive department with a tremendous responsibility and commitment to the citizens of Hawaii which serves the public in a substantial and obligatory manner. Audits often serve the public by monitoring efficiency, however my reservations are based on the idea that the State Historic Preservation Division is already currently undergoing an audit by a certified public accounting firm as ordered by the National Park Service, and will cover 10 of the points listed in the concurrent resolution. In light of the current audit, this measure may be unnecessary".

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 97, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE STATE HISTORIC PRESERVATION DIVISION OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1781-06) recommending that H.C.R. No. 105, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 105, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII HEALTH SYSTEMS CORPORATION TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR A PARKING STRUCTURE FOR MAUI MEMORIAL MEDICAL CENTER IN WAILUKU, MAUI TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1782-06) recommending that H.C.R. No. 128, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 128, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE WARRANTS SECTION OF THE SHERIFF DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1783-06) recommending that H.C.R. No. 141, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 141, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA

GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO CONSIDER PURCHASING THE MOANALUA GARDENS," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1784-06) recommending that H.C.R. No. 146, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 146, be adopted, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in strong support of House Concurrent Resolution 146.

"The Turtle Bay expansion project has divided the North Shore community into two camps, for and against the proposed development of five new hotels, built over a long-term period, based on a City special management area granted 20 years ago. Both sides claim that the quality of life for the North Shore residents will be harmed if the opposing side gets its way.

"House Concurrent Resolution 146 asks for a rigorous reexamination of the Turtle Bay expansion project by the City and County of Honolulu Council. In 20 years time, conditions of the North Shore and the island of Oahu have changed. If we are truly to do what's best for the people of the North Shore, the development should go through a process that meets the standards of today and the needs of tomorrow, not those set in 1986.

"What have been the significant changes? For one thing, traffic on the North Shore has increased dramatically over the years, particularly along Kamehameha Highway, due to the tremendous popularity of the surf meets, people flocking annually in awe of the high surf, and the enjoyment of the world renowned beaches by both locals and visitors.

"Over the past 20 years, the developments of Ko'Olina and Kapolei have put a significant strain on the infrastructure and resources of West Oahu. In addition to traffic, this includes health care services, landfill capacity, water and affordable housing. Can a third major development be supported on Oahu?

"The environment impact statement (EIS) completed in 1985 failed to address the impact of the project on customary and traditional practices of native Hawaiians. The EIS did identify known prehistoric settlements in the development area, and the development plan calls for the disinterment of any burial remains found during the project construction. By today's standards, this does not adequately or fully take into account the environmental impact of the development on native Hawaiian culture.

"The Department of Health's administrative rules require that if the timing of a project has been significantly changed, the environmental impact statement must be supplemented. Due to the size and scope of the developer's plans, we propose that the City should follow through on this, as well as require the developer, Kuilima Resort Company to do more.

"HCR 146 calls for not only the reexamination of the special management area permit, including the supplemental environmental impact statement, but recommends that the City also review the Land Use Commission's action to reclassify this area from the agricultural to the urban district in order to facilitate the project, and the

Unilateral Agreement filed with the Bureau of Conveyances that requires certain conditions.

"While unusual, there is legal precedent in the City to take this route. The Hawaii Supreme Court affirmed an issuing agency's right to review, revoke or modify special management area use permits in *Morgan v. Planning Department County of Kauai*, 104 Ha. 174, 86p.3d982(2004).

"Change, especially on something as permanent as land development, is always hard on a community. As I talk to the people of the North Shore, both for and against the Turtle Bay Expansion, there is mistrust and divisiveness growing to a harmful degree. People expect you to take a side in what has become a bitter battle, and that will only result in one side winning and one side losing.

"We have a better chance of getting on both sides winning if we can focus on areas where there may be common ground – good jobs with decent pay for residents in the community, affordable housing for some employees, cultural sensitivity, beach access and support for local fishing, surfing and family gatherings, preserving the sense of Hawaiian country.

"I don't believe anyone expects the North Shore to stay in a time warp, so if we are to move forward with some sort of development, let it be one in which the people's best interest drive the nature, size and scope of the project. That includes holding government accountable for thoroughly examining the environmental, economic, social and cultural impact that this community will be forced to live with for generations to come.

"Thank you Mr. Speaker and I ask my colleagues to support me on this bill. Malama Pono."

Representative Meyer rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in support of HCR 146. The Turtle Bay expansion is of particular concern to my constituency. They will likely be impacted by the increase in traffic on the Windward side that a large resort development will bring. Years have passed since this project was originally approved, and things have changed since then. What was a controversial agreement back in 1986 is even more controversial today because of changes in our laws and increases in population that have taken place over the past 20 years. Most of the residents living out in the country are there because they didn't want to deal with the hustle and bustle of city life. There is a fear that with the influx of possibly 4,000-plus new tourists to the area, the quiet country ambience will disappear. This Resolution asks City officials to take a new look at the project since so much time has passed. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 146, entitled: "HOUSE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1785-06) recommending that H.C.R. No. 148, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 148, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker, with reservations. I think it's well intended, but with reservations. They know what they can do. And if we want to implement rent control so we can do that ourselves. If this Body really wants rent control, then let's debate it right here and create our own law. Thank you."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose in support of the measure with reservations, and asked that the remarks of Representative Halford be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose, stating:

"I'm sorry. Can you change my with reservations vote to a no vote?" and the Chair "so ordered."

Representative Herkes rose to speak in opposition to the measure, stating:

"A no vote for me. If we don't address the underlying problem of the cost of housing, all the rental cap is going to do is dry up any rental housing at all."

Representative Sonson rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

[Note: The main motion that Standing Committee Report Nos. 1725-06 through 1804-06 be adopted and that House Resolutions and House Concurrent Resolutions as may be amended be adopted, was later amended to delete Standing Committee Report No. 1785-06.]

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1786-06) recommending that H.R. No. 123, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 123, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1787-06) recommending that H.C.R. No. 163, HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 163, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE CHILD SUPPORT ENFORCEMENT AGENCY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1788-06) recommending that H.R. No. 148, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 148, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1789-06) recommending that H.C.R. No. 194, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1790-06) recommending that H.C.R. No. 205, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 205, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"For Stand. Com. 1790, with reservations and just short comments. We do need to do something with the stadium and any delay could very well make it more expensive. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PROPOSED PLANS AND EXISTING AND ANTICIPATED APPROPRIATION REQUESTS OF THE STADIUM AUTHORITY AND THE GOVERNOR FOR THE REPAIR, RENOVATION, REFURBISHMENT, OR REPLACEMENT OF THE ALOHA STADIUM," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1791-06) recommending that H.C.R. No. 223, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 223, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT TO DETERMINE WHETHER FUNDS ALLOCATED FROM THE HAWAII TOBACCO SETTLEMENT SPECIAL FUND TO THE UNIVERSITY REVENUE-UNDERTAKINGS FUND HAVE BEEN APPROPRIATELY

EXPENDED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1792-06) recommending that H.R. No. 193, be adopted; and

(Stand. Com. Rep. No. 1793-06) recommending that H.C.R. No. 253, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 193 and H.C.R. No. 253, be adopted, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to both measures, stating:

"Thank you Mr. Speaker. I'm casting a no vote please on Standing Committee 1792 and 1793. These are requesting the Auditor to conduct a study of the shoreline set back reference line. Mr. Speaker, my reasons for opposing this are the same as those expressed by the environmental groups who are also in opposition to this measure. Thank you."

Representative Morita rose to speak in opposition to both measures, stating:

"Thank you, Mr. Speaker. I rise in opposition to these two Resolutions. I'm really sorry that I wasn't in the Water and Land Use hearing when they heard these two Resolutions, otherwise I would have urged the Committee not to move these Resolutions forward. They're both badly written measures that set back long-standing public policy on shorelines. It basically allows, or is asking the Auditor to find that the vegetation line becomes the demarcation for establishing shoreline, and that's not what our law says right now.

"So I urge this Body to defeat these Resolutions because again, the Whereas clauses do not support long-standing public policy and Supreme Court decisions that define this public policy. Thank you."

At 1:43 o'clock p.m., Representative Kanoho requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:58 o'clock p.m.

At this time, Representative M. Oshiro moved that the main motion that Standing Committee Report Nos. 1725-06 through 1804-06 be adopted, and that House Resolutions and House Concurrent Resolutions as may be amended be adopted, be amended to delete Standing Committee Report Nos. 1785-06, 1792-06, and 1793-06, seconded by Representative B. Oshiro and carried, with Representative Carroll, Marumoto, Nakasone and Takamine being excused.

The Chair then stated:

"Representative Marcus Oshiro, would like to state for the Members of the House that these three matters would be taken up at the end of the calendar?"

Representative M. Oshiro rose, stating:

"Mr. Speaker, for the Body's information, these three measures will be taken up after the main motion, which is through page 18."

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1794-06) recommending that H.C.R. No. 257, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 257, be adopted, seconded by Representative B. Oshiro.

Representative Halford rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, in support. Mr. Speaker, I'd like to add on to the comments made by the Representative from Makiki earlier today, that audits are a good thing in the private sector and the public sector. I'm not quoting him, but in general.

"I concur with that, and also would like to reiterate that we should do management and performance audits of all State activities on a regular basis as required by our Constitution. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 257, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AND FISCAL AUDIT OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1795-06) recommending that H.R. No. 209, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 209, entitled: "HOUSE RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1796-06) recommending that H.C.R. No. 269, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1797-06) recommending that H.R. No. 232, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 232, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE PRACTICES OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1798-06) recommending that H.C.R. No. 297, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 297, entitled: "HOUSE

CONCURRENT RESOLUTION REQUESTING THE AUDITOR CONDUCT A MANAGEMENT AUDIT OF THE ADMINISTRATIVE PRACTICES OF THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented two reports:

(Stand. Com. Rep. No. 1799-06) recommending that H.R. No. 233, HD 1, be adopted; and

(Stand. Com. Rep. No. 1800-06) recommending that H.C.R. No. 299, HD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.R. No. 233, HD 1, and H.C.R. No. 299, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Evans rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

Representative Harbin rose and asked that the Clerk record a no vote for her on both measures, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 233, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF BUDGET AND FINANCE, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was adopted, with Representatives Evans and Harbin voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused; and

H.C.R. No. 299, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, IN COLLABORATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF BUDGET AND FINANCE, AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO DEVELOP A VIABLE FINANCIAL PLAN TO ASSIST HONOLULU MARINE WITH THE CONSTRUCTION OF ITS FACILITIES AT SAND ISLAND," was adopted, with Representatives Evans and Harbin voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1801-06) recommending that H.R. No. 235, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 235, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE'S LANDING FEES AND DETERMINE WHETHER THE LANDING FEES AT STATE AIRPORTS SHOULD BE INCREASED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1802-06) recommending that H.C.R. No. 301, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.C.R. No. 301, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO REVIEW THE STATE'S LANDING FEES AND DETERMINE WHETHER THE LANDING FEES AT STATE AIRPORTS SHOULD BE INCREASED," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1803-06) recommending that H.C.R. No. 248, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 248, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE DEPARTMENT OF TRANSPORTATION," was adopted, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1804-06) recommending that H.C.R. No. 316, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that H.C.R. No. 316, be adopted, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising to vote against Standing Committee Report 1804. Thank you. Mr. Speaker, if I understand this, it is requesting the Attorney General to analyze our existing law to find a way to make the State Department of Taxation collect the new surcharge, the GET surcharge. And then once they collect that, to fund the County's mass transportation, the mass transit project. If I'm reading that correctly Mr. Speaker, and I oppose that. I believe that others will explain more thoroughly why this is not a good idea, particularly those that sit on the Transportation Committee. I believe a commitment was made that this would be the County's responsibility and now this measure is backtracking on that. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this measure. I was a citizen participant when we passed this infamous tax increase. Supposedly to empower and enable our City and County of Honolulu to tax citizens of Oahu for mass transit. And they were in the belief of homerule and were to take care of this themselves. To now suddenly say that we need to hand carry them through and collect the tax for them, and I think I saw a Resolution that came from the City Council that says, 'Oh now, with a new system in place, we'll be able to collect even more revenues for this.' I'm going to call it, as a former citizen participant, a 'boondoggle.'"

"So if they're going to be self-reliant, homerule, then let them collect their own tax and they should figure it out themselves. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, in opposition. I do believe in homerule. I do believe that mass transit is something we need to do. However, as we discussed here at length last year on the Floor, I could not vote for the tax, for us to collect it, and therefore, I voted no. Because I believed we would end up collecting it despite all the promises we got that we would not collect it. And here we are basically the next step after this, after we find there's no impediments or we find a

workaround, is to say we'll go ahead and collect it. We're going to end up collecting the County's tax and that is not homerule, and it is a tax increase."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. I think as I said before on this Floor that the Governor was actually considering vetoing that bill, increasing the excise tax from 4% to 4.5%. I think it was only because of a promise from yourself and the President of the Senate that the State would not have to collect it. So here we are with this Resolution making it pretty clear that what the Majority, apparently in this Chamber, wants to do. Thank you Mr. Speaker."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, I just wanted to actually clarify a statement made by the previous speakers, and that has to do with this alleged promise that was made by the leadership of the House and Senate. I actually have seen the letter that was signed by yourself and by the Senate President.

"There's no such promise that we would be taking, or giving the tax administration back to the counties. It merely stated that bills would be introduced and we would look at the idea, and we did. That's all that was promised – that bills would be introduced.

"There was no commitment because as I think you have always done, you never commit this entire Body to one necessary position. You let the legislative process work as it should and therefore, you promised to introduce a bill and let the process take it where it went. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Reservations and just a quick comment. My concern, and really why I won't vote on this measure is that, if I am a business owner and I have to pay a tax bill, if we decide to have the counties collect the tax, the business would be getting two bills for a general excise tax. Although I don't like the fact that the tax would be increased, putting myself in the place of business owners, I would rather see one tax bill than two that I would have to pay. So I'll just vote with reservations. Thank you very much."

Representative Takai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank you. You know, I agree with the previous speaker. In fact, I think the concerns raised by the people that don't support this Resolution, I believe stems from the fact that they may not support the rail system or the tax. But that debate passed last year.

"What's in front of us is, how do we implement the tax increase? I think it just makes good sense for us to allow our State Department of Taxation to collect it. Like the good Representative from Waikiki already said, if I was a business owner, I would appreciate it. I would appreciate receiving one tax bill or reporting one time to one entity, instead of reporting to two separate governments at two separate levels. It just doesn't make sense and I think what we're asking here makes a lot of sense.

"And I think if we were to propose what the Governor had asked you to propose to us, and if we would be considering it on the Floor today, I think the people that oppose mass transit or the tax, would stand up and say this doesn't make sense because we have the City government collecting a tax, and State government collecting a tax. So I think this proposal passes the 'makes sense' test. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you Mr. Speaker, still in opposition, but I did have a comment to make. If I'm not mistaken, some of the negotiations and some of the talk was that there was an ability here, there was an opportunity to actually hire, another firm to collect the tax on behalf of the State and the County. So you could actually pay it to one central area and it could be distributed to the State and the County. I'm not sure of the details of it all, but there's ways. Thank you."

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I just rise in support. I have written comments to submit to the Journal, but I just wanted to say, I was looking back at an article that was written on the tenth of April in the *Honolulu Advertiser*. In it, it stated that the State Tax Director estimated last year, that the State's cost of collecting the taxes would amount to 13.6 million over the first 4 years. The City however estimated duplicating the State system would cost \$52 million over the same period, so it's just common sense. It would not make sense to support a duplicate system that would cost more. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"The purpose of this Resolution is to request information from the Attorney General regarding the collection of the mass transit GET surcharge that will begin in Honolulu County on January 1, 2007. Specifically, this Resolution requests the AG to report on the impediments, if any, that could arise when the State Department of Taxation begins to administer the collection of this tax surcharge.

"The Attorney General testified that he saw no impediments to collecting this surcharge and because Act 247 of 2005 expressly authorized DOTAX to administer and collect the County surcharge, there would be no legal obstacles.

"The Attorney General's input is sought because DOTAX has apparently been advised not to respond to inquiries on this issue and did not appear at the hearing, nor submit testimony. The AG's input is necessary because any contracts related to the tax must be reviewed by his office.

"Time is of the essence, Mr. Speaker, since the Session is drawing to a close, and any adjustments need to be made this year to make sure the State is ready and poised to deal with whatever hurdles are discovered prior to January 1, 2007. For that reason, the Resolution seeks a report to the Legislature to be delivered as soon as possible. I would urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 316, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ATTORNEY GENERAL TO ANALYZE EXISTING LAW TO

IDENTIFY ANY IMPEDIMENT TO THE DEPARTMENT OF TAXATION'S IMPLEMENTING THE COLLECTION OF THE COUNTY SURCHARGE BY JANUARY 1, 2007 AND REQUESTING THE DEPARTMENT OF TAXATION TO ESTABLISH A PLAN TO IMPLEMENT THE ADMINISTRATION AND COLLECTION OF A COUNTY SURCHARGE ON THE STATE GENERAL EXCISE TAX TO FUND COUNTY MASS TRANSPORTATION PROJECTS ON JANUARY 1, 2007," was adopted, with Representatives Finnegan, Halford, Harbin, Meyer, Moses, Pine, Stonebraker and Thielen voting no, and with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative M. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1785-06, that H.C.R. No. 148, HD 1, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and H.C.R. No. 148, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO STUDY AND TO CONSIDER IMPLEMENTING RENT CONTROL ORDINANCES AUTHORIZED UNDER STATE LAW," was recommitted to the Committee on Finance, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative M. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1792-06, that H.R. No. 193, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was recommitted to the Committee on Finance, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

Representative M. Oshiro moved that notwithstanding the recommendations contained in Standing Committee Report No. 1793-06, that H.C.R. No. 253, be recommitted to the Committee on Finance, seconded by Representative B. Oshiro.

The motion was put to vote by the Chair and carried, and H.C.R. No. 253, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY OF THE SHORELINE SETBACK REFERENCE LINE," was recommitted to the Committee on Finance, with Representatives Carroll, Marumoto, Nakasone and Takamine being excused.

ANNOUNCEMENTS

Representative Karamatsu: "Mr. Speaker, I would like to thank all the participants who helped in the first collection drive for the Sex Abuse Treatment Center, which was held yesterday in Room 423. Items such as mugs, stuffed animals, clothes, and books will help comfort survivors of sexual assault. I also would like to thank our partners, honorary co-chair Brittany Perrineau and actor Daniel Dae Kim from *Lost*, and also the assistance from staff from the Sex Abuse Treatment Center along with other supporters and volunteers from our offices in the Capitol.

"In total, we transferred over 30 boxes of clothes for adults and children, stuff animals, reading materials and mugs, and we collected about \$130 in cash and checks for the Center. In addition, we had 20 bags that won't be used by the Sex Abuse Treatment Center, but it has already been delivered to Goodwill.

"I would like to thank Nancy Nishimura, Shawn Nakama from the Capitol and my friend, Stacey Hayashii and also my staff, Chelsea Akimoto, Kerri Richardson, Melissa Miranda-Johnson and Baron

Gushiken for all their hard work. Thank you for everyone's participation."

Representative Green: "Thank you Mr. Speaker, just real briefly. Your Hawaii Healthcare Task Force and the Governor's Task Force will be meeting today from 4:00 to 600 at the Medical School to discuss the Lewin Report further, and to advise them on adjustments that might suit Hawaii best. So if my colleagues would like to send staff or come themselves, the input would be welcomed."

Representative Halford: "Thank you, Mr. Speaker. It's my hope that in the future that this Body will have comprehensive discussions, formally and informally, on the issue of 'pay to play.' And not just on the narrow issue that was brought up in an earlier Resolution, but comprehensively, regarding partisan 'pay to play', Political Action Committee 'pay to play', etc. I don't think I have the whole list in my mind or in front of me. But I think that's a useful subject. It affects the people of Hawaii directly. And hopefully we would formally consider those issues in the future. Thank you."

ADJOURNMENT

At 2:13 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, April 17, 2006. (Representatives Carroll, Marumoto, Nakasone, Schatz and Takamine were excused.)

HOUSE COMMUNICATION

House Communication dated April 13, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bills:

H.B. No. 1, H.D. 2, S.D. 1	H.B. No. 2343, H.D. 1, S.D. 2
H.B. No. 30, H.D. 1, S.D. 2	H.B. No. 2346, S.D. 1
H.B. No. 173, H.D. 1, S.D. 1	H.B. No. 2347, S.D. 1
H.B. No. 237, H.D. 3, S.D. 1	H.B. No. 2367, H.D. 1, S.D. 1
H.B. No. 266, H.D. 1, S.D. 2	H.B. No. 2399, H.D. 2, S.D. 1
H.B. No. 439, H.D. 1, S.D. 2	H.B. No. 2410, H.D. 1, S.D. 2
H.B. No. 487, H.D. 1, S.D. 3	H.B. No. 2412, H.D. 1, S.D. 1
H.B. No. 970, H.D. 1, S.D. 1	H.B. No. 2419, H.D. 1, S.D. 3
H.B. No. 1021, H.D. 2, S.D. 2	H.B. No. 2422, H.D. 1, S.D. 2
H.B. No. 1033, H.D. 1, S.D. 2	H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 1155, H.D. 1, S.D. 2	H.B. No. 2440, H.D. 2, S.D. 2
H.B. No. 1448, H.D. 2, S.D. 1	H.B. No. 2454, H.D. 1, S.D. 2
H.B. No. 1466, H.D. 1, S.D. 2	H.B. No. 2457, H.D. 1, S.D. 1
H.B. No. 1706, H.D. 3, S.D. 1	H.B. No. 2500, H.D. 2, S.D. 2
H.B. No. 1723, H.D. 2, S.D. 2	H.B. No. 2535, S.D. 2
H.B. No. 1800, H.D. 1, S.D. 1	H.B. No. 2540, H.D. 2, S.D. 2
H.B. No. 1809, H.D. 2, S.D. 2	H.B. No. 2555, H.D. 2, S.D. 2
H.B. No. 1821, H.D. 2, S.D. 2	H.B. No. 2558, H.D. 1, S.D. 2
H.B. No. 1825, H.D. 1, S.D. 2	H.B. No. 2587, H.D. 2, S.D. 2
H.B. No. 1833, H.D. 1, S.D. 2	H.B. No. 2595, H.D. 1, S.D. 2
H.B. No. 1843, H.D. 1, S.D. 2	H.B. No. 2619, S.D. 1
H.B. No. 1861, S.D. 1	H.B. No. 2625, H.D. 1, S.D. 2
H.B. No. 1862, H.D. 2, S.D. 2	H.B. No. 2626, S.D. 1
H.B. No. 1865, H.D. 1, S.D. 2	H.B. No. 2637, H.D. 1, S.D. 2
H.B. No. 1866, H.D. 1, S.D. 2	H.B. No. 2639, H.D. 2, S.D. 2
H.B. No. 1867, H.D. 1, S.D. 2	H.B. No. 2641, H.D. 1, S.D. 2
H.B. No. 1871, H.D. 1, S.D. 2	H.B. No. 2669, H.D. 1, S.D. 2
H.B. No. 1879, H.D. 1, S.D. 1	H.B. No. 2678, H.D. 2, S.D. 2
H.B. No. 1880, H.D. 2, S.D. 2	H.B. No. 2692, H.D. 1, S.D. 1
H.B. No. 1889, H.D. 1, S.D. 2	H.B. No. 2708, H.D. 2, S.D. 2
H.B. No. 1890, H.D. 1, S.D. 2	H.B. No. 2713, H.D. 1, S.D. 1
H.B. No. 1891, H.D. 2, S.D. 2	H.B. No. 2715, H.D. 1, S.D. 2
H.B. No. 1899, H.D. 1, S.D. 1	H.B. No. 2737, H.D. 1, S.D. 1
H.B. No. 1900, H.D. 1, S.D. 1	H.B. No. 2747, H.D. 2, S.D. 1
H.B. No. 1917, H.D. 2, S.D. 2	H.B. No. 2763, H.D. 1, S.D. 2

H.B. No. 1918, H.D. 1, S.D. 2
 H.B. No. 1922, H.D. 1, S.D. 2
 H.B. No. 1923, H.D. 1, S.D. 2
 H.B. No. 1928, H.D. 2, S.D. 2
 H.B. No. 1935, H.D. 1, S.D. 1
 H.B. No. 1947, S.D. 1
 H.B. No. 1948, H.D. 2, S.D. 2
 H.B. No. 1955, H.D. 1, S.D. 1
 H.B. No. 1977, H.D. 1, S.D. 2
 H.B. No. 1995, H.D. 1, S.D. 2
 H.B. No. 2039, H.D. 2, S.D. 2
 H.B. No. 2043, H.D. 2, S.D. 3
 H.B. No. 2045, H.D. 2, S.D. 1
 H.B. No. 2050, H.D. 2, S.D. 1
 H.B. No. 2051, H.D. 1, S.D. 2
 H.B. No. 2075, H.D. 1, S.D. 2
 H.B. No. 2097, H.D. 2, S.D. 2
 H.B. No. 2109, H.D. 1, S.D. 2
 H.B. No. 2133, S.D. 1
 H.B. No. 2145, H.D. 2, S.D. 1
 H.B. No. 2146, H.D. 1, S.D. 1
 H.B. No. 2153, H.D. 2, S.D. 2
 H.B. No. 2175, H.D. 2, S.D. 2
 H.B. No. 2176, H.D. 2, S.D. 2
 H.B. No. 2179, H.D. 2, S.D. 2
 H.B. No. 2182, H.D. 1, S.D. 2
 H.B. No. 2183, H.D. 1, S.D. 1
 H.B. No. 2187, H.D. 2, S.D. 2
 H.B. No. 2192, H.D. 2, S.D. 2
 H.B. No. 2199, H.D. 2, S.D. 1
 H.B. No. 2204, H.D. 2, S.D. 2
 H.B. No. 2210, S.D. 1
 H.B. No. 2211, H.D. 1, S.D. 1
 H.B. No. 2214, H.D. 1, S.D. 2
 H.B. No. 2239, H.D. 1, S.D. 2
 H.B. No. 2258, H.D. 1, S.D. 2
 H.B. No. 2265, H.D. 2, S.D. 1
 H.B. No. 2271, H.D. 1, S.D. 2
 H.B. No. 2273, S.D. 1
 H.B. No. 2275, S.D. 1
 H.B. No. 2277, H.D. 2, S.D. 2
 H.B. No. 2278, H.D. 1, S.D. 2
 H.B. No. 2315, S.D. 2
 H.B. No. 2319, H.D. 1, S.D. 1

H.B. No. 2771, H.D. 2, S.D. 1
 H.B. No. 2772, H.D. 1, S.D. 2
 H.B. No. 2774, H.D. 1, S.D. 2
 H.B. No. 2778, H.D. 2, S.D. 2
 H.B. No. 2796, H.D. 1, S.D. 1
 H.B. No. 2805, S.D. 1
 H.B. No. 2806, H.D. 1, S.D. 2
 H.B. No. 2836, H.D. 1, S.D. 2
 H.B. No. 2848, H.D. 2, S.D. 2
 H.B. No. 2878, H.D. 1, S.D. 1
 H.B. No. 2925, H.D. 1, S.D. 2
 H.B. No. 2947, H.D. 2, S.D. 2
 H.B. No. 2950, S.D. 2
 H.B. No. 2952, H.D. 1, S.D. 2
 H.B. No. 2961, H.D. 1, S.D. 1
 H.B. No. 2964, H.D. 1, S.D. 2
 H.B. No. 2966, H.D. 2, S.D. 2
 H.B. No. 2974, S.D. 1
 H.B. No. 2987, H.D. 1, S.D. 2
 H.B. No. 2991, H.D. 2, S.D. 2
 H.B. No. 3018, H.D. 1, S.D. 1
 H.B. No. 3036, H.D. 1, S.D. 2
 H.B. No. 3037, H.D. 1, S.D. 1
 H.B. No. 3056, H.D. 2, S.D. 2
 H.B. No. 3060, H.D. 1, S.D. 2
 H.B. No. 3067, H.D. 2, S.D. 2
 H.B. No. 3087, H.D. 2, S.D. 2
 H.B. No. 3100, H.D. 1, S.D. 1
 H.B. No. 3105, H.D. 2, S.D. 2
 H.B. No. 3115, H.D. 2, S.D. 2
 H.B. No. 3116, H.D. 2, S.D. 2
 H.B. No. 3118, H.D. 1, S.D. 1
 H.B. No. 3121, H.D. 2, S.D. 1
 H.B. No. 3123, H.D. 1, S.D. 1
 H.B. No. 3142, H.D. 2, S.D. 2
 H.B. No. 3194, H.D. 1, S.D. 1
 H.B. No. 3217, H.D. 1, S.D. 1
 H.B. No. 3225, H.D. 1, S.D. 1
 H.B. No. 3235, H.D. 1, S.D. 1
 H.B. No. 3237, H.D. 2, S.D. 2
 H.B. No. 3244, H.D. 1, S.D. 2
 H.B. No. 3257, H.D. 1, S.D. 2
 H.B. No. 3259, H.D. 1, S.D. 2
 H.B. No. 3261, H.D. 1, S.D. 2

"PROPOSING AMENDMENTS TO THE HAWAII
 CONSTITUTION RELATING TO THE ESTABLISHMENT OF A
 SALARY COMMISSION."

Respectfully,
 /s/Lorna A. Woo
 for PAUL T. KAWAGUCHI
 Clerk of the Senate

PTK:law
 Enclosure

cc: Patricia Mau-Shimizu
 Clerk of the House"

OTHER COMMUNICATION

The following communication was received by the Clerk on April
 13, 2006:

"The Senate
 The Twenty-Third Legislature
 of the
 State of Hawaii
 STATE CAPITOL
 HONOLULU, HAWAII 96813

April 13, 2006

The Honorable Linda Lingle
 Governor of the State of Hawaii
 State Capitol
 Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the
 Hawaii State Constitution, written notice is hereby given of the final
 form to the following bill(s), a copy of which is attached hereto:

H.B. No. 1917, HD2, S.D. 2

FORTY-NINTH DAY

Monday, April 17, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:19 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Robert N. Herkes, after which the Roll was called showing all members present with the exception of Representatives Carroll, Stonebraker and Takamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 253 through 257) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 253, informing the House that on April 13, 2006, the following bill was signed into law:

S.B. No. 2591, entitled: "A BILL FOR AN ACT RELATING TO APPEALS." (ACT 003)

Gov. Msg. No. 254, informing the House that on April 13, 2006, the following bill was signed into law:

S.B. No. 2604, entitled: "A BILL FOR AN ACT RELATING TO INTERMEDIATE APPELLATE COURT PANELS." (ACT 004)

Gov. Msg. No. 255, informing the House that on April 13, 2006, the following bill was signed into law:

H.B. No. 2900, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC VOTING." (ACT 005)

Gov. Msg. No. 256, informing the House that on April 13, 2006, the following bill was signed into law:

S.B. No. 2333, SD 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR GENERAL ASSISTANCE." (ACT 006)

Gov. Msg. No. 257, informing the House that on April 13, 2006, the following bill was signed into law:

S.B. No. 2489, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF PROPERTY." (ACT 007)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 681 through 745) were received and announced by the Clerk:

Sen. Com. No. 681, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

S.B. No. 87, SD 2, HD 1	S.B. No. 2571, HD 1
S.B. No. 218, SD 4, HD 1	S.B. No. 2572, SD 2, HD 1
S.B. No. 439, HD 2	S.B. No. 2575, SD 2, HD 1
S.B. No. 475, SD 2, HD 1	S.B. No. 2600, SD 1, HD 2
S.B. No. 613, SD 2, HD 1	S.B. No. 2630, SD 2, HD 1
S.B. No. 696, SD 1, HD 2	S.B. No. 2652, SD 2, HD 2
S.B. No. 743, SD 2, HD 2	S.B. No. 2688, SD 2, HD 2
S.B. No. 744, SD 2, HD 1	S.B. No. 2708, SD 2, HD 1
S.B. No. 785, SD 2, HD 2	S.B. No. 2718, SD 1, HD 1

S.B. No. 845, SD 2, HD 2	S.B. No. 2719, SD 2, HD 1
S.B. No. 965, SD 2, HD 1	S.B. No. 2725, SD 2, HD 1
S.B. No. 1015, SD 1, HD 1	S.B. No. 2727, SD 1, HD 2
S.B. No. 1223, SD 2, HD 1	S.B. No. 2774, SD 2, HD 1
S.B. No. 1294, SD 2, HD 1	S.B. No. 2838, SD 2, HD 2
S.B. No. 1317, SD 1, HD 1	S.B. No. 2879, SD 1, HD 1
S.B. No. 1512, SD 1, HD 3	S.B. No. 2887, SD 1, HD 1
S.B. No. 1593, SD 2, HD 2	S.B. No. 2897, SD 2, HD 3
S.B. No. 1648, SD 1, HD 2	S.B. No. 2898, SD 2, HD 2
S.B. No. 1899, SD 1, HD 1	S.B. No. 2909, SD 1, HD 2
S.B. No. 2004, SD 1, HD 1	S.B. No. 2913, SD 1, HD 1
S.B. No. 2021, SD 2, HD 2	S.B. No. 2917, HD 3
S.B. No. 2036, SD 1, HD 1	S.B. No. 2922, SD 1, HD 1
S.B. No. 2065, SD 2, HD 1	S.B. No. 2926, SD 1, HD 2
S.B. No. 2074, SD 1, HD 2	S.B. No. 2948, SD 1, HD 2
S.B. No. 2076, SD 2, HD 2	S.B. No. 2949, SD 2, HD 1
S.B. No. 2133, SD 2, HD 2	S.B. No. 2954, SD 2, HD 2
S.B. No. 2145, SD 2, HD 2	S.B. No. 2956, SD 2, HD 2
S.B. No. 2150, SD 1, HD 1	S.B. No. 2957, SD 2, HD 2
S.B. No. 2155, SD 2, HD 1	S.B. No. 2958, SD 2, HD 1
S.B. No. 2162, SD 2, HD 1	S.B. No. 2959, SD 3, HD 1
S.B. No. 2166, SD 2, HD 3	S.B. No. 2961, SD 1, HD 1
S.B. No. 2188, SD 1, HD 2	S.B. No. 2980, SD 2, HD 1
S.B. No. 2214, SD 2, HD 3	S.B. No. 2997, SD 1, HD 1
S.B. No. 2227, SD 2, HD 2	S.B. No. 3000, SD 2, HD 1
S.B. No. 2246, SD 1, HD 2	S.B. No. 3009, SD 2, HD 2
S.B. No. 2248, SD 2, HD 1	S.B. No. 3011, SD 1, HD 1
S.B. No. 2259, SD 1, HD 1	S.B. No. 3021, SD 2, HD 2
S.B. No. 2260, SD 1, HD 1	S.B. No. 3035, SD 1, HD 1
S.B. No. 2265, SD 1, HD 1	S.B. No. 3059, SD 2, HD 1
S.B. No. 2273, SD 2, HD 1	S.B. No. 3065, SD 1, HD 1
S.B. No. 2298, SD 1, HD 1	S.B. No. 3076, SD 1, HD 1
S.B. No. 2323, SD 2, HD 1	S.B. No. 3077, SD 2, HD 2
S.B. No. 2327, SD 2, HD 1	S.B. No. 3078, SD 2, HD 1
S.B. No. 2334, SD 2, HD 2	S.B. No. 3090, SD 2, HD 1
S.B. No. 2339, SD 2, HD 1	S.B. No. 3101, SD 2, HD 2
S.B. No. 2343, SD 2, HD 2	S.B. No. 3105, SD 2, HD 2
S.B. No. 2348, SD 1, HD 1	S.B. No. 3114, SD 2, HD 2
S.B. No. 2357, HD 1	S.B. No. 3119, SD 2, HD 1
S.B. No. 2364, SD 2, HD 3	S.B. No. 3120, SD 2, HD 1
S.B. No. 2385, SD 1, HD 2	S.B. No. 3138, HD 1
S.B. No. 2433, SD 2, HD 1	S.B. No. 3146, SD 2, HD 1
S.B. No. 2461, SD 1, HD 1	S.B. No. 3180, SD 1, HD 2
S.B. No. 2480, SD 1, HD 1	S.B. No. 3181, SD 2, HD 2
S.B. No. 2484, SD 1, HD 1	S.B. No. 3185, SD 2, HD 2
S.B. No. 2485, SD 2, HD 2	S.B. No. 3186, SD 2, HD 2
S.B. No. 2486, SD 2, HD 1	S.B. No. 3192, SD 1, HD 2
S.B. No. 2492, SD 1, HD 1	S.B. No. 3195, SD 2, HD 2
S.B. No. 2499, SD 2, HD 2	S.B. No. 3205, SD 2, HD 1
S.B. No. 2502, SD 2, HD 1	S.B. No. 3215, SD 1, HD 2
S.B. No. 2504, SD 2, HD 2	S.B. No. 3247, SD 2, HD 2
S.B. No. 2505, SD 2, HD 1	S.B. No. 3252, SD 2, HD 1
S.B. No. 2545, SD 2, HD 2	S.B. No. 3262, SD 1, HD 1
S.B. No. 2546, SD 1, HD 2	S.B. No. 3270, SD 2, HD 1
S.B. No. 2570, SD 2, HD 2	S.B. No. 3273, SD 2, HD 2

Sen. Com. No. 682, transmitting H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO ASSIST IN THE PRIVATIZATION OF ITS PALOLO VALLEY HOMES PROJECT," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 683, transmitting S.C.R. No. 9, entitled: "SENATE CONCURRENT RESOLUTION URGING CULTURAL PERPETUATION IN RURAL HAWAIIAN COMMUNITIES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 684, transmitting S.C.R. No. 10, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE

PRESERVATION OF JAPANESE SHRINES AND TEMPLES IN HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 685, transmitting S.C.R. No. 13, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A WORK-FAMILY TASK FORCE TO REVIEW HAWAII'S WORK-FAMILY LAWS AND POLICIES, AND REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY OTHER STATES' LAWS AND PRACTICES THAT PROMOTE GOOD WORK-FAMILY POLICY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 686, transmitting S.C.R. No. 14, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO PREVENT AND FIGHT AGAINST INVASIVE SPECIES IN HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 687, transmitting S.C.R. No. 17, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 688, transmitting S.C.R. No. 18, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AND MANAGEMENT AUDIT OF THE CAPITAL FUND PROGRAM ADMINISTERED BY THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 689, transmitting S.C.R. No. 23, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEDICATE BERTHING AREAS IN EACH COUNTY WHERE NON-PROFIT ORGANIZATIONS CAN MOOR THEIR VOYAGING CANOES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 690, transmitting S.C.R. No. 32, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE PROCUREMENT OFFICE AND THE STATE ETHICS COMMISSION TO REVIEW POSSIBLE PROCUREMENT CODE AND ETHICS VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 691, transmitting S.C.R. No. 40, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE ADJUTANT GENERAL OF THE HAWAII NATIONAL GUARD PROVIDE MEMBERS AND VETERANS OF THE ARMED FORCES HEALTH SCREENING FOR DEPLETED URANIUM EXPOSURE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 692, transmitting S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE EXECUTIVE OFFICE ON AGING TO COLLABORATE ON PROVIDING TRANSPORTATION TO SENIORS AND TO VISUALLY IMPAIRED PERSONS, AND EXPRESSING THE LEGISLATURE'S SUPPORT FOR FEDERAL LEGISLATION TO PROVIDE FUNDING FOR ITNAMESA FOR A FIVE-YEAR NATIONAL ROLL-OUT AND GRANTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 693, transmitting S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE

CAPITAL IMPROVEMENT PROJECTS OF THE DEPARTMENT OF TRANSPORTATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 694, transmitting S.C.R. No. 49, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE STATE FIRE COUNCIL," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 695, transmitting S.C.R. No. 50, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ASSIST IN DEVELOPING COMMUNITY-BASED PROGRAMS ON THE BIG ISLAND THAT ENCOURAGE POSITIVE YOUTH OUTCOMES, INCLUDING LEADERSHIP DEVELOPMENT," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 696, transmitting S.C.R. No. 52, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COMMITTEES ON HUMAN SERVICES OF THE SENATE AND HOUSE OF REPRESENTATIVES TO CONVENE INTERIM HEARINGS ON THE USE OF LEGAL INTERVENTIONS AVAILABLE TO THE FAMILY COURT," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 697, transmitting S.C.R. No. 56, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE FERAL PIG POPULATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 698, transmitting S.C.R. No. 57, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION INVESTIGATE THE FEASIBILITY OF EBOOKS AS AN ALTERNATIVE TO TRADITIONAL TEXTBOOKS AND REPORT ITS FINDINGS TO THE LEGISLATURE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 699, transmitting S.C.R. No. 60, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION EXEMPT THE HIGH CORE PROGRAM'S COMPREHENSIVE SCHOOL ALIENATION PROGRAM FUNDING FROM THE WEIGHTED STUDENT FORMULA BUDGETING PROCESS AS WAS INTENDED BY THE COMMITTEE ON WEIGHTS AND THE BOARD OF EDUCATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 700, transmitting S.C.R. No. 61, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE AUDITOR CONDUCT A FISCAL AND PROGRAM AUDIT OF THE DEPARTMENT OF EDUCATION'S HAWAIIAN STUDIES PROGRAM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 701, transmitting S.C.R. No. 62, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO PROCLAIM THE SECOND SATURDAY IN OCTOBER AS "E HO'OLA I NA ALA HELE DAY" – "TO GIVE LIFE TO THE TRAILS DAY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 702, transmitting S.C.R. No. 66, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE REFERENCE BUREAU STUDY AND EVALUATE THE FEASIBILITY OF ESTABLISHING AN ECONOMIC REDEVELOPMENT AGENCY FOR THE URBAN CORE OF HONOLULU," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 703, transmitting S.C.R. No. 67, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVE COMMUNITY CARE PROGRAM MODEL IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANDED ACCESS PROGRAM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 704, transmitting S.C.R. No. 75, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION CLARIFY THE PROCEDURES THROUGH WHICH STUDENTS MAY TAKE ONLINE CLASSES FROM AN ACCREDITED INSTITUTION FOR CREDIT TOWARD DEPARTMENT OF EDUCATION REQUIREMENTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 705, transmitting S.C.R. No. 77, S.D. 2, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT TWO STUDIES OF RECOMMENDED PROCEDURES THAT WILL ENSURE THAT STATE-FUNDED HEALTH CARE PAYMENTS ADEQUATELY REIMBURSE PROVIDERS WHO PROVIDE SERVICES FOR MEDICAID OR QUEST RECIPIENTS AND INJURED EMPLOYEES UNDER WORKERS COMPENSATION INSURANCE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 706, transmitting S.C.R. No. 81, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO ELIMINATE THE CONCEPT OF POSITIVE ENROLLMENT FROM THE RECENTLY ISSUED QUEST REQUEST FOR PROPOSAL," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 707, transmitting S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE UNIVERSITY OF HAWAII BOARD OF REGENTS' CONFLICT OF INTEREST POLICY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 708, transmitting S.C.R. No. 87, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EXAMINE THE IMPLEMENTATION OF AN AUTOMATED VICTIM NOTIFICATION SYSTEM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 709, transmitting S.C.R. No. 89, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CONVENING A TASK FORCE TO EXAMINE THE ISSUE OF CHANGES TO THE HAWAII PENAL CODE FOR THE SENTENCING OF REPEAT OFFENDERS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 710, transmitting S.C.R. No. 91, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO EXAMINE THE BACKLOG IN UNSERVED ARREST WARRANTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 711, transmitting S.C.R. No. 93, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS AND THE ATTORNEY GENERAL TO IMPLEMENT MEASURES TO PROVIDE A SMOOTH TRANSITION FOR PUBLIC, EDUCATION, AND GOVERNMENT ACCESS ORGANIZATIONS SHOULD IT BE DETERMINED BY THE STATE PROCUREMENT OFFICE THAT THESE ORGANIZATIONS ARE SUBJECT TO THE STATE PROCUREMENT LAW," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 712, transmitting S.C.R. No. 94, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO EXAMINE THE ISSUE OF DISCRETIONARY

FUNCTION EXCEPTION FOR OF THE STATE AND COUNTIES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 713, transmitting S.C.R. No. 97, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF STUDENT HOUSING SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 714, transmitting S.C.R. No. 98, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH CAUTION IN REVIEWING DEVELOPMENTS ON STEEP HILLSIDES WITH POTENTIAL ROCKFALL HAZARDS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 715, transmitting S.C.R. No. 106, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII EMPLOYERS TO DEVELOP AND IMPLEMENT STANDARDS OF CONDUCT AND POLICIES FOR MANAGERS AND EMPLOYEES TO REDUCE WORKPLACE BULLYING AND PROMOTE HEALTHFUL AND SAFE WORK ENVIRONMENTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 716, transmitting S.C.R. No. 113, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ISSUE OF AUTHORIZING PSYCHOLOGISTS WHO HAVE OBTAINED THE APPROPRIATE EDUCATION, TRAINING, AND EXPERIENCE TO PRESCRIBE A LIMITED FORMULARY OF PSYCHOTROPIC MEDICATIONS FOR THE TREATMENT OF MENTAL ILLNESS WHILE PRACTICING IN FEDERALLY QUALIFIED HEALTH CENTERS OR LICENSED HEALTH CLINICS LOCATE IN FEDERALLY DESIGNATED MEDICALLY UNDERSERVED AREAS OR IN MENTAL HEALTH PROFESSIONAL SHORTAGE AREAS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 717, transmitting S.C.R. No. 117, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVEENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND TO PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 718, transmitting S.C.R. No. 125, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF AGRICULTURE TO CONDUCT A FEASIBILITY STUDY ON SELLING THE LAND COMPRISING THE OAHU COMMUNITY CORRECTIONAL FACILITY ON KAMEHAMEHA HIGHWAY AND MOVING TO THE SITE OF THE ANIMAL QUARANTINE CENTER IN HALAWA OR ADJACENT STATE LAND NEAR THE CURRENT HALAWA CORRECTIONAL FACILITY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 719, transmitting S.C.R. No. 128, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HAWAIIAN HOME LANDS ENTER INTO A LEASE/PURCHASE AGREEMENT FOR THE CONSTRUCTION OF A NEW OFFICE FACILITY ON HAWAIIAN HOME LANDS IN EAST KAPOLEI TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 720, transmitting S.C.R. No. 130, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE

DEPARTMENT OF LAND AND NATURAL RESOURCES TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT AT WAILOA SMALL BOAT HARBOR AND ALONG HILO BAYFRONT," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 721, transmitting S.C.R. No. 131, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO MAKE RECOMMENDATIONS ON THE APPROPRIATE LEASE RENT FOR THE MAUNA KEA SUMMIT LANDS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 722, transmitting S.C.R. No. 138, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING THE ENTRANCE OF MEN INTO THE NURSING FIELD," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 723, transmitting S.C.R. No. 139, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES OF THE UNIVERSITY OF HAWAII AT MANOA TO STUDY THE FEASIBILITY OF MANDATED OR INCENTIVE BASED VOLUNTARY ROOFTOP LANDSCAPING AND AGRICULTURE IN URBAN DISTRICTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 724, transmitting S.C.R. No. 140, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 725, transmitting S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO MAINTAIN THE CURRENT ZONING OF A ONE HUNDRED SEVENTY-TWO ACRE PARCEL OF REAL PROPERTY IN ROYAL KUNIA FOR THE ESTABLISHMENT OF A PARK, GOLF COURSE, OR CONTINUED USE AS OPEN SPACE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 726, transmitting S.C.R. No. 148, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO PURCHASE THE MOANALUA GARDENS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 727, transmitting S.C.R. No. 149, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION DEVELOP AND IMPLEMENT A STUDENT AND FACULTY EXCHANGE PROGRAM BETWEEN HAWAII AND THE PHILIPPINES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 728, transmitting S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONVENE A TASK FORCE TO STUDY THE PHYSICIAN ON-CALL CRISIS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 729, transmitting S.C.R. No. 152, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT AN INTERIM STUDY OF THE NEED FOR GREATER REGULATION OF THE MEDICAL MALPRACTICE

INSURANCE INDUSTRY IN HAWAII AND TO PROPOSE NEEDED REFORMS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 730, transmitting S.C.R. No. 157, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE KOMOHANA RESEARCH AND EXTENSION CENTER'S ADMINISTRATIVE OFFICE WING IN HONOR OF DR. TADASHI HIGAKI," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 731, transmitting S.C.R. No. 172, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO TAKE INTO ACCOUNT THE NEED TO RENOVATE AGING CLASSROOM SPACES AND OTHER CHANGING EDUCATIONAL NEEDS WHEN DETERMINING CAPITAL IMPROVEMENT PROJECT PRIORITIES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 732, transmitting S.C.R. No. 173, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION DETERMINE A SET OF BENCHMARK INDICATORS TO EVALUATE STUDENT ACHIEVEMENT SINCE THE IMPLEMENTATION OF ACT 51," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 733, transmitting S.C.R. No. 176, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE BOARD AND DEPARTMENT OF EDUCATION CLARIFY HOW THE I.D.E.A. MANDATE OF "FREE APPROPRIATE PUBLIC EDUCATION" FOR SPECIAL EDUCATION STUDENTS IS BEING IMPLEMENTED IN THE STATE AND THAT THE LEGISLATIVE REFERENCE BUREAU CONDUCT A COMPARATIVE STUDY OF COSTS AND FEES CHARGED BY SCHOOL DISTRICTS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 734, transmitting S.C.R. No. 178, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO CONDUCT A STUDY TO DETERMINE THE MULTIPLIER EFFECT OF THE AGRICULTURAL INDUSTRY IN HAWAII'S ECONOMY," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 735, transmitting S.C.R. No. 182, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION EXPRESSING LEGISLATIVE SUPPORT FOR THE HAWAII ATHLETIC TRAINERS' ASSOCIATION AND THE NATIONAL ATHLETIC TRAINERS' ASSOCIATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 736, transmitting S.C.R. No. 195, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HONOLULU BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU TO WORK WITH THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII ON THE REPLACEMENT OF THE WAIHAOLE VALLEY WATER SYSTEM AND FOR THE BOARD OF WATER SUPPLY TO ACCEPT DEDICATION OF THE UPGRADED WATER SYSTEM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 737, transmitting S.C.R. No. 196, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 738, transmitting S.C.R. No. 199, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE

COLLEGE OF HAWAIIAN LANGUAGE AT THE UNIVERSITY OF HAWAII AT HILO TO WORK WITH APPROPRIATE GOVERNMENT OFFICES TO DEVELOP A PLAN TO PROMOTE THE HAWAIIAN LANGUAGE IN ALL STATE AND COUNTY GOVERNMENT OFFICES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 739, transmitting S.C.R. No. 200, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING SUPPORT FOR THE UNIVERSITY OF HAWAII'S CENTER ON AGING, RESEARCH, AND EDUCATION," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 740, transmitting S.C.R. No. 211, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A FOUR-YEAR DEGREE PROGRAM IN HISTORIC PRESERVATION AT THE UNIVERSITY OF HAWAII," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 741, transmitting S.C.R. No. 216, entitled: "SENATE CONCURRENT RESOLUTION CREATING A LEGISLATIVE TASK FORCE TO MAKE RECOMMENDATIONS FOR STATUTORY ENACTMENT TO ENHANCE TRANSPARENCY IN LEGISLATIVE PROCEEDINGS," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 742, transmitting S.C.R. No. 217, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADOPT AN ORDINANCE TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM TO OBTAIN MONETARY DISCOUNTS IN PURCHASING FLOOD INSURANCE," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 743, transmitting S.C.R. No. 222, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE FEASIBILITY OF CREATING A HAWAII STATE HISTORY MUSEUM," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 744, transmitting S.C.R. No. 233, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MILITARY TO MAP AND MONITOR ALL MUNITION DUMPSITES OFF HAWAIIAN SHORES," which was adopted by the Senate on April 13, 2006.

Sen. Com. No. 745, dated April 13, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:

S.B. No. 427,
SD 1, HD 1 Chair: Inouye
Co-Chair: Hanabusa
Members: Espero, Whalen

S.B. No. 695,
HD 1 Chair: Hanabusa
Members: Hee, Whalen

S.B. No. 951,
SD 2, HD 1 Chair: Kokubun
Co-Chair: Hanabusa
Member: Whalen

S.B. No. 995,
SD 1, HD 1 Chair: Hanabusa
Co-Chair: Taniguchi
Member: Whalen

S.B. No. 2006,
SD 3, HD 2 Chair: Kokubun
Co-Chair: Hanabusa
Members: English, Hee, Whalen

S.B. No. 2063,
HD 1 Chair: Taniguchi
Members: Espero, Kanno, Tsutsui,
Hemmings

S.B. No. 2090,
SD 2, HD 1 Chair: Kokubun
Co-Chair: Taniguchi
Member: Trimble

S.B. No. 2213,
SD 2, HD 2 Chair: Inouye
Co-Chairs: Espero/Hanabusa
Member: Whalen

S.B. No. 2237,
SD 1, HD 1 Chair: Inouye
Co-Chair: Taniguchi
Members: Espero, Whalen

S.B. No. 2243,
SD 1, HD 1 Chair: Hanabusa
Members: Chun Oakland, Whalen

S.B. No. 2244,
SD 1, HD 1 Chair: Hanabusa
Members: Hee, Whalen

S.B. No. 2328,
SD 2, HD 2 Chair: Chun Oakland
Co-Chair: Hanabusa
Members: Fukunaga, Trimble

S.B. No. 2358,
SD 2, HD 2 Chair: Kokubun
Co-Chair: Hanabusa
Members: English, Whalen

S.B. No. 2360,
SD 2, HD 1 Chair: Kokubun
Co-Chair: Taniguchi
Members: English, Hemmings

S.B. No. 2462,
SD 1, HD 1 Chair: Kokubun
Co-Chair: Ige
Members: Baker, English, Slom

S.B. No. 2476,
SD 2, HD 3 Chair: Kokubun
Co-Chairs: Hee/Taniguchi
Members: Baker, Fukunaga, Inouye,
Trimble

S.B. No. 2487,
HD 1 Chair: Kokubun
Co-Chair: Inouye
Members: Hee, Whalen

S.B. No. 2550,
SD 2, HD 1 Chair: Kokubun
Co-Chairs: Ige/Taniguchi
Members: Fukunaga, Slom

S.B. No. 2609,
SD 1, HD 1 Chair: Hanabusa
Members: Hee, Whalen

S.B. No. 2617,
SD 2, HD 1 Chair: Chun Oakland
Co-Chair: Taniguchi
Members: Hooser, Ihara, Tsutsui, Trimble

S.B. No. 2667,
SD 2, HD 1 Chair: Ige
Co-Chair: Hanabusa
Members: Inouye, Slom

S.B. No. 2720,
SD 2, HD 1 Chair: Sakamoto
Co-Chairs: Inouye/Taniguchi
Members: Espero, Tsutsui, Hogue

S.B. No. 2753,
SD 1, HD 2 Chair: Kokubun
Co-Chair: Taniguchi
Members: Hooser, Ige, Inouye, Hemmings

S.B. No. 2901, HD 1	Chair: Inouye Co-Chairs: Ige/Taniguchi Members: Tsutsui, Whalen	10, SD1	Committee on Water, Land, & Ocean Resources
S.B. No. 2929, HD 1	Chair: Kokubun Co-Chair: Hanabusa Member: Whalen	13	Committee on Human Services, then to the Committee on Finance
S.B. No. 2930, SD 1, HD 1	Chair: Hanabusa Members: Chun Oakland, Whalen	14, SD1	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection
S.B. No. 2986, SD 2, HD 2	Chair: Hanabusa Co-Chairs: Kokubun/Ige Members: Inouye, Slom	17, SD1	Committee on Housing, then to the Committee on Finance
S.B. No. 3003, SD 2, HD 2	Chair: Chun Oakland Co-Chairs: Baker/Tsutsui Members: Fukunaga, Taniguchi, Trimble	18, SD1	Committee on Housing, then to the Committee on Finance
S.B. No. 3037, SD 2, HD 2	Chair: Kokubun Co-Chair: Taniguchi Member: Hemmings	23, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Transportation
S.B. No. 3051, SD 2, HD 1	Chair: Ige Co-Chair: Taniguchi Members: Kim, Slom	32, SD1	Committee on Legislative Management
S.B. No. 3054, SD 2, HD 2	Chair: Sakamoto Co-Chairs: Kokubun/Taniguchi Members: Chun Oakland, Tsutsui, Hogue	40, SD1	Committee on Public Safety & Military Affairs
S.B. No. 3084, SD 2, HD 3	Chair: Kokubun Co-Chair: Taniguchi Members: English, Hemmings	41	Committee on Transportation, then to the Committee on Judiciary
S.B. No. 3197, SD 2, HD 1	Chair: Sakamoto Co-Chair: Taniguchi Members: Chun Oakland, Hooser, Kanno, Nishihara, Tsutsui, Hogue	44	Committee on Transportation, then to the Committee on Finance
S.B. No. 3253, SD. 1, HD 1	Chair: Chun Oakland Co-Chair: Taniguchi Members: Fukunaga, Ihara, Slom	49, SD1	Committee on Labor & Public Employment
S.B. No. 3254, SD 2, HD 2	Chair: Chun Oakland Co-Chairs: Hanabusa/Baker Members: Fukunaga, Ihara, Trimble	50	Committee on Education
		52, SD1	Committee on Human Services
		56, SD1	Committee on Water, Land, & Ocean Resources
		57	Committee on Education
		60	Committee on Education, then to the Committee on Finance
		61, SD1	Jointly to the Committee on Education and the Committee on Hawaiian Affairs, then to the Committee on Finance

INTRODUCTION

The following introduction was made to the members of the House:

Representative Finnegan introduced fifth grade students of Hickam Elementary, accompanied by teachers, Mrs. Shannon Tanabe-Clark and Mrs. Shelly Yoshikawa; and chaperones, Mr. Woodard, Mr. Redinger, Mrs. Kornitzer, and Mrs. Murray.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following Senate concurrent resolutions were referred to committee by the Speaker:

S.C.R.

Nos.

Referred to:

9 Committee on Hawaiian Affairs

62, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs
66, SD2	Committee on Housing, then to the Committee on Finance
67, SD1	Jointly to the Committee on Human Services and the Committee on Health
75, SD1	Committee on Education
77, SD2	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
81, SD1	Jointly to the Committee on Human Services and the Committee on Health, then to the Committee on Finance
85	Committee on Higher Education, then to the Committee on Finance

87, SD1	Committee on Judiciary	172, SD1	Committee on Education
89, SD1	Committee on Judiciary	173, SD1	Committee on Education
91, SD1	Committee on Public Safety & Military Affairs	176, SD1	Committee on Education, then to the Committee on Finance
93, SD1	Committee on Consumer Protection & Commerce	178, SD1	Committee on Agriculture
94, SD1	Committee on Judiciary	182, SD1	Committee on Economic Development & Business Concerns
97, SD1	Committee on Higher Education, then to the Committee on Finance	195	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Housing
98, SD1	Committee on Water, Land, & Ocean Resources	196, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Economic Development & Business Concerns
106, SD1	Committee on Labor & Public Employment	199	Jointly to the Committee on Higher Education and the Committee on Hawaiian Affairs, then to the Committee on Labor & Public Employment
113, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Finance	200	Committee on Higher Education, then to the Committee on Finance
117, SD1	Committee on Health, then to the Committee on Finance	211	Committee on Higher Education, then to the Committee on Finance
125	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Agriculture, then to the Committee on Finance	216	Committee on Legislative Management, then to the Committee on Judiciary
128, SD1	Committee on Hawaiian Affairs, then to the Committee on Finance	217	Committee on Consumer Protection & Commerce, then to the Committee on Finance
130, SD1	Committee on Water, Land, & Ocean Resources	222, SD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Tourism & Culture
131, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Hawaiian Affairs, then to the Committee on Higher Education, then to the Committee on Finance	233	Committee on Public Safety & Military Affairs
COMMITTEE REASSIGNMENT			
The following House bills were re-referred to committee by the Speaker:			
		<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
138	Jointly to the Committee on Higher Education and the Committee on Health	1466, HD1, SD2	Committee on Health, then to the Committee on Public Safety & Military Affairs, then to the Committee on Finance
139	Jointly to the Committee on Higher Education and the Committee on Agriculture	1800, HD1, SD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
140, SD1	Committee on Health	1948, HD2, SD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
141	Committee on Economic Development & Business Concerns	2419, HD1, SD3	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
148	Committee on Water, Land, & Ocean Resources		
149	Jointly to the Committee on Education and the Committee on Higher Education, then to the Committee on International Affairs		
150	Committee on Consumer Protection & Commerce		
152, SD1	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Health, then to the Committee on Finance		
157, SD1	Committee on Higher Education		

2836, Committee on Economic Development & Business
HD1, Concerns, then to the Committee on Consumer
SD2 Protection & Commerce, then to the Committee on
Finance

3123, Jointly to the Committee on Health and the Committee
HD1, on Human Services, then to the Committee on Public
SD1 Safety & Military Affairs, then to the Committee on
Consumer Protection & Commerce, then to the
Committee on Finance

The following Senate bills were re-referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
87, SD2, HD1	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
743, SD2, HD2	Jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary
1317, SD1, HD1	Committee on Judiciary, then to the Committee on Finance
2133, SD2, HD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2155, SD2, HD1	Jointly to the Committee on Agriculture and the Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2343, SD2, HD2	Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance
2385, SD1, HD2	Committee on Transportation, then to the Committee on Judiciary, then to the Committee on Finance
2550, SD2, HD1	Committee on Water, Land, & Ocean Resources, then to the Committee on Finance
2570, SD2, HD2	Jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, then to the Committee on Finance
3021, SD2, HD2	Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
3181, SD2, HD2	Committee on Energy & Environmental Protection, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
3197, SD2, HD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Judiciary, then to the Committee on Finance
3273, SD2, HD2	Jointly to the Committee on Education and the Committee on Health, then to the Committee on Judiciary, then to the Committee on Finance

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

S.C.R.

Nos.

Re-referred to:

36	Jointly to the Committee on Energy & Environmental Protection and the Committee on Agriculture
159, SD1	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection

STANDING COMMITTEE REPORT

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1805-06) recommending that S.C.R. No. 15, SD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 15, SD 1, be adopted, seconded by Representative B. Oshiro.

Representative Waters rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I support the goal of eliminating suffering and death from cancer by the year 2015. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 15, SD 1, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE GOAL OF ELIMINATING SUFFERING AND DEATH FROM CANCER BY THE YEAR 2015," was adopted, with Representatives Carroll and Stonebraker being excused.

At 12:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:53 o'clock p.m.

The Chair announced:

"Members, before proceeding on to Announcements, we have to take up the yellow Action Sheets that we have on your desks this afternoon. So Members, at this time if you would please turn to page 47.

"The Chair at this time hereby discharges Representatives Luke and Magaoy as Co-Chair Conferees to House Bill No. 2454, HD 1, SD 2."

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules of the House be suspended for the purpose of considering certain bills on Final Reading on the basis of a modified consent calendar, seconded by Representative B. Oshiro.

Representative Halford rose, stating:

"Mr. Speaker. I object to the motion, Mr. Speaker."

Representative B. Oshiro rose to a point of order, stating:

"Mr. Speaker. Point of order. Under Section 282 of *Mason's*, this is a non-debatable motion. Thank you."

At 12:54 o'clock p.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

Representative Thielen rose to speak in opposition to the measure, stating:

"Mr. Speaker. Thank you. I just want to register my no vote Mr. Speaker, because it won't show up when it's just a voice vote and others might want to do the same thing."

Representative Halford rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. On voting for that motion, I will be voting no."

The Chair then stated:

"The motion is to suspend the rules of the House to consider certain House Bills for Final Reading by Consent Calendar, why would you vote no at this point and time?"

At 12:56 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

At this time, the Chair stated:

"Members, we are on the motion to suspend the rules of the House to consider certain House bills for Final Reading by Consent Calendar. There was the second. And then I asked for any questions. We had Members voicing their no votes on the motion to suspend the rules."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose stating:

"Thank you, Mr. Speaker. I just want to clarify my no vote."

The Chair responded, stating:

"Representative Halford, there is no debate on this particular motion."

The motion was put to vote by the Chair and carried, with Representatives Finnegan, Halford, Moses, Pine and Thielen voting no. (Representatives Carroll, Saiki and Stonebraker were excused.)

SUSPENSION OF RULES

Representative M. Oshiro moved that the rules be suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills, seconded by Representative B. Oshiro.

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I have an objection to this motion because it indicates we're going to go ahead and vote on something that last week we disagreed with."

The Chair responded, stating:

"And now we are reconsidering our action. Yes, you're correct. Please proceed."

Representative Meyer: "That's a concern of mine because as the bills came out of both Houses, and we're dealing with our House Bills that came out of the Senate, and then we took action on the floor here Thursday ..."

Representative Takai: "Point of information. This motion is non-debatable."

Representative Meyer: "Mr. Speaker, I think this one is debatable."

Speaker Say: "For reconsideration, please proceed. Yes."

Representative Meyer: "Yes, thank you. Thank you very much."

Speaker Say: "Excuse me. Representative Meyer, you are out of order. The next motion is to the reconsider. This motion is to suspend the rules to reconsider action."

Representative Meyer: "Do I understand that you're saying that this motion is not debatable?"

Speaker Say: "Yes. This is the second motion we are making. The third motion is to move to reconsider. This motion that is before us is to suspend the rules of the House to reconsider action. So we're just asking the Members of this House to suspend the rules."

At 1:02 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:11 o'clock p.m.

At this time, the Chair stated:

"Members, at this time we are on the second motion which is to suspend the rules of the House to reconsider action previously taken in disagreeing to the amendments made by the Senate to certain House Bills. Representative Blake Oshiro seconded the motion. I asked for any questions. Representative Finnegan."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no. (Representatives Carroll, Saiki and Stonebraker were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro:

H.B. No. 1, HD 2, (SD 1)	H.B. No. 2275, (SD 1)
H.B. No. 173, HD 1, (SD 1)	H.B. No. 2346, (SD 1)
H.B. No. 877, HD 2, (SD 1)	H.B. No. 2347, (SD 1)
H.B. No. 1155, HD 1, (SD 2)	H.B. No. 2434, (SD 1)
H.B. No. 1233, HD 1, (SD 1)	H.B. No. 2443, HD 1, (SD 1)
H.B. No. 1833, HD 1, (SD 2)	H.B. No. 2454, HD 1, (SD 2)
H.B. No. 1899, HD 1, (SD 1)	H.B. No. 2457, HD 1, (SD 1)
H.B. No. 1947, (SD 1)	H.B. No. 2508, HD 2, (SD 1)
H.B. No. 1982, HD 2, (SD 1)	H.B. No. 2747, HD 2, (SD 1)
H.B. No. 1983, HD 1, (SD 1)	H.B. No. 2780, HD 1, (SD 1)
H.B. No. 1984, HD 1, (SD 1)	H.B. No. 2898, (SD 1)
H.B. No. 2050, HD 2, (SD 1)	H.B. No. 3018, HD 1, (SD 1)
H.B. No. 2192, HD 2, (SD 2)	H.B. No. 3194, HD 1, (SD 1)
H.B. No. 2207, HD 1, (SD 1)	H.B. No. 3253, (SD 1)
H.B. No. 2210, (SD 1)	H.B. No. 3257, HD 1, (SD 2)
H.B. No. 2273, (SD 1)	

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Halford rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I vehemently disagree."

Representative Stevens rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Thielen rose to speak in opposition to the measure, stating:

"Without the 24-hour notice, a no vote."

Representative Moses rose to speak in opposition to the measure, stating:

"For the same reason, a no vote."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am disagreeing with this motion because I think that we should have had at least 24 hours. I do think that there's a perception ..."

The Chair interjected, stating:

"The Chair will not allow you to make references to this 24-hour issue. It was before you from last week Thursday. It was a public record, and it has met the 48-hour requirement for Final Reading decision on this particular matter. Thank you."

"Is there anyone else with a no vote on the motion to reconsider, and agree to the Senate Amendments?"

The motion was put to vote by the Chair and carried, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no. (Representatives Carroll, Saiki and Stonebraker were excused.)

FINAL READING

H.B. No. 1, H.D. 2, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1, HD 2, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

At this time, the Chair stated:

"Representative Finnegan, this is the fourth motion, and now we are making the motion to pass Final Reading."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Correct. And are we going bill by bill at this point in time? Mr. Speaker, I just want to say that I'm in support, but with reservations because I haven't been able to take a look at the differences in the different bills because of the lack of notice to take a look at it. In the previous times, Mr. Speaker, you've been really good at giving us a 24-hours notice."

"We did hear this, about some of these, well this particular bill, at approximately at 10:00 or 10:15 this morning, and we tried to do the best checks that we could, or I could. And so Mr. Speaker, I will be voting with reservations. Thank you."

Representative Halford rose to speak in opposition to the measure, stating:

"Mr. Speaker, the objections to doing this procedure today is that we didn't have enough notice."

The Chair then stated:

"Representative Halford, the measure before you is Relating to Higher Education, which is the codification of the present statutes that are presently on the books. Please proceed if you want to speak about this particular bill."

Representative Halford continued, stating:

"Yes, Mr. Speaker. Mr. Speaker, as a point of order, during the recesses we discussed that we will be going through four motions, and the fourth motion was debatable and so we're patiently waiting for this fourth motion."

Speaker Say: "Yes, debatable on the substance of the matter, which is Relating to Higher Education."

Representative Halford: "So the issue that it's customary to have 24-hour notice is not debatable at any point today?"

Speaker Say: "At this point, it is not before this House."

Representative Halford: "Thank you."

Representative Takai rose to speak in support of the measure, stating:

"Mr. Speaker. Thank you, briefly in support. I'd just like to thank the Chairman of the Higher Education Committee, the Chairman of the Judiciary Committee, and the Chairman of the Finance Committee for supporting this measure. This measure took much work, in fact it took almost two years of work and I wanted to thank all of them, as well as all the other people that participated in this effort. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 173, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 173, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak against the bill. Mr. Speaker, this is an example of why we needed the 24-hour notice, so the people that were waiting for Conference Committee to be able to weigh in, to explain why this bill should not go any further. They have now not had that opportunity. They expected that, as did we, that these measures would go to Conference Committee and everyone would be able to confer with those that are very interested in this measure."

Representative Souki rose to a point of order, stating:

"Point of order. She is not speaking to the merits or demerits of the measure."

Representative Thielen: "But the measure is ... For the Speaker Emeritus' information, the measure has many demerits."

Representative Souki: "The speaker from Kailua is being facetious and you should call her out of order."

The Chair responded, stating:

"Representative Thielen, you may proceed, but please contain your comments to the current draft, which is the Senate draft."

Representative Thielen continued:

"Thank you. Mr. Speaker, this is an important bill because it is going to narrow the number of people that would be able to be appointed to this important office. The 24-hour notice is important because then ..."

Speaker Say: "Representative Thielen, you are out of order because the Senate Draft is a draft that came from the Senate. It was approved by the Senate and sent back. The Chairs of the respective Committees have agreed that the Senate Draft amendments are proper at this point and time. If you are objecting to this particular measure, state your objections on the Senate Draft that is before this Body."

Representative Thielen: "I am objecting, but I'm also objecting to the fact that those who wanted to weigh in during Conference Committee now are prohibited from doing so, or weigh in with a 24-hour notice where they would have the opportunity to contact people."

"I think the bill should not go further. I'm very uncomfortable for other reasons, which I have stated on the Floor in this House. I think it is extremely uncomfortable to me. And Mr. Speaker, before we

vote I would ask for a recess because I would like to talk to a colleague about a potential conflict. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. We did discuss this measure on the Floor here several times. No, I am in opposition. And I'll just start in here. In the past 38 years, the 100th, 442nd Infantry was mobilized twice for combat in Vietnam and Iraq. There were two engagements and 11 soldiers paid the ultimate sacrifice for serving their country. We will honor their families on this Floor tomorrow."

"We had many great leaders come out of the 100th and 442nd. Senator Dan Inouye, the late Senator Spark Matsunaga, Major General Bob Lee, and First Lieutenant Nainoa Hoe, to name just a few."

"Mr. Speaker, the current language in the State Constitution and Hawaii Revised Statutes is sufficient. We should not change legislation that reduces the pool of qualified candidates for this very important position. We would be going against the national trend where most states are conducting nationwide searches to fill the position of Adjutant General. The state of Rhode Island is a recent example."

"Since 1968, the 100th Battalion, 442nd from Army Reserves has served under their command and control of the 29th Brigade of the Hawaii National Guard. They joined the 29th for combat in Vietnam and most recently in Iraq. Excuse me, Mr. Speaker, do we mean to tell the citizen soldiers of the famed 100th Battalion that it is okay to go to war with the Hawaii Army National Guard, but you cannot serve at the highest levels in the Hawaii National Guard?"

"Mr. Speaker, I strongly oppose House Bill 173, SD 1, for the following reasons. This bill does not serve the interest of Hawaii or the members of the Hawaii National Guard. The commander of military organizations is a technically complex and demanding job, one which has a dramatic and immediate effect on the safety, health, welfare of the officers and men."

"As such, it is vital that the leader of the National Guard be chosen from among the best, the best trained, most experienced, and most skilled available. To restrict the choice of the Adjutant to a small group of officers no matter how the group was selected, deprives the Governor of the ability to choose from among the very best. The consequences to our sons and daughters will be very bad. Bad for their safety, bad for their morale, and bad for the Hawaii National Guard, its officers, and its men and women. I urge you to pay heed to the testimony of the present Adjutant General and vote against this bill."

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you. I called the Army and National Guard, and Air National Guard and I asked them how many general officers they have. They have nine and that includes General Lee and his Adjutant."

"So basically we would limit the pool, subtracting them. This bill would limit the pool of officers to seven because I doubt very seriously that they would drop below a General officer rank to a 06 rank to select our National Guard leader."

"So I just would see that out of the seven officers, the Governor would only have to choose from them. And what if none of them have the specialty required at the time? What if it was a logistics officer that was needed? Or what if there was an officer needed with combat experience and none of these seven have this experience in their background? So for those reasons, I really don't think the pool of officer should be limited. Thank you."

Representative Pine rose in opposition to the measure and asked that the remarks of Representatives Moses and Stevens be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Just in opposition. And I agree with the speaker from Kapolei that we are reducing our pool of qualified applicants and we can't afford to do it. Additional written comments," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in opposition of this bill. This measure prohibits a person from being eligible to serve as Adjutant General unless the person has had at least 5 years of service as a commissioned officer in Hawaii National Guard.

"First, the current language in the State Constitution and Hawaii Revised Statutes is sufficient. We should not pass legislation that would reduce the pool of qualified candidates for this very important position. We would be going against the national trend where more states are conducting nationwide searches to fill the position of Adjutant General. The State of Rhode Island is a recent example.

"Second, with our troops answering our nation's call in the global war on terror, our national guard leadership has done a lot to show that our soldiers and airmen are equal to the active and reserve forces in our country.

"Third, I feel that the State of Hawaii needs to have the very best military leader for the position of Adjutant General. We should not limit the field of play."

Representative Finnegan rose in opposition to the measure and asked that the remarks of Representatives Moses, Stevens and Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Takai rose to disclose a potential conflict of interest, stating:

"Mr. Speaker. Thank you, Mr. Speaker. I request a ruling on a potential conflict. I currently serve in the Hawaii Army National Guard as a Captain," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and H.B. No. 173, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL GUARD," passed Final Reading by a vote of 39 ayes to 9 noes, with Representatives Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 877, H.D. 2, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 877, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1155, H.D. 1, S.D. 2:

Representative M. Oshiro moved that H.B. No. 1155, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'd like to vote with reservations please. Mr. Speaker, the House hasn't seen this bill since last year. It

actually went through a Committee on the Senate side, and now has been on the House side to be approved with the Senate amendments. And Mr. Speaker, not having seen this for the last year and having about two hours notice, I really disagree with the history, or not the history, but I don't think I can make a proper judgment on whether or not this bill is good or bad. Mr. Speaker, I will be voting with reservations because I have faith that this bill is a good bill, although with the lack of time to review it, I'll be voting with reservations. Thank you."

Representative Halford rose to speak in support of the measure, stating:

"Mr. Speaker, in favor of the bill, but I want to express my reservations that this is a surprise to a lot of people that this is coming aboard today for our consideration today. A lot of people thought this bill was dead, people in the community. And if we had had a day's notice as is customary for doing yellow Action Sheets, the community could have given input. Perhaps a lot of other Members of this Body are surprised too.

"And as the previous speaker said, I have not had the chance to review this bill. I haven't looked at it for a long, long time. So if I had had a chance to discern I might vote otherwise. But I am voting in favor. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Mr. Speaker, in support. This bill had a full hearing in CPC. And the amendments that the Senate made were very, very minor and only technical in nature. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm rising with some pretty serious reservations. When we voted on Third Reading in the House, I voted no. I notice that our Republican counterparts in the Senate did not vote no. Because of the short notice we had today, I did put in a call to the Hawaii Medical Association to see how they feel about this and was unable to get in touch with somebody who could give me an answer. So for those reasons, I have strong reservations."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Just very briefly, when this bill returned back to us on April 11th of this year, I think we've already had six days in which to review it. And as the Chair of CPC has already said, the amendments were technical in nature. And I really sometimes just don't understand why people need to rely on others in order to have an opinion on a bill. When a bill comes back to us, I think it's our job and our duty to read these bills, understand these bills and their substance, and not necessarily rely on interested parties to determine how we should be voting. Thank you."

Representative Meyer rose to respond, stating:

"Mr. Speaker, I just would like to remind the Majority Floor Leader that we had 263 bills come over from the Senate. We also were working on assigning people to Conference Committees. I would really salute whoever read through every single one of those bills that came over from the Senate. I think that's kind of unreasonable.

"We were working to get people on to the Conference Committees. We have disagreed to all the bills that came over. I voted no on this bill twice, but it certainly wasn't one that stood out for me when we were assigning people to the Conference Committees because we looked at people who have served on the subject matter Committees. So still, I think the speeded up time here doesn't serve anyone well. And for those reasons, I have strong reservations."

Representative Halford rose to respond, stating:

"Thank you. Still in support. In regards to the Majority Floor Leader's remark, I must admit that most of the bills that I vote on, I decide my vote based on input from lots of people and don't just quickly have a decision made up in my mind. So I do collaborate with others, and frankly, on most of these issues that come before us."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. In rebuttal to the Majority Floor Leader's comments, that's what our whole process is. Our process is we take these bills, we go into Committee, and we ask for testimony from interested parties. That's what we do, Mr. Speaker. To say that we don't listen to them, or we'd like to check with people to see how they feel with the latest version of the bill, I don't think it would be a good idea to not check with different people or different interested parties. Thank you, Mr. Speaker."

Representative B. Oshiro rose to respond, stating:

"Mr. Speaker. Still in support, after those three somewhat attacks on my speech, I just wanted to clarify. I never said we don't have to collaborate. I never said that we need not seek input. All I said is people need to study the bills on their own. There's 200 bills, I don't see why people can't read them on their own. And during six days, six days, they can go get those opinions and solicit whatever is necessary. I never said that's not part of the legislative process. We do seek input from the public. That is important and that is crucial, but there is no need for us to delay when we have only 60 legislative days in which to take action. We have a short schedule and we need to move things forward."

Representative Thielen rose, stating:

"Mr. Speaker, I want to know if he is speaking to the bill."

The Chair responded, stating:

"Representative Thielen, he is responding to the comments made by your colleagues on the other side. So may we proceed on?"

Representative Thielen continued to speak in support of the measure with reservations, stating:

"Thank you. Mr. Speaker, may I also note my reservations. The concern I have is this is a bill that does relate to healthcare. And it is very important to reach out and, not seek the advice from an attorney, but seek the advice from the medical profession."

The Chair then stated:

"Representative Thielen, you are out of order."

Representative Thielen continued, stating:

"Pardon me, I am saying I believe that that is important for us to do when we are considering our final vote on a measure relating to healthcare. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just with reservations and slight rebuttal. Even the most minor of revisions can be important to constituencies and I think that's why we're elected. Thank you."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. Yes, we had 263 bills to look at, and we had I think it was Good Friday or something like that, and Easter Sunday. And we only had what? These crossed over Thursday, and today is the first working day. And just this morning, we find out which bills are going to be heard instead of going to Conference. So I commend my colleague if he sat up all weekend and read all the bills he knew were going to be heard today because we sure didn't, because we weren't notified till this morning."

"I still have reservations with this bill. It allows injections and I think that should be done by a medical doctor or at least a trained nurse. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1155, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Meyer voting no, and Representatives Carroll, Saiki and Stonebraker being excused.

The Chair stated:

"Members, let's proceed on. Before we proceed on, Members of this House, there shall not be any further discussion on the procedure or process that is taking place. At this point it's just 'nitpicking' against the Majority and the Minority."

"If you're going to go with reservations, state your reservations. If you're going to vote no on the Senate Draft, vote no on the Senate Draft. But before this Body, you had the opportunity to look at all of these measures. So there shall not be any further debate on the process of 24-hours, 48-hours notice, whatsoever. You had it six days ago and it's your responsibility to digest all of these bills as it comes up."

H.B. No. 1233, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1233, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker. In opposition, please. Thank you, Mr. Speaker. This bill in particular, I did vote with reservations, I believe before it crossed over to the Senate. Now the Senate has added the amendment that actually put it back to the version before it went to Judiciary, which adds in the language of gender expression."

"Gender expression is really difficult. We may not see how it would affect life as we know it right now, but years down the line I can see people using this new language to allow people who maybe express themselves, who maybe are male, and express themselves to be female, but not knowing what that expression might be, and be able to enter into say like the Hawaiian Water Park's dressing room or showers on the female side."

"Mr. Speaker, I voted for the previous language, but I can't vote for this one. It's very loose. We don't know how to interpret it and I am strongly against this. Thank you."

Representative Berg rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Finnegan be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Sonson rose in support of the measure with reservations, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Sonson's written remarks are as follows:

"Mr. Speaker, it has been said that living in America is an "advanced citizenship" and that if we truly wish to be free, we must be willing to understand and respect the differences between us and our fellow man, however small or great those differences may be. This measure seeks to ensure nondiscrimination in accommodations for individuals, irrespective of their sexual orientation or "perceived gender."

"Mr. Speaker, I want to clarify that as a legislator, it is not my place to pass judgment on individuals for their personal preference or personal habits. Nevertheless, I believe that this measure might be more effective if it had a provision which specifically amended Section 489-4 to read:

"The provision of separate facilities or schedules for female[and for], male, or transgender persons perceiving themselves to be either female or male patrons does not constitute a discriminatory practice when such separate facilities or schedules for female[and for], male, or transgender persons perceiving themselves to be either female or male patrons are bona fide requirements to protect personal rights of privacy."

"Mr. Speaker, measures such as these must be considered very carefully as they touch upon issues which are often very complex and have implications which may result in significant cost for businesses and could potentially change the structure of our society. As such, I hope that my fellow colleagues will keep this in mind as this measure is sent to the Governor for ratification.

"I thank you, Mr. Speaker, for this opportunity to speak on this measure."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Souki rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Pine rose in opposition to the measure and asked that the remarks of Representative Finnegan be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"With reservations. I do not know what the unintended consequences of this law would be. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition. I just see all kinds of problems related to this bill. I really feel for small businesses that you know have sometimes everybody working close together and you have someone that is expressing themselves in a way that seems contrary to who they are. What would you as the boss do? Someone says that this person comes into the bathroom when they're there, and they are very sure that they are not a woman.

"We pass a law like this, I think that a lot of businesses would be up against it. We're opening it up for suits for all kind of situations. It's not clear as the bill is stated here. And how is the general public going to interpret it. I just don't think this is a good piece of legislation, and it would be nice if some of the other Members who are still on the fence would actually vote no. Thank you, Mr. Speaker."

Representative Luke rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I just wanted to clarify that in the current laws, Section 489-4, there's already an exemption for facilities like bathrooms and changing rooms to protect personal rights of privacy.

"And I just wanted to let the Members know that this is similar to the law that we passed last year, the Housing Bill. And the Housing Bill also had sexual discrimination, gender identity and expression. And this bill really is trying to codify what the federal courts and State courts have found all along. And they have specifically found that sexual discrimination includes gender identity and expression. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I don't know what the current statutes that the Judiciary Chair is quoting from might mean to a lawyer, but what this bill means to me is when I'm at the beach with my children and I ask the Members to put themselves in the same place. And your child comes screaming out of the shower room and says, 'Daddy, there's a whatever.' If it's a little girl and she says, 'Daddy there's a man in there,' or if it's a little boy and comes out screaming, 'There's a women in there.' What are you going to do? Because I mean, if that's the gender identity of this person, I mean after all they can go anywhere they want. But that doesn't help the children does it? Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 1233, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS," passed Final Reading by a vote of 40 ayes to 8 noes, with Representatives Ching, Finnegan, Harbin, Kahikina, Meyer, Moses, Pine and Stevens voting no, and with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1833, H.D. 1, S.D. 2:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1833, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1899, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1899, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker. I would like to speak in favor of this measure.

"This measure is going to prevent some serious injuries among young moped riders by requiring those under 18 to wear a safety helmet. Mopeds are licensed like bicycles, and we require young bicyclists to wear helmets. The same logic applies to mopeds. I only wish that the title of this bill would allow for mandating the use of helmets for all motorcycle and moped operators. Traumatic head injuries are dramatically reduced by the use of safety helmets, and crashes that would almost certainly be fatalities for operators without helmets become survivable when wearing a helmet.

"Thank you, Mr. Speaker."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure. This bill requires the use of safety helmets for moped riders under the age of 18 when driving on a highway, street, or any other public property.

"Moped safety is an important issue that deserves more attention from this Legislature. This Session, I introduced measures to address various aspects important to moped safety. We, as a community, need to combat the rise in fatalities related to moped use. Head injuries sustained as a result of moped use inflict a heavy toll on our families and our society, emotionally, medically, and financially, resulting in higher healthcare costs for un-helmeted accident victims, particularly those who suffer traumatic head injuries. Additionally, taxpayer money is used for programs supporting un-helmeted accident survivors, such as the Neurotrauma Special Fund and Advisory Board. The un-helmeted moped riders' irresponsible behavior exhausts taxpayers that already carry the burden of various other expenditures.

"It is important that we protect our children through appropriate moped safety measures and this bill increases the survival rate and reduces the risk of head injuries for moped accident victims. We need to protect our youth by mandating the use of helmets when operating mopeds."

The motion was put to vote by the Chair and carried, and H.B. No. 1899, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

At 1:44 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:45 o'clock p.m.

H.B. No. 1947, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1947, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1982, H.D. 2, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1982, HD 2, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative B. Oshiro's written remarks are as follows:

"For twenty-two years now, Hawaii's residents have been proud to call the little, eccentric, pug-nosed fish with the ridiculously long name our State fish. It has proudly represented our great State along with the *kukui*, our State tree; the yellow hibiscus, our State flower; the *nene*, our State bird; and the humpback whale, our State mammal. It is only fitting that we allow the *humuhumunukunuaopua* to take its rightful place as State fish, and allow it the permanence it deserves.

"When Joel and Dane Itomura came to me with the question, 'Why isn't the *humumu* our State fish anymore?', I thought they were joking. But they weren't, and it was their aspiration to see that their favorite fish be reinstated. These two little boys did their research, wrote testimony, and even came to the Capitol to testify before the Committee on Judiciary. Their resolve and commitment to this piece of legislation has been wonderful, and I hope that my fellow

Members of the House of Representatives will join me in supporting this important bill."

The motion was put to vote by the Chair and carried, and H.B. No. 1982, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1983, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 1983, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 1984, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 1984, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. This bill calls for the expungement of criminal records for those convicted of drug offenses, or at least for the application of expungement. I'm just curious as to why this specific date is chosen. Is there any statute of limitation imposed? Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I just wanted to clarify that this bill does not directly expunge records. What this does is it establishes a review committee to look at certain expungement proceedings. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"In support, Mr. Speaker. Just briefly, to clarify that the comments made by the Representative from Kapolei relate to HB 2780 and not this bill."

Representative Moses rose to respond, stating:

"I stand corrected, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 1984, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2050, H.D. 2, S.D. 1:

Representative M. Oshiro moved that H.B. No. 2050, HD 2, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill will further tighten up the law we passed to protect individuals using the services of an international matchmaking organization. These individuals, almost all of whom are women, deserve to know not only the marital history of the men who are

seeking their companionship, but also to be told if these men were previously the subject of domestic abuse orders of protection.

"It does not take very much imagination to understand what could occur if a foreign woman is "matched" with a man who has a history of violence against women. The women should enter into these relationships fully informed to properly weigh the risks involved.

"I also am happy to see the amendment to require the matchmaking organizations to report annually to the Department of Commerce and Consumer Affairs. This reporting will, I hope, enable the State to keep an eye on this ethically dubious industry.

"I urge my colleagues to support this Women's Legislative Caucus measure. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2050, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2192, H.D. 2, S.D. 2:

Representative M. Oshiro moved that H.B. No. 2192, HD 2, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill will amend Hawaii laws concerning narcotics prescriptions to be consistent with federal law by making several clarifications to Chapter 329. The bill is quite technical in nature, but in essence it will clarify how prescriptions for narcotics must be written by physicians, and how they are transmitted to and filled by pharmacists.

"As it stands now, there are times when verbal instructions are given to pharmacists by state officials after pharmacists raise questions about particular narcotics prescriptions. In our litigious culture, pharmacists are increasingly concerned about liability that could result should the prescription process be abused when a pharmacist was following verbal instructions in good faith. I'm quick to acknowledge the fact that narcotics prescriptions are vulnerable to abuse, so the pharmacists' concerns about properly filling these prescriptions have merit.

"However, it's also important to remember that when there is confusion during the filling of a narcotic prescription and a pharmacist chooses to be cautious that the net result is a patient, who may be in great pain, will be unable to have his or her narcotic prescription filled. This unfilled prescription situation is precisely what the bill before us would seek to remedy.

"I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and H.B. No. 2192, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2207, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 2207, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 2207, House Draft 1, Senate Draft 1, Relating to Sexual Assault.

"This bill would address the Hawaii Supreme Court decisions in State v. Rabago, 103 Hawaii 236, 81 P.3d 1151 and Taomae v. Lingle, 108 Hawaii 245, 118 P.3d 1188. In State v. Rabago, the Supreme Court invalidated the continuous sexual assault of a minor statute due to the Legislature's lack of authority under the Hawaii Constitution to define it. This measure is in conjunction with Senate Bill 2246 CD1 proposing a constitutional amendment to allow the Legislature to define continuous sexual assault of a minor. Senate Bill 2246 CD1 allows for the Legislature to define what behavior constitutes a continuing course of conduct and what constitutes the jury unanimity that is required for a conviction.

"Consequently, the Legislature attempted to address this issue during the session with a constitutional amendment -- later having the amendment struck down as unconstitutional in Taomae v. Lingle. The Taomae decision upends the long-standing legislative practice of amending bills to address emergency situations or new issues that occur while the Legislature is in session. Since the Legislature only has 60-days in session to conduct business, it needs flexibility to address public concerns as they arise. While Taomae struck down a constitutional amendment, the Legislature believes the decision only applies to constitutional amendments and not to all bills that are amended during the legislative process.

"The Hawaii Supreme Court is the final arbiter of the Constitution and Hawaii's laws. In an effort to comply with their recent decisions, the House proposed House Bill 2207 to define continuous sexual assault of a minor according to the Constitution. The Legislature believes that the people of Hawaii value the protection of our *keiki* and want to increase penalties for those who perpetrate crimes against them.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 2207, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2210, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2210, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2273, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2273, S.D. 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2275, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2275, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY

APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2346, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2346, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2347, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2347, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2434, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2434, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2443, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2443, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2454, H.D. 1, S.D. 2:

Representative M. Oshiro moved that H.B. No. 2454, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Please enter my no. I have some comments that I'd like to make for those that are intending to vote with the Majority. I'd like to just give you some numbers and some thoughts to think about.

"I think I asked this question in the past: Why now? Why now do we need to statutorily establish some process for appointments? And as I look at this bill, it's even worse than it started off with. Now we're inserting our legislative selves not only into unions, but we're inserting our legislative selves into party politics. And we're by statute, saying that you must be a member of a party for six months before you can even become eligible for an appointment for a replacement. Why are we so fearful of replacements or appointments?

"I'm sure I can get into some of the reason why that is. But in looking at this bill which came over from the Senate, it barely made it through the Senate's Judiciary Committee, so I must commend them at least I think they may have the intelligence to see that this bill is thwart with problems.

"Let me give you some numbers. We have by I think at last count, 650,000 registered voters in the State. We have perhaps maybe, if the Majority party, which is our Democratic Party is actually doing their job, we should be at about 30,000 Democrats in this State. We

have some maybe 2,000 at the most showing up for our annual convention to elect the Party Chair, which I'm going to have the absolute joy of being there this year. And I think maybe we might get some new leadership at the Majority Party. But let's take it one step further.

"In my case for instance in my district, I have 350 registered Democrats in my district. That is not a really big pot to pick from. Of the 350, the last go around they came up with three appointments and I couldn't even get an interview, because these were made in secret behind closed doors. They were voted on, names sent up to the Governor in secret. Not voted on. I asked for the records. No secretary, no records. They're even more secret than some of the secrets I see happening in this Chamber. Now we're going to legislate an even more secret thing. You have to be a member for six months.

"So if anybody thinks that they're going to resign and they want to be able to hand select their choice, all they have to do is get somebody registered in a party six months ahead of time and quietly resign, or quietly get invited, or quietly leave and guess what we have? We have a party that gets to select a replacement. In my instance out of 350 registered Democrats.

"This is almost as bad as unionization through legislation. This is replacement through legislation. This is shameful. This is shameful. This Legislature, this Chamber will be embarrassed over and over and over again in the papers, in the business magazines on the streets. It's an embarrassment. People ask me, 'Why do you want to be there?' It's an embarrassment. It is an embarrassment, Mr. Speaker. And I hope all of those that are embarrassed, will have the guts for the first time in your life, fill out a green slip because this is not right. Thank you."

Representative Halford rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'll be in opposition. Mr. Speaker, replacing elected officials is important. It's important to our people. It's important to our community. This bill, Mr. Speaker, puts Party before people. Puts Party before the State of Hawaii.

"Mr. Speaker, this is asking that just a few people who are not elected, well maybe elected among the chosen few of the particular Party, who are essentially making the ultimate selection, who are certainly limiting the field to their own particular choices. These are not people that are elected at large, that the community has sanctioned.

"In fact, I would say that most people in Hawaii are not enamored with Parties. That generally distrust political Parties and this is kind of bill will lead them to distrust Parties even more. The bottomline Mr. Speaker, is that this bill ennobles Parties. It does not ennoble people. And it does not ennoble our communities of the State of Hawaii, so I'm voting no."

Representative Ching rose in opposition to the measure and asked that the remarks of Representative Halford be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 2454, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," passed Final Reading by a vote of 37 ayes to 11 noes, with Representatives Ching, Finnegan, Green, Harbin, Halford, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2457, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2457, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE

PLAN," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2508, H.D. 2, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2508, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2747, H.D. 2, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2747, H.D. 2, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2780, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 2780, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This is the bill that I previously spoke on in opposition. I just request my words previous be inserted for this bill," and the Chair "so ordered." (By reference only. See H.B. No. 1984, H.D. 1, S.D. 1)

The motion was put to vote by the Chair and carried, and H.B. No. 2780, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS," passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Stevens voting no, and with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 2898, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 2898, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 3018, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.B. No. 3018, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Caldwell rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Caldwell's written remarks are as follows:

"I support H.B. No. 3018, H.D. 1, S.D. 1, which seeks to:

- (1) Clarify that employer contributions and Hawaii Employer-Union Health Benefits Trust Fund (EUTF) assets are irrevocable and may be used only for the benefit of employee-beneficiaries and dependent-beneficiaries; and
- (2) Authorize the EUTF board of trustees to use funds and create separate funds as a reserve against or to pay future costs of providing health and other benefits to retired employees and their beneficiaries.

Also, I wish to make clear that this measure has met all of the constitutional requirements concerning the passage of legislation.

"Senate Standing Committee Report No. 3400 (S.S.C.R. No. 3400) cites *Taomae v. Lingle*, 108 Hawaii 245 (2005), in claiming that H.B. No. 3018, H.D. 1, S.D. 1 must receive three additional readings by the House of Representatives in conformance with Article III, Section 15, of the Hawaii State Constitution before it can pass the Legislature. However, *Taomae* pertains only to the passage of constitutional amendments contained in bills that did not indicate in their titles that a constitutional amendment was being proposed. H.B. No. 3018, H.D. 1, S.D. 1, amends an ordinary statute. *Taomae* has no bearing on this bill.

"In addition, H.B. No. 3018, H.D. 1, S.D. 1, meets the standards regarding bill titles crafted by the Hawaii Supreme Court in *Schwab v. Ariyoshi*, 58 Haw. 25 (1977), and changes made to the substance of H.B. No. 3018, H.D. 1, S.D. 1 through the legislative process continue to remain true to the subject expressed in its title, "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES."

"The Senate did not attempt to give three additional readings to H.B. No. 3018, H.D. 1, S.D. 1, after substantive changes were made to the bill. After H.B. No. 3018, H.D. 1, passed First Reading in the Senate on March 9, 2006, its substance was deleted and new contents were inserted by the Committee on Labor on March 15, 2006. The Committee on Labor recommended passage of H.B. No. 3018, S.D. 1, on Second Reading and referral to a subsequent Senate committee on March 17, 2006. The Committee on Judiciary and Hawaiian Affairs and the Committee on Ways and Means jointly passed H.B. No. 3018, S.D. 1, unamended on April 4, 2006, and recommended passage on Third Reading--not passage on Second Reading. The full Senate voted on April 11, 2006, to pass H.B. No. 3018, S.D. 1, on Third Reading.

"Because the Committee on Labor so drastically amended H.B. No. 3018, H.D. 1 under the reasoning expressed in S.S.C.R. No. 3400, the bill would need to have passed additional readings in the Senate before it could properly be considered to have received the requisite three readings. (Article III, Section 15, of the Hawaii State Constitution requires a bill to receive three readings in one chamber before being transmitted to the other chamber.)

"However, not one senator voted in opposition to the bill on Third Reading. It is puzzling that S.S.C.R. No. 3400 asserts that the House of Representatives must give three additional readings to a bill if it is substantially amended, while the Body of the Senate did not require such a procedure in the Senate.

"Given the history of H.B. No. 3018, H.D. 1, S.D. 1, in the Senate and its treatment by the Members of that Chamber, the Senate itself has rejected the line of reasoning in S.S.C.R. No. 3400. The House of Representatives similarly rejects such flawed thinking."

The motion was put to vote by the Chair and carried, and H.B. No. 3018, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 3194, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3194, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 3253, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3253, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Final Reading by a vote of 48

ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

H.B. No. 3257, H.D. 1, S.D. 2:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, H.B. No. 3257, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS," passed Final Reading by a vote of 48 ayes, with Representatives Carroll, Saiki and Stonebraker being excused.

At 2:00 o'clock p.m., the Chair noted that the following House bills passed Final Reading:

H.B. No. 1, HD 2, SD 1	H.B. No. 2275, SD 1
H.B. No. 173, HD 1, SD 1	H.B. No. 2346, SD 1
H.B. No. 877, HD 2, SD 1	H.B. No. 2347, SD 1
H.B. No. 1155, HD 1, SD 2	H.B. No. 2434, SD 1
H.B. No. 1233, HD 1, SD 1	H.B. No. 2443, HD 1, SD 1
H.B. No. 1833, HD 1, SD 2	H.B. No. 2454, HD 1, SD 2
H.B. No. 1899, HD 1, SD 1	H.B. No. 2457, HD 1, SD 1
H.B. No. 1947, SD 1	H.B. No. 2508, HD 2, SD 1
H.B. No. 1982, HD 2, SD 1	H.B. No. 2747, HD 2, SD 1
H.B. No. 1983, HD 1, SD 1	H.B. No. 2780, HD 1, SD 1
H.B. No. 1984, HD 1, SD 1	H.B. No. 2898, SD 1
H.B. No. 2050, HD 2, SD 1	H.B. No. 3018, HD 1, SD 1
H.B. No. 2192, HD 2, SD 2	H.B. No. 3194, HD 1, SD 1
H.B. No. 2207, HD 1, SD 1	H.B. No. 3253, SD 1
H.B. No. 2210, SD 1	H.B. No. 3257, HD 1, SD 2
H.B. No. 2273, SD 1	

ANNOUNCEMENTS

Representative Yamashita: "Thank you, Mr. Speaker. At this time, I'd like to thank everybody who participated in the Bizarre Bazaar last week. With your help we were able to raise over \$1,300 for the Hawaii Foodbank.

"In one final effort, and effort is an understatement, my staff has put together a very limited edition cookbook called, 'House Specials', which is filled with many *ono* recipes. The cookbooks are \$8 and you can call my office if you want to place your order. Again, we are requesting your support for this one final effort. Thank you very much."

Representative Shimabukuro: "Thank you, Mr. Speaker. There is going to be a pancake sale Thursday morning and I hope you all would participate. My office is going to be going around tomorrow door-to-door to take your orders, and you can also call my office. The deadline to put your order in is 3 pm tomorrow to give us time to prepare. There's going to be short stacks for \$3, and full stacks for \$5. And we have banana, whole wheat, and regular. Thank you."

ADJOURNMENT

At 2:02 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 9:00 o'clock a.m., Tuesday, April 18, 2006. (Representatives Carroll, Saiki and Stonebraker were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bills:

30, HD1, SD2	Herkes/Arakaki/Sonson/Yamane, Co-Chrs.; Thielen
31, HD2, SD2	Herkes/Arakaki/Sonson/Luke/Yamane, Co-Chrs.; Thielen
128, HD2, SD2	Kanoho/Carroll, Co-Chrs.; Thielen
138, HD1, SD1	Takumi/Evans, Co-Chrs.; Berg, Ching
169, HD1, SD1	Abinsay, Chr.; Tsuji, Halford
214, HD1, SD1	Herkes, Chr.; Schatz, Marumoto
222, SD2	Takumi/Sonson/Kawakami, Co-Chrs.; Berg, Finnegan
237, HD3, SD1	Arakaki/Herkes/Luke, Co-Chrs.; Souki, Marumoto
266, HD1, SD2	Caldwell/Takamine, Co-Chrs.; Nakasone
328, SD1	Kanoho/Abinsay/Magaoay, Co-Chrs.; Halford
330, HD1, SD2	Abinsay/Kanoho/Magaoay, Co-Chrs.; Halford
386, HD1, SD1	Luke, Chr.; B. Oshiro, Marumoto
416, HD2, SD2	Morita/Kanoho/Carroll, Co-Chrs.; Stevens
434, SD1	Luke/Nishimoto, Co-Chrs.; Pine
439, HD1, SD2	Magaoay/Luke/Yamane, Co-Chrs.; Halford
466, HD2, SD2	Luke/Nishimoto, Co-Chrs.; Moses
471, HD2, SD2	Chang/Caldwell/Yamashita, Co-Chrs.; Marumoto
488, SD2	Ito/Tanaka, Co-Chrs.; Carroll, Moses
491, SD2	Kanoho/Carroll, Co-Chrs.; Meyer
584, HD1, SD1	Herkes/Luke, Co-Chrs.; Marumoto
588, HD1, SD1	B. Oshiro, Chr.; Luke, Thielen
644, HD1, SD1	Herkes, Chr.; Schatz, Marumoto
704, HD1, SD2	Caldwell/Takamine, Co-Chrs.; Nakasone, Meyer
771, HD1, SD1	B. Oshiro, Chr.; Souki, Thielen
833, HD1, SD1	Kanoho/Luke, Co-Chrs.; Meyer
842, SD1	Takumi/Evans, Co-Chrs.; Berg, Ching
862, HD2, SD2	Souki/Luke, Co-Chrs.; Lee, Stevens
868, HD2, SD1	Herkes/B. Oshiro, Co-Chrs.; Thielen
875, HD2, SD2	Caldwell/Takumi/Luke/Nakasone, Co-Chrs.; Thielen
906, HD1, SD1	Magaoay/Yamashita, Co-Chrs.; Halford
912, HD1, SD1	Karamatsu/Wakai, Co-Chrs.; Marumoto

954, HD1, SD2	Abinsay/Kawakami, Halford	Co-Chrs.; Tsuji,	1862, HD2, SD2	Takumi/Caldwell/Nakasone, Finnegan	Co-Chrs.;
955, HD1, SD2	Kanoho/Abinsay/Yamashita, Halford	Co-Chrs.;	1865, HD1, SD2	Takumi/Caldwell/Nakasone, Finnegan	Co-Chrs.;
957, HD1, SD1	Takamine, Chr.; Kawakami, Moses	Nakasone,	1866, HD1, SD2	Takumi/Waters/Karamatsu/Wakai, Finnegan	Co-Chrs.;
970, HD1, SD1	Ito/Chong, Co-Chrs.; Tanaka, Moses		1867, HD1, SD2	Caldwell/Herkes/Nakasone, Stevens	Co-Chrs.;
997, HD1, SD2	Chang/Nakasone, Co-Chrs.; Marumoto	Yamashita,	1871, HD1, SD2	Luke/Herkes, Co-Chrs.; Moses	
998, HD2, SD2	Chang/Karamatsu/Takamine, Yamashita, Marumoto	Co-Chrs.;	1878, SD1	Herkes, Chr.; Schatz, Marumoto	
1033, HD1, SD2	Abinsay/Kanoho/Takamine, Yamashita, Meyer	Co-Chrs.;	1879, HD1, SD1	Ito/Chong, Co-Chrs.; Tanaka, Moses	
1082, HD3, SD2	Abinsay/Luke/Tsuji, Co-Chrs.; Halford		1880, HD2, SD2	Souki/Lee, Co-Chrs.; Stevens	
1132, HD1, SD2	Takumi/Evans, Co-Chrs.; Berg, Ching		1889, HD1, SD2	Hale/Karamatsu/Wakai, Co-Chrs.; Thielen	
1152, HD1, SD1	Souki/Takamine, Co-Chrs.; Lee, Yamane, Pine		1890, HD1, SD2	Hale/Karamatsu/Wakai, Co-Chrs.; Ching	
1200, HD2, SD2	Abinsay/Karamatsu/Tsuji, Co-Chrs.; Ching		1891, HD2, SD2	Takumi/Nakasone, Co-Chrs.; Ching	
1214, HD2, SD2	Caldwell/Luke/Takamine, Co-Chrs.; Halford		1900, HD1, SD1	Takamine, Chr.; Carroll, Chong, Evans, Kawakami, Lee, Magaoay, Nakasone, Nishimoto, Tanaka, Tsuji, Wakai, Yamane, Yamashita, Meyer, Moses, Pine, Stevens	
1278, HD2, SD1	Kanoho/Waters/Magaoay, Co-Chrs.; Thielen		1917, HD2, SD2	Magaoay/Luke/Yamane, Co-Chrs.; Halford	
1280, HD1, SD2	Kanoho/Carroll, Co-Chrs.; Meyer		1918, HD1, SD2	Magaoay/Luke/Yamane, Co-Chrs.; Halford	
1360, HD2, SD2	Abinsay/Waters/Magaoay, Co-Chrs.; Halford		1922, HD1, SD2	Chang/Yamashita, Co-Chrs.; Marumoto	
1433, SD2	Kanoho/Morita/Herkes/Evans, Meyer	Co-Chrs.;	1923, HD1, SD2	Chang/Luke/Yamashita, Co-Chrs.; Ching	
1442, HD2, SD2	Kanoho/B. Oshiro, Co-Chrs.; Thielen		1928, HD2, SD2	Kanoho/Abinsay/Yamane, Co-Chrs.; Meyer	
1466, HD1, SD2	Arakaki/Ito/Chong, Co-Chrs.; Pine		1935, HD1, SD1	Herkes/Luke, Co-Chrs.; Karamatsu	
1536, HD1, SD1	Kanoho/Nishimoto, Co-Chrs.; Stevens		1948, HD2, SD2	Morita/Herkes/Yamashita, Co-Chrs.; Ching	
1590, HD2, SD2	Chang/Karamatsu/Takamine, Yamashita, Marumoto	Co-Chrs.;	1955, HD1, SD1	Morita/B. Oshiro, Co-Chrs.; Thielen	
1645, HD1, SD2	Souki/Takamine, Co-Chrs.; Lee, Yamane, Stevens		1968, HD1, SD1	Karamatsu/Luke, Co-Chrs.; Souki, Ching	
1706, HD3, SD1	Morita/Kanoho/B. Oshiro/Evans, Thielen	Co-Chrs.;	1977, HD1, SD2	Luke, Chr.; Souki, Thielen	
1723, HD2, SD2	Karamatsu/Herkes/Chong, Marumoto	Co-Chrs.;	1995, HD1, SD2	Luke, Chr.; Sonson, Thielen	
1800, HD1, SD1	Herkes/Nishimoto, Co-Chrs.		2039, HD2, SD2	Morita/Luke/Chong, Co-Chrs.; Thielen	
1809, HD2, SD2	Ito/Souki/Chong, Co-Chrs.; Moses		2043, HD2, SD3	Sonson/Arakaki/Takamine, Co-Chrs.	
1821, HD2, SD2	Sonson/Arakaki/Takamine, Carroll, Finnegan	Co-Chrs.;	2045, HD2, SD1	Arakaki/Waters/Nishimoto, Halford	Co-Chrs.;
1825, HD1, SD2	B. Oshiro, Chr.; Souki, Marumoto		2051, HD1, SD2	Luke/Lee, Co-Chrs.; Pine	
1843, HD1, SD2	Takumi/Abinsay/Takamine, Yamashita, Halford	Co-Chrs.;	2075, HD1, SD2	Souki/Lee, Co-Chrs.; Moses	
1861, SD1	Takumi, Chr.; Berg, Finnegan		2098, HD1, SD1	Arakaki/Sonson, Co-Chrs.; Halford	
			2109, HD1, SD2	Arakaki/Nishimoto, Co-Chrs.; Halford	
			2133, SD1	Kanoho/B. Oshiro, Co-Chrs.; Thielen	
			2145, HD2, SD1	Kanoho/Abinsay/Luke/Yamashita, Halford	Co-Chrs.;

2146, HD1, SD1	Kanoho/Abinsay/Luke, Yamashita, Halford	Co-Chrs.;	2500, HD2, SD2	Luke/Takamine, Co-Chrs.; Meyer
2153, HD2, SD2	Arakaki/Nakasone, Halford	Co-Chrs.; Tanaka,	2503, HD2, SD1	Morita/Luke/Chong, Co-Chrs.; Pine
2175, HD2, SD2	Morita/Herkes/Takamine, Co-Chrs.;	Ito, Magaoy, Thielen	2535, SD2	Herkes/Luke, Co-Chrs.; Karamatsu, Marumoto
2176, HD2, SD2	Kahikina/Nishimoto, Co-Chrs.;	Carroll, Pine	2540, HD2, SD2	Luke/Takamine, Co-Chrs.; Stevens
2179, HD2, SD2	Abinsay/Takamine, Co-Chrs.;	Carroll, Tsuji, Halford	2555, HD2, SD2	Kanoho/Yamane, Co-Chrs.; Stevens
2182, HD1, SD2	Takumi/Waters/Takamine, Nakasone, Finnegan	Co-Chrs.;	2558, HD1, SD2	Caldwell/Nakasone, Co-Chrs.; Stevens
2183, HD1, SD1	Takumi/Ito/Herkes/Nakasone, Moses	Co-Chrs.;	2587, HD2, SD2	Kanoho/Carroll, Co-Chrs.; Meyer
2199, HD2, SD1	Hale/Karamatsu/B. Oshiro, Co-Chrs.;	Ching	2595, HD1, SD2	Ito/Tanaka, Co-Chrs.; Chong, Moses
2204, HD2, SD2	Saiki/Takamine, Co-Chrs.;	Carroll, Chong, Finnegan	2619, SD1	Morita/Herkes/Takamine, Co-Chrs.; Ito, Magaoy, Pine
2211, HD1, SD1	Caldwell/Herkes/Nakasone, Stevens	Co-Chrs.;	2625, HD1, SD2	Luke/Takamine, Co-Chrs.; Stevens
2214, HD1, SD2	Souki/Herkes/Lee, Co-Chrs.;	Stevens	2626, SD1	Takamine, Chr.; Nakasone, Meyer
2239, HD1, SD2	Kahikina/Nishimoto, Co-Chrs.;	Halford	2637, HD1, SD2	Souki/Lee, Co-Chrs.; Moses
2258, HD1, SD2	Sonson/Takamine, Co-Chrs.;	Carroll, Finnegan	2639, HD2, SD2	Souki/Luke, Co-Chrs.; Stevens
2265, HD2, SD1	Ito/Caldwell/Chong, Co-Chrs.;	Moses	2669, HD1, SD2	Chang/Yamashita, Co-Chrs.; Stevens
2271, HD1, SD2	Kanoho/Abinsay/Luke/Yamane, Meyer	Co-Chrs.;	2678, HD2, SD2	Caldwell/Nakasone, Co-Chrs.; Meyer
2277, HD2, SD2	Luke/Takamine, Co-Chrs.;	Thielen	2691, SD2	Caldwell/Karamatsu/Wakai, Halford
2278, HD1, SD2	Luke/Takamine, Co-Chrs.;	Marumoto	2692, HD1, SD1	Caldwell/Karamatsu/Wakai, Halford
2282, HD1, SD1	B. Oshiro, Chr.; Caldwell, Thielen		2708, HD2, SD2	Karamatsu/B. Oshiro, Co-Chrs.;
2299, HD1, SD1	B. Oshiro, Chr.; Caldwell, Thielen		2713, HD1, SD1	Takumi/Takamine, Co-Chrs.;
2313, SD1	Herkes, Chr.; Schatz, Stevens		2715, HD1, SD2	Ito/Caldwell/Yamane, Co-Chrs.;
2315, SD2	Herkes/Yamashita, Co-Chrs.;	Marumoto	2737, HD1, SD1	Souki/B. Oshiro, Co-Chrs.;
2319, HD1, SD1	Herkes/Yamashita, Co-Chrs.;	Stevens	2763, HD1, SD2	Abinsay/Morita/Tsuji, Co-Chrs.;
2343, HD1, SD2	Ito/B. Oshiro, Co-Chrs.;	Moses	2771, HD2, SD1	Abinsay/Magaoy, Co-Chrs.;
2367, HD1, SD1	Caldwell/Sonson/Luke, Co-Chrs.;	Meyer	2772, HD1, SD2	Abinsay/B. Oshiro, Co-Chrs.;
2399, HD2, SD1	Souki/Kanoho/Lee, Co-Chrs.;	Carroll, Stevens	2774, HD1, SD2	Abinsay/Kawakami, Co-Chrs.;
2410, HD1, SD2	Luke, Chr.; Caldwell, Thielen		2778, HD2, SD2	Caldwell/Luke/Wakai, Co-Chrs.;
2419, HD1, SD3	Karamatsu/Herkes/Takamine, Co-Chrs.		2796, HD1, SD1	Abinsay/Herkes, Co-Chrs.;
2422, HD1, SD2	Souki/Luke, Co-Chrs.;	Stevens	2805, SD1	Karamatsu/Yamane, Co-Chrs.;
2423, HD1, SD1	Souki/Lee, Co-Chrs.;	Moses	2806, HD1, SD2	Karamatsu/Yamane, Co-Chrs.;
2440, HD2, SD2	Waters/Takumi/Luke/Tanaka, Ching	Co-Chrs.;	2836, HD1, SD2	Karamatsu/Herkes/Takamine, Chong, Moses
2454, HD1, SD2	Luke/Magaoy, Co-Chrs.		2848, HD2, SD2	Morita/Evans, Co-Chrs.;
			2878, HD1, SD1	Karamatsu/Takamine, Co-Chrs.;
			2897, HD1, SD1	Luke, Chr.; B. Oshiro, Marumoto

2899, HD1, SD1	Luke, Chr.; Caldwell, Thielen	3256, HD1, SD1	B. Oshiro, Chr.; Luke, Marumoto
2925, HD1, SD2	Karamatsu/Wakai, Co-Chrs.; Ching	3259, HD1, SD2	Arakaki/Sonson/Kawakami, Co-Chrs.; Pine
2947, HD2, SD2	Caldwell/Nakasone, Co-Chrs.; Pine	3261, HD1, SD2	Karamatsu/Waters/Wakai, Co-Chrs.; Pine
2950, SD2	Caldwell/Nakasone, Co-Chrs.; Meyer	House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bills:	
2961, HD1, SD1	Takumi/Takamine, Co-Chrs.; Finnegan		
2964, HD1, SD2	Kahikina/Nishimoto, Co-Chrs.; Pine		
2966, HD2, SD2	Kahikina/Nishimoto, Co-Chrs.; Pine		
2974, SD1	Kanoho/Tsuji, Co-Chrs.; Ching		
2987, HD1, SD2	Takumi/Takamine, Co-Chrs.; Finnegan	60, SD1, HD1	Herkes/B. Oshiro, Co-Chairs; Finnegan
2991, HD2, SD2	Kahikina/Luke/Nishimoto, Co-Chrs.; Pine	87, SD2, HD1	Caldwell/Luke/Nakasone, Co-Chairs
3016, HD1, SD1	B. Oshiro, Chr.; Caldwell	120, SD1, HD1	Herkes, Chair; Schatz, Marumoto
3036, HD1, SD2	Karamatsu/Herkes/Chong, Co-Chrs.; Marumoto	218, SD4, HD1	Arakaki/Yamane, Co-Chairs; Carroll
3037, HD1, SD1	Souki/Luke, Co-Chrs.; Moses	244, SD2, HD1	Sonson/Abinsay/Waters/Nishimoto, Co-Chairs; Finnegan
3056, HD2, SD2	Kanoho/Chong, Co-Chrs.; Thielen	427, SD1, HD1	Souki/Luke, Co-Chairs; Stevens
3060, HD1, SD2	Karamatsu/Yamashita, Co-Chrs.; Ching	439, HD2	Luke/Magaoay, Co-Chairs
3067, HD2, SD2	Karamatsu/Yamashita, Co-Chrs.; Ching	467, SD2, HD2	Ito/Luke/Chong, Co-Chairs; Tanaka, Thielen
3087, HD2, SD2	Arakaki/Karamatsu/Nakasone, Co-Chrs.; Finnegan	475, SD2, HD1	Sonson/Carroll, Co-Chairs
3100, HD1, SD1	Herkes, Chr.; Schatz, Marumoto	486, SD2, HD1	Sonson/Carroll, Co-Chairs; Moses
3101, HD1, SD1	Luke, Chr.; B. Oshiro, Thielen	561, SD1, HD1	Arakaki/Sonson/Lee, Co-Chairs; Finnegan
3105, HD2, SD2	Arakaki/Sonson/Herkes/Luke/Yamane, Co-Chrs.; Green, Marumoto	575, SD1, HD1	Chang/Carroll, Co-Chairs; Ching
3115, HD2, SD2	Morita/Herkes/Luke/Takamine, Co-Chrs.; Caldwell, Souki, Marumoto	613, SD2, HD1	Luke/Nishimoto, Co-Chairs
3116, HD2, SD2	Arakaki/Sonson/Kawakami, Co-Chrs.; Ching	695, HD1	Luke/Caldwell, Co-Chairs; Stevens
3118, HD1, SD1	Karamatsu/Herkes/Chong, Co-Chrs.; Marumoto	696, SD1, HD2	Luke/Nishimoto, Co-Chairs
3121, HD2, SD1	Ito/Chong, Co-Chrs.; Tanaka, Moses	706, SD2, HD2	Souki/Luke, Co-Chairs; Yamashita, Moses
3123, HD1, SD1	Arakaki/Sonson/Ito/Herkes/Chong, Co-Chrs.; Moses	743, SD2, HD2	Herkes/Luke, Co-Chairs
3142, HD2, SD2	Arakaki/Nishimoto, Co-Chrs.; Finnegan	744, SD2, HD1	Karamatsu/Luke, Co-Chairs
3217, HD1, SD1	B. Oshiro/Kawakami, Co-Chrs.; Carroll, Pine	751, SD2, HD2	Caldwell/Herkes/Nakasone, Co-Chairs; Stevens
3225, HD1, SD1	Herkes, Chr.; Schatz, Marumoto	785, SD2, HD2	Luke/Magaoay, Co-Chairs
3235, HD1, SD1	Chang/Yamashita, Co-Chrs.; Finnegan	801, SD2, HD1	Kahikina/Nishimoto, Co-Chairs; Halford
3237, HD2, SD2	Takumi/Caldwell/Nakasone, Co-Chrs.; Finnegan	819, SD1, HD1	Kanoho/B. Oshiro/Evans, Co-Chairs; Ching
3242, SD1	Luke, Chr.; Souki, Thielen	826, HD2	Ito/Luke, Co-Chairs; Moses
3244, HD1, SD2	Herkes/Luke/Chong, Co-Chrs.; Moses	845, SD2, HD2	Luke/Lee, Co-Chairs
		873, SD2, HD2	Takumi/Takamine, Co-Chairs; Ching
		895, SD1, HD2	Kanoho/Luke, Co-Chairs; Pine
		935, SD1, HD1, CD1	Karamatsu/Caldwell/Nakasone, Co-Chairs; Halford
		951, SD2, HD1	Kanoho/Luke, Co-Chairs; Thielen

959, SD2, HD1	Herkes/Nishimoto, Co-Chairs; Meyer	1792, SD1, HD1	Karamatsu/Hale/Wakai, Co-Chairs; Ching
965, SD2, HD1	Luke/Yamane, Co-Chairs; B. Oshiro	1854, SD1, HD2	Kahikina/Nishimoto, Co-Chairs; Hale, Halford
971, SD2, HD1	Chang/Herkes, Co-Chairs; Ching	1888, SD1, HD1	Caldwell/Nakasone, Co-Chairs; Stevens
982, SD2, HD1	Ito/Chong, Co-Chairs; Tanaka, Stevens	1893, HD1	Kanoho/Morita, Co-Chairs; Thielen
995, SD1, HD1	B. Oshiro/Yamane, Co-Chairs; Marumoto	1897, SD2, HD2	Kanoho/Evans, Co-Chairs; Pine
1015, SD1, HD1	Kanoho, Chair; Evans	1899, SD1, HD1	Abinsay/Tsuji, Co-Chairs
1022, SD1, HD1	Sonson/Arakaki/Carroll, Co-Chairs; Finnegan	2004, SD1, HD1	Kanoho/Saiki/Chong, Co-Chairs
1065, SD2, HD1	Abinsay/Waters/Takamine, Co-Chairs; Halford	2006, SD3, HD2	Kanoho/B. Oshiro, Co-Chairs; Meyer
1081, SD2, HD1	Kanoho/Evans, Co-Chairs; Pine	2021, SD2, HD2	Caldwell/Nakasone, Co-Chairs
1114, SD1, HD1	Morita/Evans, Co-Chairs; Marumoto	2036, SD1, HD1	Karamatsu/Hale/Wakai, Co-Chairs
1129, SD2, HD1	Herkes/Wakai, Co-Chairs; Stevens	2063, HD1	Takamine, Chair; Nakasone, Moses
1137, SD1, HD1, CD1	Herkes/Wakai, Co-Chairs; Marumoto	2065, SD2, HD1	Souki/Luke, Co-Chairs
1141, SD1, HD2	Chang/Herkes, Co-Chairs; Ching	2074, SD1, HD2	Ito/Chong, Co-Chairs; Tanaka
1193, SD1, HD1	Caldwell/Nakasone, Co-Chairs; Pine	2076, SD2, HD2	Kahikina/Herkes/Nishimoto, Co-Chairs
1201, SD2, HD3	Arakaki/B. Oshiro/Chong, Co-Chairs; Finnegan	2090, SD2, HD1	Kanoho/Magaoay/Yamane, Co-Chairs; Stevens
1221, SD2, HD1	Takumi/Takamine, Co-Chairs; Ching	2133, SD2, HD2	Arakaki/B. Oshiro/Nishimoto, Co-Chairs; Green, Waters
1223, SD2, HD1	Herkes/Yamane, Co-Chairs; Yamashita	2143, SD2, HD1	Herkes/Luke/Evans, Co-Chairs; Marumoto
1268, SD2, HD2	Abinsay/Kanoho/Magaoay, Co-Chairs; Halford	2145, SD2, HD2	Morita/B. Oshiro/Evans, Co-Chairs
1294, SD2, HD1	Saiki/Carroll, Co-Chairs	2150, SD1, HD1	Kanoho/Kawakami, Co-Chairs; Evans
1317, SD1, HD1	Luke/Nishimoto, Co-Chairs	2155, SD2, HD1	Abinsay/Kanoho/Magaoay, Co-Chairs
1461, SD2, HD1	Kanoho/Waters/Magaoay, Co-Chairs; Meyer	2158, SD2, HD1	Herkes/Luke, Co-Chairs; Marumoto
1512, SD1, HD3	Sonson/Arakaki/Luke/Tanaka, Co-Chairs	2159, SD2, HD1	Herkes/Luke, Co-Chairs; Meyer
1557, SD2, HD2	Morita/Herkes/Evans, Co-Chairs; Moses	2162, SD2, HD1	Sonson/Herkes/Carroll, Co-Chairs
1593, SD2, HD2	Kanoho/Kahikina/Yamane, Co-Chairs	2166, SD2, HD3	Arakaki/Herkes/B. Oshiro, Co-Chairs
1636, SD2, HD1	Caldwell/Takumi/Takamine, Co-Chairs; Ching	2188, SD1, HD2	Sonson/Luke, Co-Chairs
1648, SD1, HD2	Waters/Chong, Co-Chairs	2193, SD1, HD1	Herkes, Chair; Schatz, Marumoto
1650, SD2, HD1	Ito/Chong, Co-Chairs; Tanaka, Moses	2213, SD2, HD2	Chang/Luke, Co-Chairs; Ching
1695, SD2, HD2	Karamatsu/Herkes/Yamashita, Co-Chairs; Marumoto	2214, SD2, HD3	Ito/Herkes/Luke/Chong, Co-Chairs; Tanaka
1697, SD2, HD1	Souki/Waters/Wakai, Co-Chairs; Finnegan	2227, SD2, HD2	Arakaki/Sonson/Herkes/Evans, Co-Chairs; Carroll
1698, SD2, HD1	Karamatsu/Takumi/Wakai, Co-Chairs; Marumoto	2229, SD2, HD1	Takumi/Takamine, Co-Chairs; Finnegan
1747, SD2, HD1	Waters/Chong, Co-Chairs; Ching	2237, SD1, HD1	Takamine, Chair; Kawakami, Moses
1781, HD1	Ito/Tanaka, Co-Chairs; Chong, Moses	2243, SD1, HD1	Ito/Luke, Co-Chairs; Moses
		2244, SD1, HD1	B. Oshiro, Chair; Souki, Marumoto
		2246, SD1, HD2	B. Oshiro/Yamane, Co-Chairs
		2248, SD2, HD1	Luke/Herkes/Wakai, Co-Chairs

2255, SD1, HD1	B. Oshiro, Chair; Souki, Thielen	2487, HD1	Kanoho/Yamane, Co-Chairs; Stevens
2259, SD1, HD1	Luke, Chair; B. Oshiro	2492, SD1, HD1	Abinsay/B. Oshiro, Co-Chairs
2260, SD1, HD1	B. Oshiro, Chair; Luke	2499, SD2, HD2	Herkes/Yamane, Co-Chairs
2265, SD1, HD1	B. Oshiro, Chair; Luke	2501, SD1, HD1	Kanoho, Chair; Evans, Morita, Meyer
2273, SD2, HD1	Caldwell/Nakasone, Co-Chairs	2502, SD2, HD1	Arakaki/Nishimoto, Co-Chairs
2274, SD1, HD2	Caldwell/Nakasone, Co-Chairs; Stevens	2504, SD2, HD2	Arakaki/Souki/Lee, Co-Chairs
2283, SD1, HD1	Herkes, Chair; Schatz, Marumoto	2505, SD2, HD1	Arakaki/Takumi/Chong, Co-Chairs
2290, SD2, HD1	Herkes/Luke, Co-Chairs; Marumoto	2545, SD2, HD2	Herkes/Wakai, Co-Chairs
2292, SD2, HD1	Herkes/Luke, Co-Chairs; Marumoto	2546, SD1, HD2	Karamatsu/Yamashita, Co-Chairs
2293, SD2, HD1	Herkes/Luke, Co-Chairs; Marumoto	2550, SD2, HD1	Kanoho/Yamane, Co-Chairs; Stevens
2298, SD1, HD1	Herkes, Chair; Schatz	2570, SD2, HD2	Chang/Karamatsu/Yamashita, Co-Chairs
2323, SD2, HD1	Sonson/Luke/Carroll, Co-Chairs	2571, HD1	Kahikina/B. Oshiro/Nishimoto, Co-Chairs
2327, SD2, HD1	B. Oshiro, Chair; Sonson	2572, SD2, HD1	Kahikina/B. Oshiro/Nishimoto, Co-Chairs
2328, SD2, HD2	Sonson/Luke, Co-Chairs; Thielen	2575, SD2, HD1	Kanoho/Morita/Carroll, Co-Chairs; Shimabukuro
2334, SD2, HD2	Sonson/Luke/Takamine, Co-Chairs	2600, SD1, HD2	B. Oshiro/Nishimoto, Co-Chairs
2339, SD2, HD1	Arakaki/Takamine, Co-Chairs; Lee, Yamane	2603, SD1, HD1	B. Oshiro, Chair; Souki, Marumoto
2343, SD2, HD2	Arakaki/Luke/Nishimoto, Co-Chairs	2606, HD1	B. Oshiro/Chong, Co-Chairs; Pine
2348, SD1, HD1	Arakaki/Takamine, Co-Chairs	2609, SD1, HD1	B. Oshiro, Chair; Luke, Thielen
2357, HD1	Morita/B. Oshiro/Evans, Co-Chairs	2617, SD2, HD1	Sonson/Takamine, Co-Chairs; Meyer
2358, SD2, HD2	Kanoho/B. Oshiro, Co-Chairs; Meyer	2630, SD2, HD1	Arakaki/Sonson/Kawakami, Co-Chairs
2360, SD2, HD1	Kanoho/Luke, Co-Chairs; Meyer	2643, SD1, HD1	Caldwell/Nakasone, Co-Chairs; Pine
2364, SD2, HD3	Arakaki/Herkes/Chong, Co-Chairs	2652, SD2, HD2	Takumi/Caldwell/Takamine, Co-Chairs
2382, SD2, HD1	Takamine, Chair; Nakasone	2667, SD2, HD1	Chang/Luke, Co-Chairs; Marumoto
2385, SD1, HD2	Souki/Luke/Lee, Co-Chairs	2687, HD1	Kanoho/B. Oshiro, Co-Chairs; Thielen
2430, SD2, HD1	Luke, Chair; Sonson, Thielen	2688, SD2, HD2	Sonson/Luke/Chong, Co-Chairs
2433, SD2, HD1	B. Oshiro/Tanaka, Co-Chairs	2704, SD2, HD1	Takumi/Takamine, Co-Chairs; Nakasone, Finnegan
2454, SD1, HD2	Chang/Herkes, Co-Chairs; Ching	2708, SD2, HD1	Takumi/Takamine, Co-Chairs; Chong
2461, SD1, HD1	Kahikina/Nishimoto, Co-Chairs; Tanaka, Carroll	2718, SD1, HD1	Takumi/Takamine, Co-Chairs
2462, SD1, HD1	Souki, Chair; Tanaka, Halford	2719, SD2, HD1	Takumi/Takamine, Co-Chairs
2476, SD2, HD3	Kanoho/Magaoy/B. Oshiro/Yamane, Co-Chairs; Meyer	2720, SD2, HD1	Takumi/Takamine, Co-Chairs; Finnegan
2479, HD1	B. Oshiro/Tsuji, Co-Chairs; Marumoto	2725, SD2, HD1	Arakaki/Sonson/Kawakami, Co-Chairs
2480, SD1, HD1	Morita/Evans, Co-Chairs	2727, SD1, HD2	Arakaki/Nishimoto, Co-Chairs
2484, SD1, HD1	Morita/Evans, Co-Chairs	2737, SD1, HD1	Kanoho/B. Oshiro, Co-Chairs; Meyer
2485, SD2, HD2	Abinsay/B. Oshiro/Tsuji, Co-Chairs	2753, SD1, HD2	Abinsay/Kanoho/Kawakami, Co-Chairs; Halford
2486, SD2, HD1	Abinsay/Morita/Tsuji, Co-Chairs	2762, SD1, HD1	Kahikina/Luke, Co-Chairs; Pine

2773, SD3, HD2	Kahikina/Magaoay, Co-Chairs; Pine	3049, SD1, HD1	Abinsay/Herkes, Co-Chairs; Halford
2774, SD2, HD1	Kahikina/Kanoho/Magaoay, Co-Chairs	3051, SD2, HD1	Takamine, Chair; Nakasone, Stevens
2838, SD2, HD2	Takumi/Takamine, Co-Chairs	3054, SD2, HD2	Takumi/Takamine, Co-Chairs; Finnegan
2879, SD1, HD1	Ito/Chong, Co-Chairs; Tanaka	3059, SD2, HD1	Takumi/Takamine, Co-Chairs
2887, SD1, HD1	Takumi/Caldwell/Takamine, Co-Chairs; Yamashita	3065, SD1, HD1	Herkes/Yamane, Co-Chairs
2897, SD2, HD3	Karamatsu/Magaoay/Yamashita, Co-Chairs	3072, SD1, HD2	Herkes/Lee, Co-Chairs; Marumoto
2898, SD2, HD2	Arakaki/Caldwell/Nakasone, Co-Chairs	3076, SD1, HD1	Abinsay/Morita, Co-Chairs
2901, HD1	Souki/Lee, Co-Chairs; Moses	3077, SD2, HD2	Kanoho/B. Oshiro/Evans, Co-Chairs
2909, SD1, HD2	Karamatsu/Luke/Evans, Co-Chairs	3078, SD2, HD1	Abinsay/Tsuji, Co-Chairs
2913, SD1, HD1	Herkes, Chair; Schatz	3084, SD2, HD3	Kanoho/B. Oshiro/Evans, Co-Chairs; Meyer
2917, HD3	Arakaki/Herkes/Takamine, Co-Chairs	3090, SD2, HD1	Caldwell/Nakasone, Co-Chairs
2922, SD1, HD1	Luke, Chair; B. Oshiro	3101, SD2, HD2	Takumi/Caldwell/Takamine, Co-Chairs
2924, SD1, HD1	Luke, Chair; Sonson, Marumoto	3105, SD2, HD2	Morita/Herkes/Kawakami, Co-Chairs; Yamashita
2926, SD1, HD2	Ito/Chong, Co-Chairs; Tanaka	3111, SD1, HD1	Takamine, Chair; Lee, Ching
2929, HD1	Kanoho, Chair; Morita, Meyer	3114, SD2, HD2	Chang/Yamashita, Co-Chairs; Carroll
2930, SD1, HD1	Luke, Chair; Sonson, Marumoto	3119, SD2, HD1	Saiki/Kahikina/Carroll, Co-Chairs
2941, SD1, HD1	Luke, Chair; Sonson, Thielen	3120, SD2, HD1	Waters/Caldwell/Chong, Co-Chairs
2948, SD1, HD2	Saiki/Takamine, Co-Chairs; Carroll, Chong	3138, HD1	Karamatsu/Yamane, Co-Chairs
2949, SD2, HD1	Ito/Magaoay/Luke/Tanaka, Co-Chairs	3146, SD2, HD1	Arakaki/Takamine, Co-Chairs; Lee, Yamane, Carroll
2954, SD2, HD2	Abinsay/Takamine, Co-Chairs	3180, SD1, HD2	Saiki/Carroll, Co-Chairs
2956, SD2, HD2	Takumi/Takamine, Co-Chairs; Nakasone	3181, SD2, HD2	Morita/Herkes/Kawakami, Co-Chairs; Yamashita
2957, SD2, HD2	Morita/Herkes/Takamine, Co-Chairs	3186, SD2, HD2	Morita/Herkes/Luke/Takamine, Co-Chairs; Caldwell, Souki
2958, SD2, HD1	Kahikina/Takamine, Co-Chairs; Nishimoto	3192, SD1, HD2	Hale/Karamatsu/Wakai, Co-Chairs
2959, SD3, HD1	Caldwell/Waters/Nakasone, Co-Chairs	3195, SD2, HD2	Takumi/Takamine, Co-Chairs
2961, SD1, HD1	Arakaki/Nakasone, Co-Chairs; Yamashita	3197, SD2, HD1	Takumi/Caldwell/Luke/Takamine, Co-Chairs; Finnegan
2980, SD2, HD1	Caldwell/Waters/Takumi/Nakasone, Co-Chairs	3205, SD2, HD1	Sonson/Arakaki/Carroll, Co-Chairs
2984, SD1, HD1	Kahikina/Nishimoto, Co-Chairs; Hale, Halford	3215, SD1, HD2	Sonson/Ito/Chong, Co-Chairs
2986, SD2, HD2	Kanoho/Luke, Co-Chairs; Thielen	3247, SD2, HD2	Sonson/Arakaki/Carroll, Co-Chairs
2997, SD1, HD1	Karamatsu/Yamashita, Co-Chairs	3252, SD2, HD1	Arakaki/Sonson/Lee, Co-Chairs
3000, SD2, HD1	Kahikina/Kanoho/Magaoay, Co-Chairs	3253, SD1, HD1	Sonson/Arakaki/Magaoay/Lee, Co-Chairs; Halford
3003, SD2, HD2	Sonson/Arakaki/Carroll, Co-Chairs; Finnegan	3254, SD2, HD2	Sonson/Arakaki/Carroll, Co-Chairs; Pine
3009, SD2, HD2	Caldwell/Nakasone, Co-Chairs	3262, SD1, HD1	Arakaki/Luke, Co-Chairs
3011, SD1, HD1	Caldwell/Nakasone, Co-Chairs	3270, SD2, HD1	Arakaki/Sonson/Lee, Co-Chairs
3021, SD2, HD2	Caldwell/B. Oshiro/Nakasone, Co-Chairs		
3035, SD1, HD1	Caldwell/Nakasone, Co-Chairs		

3273, SD2, HD2 Takumi/Arakaki/B. Oshiro/Chong, Co-Chairs

HB No. 1982, HD 2, SD 1 HB No. 2508, HD 2, SD 1
HB No. 1984, HD 1, SD 1 HB No. 3253, SD 1

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measure:

H.B. No. 2454, Discharged Representatives Luke and
HD 1, SD 2 Nishimoto as Co-Chairs.

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measures:

H.B. No. 3116, Added Representative Green as a member.
HD 2, SD 2

H.B. No. 3121, Added Representative Yamane as a
HD 2, SD 1 member.

H.B. No. 3142, Added Representative Green as a member.
HD 2, SD 2

S.B. No. 120, Discharged Representative Herkes as Chair.
SD 1, HD 1 Discharged Representatives Schatz and Marumoto.

S.B. No. 2188, Added Representative Green as a member.
SD 1, HD 2

S.B. No. 2339, Added Representative Green as a member.
SD 2, HD 1

S.B. No. 2348, Added Representative Green as a member.
SD 1, HD 1

S.B. No. 2727, Added Representative Green as a member.
SD 1, HD 2

S.B. No. 3181, Discharged Representative Kawakami as
SD 2, HD 2 Co-Chair.
Discharged Representative Yamashita.
Added Representative Yamashita as Co-Chair.

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on March 28, 2006 in disagreeing to the amendments made by the Senate, and has this day, agreed to the said Senate amendments, and passed the following House Bills on Final Reading:

HB No. 1983, HD 1, SD 1
HB No. 2207, HD 1, SD 1
HB No. 2898, SD 1

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on March 31, 2006 in disagreeing to the amendments made by the Senate, and has this day, agreed to the said Senate amendments, and passed the following House Bills on Final Reading:

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 4, 2006 in disagreeing to the amendments made by the Senate, and has this day, agreed to the said Senate amendments, and passed the following House Bills on Final Reading:

HB No. 877, HD 2, SD 1
HB No. 1233, HD 1, SD 1
HB No. 2434, SD 1

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 6, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2780, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 7, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2443, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated April 17, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, and has this day, agreed to said Senate amendments, and passed the following House Bills on Final Reading:

HB No. 1, HD 2, SD 1 HB No. 2275, SD 1
HB No. 173, HD 1, SD 1 HB No. 2346, SD 1
HB No. 1155, HD 1, SD 2 HB No. 2347, SD 1
HB No. 1833, HD 1, SD 2 HB No. 2454, HD 1, SD 2
HB No. 1899, HD 1, SD 1 HB No. 2457, HD 1, SD 1
HB No. 1947, SD 1 HB No. 2747, HD 2, SD 1
HB No. 2050, HD 2, SD 1 HB No. 3018, HD 1, SD 1
HB No. 2192, HD 2, SD 2 HB No. 3194, HD 1, SD 1
HB No. 2210, SD 1 HB No. 3257, HD 1, SD 2
HB No. 2273, SD 1

FIFTIETH DAY

Tuesday, April 18, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 9:08 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Ken Ito, after which the Roll was called showing all members present with the exception of Representatives Carroll, Luke, Meyer, Saiki, Takamine and Waters, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Forty-Ninth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 258 through 260) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 258, dated April 12, 2006, transmitting the Department of Transportation's progress report related to the establishment of flexible highway design guidelines.

Gov. Msg. No. 259, informing the House that on April 17, 2006, the following bill was signed into law:

S.B. No. 2601, entitled: "A BILL FOR AN ACT RELATING TO DOCUMENTS SEALED UPON FILING." (ACT 008)

Gov. Msg. No. 260, dated April 13, 2006, amending the March 17, 2006 message requesting immediate consideration and passage of House Bill No. 970, Relating to Emergency Relief for Natural Disasters, in an amended form, to appropriate additional emergency funding totaling \$3,169,257 in general funds, \$29,300,000 in state highway special funds, and \$17,450,000 in general obligation bond funds, and a reduction of \$2,700,000 in federal funds for the Departments of Agriculture, Land and Natural Resources, and Transportation.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 746 through 754) were received and announced by the Clerk:

Sen. Com. No. 746, transmitting H.C.R. No. 195, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING HAWAII'S LANDOWNERS, INVESTORS, COUNTY GOVERNMENTS, AND REGULATED ELECTRIC UTILITIES TO PURSUE DEVELOPMENT AND CONVERSION OF FUEL CROPS FOR ELECTRICITY GENERATION, AND REQUESTING THE HAWAII ENERGY POLICY FORUM TO MAKE RECOMMENDATIONS," which was adopted by the Senate on April 17, 2006.

Sen. Com. No. 747, transmitting H.C.R. No. 305, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE KYOTO PROTOCOL ON CLIMATE CHANGE AS A SIGNIFICANT MEANS TO REDUCE GREENHOUSE GAS EMISSIONS AND STABILIZE THE GLOBAL ATMOSPHERE, AND AS A NECESSARY FIRST STEP TOWARD MAINTAINING THE HEALTH AND QUALITY OF LIFE FOR FUTURE GENERATIONS OF HAWAII RESIDENTS, AND URGING THE GOVERNOR TO REQUEST THE PRESIDENT TO PURSUE RATIFICATION OF THIS AGREEMENT," which was adopted by the Senate on April 17, 2006.

Sen. Com. No. 748, transmitting H.C.R. No. 317, entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE

EFFORTS OF THE ONE CAMPAIGN AND INVITING ALL CITIZENS TO JOIN IN RECOGNIZING AND SUPPORTING THE ONE CAMPAIGN AS IT SPREADS ITS MESSAGE THROUGHOUT THE NATION AND THE WORLD," which was adopted by the Senate on April 17, 2006.

Sen. Com. No. 749, informing the House that the Senate has, on April 13, 2006, reconsidered its action taken on April 6, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading.

S.B. No. 2737, "RELATING TO MARINE SD 1, HD 1 INVERTEBRATES."

Sen. Com. No. 750, dated April 17, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

237, HD3, SD1	Hanabusa, Chair; Hee, Whalen
439, HD1, SD2	Inouye, Chair; Hanabusa/Taniguchi, Co-Chairs; Trimble
487, HD1, SD3	Inouye, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Whalen
1155, HD1, SD2	Baker, Chair; Menor, Co-Chair; Chun Oakland, Ige, Whalen
1466, HD1, SD2	Sakamoto, Chair; Baker/Tsutsui, Co-Chairs; Taniguchi, Hogue
1825, HD1, SD2	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Whalen
1833, HD1, SD2	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Kim, Slom
1861, SD1	Sakamoto, Chair; Chun Oakland, Nishihara, Hogue
1879, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Hogue
1891, HD2, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Fukunaga, Hooser, Hogue
1899, HD1, SD1	Inouye, Chair; Hanabusa, Co-Chair; Espero, Trimble
1917, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Ihara, Slom
1918, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Ihara, Whalen
1922, HD1, SD2	Kim, Chair; Taniguchi, Co-Chair; Tsutsui, Slom
1923, HD1, SD2	Kim, Chair; Tsutsui, Co-Chair; Nishihara, Taniguchi, Slom
1947, SD1	Inouye, Chair; Hanabusa, Co-Chair; Espero, Whalen
2039, HD2, SD2	Baker, Chair; Hanabusa/Tsutsui, Co-Chairs; Chun Oakland, Taniguchi, Whalen

2051, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen	2540, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2075, HD1, SD2	Inouye, Chair; Taniguchi, Co-Chair; Espero, Trimble	2595, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2109, HD1, SD2	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Whalen	2625, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Ihara, Whalen
2145, HD2, SD1	Kim, Chair; Kokubun/Ige, Co-Chairs; Slom	2637, HD1, SD2	Inouye, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Whalen
2153, HD2, SD2	Baker, Chair; Taniguchi, Co-Chair; Hanabusa, Tsutsui, Whalen	2639, HD2, SD2	Inouye, Chair; Hanabusa, Co-Chair; Baker, Whalen
2187, HD2, SD2	Baker, Chair; Tsutsui, Co-Chair; Chun Oakland, Taniguchi, Whalen	2669, HD1, SD2	Kim, Chair; Taniguchi, Co-Chair; Nishihara, Slom
2192, HD2, SD2	Baker, Chair; Hanabusa, Co-Chair; Whalen	2708, HD2, SD2	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Fukunaga, Whalen
2199, HD2, SD1	Inouye, Chair; English/Hanabusa, Co-Chairs; Whalen	2713, HD1, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hogue
2204, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen	2737, HD1, SD1	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Whalen
2210, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Ige, Trimble	2747, HD2, SD1	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Slom
2214, HD1, SD2	Inouye, Chair; Menor/Taniguchi, Co-Chairs; Tsutsui, Hogue	2778, HD2, SD2	Inouye, Chair; Hanabusa/Taniguchi, Co-Chairs; Whalen
2239, HD1, SD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Whalen	2987, HD1, SD2	Sakamoto, Chair; Taniguchi, Co-Chair; Hogue
2265, HD2, SD1	Hanabusa, Chair; English, Whalen	3037, HD1, SD1	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Whalen
2273, SD1	Inouye, Chair; Taniguchi, Co-Chair; Menor, Tsutsui, Trimble	3105, HD2, SD2	Baker, Chair; Chun Oakland, Co-Chair; Fukunaga, Tsutsui, Whalen
2275, SD1	Inouye, Chair; Taniguchi, Co-Chair; Kanno, Whalen	3115, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Espero, Whalen
2277, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Slom	3121, HD2, SD1	Inouye, Chair; Taniguchi, Co-Chair; Espero, Whalen
2278, HD1, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Slom	3142, HD2, SD2	Baker, Chair; Chun Oakland/Tsutsui, Co-Chairs; Taniguchi, Whalen
2343, HD1, SD2	Inouye, Chair; Hanabusa, Co-Chair; Espero, Whalen	3257, HD1, SD2	Inouye, Chair; Ige/Hanabusa, Co-Chairs; Whalen
2346, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue	3259, HD1, SD2	Baker, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui, Whalen
2347, SD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue	Sen. Com. No. 751, dated April 17, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:	
2410, HD1, SD2	Baker, Chair; Hanabusa, Co-Chair; Whalen		
2422, HD1, SD2	Inouye, Chair; Hanabusa, Co-Chair; Espero, Whalen	218, SD4, HD1	Baker, Chair; Tsutsui, Co-Chair; Chun Oakland, Taniguchi, Whalen
2423, HD1, SD1	Inouye, Chair; Taniguchi, Co-Chair; Fukunaga, Whalen	439, HD2	Hanabusa, Chair; Ihara, Whalen
2454, HD1, SD2	Inouye, Chair; Hanabusa, Co-Chair; Kanno, Whalen	613, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2457, HD1, SD1	Sakamoto, Chair; Inouye, Co-Chair; Kokubun, Hogue	696, SD1, HD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2500, HD2, SD2	Hanabusa, Chair; Taniguchi, Co-Chair; Kanno, Espero, Whalen		

845, SD2, HD2	Inouye, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Whalen	2505, SD2, HD1	Baker, Chair; Sakamoto/Tsutsui, Co-Chairs; Chun Oakland, Taniguchi, Whalen
965, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Hee, Whalen	2575, SD2, HD1	Kokubun, Chair; English/Taniguchi, Co-Chairs; Slom
1015, SD1, HD1	Kokubun, Chair; Menor, Co-Chair; Hogue	2600, SD1, HD2	Hanabusa, Chair; Hee, Whalen
1294, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen	2630, SD2, HD1	Baker, Chair; Chun Oakland/Tsutsui, Co-Chairs; Fukunaga, Taniguchi, Whalen
1512, SD1, HD3	Baker, Chair; Chun Oakland/Hanabusa, Co-Chairs; Fukunaga, Whalen	2718, SD1, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
1593, SD2, HD2	Kokubun, Chair; Ige/Taniguchi, Co-Chairs; Slom	2719, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
1648, SD1, HD2	Sakamoto, Chair; Hee, Co-Chair; Hooser, Hogue	2725, SD2, HD1	Baker, Chair; Chun Oakland/Taniguchi, Co-Chairs; Ihara, Whalen
1899, SD1, HD1	Kokubun, Chair; Taniguchi, Co-Chair; Hemmings	2727, SD1, HD2	Baker, Chair; Chun Oakland/Tsutsui, Co-Chairs; Taniguchi, Whalen
2004, SD1, HD1	Kokubun, Chair; Hee, Hemmings	2838, SD2, HD2	Sakamoto, Chair; Taniguchi, Co-Chair; Inouye, Hogue
2145, SD2, HD2	English, Chair; Hanabusa/Taniguchi, Co-Chairs; Kokubun, Whalen	2879, SD1, HD1	Inouye, Chair; Taniguchi, Co-Chair; Espero, Whalen
2227, SD2, HD2	Baker, Chair; Fukunaga/Menor, Co-Chairs; Ige, Whalen	2887, SD1, HD1	Sakamoto, Chair; Kanno, Co-Chair; Nishihara, Hogue
2246, SD1, HD2	Hanabusa, Chair; Chun Oakland, Hogue	2897, SD2, HD3	Inouye, Chair; Taniguchi/Fukunaga, Co-Chairs; Whalen
2259, SD1, HD1	Hanabusa, Chair; Chun Oakland, Whalen	2898, SD2, HD2	Baker, Chair; Inouye/Tsutsui, Co-Chairs; Espero, Taniguchi, Whalen
2260, SD1, HD1	Hanabusa, Chair; Hee, Whalen	2922, SD1, HD1	Hanabusa, Chair; Hee, Whalen
2265, SD1, HD1	Hanabusa, Chair; Chun Oakland, Whalen	2926, SD1, HD2	Hanabusa, Chair; Taniguchi, Co-Chair; English, Whalen
2339, SD2, HD1	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Tsutsui, Whalen	2948, SD1, HD2	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2343, SD2, HD2	Baker, Chair; Chun Oakland/Hanabusa, Co-Chairs; Hooser, Whalen	2949, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen
2348, SD1, HD1	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Tsutsui, Whalen	2954, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; Hooser, Inouye, Trimble
2364, SD2, HD3	Baker, Chair; Tsutsui, Co-Chair; Chun Oakland, Taniguchi, Whalen	2961, SD1, HD1	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Fukunaga, Hemmings
2382, SD2, HD1	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Inouye, Hogue	3059, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Hogue
2480, SD1, HD1	Kokubun, Chair; English/Taniguchi, Co-Chairs; Hemmings	3076, SD1, HD1	Kokubun, Chair; English, Co-Chair; Hemmings
2484, SD1, HD1	Kokubun, Chair; English/Taniguchi, Co-Chairs; Hemmings	3077, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; English, Slom
2485, SD2, HD2	Kokubun, Chair; Taniguchi, Co-Chair; Trimble	3078, SD2, HD1	Kokubun, Chair; Espero/Taniguchi, Co-Chairs; English, Slom
2486, SD2, HD1	Kokubun, Chair; English/Inouye, Co-Chairs; Whalen	3105, SD2, HD2	English, Chair; Menor/Taniguchi, Co-Chairs; Hooser, Hogue
2502, SD2, HD1	Baker, Chair; Chun Oakland/Tsutsui, Co-Chairs; Fukunaga, Taniguchi, Trimble	3114, SD2, HD2	Kim, Chair; Tsutsui, Co-Chair; Espero, Taniguchi, Hemmings
2504, SD2, HD2	Baker, Chair; Ige/Tsutsui, Co-Chairs; Chun Oakland, Taniguchi, Whalen		

3119, SD2, HD1	Hanabusa, Chair; Taniguchi, Co-Chair; Whalen	1900, HD1, SD1	Taniguchi, Chair; English, Espero, Fukunaga, Hooser, Inouye, Kanno, Kim, Kokubun, Nishihara, Sakamoto, Tsutsui, Hemmings, Slom, Trimble
3138, HD1	Kokubun, Chair; Taniguchi, Co-Chair; Hooser, Hemmings		
3146, SD2, HD1	Baker, Chair; Taniguchi, Co-Chair; Chun Oakland, Tsutsui, Whalen	1955, HD1, SD1	English, Chair; Ige/Hanabusa, Co-Chairs; Slom
3180, SD1, HD2	Hanabusa, Chair; Ige, Co-Chair; Whalen	2045, HD2, SD1	Baker, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui, Trimble
3195, SD2, HD2	Sakamoto, Chair; Taniguchi, Co-Chair; Fukunaga, Hooser, Hogue	2146, HD1, SD1	Kokubun, Chair; Ige/English, Co-Chairs; Slom
3262, SD1, HD1	Baker, Chair; Kanno/Hanabusa, Co-Chairs; Chun Oakland	2179, HD2, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
Sen. Com. No. 752, dated April 17, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bill:		2182, HD1, SD2	Sakamoto, Chair; Hee/Taniguchi, Co-Chairs; Baker, Fukunaga, Tsutsui, Hogue
H.B. No. 3105, HD 2, SD 2	Discharged Senator Tsutsui as a conferee. Added Senator Taniguchi as Co-Chair.	2183, HD1, SD1	Inouye, Chair; Sakamoto/Taniguchi, Co-Chairs; Tsutsui, Whalen
Sen. Com. No. 753, dated April 17, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:		2211, HD1, SD1	Kanno, Chair; Hanabusa/Taniguchi, Co-Chairs; Slom
266, HD1, SD2	Kanno, Chair; Taniguchi, Co-Chair; Hanabusa	2271, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
970, HD1, SD1	Taniguchi, Chair; Fukunaga, Inouye, Tsutsui, Hemmings	2399, HD2, SD1	Kokubun, Chair; Taniguchi/Ige, Co-Chairs; Espero, Inouye, Trimble
1033, HD1, SD2	Kokubun, Chair; Ige/Taniguchi, Co-Chairs; Slom	2412, HD1, SD1	Taniguchi, Chair; Tsutsui, Slom
1448, HD2, SD1	Taniguchi, Chair; Tsutsui, Co-Chair; Fukunaga, Kanno, Slom	2419, HD1, SD3	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Inouye
1706, HD3, SD1	English, Chair; Hanabusa, Co-Chair; Whalen	2535, SD2	Fukunaga, Chair; Menor/Hanabusa, Co-Chairs; Hogue
1723, HD2, SD2	Fukunaga, Chair; Espero/Taniguchi, Co-Chairs; Ige, Tsutsui, Trimble	2555, HD2, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Fukunaga, Inouye, Hemmings
1809, HD2, SD2	Inouye, Chair; Ige/Sakamoto, Co-Chairs; Hogue	2558, HD1, SD2	Kanno, Chair; Chun Oakland/Taniguchi, Co-Chairs
1843, HD1, SD2	Sakamoto, Chair; Kokubun/Taniguchi, Co-Chairs; Nishihara, Hogue	2587, HD2, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
1862, HD2, SD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui, Slom	2641, HD1, SD2	Inouye, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui
1865, HD1, SD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Nishihara, Slom	2678, HD2, SD2	Kanno, Chair; Taniguchi, Co-Chair
1866, HD1, SD2	Hee, Chair; Sakamoto/Inouye/Taniguchi, Co-Chairs; Baker, Trimble	2692, HD1, SD1	Kanno, Chair; Inouye/Taniguchi, Co-Chairs
1867, HD1, SD2	Kanno, Chair; Taniguchi, Co-Chair	2715, HD1, SD2	Ige, Chair; Taniguchi, Co-Chair; Kim, Slom
1880, HD2, SD2	Kokubun, Chair; Inouye/Taniguchi, Co-Chairs; Whalen	2763, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
1889, HD1, SD2	English, Chair; Taniguchi, Co-Chair; Hooser	2771, HD2, SD1	Kokubun, Chair; Taniguchi, Co-Chair; Slom
1890, HD1, SD2	English, Chair; Taniguchi, Co-Chair; Hemmings	2772, HD1, SD2	Kokubun, Chair; Hanabusa, Co-Chair; Hemmings
		2774, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Slom
		2796, HD1, SD1	Kokubun, Chair; Baker, Co-Chair; Whalen
		2805, SD1	Kokubun, Chair; Inouye/Taniguchi, Co-Chairs; Hooser, Whalen
		2806, HD1, SD2	Kokubun, Chair; Taniguchi, Co-Chair; Hooser, Slom

2836, HD1, SD2	Fukunaga, Chair; Menor/Taniguchi, Co-Chairs; Tsutsui, Hogue	2214, SD2, HD3	Inouye, Chair; Sakamoto/Taniguchi, Co-Chairs; Baker, Espero, Whalen
2848, HD2, SD2	English, Chair; Taniguchi, Co-Chair; Espero, Hemmings	2229, SD2, HD1	Sakamoto, Chair; Menor/Taniguchi, Co-Chairs; Ige, Nishihara, Hogue
2878, HD1, SD1	Kokubun, Chair; Espero/Taniguchi, Co-Chairs; Trimble	2273, SD2, HD1	Kanno, Chair; Taniguchi, Co-Chair; Slom
2925, HD1, SD2	Espero, Chair; Fukunaga/Taniguchi, Co-Chairs; Tsutsui, Hogue	2274, SD1, HD2	Kanno, Chair; Taniguchi, Co-Chair; Slom
2947, HD2, SD2	Kanno, Chair; Taniguchi, Co-Chair	2357, HD1	English, Chair; Kokubun/Hanabusa, Co-Chairs
2950, SD2	Kanno, Chair; Taniguchi, Co-Chair	2385, SD1, HD2	Inouye, Chair; Hanabusa/Taniguchi, Co-Chairs; Espero, Whalen
2952, HD1, SD2	Kanno, Chair; Inouye/Taniguchi, Co-Chairs; Tsutsui	2430, SD2, HD1	Ige, Chair; Hanabusa, Co-Chair; Baker, Slom
2961, HD1, SD1	Sakamoto, Chair; Ige/Taniguchi, Co-Chairs; Nishihara, Hogue	2433, SD2, HD1	Ige, Chair; Hanabusa/Taniguchi, Co-Chairs; Slom
2974, SD1	Kokubun, Chair; Taniguchi, Co-Chair; Slom	2546, SD1, HD2	Kanno, Chair; Espero/Inouye/Taniguchi, Co-Chairs; Fukunaga
3056, HD2, SD2	Kokubun, Chair; Ige/Taniguchi, Co-Chairs; English, Slom	2570, SD2, HD2	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Hogue
3060, HD1, SD2	Fukunaga, Chair; Espero/Taniguchi, Co-Chairs; Hogue	2643, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Hemmings
3123, HD1, SD1	Inouye, Chair; Baker/Taniguchi, Co-Chairs; Tsutsui, Whalen	2652, SD2, HD2	Sakamoto, Chair; Kanno/Taniguchi, Co-Chairs; Tsutsui, Hogue
3235, HD1, SD1	Fukunaga, Chair; Taniguchi, Co-Chair; Ige, Tsutsui, Hogue	2704, SD2, HD1	Sakamoto, Chair; Taniguchi, Co-Chair; Hooser, Tsutsui, Hogue
3237, HD2, SD2	Sakamoto, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui	2708, SD2, HD1	Sakamoto, Chair; Menor/Taniguchi, Co-Chairs; Tsutsui, Slom
3244, HD1, SD2	Fukunaga, Chair; Menor/Hanabusa/Taniguchi, Co-Chairs; Whalen	2909, SD1, HD2	Ige, Chair; Inouye/Hanabusa, Co-Chairs; Kim, Hogue
3261, HD1, SD2	Espero, Chair; Taniguchi, Co-Chair; Fukunaga, Tsutsui	2941, SD1, HD1	Hanabusa, Chair; Chun Oakland, Whalen
Sen. Com. No. 754, dated April 17, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:		2956, SD2, HD2	Sakamoto, Chair; Hee/Taniguchi, Co-Chairs; Kanno, Hogue
87, SD2, HD1	Kanno, Chair; Sakamoto/Taniguchi, Co-Chairs; Tsutsui, Slom	2959, SD3, HD1	Hee, Chair; Taniguchi/Ige/Kanno, Co-Chairs; Inouye, Hemmings
785, SD2, HD2	Fukunaga, Chair; Hanabusa, Co-Chair; Ihara, Hogue	2980, SD2, HD1	Sakamoto, Chair; Hee/Taniguchi, Co-Chairs; Tsutsui, Hogue
2021, SD2, HD2	Kanno, Chair; Taniguchi, Co-Chair; Slom	2997, SD1, HD1	Inouye, Chair; Fukunaga/Taniguchi, Co-Chairs; Tsutsui, Hogue
2036, SD1, HD1	Fukunaga, Chair; Espero/Taniguchi, Co-Chairs; Tsutsui, Hogue	3011, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Whalen
2065, SD2, HD1	Inouye, Chair; Ige/Menor, Co-Chairs; Slom	3090, SD2, HD1	Kanno, Chair; Taniguchi, Co-Chair; Slom
2074, SD1, HD2	Ige, Chair; Taniguchi, Co-Chair; Kim, Tsutsui, Slom	3101, SD2, HD2	Sakamoto, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui
2150, SD1, HD1	Espero, Chair; Kokubun/Taniguchi, Co-Chairs; Trimble	3111, SD1, HD1	Fukunaga, Chair; Taniguchi, Co-Chair; English, Hogue
2190, SD1, HD2	Kanno, Chair; Taniguchi, Co-Chair; Espero, Menor, Hemmings	3120, SD2, HD1	Hee, Chair; Taniguchi, Co-Chair; Inouye, Trimble
		3192, SD1, HD2	English, Chair; Taniguchi, Co-Chair; Hemmings

3270, SD2, HD1 Baker, Chair; Chun Oakland/Taniguchi, Co-Chairs; Tsutsui, Whalen

3273, SD2, HD2 Sakamoto, Chair; Baker/Hanabusa, Co-Chairs; Tsutsui, Hogue

55 Committee on Consumer Protection & Commerce

137 Committee on Water, Land, & Ocean Resources

147 Committee on Public Safety & Military Affairs

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 63) was received by the Clerk and was placed on file:

Dept. Com. No. 63, from the Employees' Retirement System of the State of Hawaii, transmitting the Comprehensive Annual Financial Report for the Fiscal Year ended June 30, 2005.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Cabanilla introduced Kansas City Councilwoman Sandra McFadden-Weaver of Kansas City, Missouri; Dr. Marty Stone, Ph.D., a consultant of the Tampa-Hillsborough County Tollway Authority; Dr. Brian Taylor, Ph.D., Associate Professor and Vice Chair of Urban Planning and Director of the Institute of Transportation Studies, UCLA; and former Honolulu City Councilwoman Rene Mansho. The were accompanied by Dale Evans and Darcianne Evans of the Hawaii Highway Users Alliance.

Representative Arakaki, in dedication to former 'Kalihi boy' and Honolulu Chief of Police, the late Michael Nakamura, introduced the student leaders and their teachers and advisors from the following Kalihi area schools:

Dole Middle School and teacher Pat Matsumoto;
Kalihi Waeana Elementary School and Michael Kawamoto, Maria Passi, Liana Jucusan;
Kalihi Uka Elementary School and Kenneth Chang, SandyYap Lorna Tamayo, and Dean Miyota; and
Kalihi Elementary School and Sherilyn Waters.

Representative Abinsay then introduced the student leaders and their teachers of other Kalihi area schools:

Farrington High School and Jessie Nakanishi;
Kalakaua Middle School and Carole Tanji;
Fern Elementary School and Susan Otaguro and Jon Otaguro; and
Pu'u hale Elementary School and Mary Sueoka and Dean Sueoka.

Representative Finnegan, on behalf of Representative Wakai and herself, introduced student leaders of Moanalua Elementary School and their teacher, Jeffery Wong.

Representative Marumoto introduced Ms. Hanna Keikiokalani Thomas, Miss Hawaii Teen 2006, a junior at Kamehameha Schools. She was accompanied by her parents, Jan and Bob Thomas; her sister, Micaela Thomas of Kaiser High School; and Representative Marumoto's husband, Mr. Richard Coons.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

S.C.R.
Nos.

Re-referred to:

ANNOUNCEMENT

Representative Sonson, for the Committee on Human Services requested a waiver of the 48-hour advance notice requirement to hear:

S.C.R. No. 81, Urging the Department of Human Services to Eliminate the Concept of Positive Enrollment from the Recently Issued Quest Request for Proposal; and

S.C.R. No. 77, Requesting the Legislative Reference Bureau to Conduct Two Studies of Recommended Procedures that will Ensure that State-Funded Health Care Payments Adequately Reimburse Providers Who Provide Services for, First, Medicaid or Quest Recipients and, Second, for Injured Employees Under Workers Compensation Insurance,

The measures were scheduled for tomorrow at 4:00 p.m. in Conference Room 229, and the Chair "so ordered."

At 9:23 o'clock a.m., the Chair declared a recess and the House of Representatives stood in recess, subject to the call of the Chair, and in accordance with House Concurrent Resolution No. 329, met in Joint Session with the Senate, for the Hawaii Medal of Honor Ceremony.

JOINT SESSION

The Joint Session of the House of Representatives and the Senate of the Twenty-Third Legislature was called to order pursuant to Concurrent Resolution at 10:04 o'clock a.m. by the Honorable Calvin K.Y. Say, Speaker of the House of Representatives.

The Speaker of the House of Representatives addressed the Members and audience, stating:

"This is indeed a momentous occasion. A first of its kind called to honor members of the Hawaii National Guard, the United States Military Reserves and members of the Regular Armed Forces of the United States with ties to Hawaii, who fought and died bravely, in a combat zone designated by Presidential Order.

"On behalf of the Senate President and all of the Members of the Hawaii State Legislature, I convey our deepest condolences to our very special guests – the family, friends and colleagues of loved ones, who have lost their lives overseas in the Middle East. Our prayers are with you, and we are honored by your presence."

The Members of the House of the Hawaii State Legislature, guests, and audience rose for the presentation of our Nation's and our State's Colors by the Joint Services Color Guard and the Hawaii Air National Guard Royal Guard. The singing of the National Anthem and *Hawaii Pono'i* was led by Ms. Traci Toguchi, followed by a *pule* and invocation delivered by Mr. Ray Ganotise.

At this time, House Speaker Say delivered the following remarks:

"Mahalo, Joint Services Color Guard, Royal Guard, Ms. Traci Toguchi, and Mr. Ray Ganotise. Your participation in today's ceremony is greatly appreciated. You may all be seated at this time.

"Today is a day where we have put aside our political and philosophical differences, to come together as one Body to honor these brave men and women. Our Nation – the whole world – has been wounded deeply by the destruction caused by the enemies of peace, freedom and human rights. As Americans, we are a strong people. United in our resolve. Respectful of our differences. Taking strength from our diversity and richness of our cultures.

"As Americans, we will not allow our resolve to waiver in the wake of the loss of our loved ones. Although their premature demise is very painful, and at times almost incomprehensible, take comfort in knowing that our Hawaii warriors were well-trained, and battle ready. They understood the risks. And yet, they proudly wore their battle fatigues, and carried our Nation's flag, and courageously departed and set their course into a hell called war.

"While I did not personally know any of the warriors being honored today – as a father of two young men – if I were seated in this Chamber among you, instead of standing here on this podium, I know my sadness would be tempered by pride. I would be proud to the core of my soul, that my loved one sacrificed his life or her life to allow the rest of us surviving – to live in a democracy, unfettered by fear.

"In the end, what matters most, is that each fallen warrior made a difference. They gave us the greatest gift of all – freedom. Freedom to enjoy everyday pleasures. Watching the sunset. Listening to the familiar ebb and flow of the ocean. Smelling the plumeria blossoms in full bloom. And knowing that tomorrow will be yet another beautiful day in paradise."

At this time, the Speaker of the House introduced the following dignitaries seated on the floor of the House:

The Honorable Linda Lingle, Governor of the State of Hawaii;

The Honorable James R. Aiona, Jr., Lieutenant Governor of the State of Hawaii;

The Honorable Daniel K. Akaka, United States Senator;

The Honorable Ed Case, United States House of Representatives;

Admiral Gary Roughead and Mrs. Ellen Roughead, United States Pacific Fleet;

Lieutenant General Daniel P. Leaf, United States Pacific Command;

Lieutenant General John M. Brown and Mrs. Elaine Brown, United States Army Pacific;

Lieutenant General John Goodman and Mrs. Gayle Goodman, United States Marine Corps, Pacific Forces; and

Major General Robert G.F. Lee, Hawaii State Department of Defense.

The Speaker of the House then directed the Clerk of the House to note the receipt of a correspondence from Hawaii Senator Daniel K. Inouye noting: "Uncommon courage. Devotion to duty. Love of our country. And the ultimate sacrifice of the 120 Hawaii Medal of Honor recipients."

DANIEL K. INOUE
HAWAII

APPROPRIATIONS
Subcommittee on Defense – Pacific Region
COOPERITY
Subcommittee on Surface Transportation and
Maritime Matters – Pacific Region
COMMITTEE ON PACIFIC AFFAIRS
ENVIRONMENTAL, SPENDING AND COORDINATION
COMMITTEE
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate

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TREASURY

Hawaii Medal of Honor Ceremony
Special Joint Session of the Hawaii State Legislature
Hawaii State Capitol - House Chamber
Honolulu, Hawaii

Dear Friends:

Uncommon courage. Devotion to duty. Love of our country. The ultimate sacrifice. These qualities define the special men and women we honor today as the first recipients of the Hawaii Medal of Honor.

They served our nation with distinction, believed in our country's democratic ideals, and upheld the highest standards of the U.S. military. Their unwavering service to our beloved country during Operation Iraqi Freedom and Operation Enduring Freedom will not be forgotten.

While my schedule has taken me away from Hawaii and prevented me from joining you today, please know that I am here in spirit. I share with the families of the 120 medal recipients their pride in knowing that their loved ones embodied the best qualities of the United States of America. On behalf of a grateful nation, we salute and honor them. I wish you Godspeed and, God Bless America.

Aloha,


DANIEL K. INOUE
United States Senator

At this time, House Speaker Say called upon the Honorable Linda Lingle, Governor of the State of Hawaii, to deliver her remarks.

The Governor then addressed the Joint Session as follows:

"Mr. Speaker, Mr. President, Members of the Legislature, General Lee, families of our heroes, veterans, members of the armed services. It is for a very sad but noble purpose that we're gathered here today. I want to thank all those in the Legislature who took the time to plan, to carry out this event. It's an appropriate event for Hawaii because it doesn't just recognize those who were born and raised in Hawaii, or those who grew up here, or those who went to school here, but everyone who was touched, and who touched Hawaii. Those who were stationed here from all parts of the country. All are included today in our *ohana* and it's important to pause today to remember all of them.

"I didn't know any of the heroes personally, but I have come to know many of the families by attending various funerals and services throughout this war on terror. I remember sitting with a mother of a young soldier, a soldier who had been so close to her church that she left her life insurance policy to the church, a young woman who wanted to become a nun. She had come here from the Philippines as a youngster, and had gone to high school here.

"I remember sitting with the wives of the Marines. One Navy man who was shot down in Afghanistan, and I sat with them and with their infant children in a small, modest military housing. And I watched them deal with their lives, with their children, who would never know their fathers, and I hoped that the children would one day appreciate the sacrifice that their father had made, and that their mother made for our country.

"And I especially remember sitting with the family of one of our National Guardsman from Hawaii. I was sitting in their modest home and listening to them talk about their beloved son. Not only the parents, but his brother and his grandparents, who had raised him from a small boy. He was the apple of their eye.

"It's not an easy thing to sacrifice the way you have for our country. So we pause today to spend a few minutes to let you know how appreciative we are, although we can never, never take away the pain that you feel. In our small way we want you to know that we will always remember your loved one as a member of the *ohana* here in Hawaii.

"And I remember a day, General Goodman, when we were out in Kaneohe. And I'm not certain you remember our conversation, but it stuck with me since that day and I carry it with me today as an embodiment of what we were talking about.

"It was another funeral, another memorial service. There were four Marine families there that day from all parts of America, who had come to Kaneohe to participate in a memorial service. Although I didn't know any of the Marines, they didn't go to school here, they didn't grow up here. But I wanted their parents to know, how much the people of Hawaii appreciated their sacrifice on our behalf so we can gather in freedom the way we are today.

"And one of the speakers that day, he was so eloquent. I don't remember if he was a Colonel or what this rank was exactly, but his remarks touched me so deeply that I went up to General Goodman afterwards and I commented to him about how touching and poignant the remarks were. And General Goodman said to me that day, you know after Vietnam, of which he is a veteran. He said, 'In Vietnam, we went over as bunch of individuals. We came home as a bunch of individuals.' And we all know those of us of a certain age, know how they were greeted when they came home, and most of us are ashamed by it today. But General Goodman said to me that day, that after Vietnam, he said, 'We promised ourselves that we would never again let that happen in America. That we would go together. We would come home together. And we would honor everyone who sacrificed for our country, for our freedom, for our way of life.'

"And today is an embodiment of that idea. That they weren't a bunch of individuals. They were great Americans, who were part of our *ohana*, here in Hawaii. We honor them. We thank the families for their sacrifice knowing there's nothing we can do that's going to take away the pain and the emptiness that you feel. But we still want to make this attempt to let you know, how deeply we appreciate what your son, your daughter, your husband, your aunt, your uncle. We want you to know, we appreciate what they did for us as Americans, so that our way of life could continue."

House Speaker Say thanked Governor Lingle, and then called upon Major General Robert Lee to deliver his remarks.

Major General Lee then addressed the Joint Session as follows:

"Good morning and Aloha. We are a nation blessed with the finest military in all of human history. And we have been blessed by great minds with great strength and determination that enables the United States of America to be the world's leader and liberator of oppressed people.

"To become the world's finest military, we have trained our forces better and harder than any other nation, and our forces are better equipped than any other nation. We are faced with difficult and challenging training. Long separations from our families and loved ones. And we are challenged with great responsibilities and commitment but in our profession of arms, there is nothing more difficult than losing one of our own.

"However that degree of difficulty cannot be compared to the anguish suffered by family members who lose a loved one on the field of battle, and this time in Afghanistan and Iraq. We can only imagine the pain of losing a son or daughter, husband or wife, father or mother, while they served our nation in harm's way. This pain can be only lessen over time, if at all. We cannot truly feel their pain, nor can we in any way make up for that loss.

"As President Ronald Regan so eloquently stated, 'Our young friends, in our hearts you'll always be young. Full of the love that is youth, love of life, love of joy, love of country. You fought for your country, for its safety, and for the freedom of others with strength and courage. We honor you today.'

"The State Medal of Honor is Hawaii's way in which we can remember that ultimate sacrifice to show our appreciation to the families, and to assure them, that they will always be part of this State's *ohana*.

"A circle of *kalo* or taro leaves is part of the Hawaii Medal of Honor. The word *ohana* is derived from *kalo*, and the circle is emblematic of the embrace of the people of Hawaii. Whether a fallen Soldier, Sailor or Marine, grew up in Hawaii or were members of units based in Hawaii, he is still remember and will always be a part of our *ohana*.

"The star and the coat of arms of the Medal represents the 50th State's star on American flag, and also represents today, the person who is being honored. But the star also evokes a symbol of America's past. In World Wars I and II, families that had a member of the Armed Forces would display a blue star on a banner or a flag. If a service member from that family was killed in action, a gold star was often displayed in a window facing the street to let the neighborhood know that the life of a hero who had grown up there had been taken. Today this Medal is a token of gratitude from the State of Hawaii, proclaiming to all that this is a family of a fallen hero.

"There's no greater sacrifice a family can make than the loss of their Soldier, Sailor, Airmen, or Marine while in service to our nation. And there is no greater honor, which we the people of Hawaii can bestow upon that family to symbolize this sacrifice.

"There is an attachment device at the middle of the red and yellow ribbon and it is a rendering of the ancient *puela* or flag. This ancient flag was raised at sea above the Hawaiian sailing canoes and all who saw the *puela* from afar, knew that a person of the highest rank or honor was coming. Today this service ribbon and its attachment will remind us that these families or of the highest rank and honor.

"To paraphrase President Abraham Lincoln at Gettysburg, when brave Soldiers, Sailors, Airmen, and Marines die, it is their deeds not our words, that are remembered. It is their sacrifice that offers everlasting testimony to a love for others, and their love for us.

"To the families of our fallen heroes, I humbly ask that you accept this Hawaii Medal of Honor on behalf of the people of Hawaii who today, and forever, shall be your devoted *ohana*. May God bless all of you, and may God continue to bless the United States of America."

At this time, the Speaker of the House and the President of the Senate presented the Hawaii Medal of Honor. Governor Lingle and Major General Lee expressed condolences on behalf of the people of Hawaii to the representatives receiving the Hawaii Medal of Honor.

The Clerk of the House of Representatives announced the names of the Hawaii Medal of Honor recipients, which was followed by the ringing of the memorial bell.

United States Army Sergeant Eugene Williams.

Sergeant Williams was 24. His wife and children are from Waipahu, Oahu. Here to receive his medal is his wife and child, Brandy Williams.

United State Army Sergeant First Class Kelly Bolor.

Sergeant First Class Bolor was 37. He grew up in Lahaina, Maui. Here to receive his medal is his wife, Kelly Jean Bolor.

United States Army Chief Warrant Officer Ian D. Manuel.

Chief Warrant Officer Manuel was 23. He was born in Hawaii. Here to receive his medal is his mother, Tita Derrow

United States Army Specialist Philip L. Witkowski. Specialist Witkowski was 24. He served with the 3rd Battalion, 7th Field Artillery from Schofield Barracks. Here to receive his medal is his wife, Tina Witkowski.

United States Army Staff Sergeant Todd E. Nunes. Staff Sergeant Nunes was 29. He served with the 1st Battalion, 21st Infantry Regiment from Schofield Barracks. Here to receive his medal is his wife, Christy Nunes.

United States Army Sergeant Daniel Lee Galvan. Sergeant Galvan was 30. He served with the 2nd Battalion, 25th Aviation Regiment from Schofield Barracks. Here to receive his medal is his wife, Sonya Galvan.

United States Army Specialist Wesley R. Wells. Specialist Wells was 21. He served with the 2nd Battalion, 27th Infantry from Schofield Barracks. Here to receive his medal is his wife, Jonalyn Wells.

United States Army Private First Class Joshua Kuile Paul Titcomb. Private First Class Titcomb was 20. He grew up in Waianae, Oahu. Here to receive his medal is his mother, Elizabeth Titcomb.

United States Army Specialist Kyle K. Fernandez. Specialist Fernandez was 26. He grew up in Pearl City, Oahu. Here to receive his medal is his wife, Celeste Fernandez.

United States Army Captain Christopher B. Johnson. Captain Johnson was 29. He served with the 1st Battalion, 25th Aviation Regiment from Schofield Barracks. Here to receive his medal is his friend, Captain David Barber.

United States Marine Corps Private First Class John Lukac. Private First Class Lukac was 19. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Helena Lukac.

United States Marine Corps Lance Corporal Andrew G. Riedel. Lance Corporal Riedel was 19. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is family friend, Jessica Trujillo.

United States Navy Petty Officer Julian Woods. Petty Officer Woods was 22. He served with the 3rd Marine Division Detachment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his cousin, Sergeant Major Raymond Arnold.

United States Marine Corps Sergeant Rafael Peralta. Sergeant Peralta was 25. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Rosa Peralta.

United States Marine Corps Corporal Michael R. Cohen. Corporal Cohen was 23. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his friend, Sergeant Catcher Cuththerope.

United States Army Lieutenant Colonel Michael J. McMahon. Lieutenant Colonel McMahon was 41. He served with the 3rd Squadron, 4th Calvary Regiment from Schofield Barracks. Here to receive his medal is his friend, Chief Warrant Officer 4 Jeff Bradshaw.

United States Marine Corps Lance Corporal Blake A. Magaoay.

Lance Corporal Magaoay was 20. He is a graduate of Pearl City High School on Oahu. Here to receive his medal is his father, Tony Magaoay.

United States Army First Lieutenant Nainoa K. Hoe. First Lieutenant Hoe was 27. He was from Kailua, Oahu. Here to receive his medal is his brother, Sergeant Nakoa Hoe.

United States Marine Corps Staff Sergeant Brian D. Bland. Staff Sergeant Bland was 26. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Beverly Arntson.

United States Marine Corps Lance Corporal Jonathan E. Etterling. Lance Corporal Etterling was 22. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his father, William Etterling.

United States Marine Corps Sergeant Michael W. Finke, Jr. Sergeant Finke was 28. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Sally Rapp.

United States Marine Corps Corporal Kyle J. Grimes. Corporal Grimes was 21. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Marybeth LeVan.

United States Marine Corps Lance Corporal Brian C. Hopper. Lance Corporal Hopper was 21. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his father, Robert Hopper.

United States Marine Corps Corporal Sean P. Kelly. Corporal Kelly was 26. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his brother-in-law, Paul Jenkins.

United States Marine Corps Corporal James L. Moore. Corporal Moore was 24. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his father, Garry Moore.

United States Marine Corps Lance Corporal Darrell J. Schumann. Lance Corporal Schumann was 25. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Mary Schumann.

United States Marine Corps Corporal Matthew R. Smith. Corporal Smith was 24. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Colleen Parkin.

United States Marine Corps Lance Corporal Joseph B. Spence. Lance Corporal Spence was 23. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his friend, HM2 Mandi Anderson.

United States Army Private First Class Stephen A. Castellano. Private First Class Castellano was 21. He served with the 1st Battalion, 14th Infantry Regiment from Schofield Barracks. Here to receive his medal is his grandmother, Cecelia Moncure.

United States Marine Corps Lance Corporal Sean P. Maher. Lance Corporal Maher was 19. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Janet Maher.

United States Army Private First Class Kevin S.K. Wessel.

Private First Class Wessel was 20. He is a graduate of Assets School on Oahu. Here to receive his medal is his father, Paul Wessel.

United States Marine Corps Lance Corporal Kevin B. Joyce. Lance Corporal Joyce was 19. He served with the 2nd Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his uncle, Emerson George.

United States Navy Machinist's Mate 2nd Class (SEAL) Shane E. Patton.

Machinist's Mate 2nd Class Patton was 22. He served with the SEAL Delivery Vehicle Team One at Pearl Harbor. Here to receive his medal is his father, James J. Patton.

United States Navy Quartermaster 2nd Class (SEAL) James Suh. Quartermaster 2nd Class (SEAL) Suh was 28. He served with the SEAL Delivery Vehicle Team One at Pearl Harbor. Here to receive his medal is friend, Al Schafer.

United States Army Sergeant Deyson K. Cariaga. Sergeant Cariaga was 20. He is a graduate of Roosevelt High School on Oahu. He served with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his mother, Theresa Inouye.

United State Army Specialist Ray M. Fuhrmann II. Specialist Fuhrmann was 28. He was born in Honolulu and raised in Volcano on the Big Island. Here to receive his medal is his father, Michael Fuhrmann.

United States Marine Corps Lance Corporal Phillip C. George. Lance Corporal George was 22. He served with the 2nd Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his mother, Penny George.

United States Army Sergeant Alfredo B. Silva. Sergeant Silva was 35. He served with the California National Guard and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his wife, Cecilia Silva.

United States Army Sergeant Evan S. Parker. Sergeant Parker was 25. He was from Kansas and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his cousin, Christopher Dunlap.

United States Army Colonel William W. Wood. Colonel Wood was 44. He served with the California National Guard and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his daughter, Rachel Wood.

United States Army Captain Raymond D. Hill II. Captain Hill was 39. He served with the California National Guard and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his father, Ray Hill.

United States Army Sergeant Wilgene T. Lieto. Sergeant Lieto was 28. He served with Saipan's Company E of the 100th Battalion, 442nd Infantry Regiment and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his wife, Tiara Evangelista-Lieto.

United States Army Specialist Darence W. Jack. Specialist Jack was 31. He served with Saipan's Company E of the 100th Battalion, 442nd Infantry Regiment and deployed with Hawaii's 29th Brigade Combat Team. Here to receive his medal is his wife, Melisa Jack.

United States Marine Corps Sgt. Daniel A. Tsue. Sergeant Tsue was 27. He is a graduate of Kahuku High School on Oahu. Here to receive his medal is his father, Richard Tsue.

United States Army Sergeant Myla L. Maravillosa.

Sergeant Maravillosa was 24. She grew up in Wahiawa, Oahu. Here to receive her medal is her mother, Lita Maravillosa.

United States Marine Corps Private Lewis T.D. Calapini. Private Calapini was 21. He grew up in Waipahu, Oahu. Here to receive his medal is his mother, Mrs. Helen Calapini.

United States Marine Corps Private First Class Matthew L. Bertolino.

Private First Class Bertolino was 20. He served with the 1st Battalion, 3rd Marine Regiment from the Kaneohe Marine Corps Base in Hawaii. Here to receive his medal is his friend, Staff Sergeant Martin Knott.

The President of the Senate then directed the Clerk of the Senate to proceed with the reading of the names of the other Hawaii Medal of Honor recipients.

Staff Sergeant Cameron B. Sarno

Chief Warrant Officer Sharon Swartworth

Second Lieutenant Jeremy Wolfe

Private First Class Ernest H. Sutphin

Private First Class John D. Amos II

Staff Sergeant Oscar D. Medina

Specialist Ramon C. Ojeda

Corporal David M. Fraise

Specialist Joseph F. Herndon II

Specialist Joseph C. Thibodeaux III

Private First Class Jeungjin Nikky N. Kim

Staff Sergeant Brian S. Hobbs

Chief Warrant Officer 3 William I. Brennan

Lance Corporal Richard P. Slocum

Corporal Billy Gomez

Lance Corporal Jeremy D. Bow

Lance Corporal John T. Byrd II

Sergeant Kelley L. Courtney

Lance Corporal Travis A. Fox

Corporal Christopher J. Lapka

Lance Corporal Michael P. Scarborough

Lance Corporal Aaron C. Pickering

Lance Corporal David M. Branning

Lance Corporal Brian A. Medina

Private First Class Jose Ricardo Flores-Mejia

Specialist Daniel James McConnell

Lance Corporal Michael A. Downey

Corporal Jacob R. Fleischer
 Corporal Dale E. Fracker, Jr.
 Chief Warrant Officer 2 Travis W. Grogan
 Specialist Harley D.R. Miller
 Specialist Isaac E. Diaz
 Specialist David P. Mahlenbrock
 Lance Corporal Jeffrey S. Blanton
 Lance Corporal Franklin A. Sweger
 First Lieutenant Travis J. Fuller
 Corporal Timothy M. Gibson
 Corporal Richard A. Gilbert, Jr.
 Lance Corporal Saeed Jafarkhani-Torshizi, Jr.
 Corporal Stephen P. Johnson
 Lance Corporal Allan Klein
 Corporal Timothy A. Knight
 Lance Corporal Fred L. Maciel
 Corporal Nathaniel K. Moore
 Lance Corporal Mourad Ragimov
 Lance Corporal Rhonald Dain Rairdan
 Lance Corporal Hector Ramos
 Lance Corporal Gael Saintvil
 Corporal Nathan A. Shubert
 First Lieutenant Dustin M. Shumney
 Lance Corporal Michael L. Starr, Jr.
 Petty Officer Third Class John D. House
 Specialist Glenn J. Watkins
 Sergeant Major Barbaralien Banks
 Master Sergeant Edwin A. Matos-Colon
 Lance Corporal Nicholas C. Kirven
 Corporal Richard Schoener
 Sergeant Arnold Duplantier II
 Senior Chief Information Systems Technician (SEAL) Daniel R. Healy
 Lieutenant Michael P. Murphy
 Sonar Technician (Surface) Second Class (SEAL) Matthew G. Axelson
 Staff Sergeant Frank F. Tiai
 Specialist Mike T. Sonoda, Jr.

Sergeant First Class Daniel R. Scheile
 Sergeant Paul C. Neubauer
 Lance Corporal Steven A. Valdez
 Sergeant Jerry L. Bonifacio
 Captain Michael J. MacKinnon
 Sergeant Shaker T. Guy
 Specialist Marcelino R. Corniel
 Chief Warrant Officer 2 Ruel M. Garcia
 Lance Corporal Billy D. Brixey, Jr.
 Petty Officer Third Class John T. Fralish

At this time, Senate President Bunda called upon members of the United States Air Force to proceed with a 21-gun Salute followed by the playing of Taps in the Capitol Rotunda outside the House Chamber.

Senate President Bunda then delivered closing remarks as follows:

"As a veteran of the U.S. Air Force and Hawaii Army National Guard, I am proud to be a part of this ceremony in honor of our fallen comrades, our heroes.

"I am proud and humbled by the enormity of their sacrifice.

"Yes, we honor 120 today. But each soldier leaves behind a wide circle of family and friends who sacrificed a part of themselves as well.

"We honor and thank those countless individuals who not only lost their loved ones, but who also surrendered special dreams and hopes for the future.

"A grateful State and nation best honors and remembers the sacrifices of these soldiers by living our lives in deepest appreciation of our freedom. That is what they defended. That is what they fought and died for.

"Today, we remember, in moments of quiet reflection, each and every one of these heroes. We have joined together to honor their memory and express our profound gratitude for their ultimate sacrifice.

"Mahalo."

Senate President Bunda then called on the Joint Services Color Guard and the Hawaii Air National Guard Royal Guard for the retiring of the Colors, and at 11:17 o'clock a.m., declared the Joint Session of the House of Representatives and the Senate adjourned.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:00 o'clock noon, Wednesday, April 19, 2006.

HOUSE COMMUNICATIONS

House Communication dated April 18, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the

Senate that the House has made the following changes to the conferees on the following measures:

H.B. 1200, Added Representative Yamashita as a member.
HD 2, SD 2

H.B. 1800, Added Representative Yamashita as a member.
HD 1, SD 1

H.B. 2774, Added Representatives Yamashita and Halford as members.
HD 1, SD 2

S.B. 2954, Added Representative Yamashita as a member.
SD 2, HD 2

House Communication dated April 18, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

S.B. No. 87, Added Representative Stevens as a member.
SD 2, HD 1

S.B. 218, Added Representative Halford as a member.
SD 4, HD 1

S.B. 439, Added Representative Marumoto as a member.
HD 2

S.B. 475, Added Representative Finnegan as a member.
SD 2, HD 1

S.B. 613, Added Representative Thielen as a member.
SD 2, HD 1

S.B. 696, Added Representative Thielen as a member.
SD 1, HD 2

S.B. 743, Added Representative Marumoto as a member.
SD 2, HD 2

S.B. 785, Added Representative Pine as a member.
SD 2, HD 2

S.B. 845, Added Representative Moses as a member.
SD 2, HD 2

S.B. 965, Added Representative Moses as a member.
SD 2, HD 1

S.B. 1015, Added Representative Meyer as a member.
SD 1, HD 1

S.B. 1223, Added Representative Moses as a member.
SD 2, HD 1

S.B. 1294, Added Representative Finnegan as a member.
SD 2, HD 1

S.B. 1317, Added Representative Thielen as a member.
SD 1, HD 1

S.B. 1512, Added Representative Marumoto as a member.
SD 1, HD 3

S.B. 1593, Added Representative Pine as a member.
SD 2, HD 2

S.B. 1648, Added Representative Moses as a member.
SD 1, HD 2

S.B. 1899,
SD 1, HD 1

S.B. 2021,
SD 2, HD 2

S.B. 2036,
SD 1, HD 1

S.B. 2065,
SD 2, HD 1

S.B. 2074,
SD 1, HD 2

S.B. 2076,
SD 2, HD 2

S.B. 2133,
SD 2, HD 2

S.B. 2145,
SD 2, HD 2

S.B. 2150,
SD 1, HD 1

S.B. 2155,
SD 2, HD 1

S.B. 2162,
SD 2, HD 1

S.B. 2166,
SD 2, HD 3

S.B. 2188,
SD 1, HD 2

S.B. 2214,
SD 2, HD 3

S.B. 2227,
SD 2, HD 2

S.B. 2246,
SD 1, HD 2

S.B. 2248,
SD 2, HD 1

S.B. 2259,
SD 1, HD 1

S.B. 2260,
SD 1, HD 1

S.B. 2265,
SD 1, HD 1

S.B. 2273,
SD 2, HD 1

S.B. 2298,
SD 1, HD 1

S.B. 2323,
SD 2, HD 1

S.B. 2327,
SD 2, HD 1

Added Representative Pine as a member.

Added Representative Meyer as a member.

Added Representative Ching as a member.

Added Representative Stevens as a member.

Added Representative Moses as a member.

Added Representative Pine as a member.

Added Representative Halford as a member.

Added Representative Pine as a member.

Added Representative Stevens as a member.

Added Representative Halford as a member.

Added Representative Pine as a member.

Added Representative Halford as a member.

Added Representative Marumoto as a member.

Added Representative Moses as a member.

Added Representative Halford as a member.

Added Representative Thielen as a member.

Added Representative Pine as a member.

Added Representative Thielen as a member.

Added Representative Thielen as a member.

Added Representative Thielen as a member.

Added Representative Meyer as a member.

Added Representative Marumoto as a member.

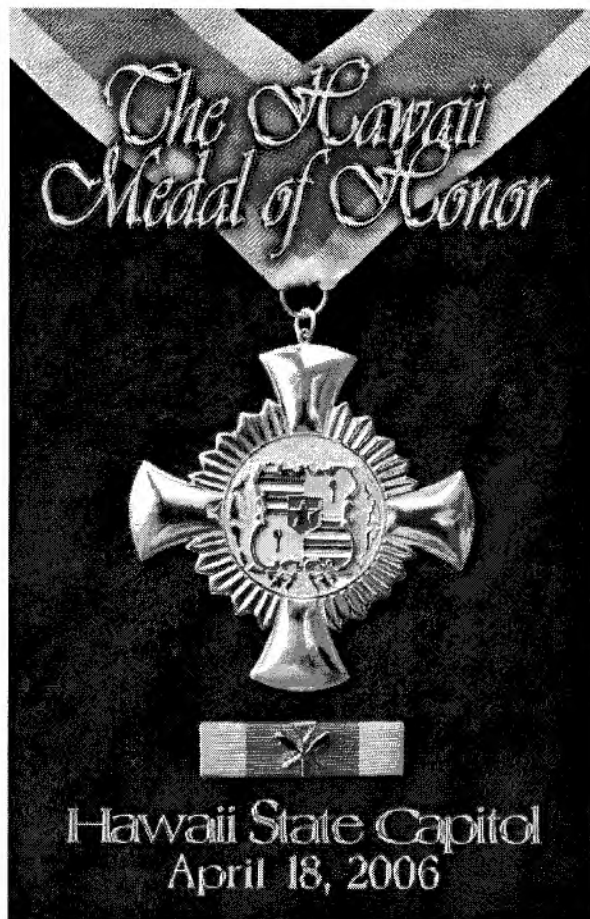
Added Representative Pine as a member.

Added Representative Thielen as a member.

S.B. 2334, SD 2, HD 2	Added Representative Moses as a member.	S.B. 2600, SD 1, HD 2	Added Representative Thielen as a member.
S.B. 2339, SD 2, HD 1	Added Representative Halford as a member.	S.B. 2630, SD 2, HD 1	Added Representative Finnegan as a member.
S.B. 2343, SD 2, HD 2	Added Representative Halford as a member.	S.B. 2652, SD 2, HD 2	Added Representative Finnegan as a member.
S.B. 2348, SD 1, HD 1	Added Representative Halford as a member.	S.B. 2688, SD 2, HD 2	Added Representative Moses as a member.
S.B. 2357, HD 1	Added Representative Pine as a member.	S.B. 2708, SD 2, HD 1	Added Representative Ching as a member.
S.B. 2364, SD 2, HD 3	Added Representative Moses as a member.	S.B. 2718, SD 1, HD 1	Added Representative Finnegan as a member.
S.B. 2385, SD 1, HD 2	Added Representative Stevens as a member.	S.B. 2719, SD 2, HD 1	Added Representative Finnegan as a member.
S.B. 2433, SD 2, HD 1	Added Representative Pine as a member.	S.B. 2725, SD 2, HD 1	Added Representative Pine as a member.
S.B. 2461, SD 1, HD 1	Added Representative Halford as a member.	S.B. 2727, SD 1, HD 2	Added Representative Halford as a member.
S.B. 2480, SD 1, HD 1	Added Representative Pine as a member.	S.B. 2774, SD 2, HD 1	Added Representative Moses as a member.
S.B. 2484, SD 1, HD 1	Added Representative Pine as a member.	S.B. 2838, SD 2, HD 2	Added Representative Ching as a member.
S.B. 2485, SD 2, HD 2	Added Representative Halford as a member.	S.B. 2879, SD 1, HD 1	Added Representative Moses as a member.
S.B. 2486, SD 2, HD 1	Added Representative Halford as a member.	S.B. 2887, SD 1, HD 1	Added Representative Finnegan as a member.
S.B. 2492, SD 1, HD 1	Added Representative Thielen as a member.	S.B. 2897, SD 2, HD 3	Added Representative Marumoto as a member.
S.B. 2499, SD 2, HD 2	Added Representative Marumoto as a member.	S.B. 2898, SD 2, HD 2	Added Representative Meyer as a member.
S.B. 2502, SD 2, HD 1	Added Representative Halford as a member.	S.B. 2909, SD 1, HD 2	Added Representative Ching as a member.
S.B. 2504, SD 2, HD 2	Added Representative Moses as a member.	S.B. 2913, SD 1, HD 1	Added Representative Marumoto as a member.
S.B. 2505, SD 2, HD 1	Added Representative Ching as a member.	S.B. 2917, HD 3	Added Representative Marumoto as a member.
S.B. 2545, SD 2, HD 2	Added Representative Marumoto as a member.	S.B. 2922, SD 1, HD 1	Added Representative Marumoto as a member.
S.B. 2546, SD 1, HD 2	Added Representative Moses as a member.	S.B. 2948, SD 1, HD 2	Added Representative Finnegan as a member.
S.B. 2570, SD 2, HD 2	Added Representative Ching as a member.	S.B. 2949, SD 2, HD 1	Added Representative Moses as a member.
S.B. 2571, HD 1	Added Representative Pine as a member.	S.B. 2954, SD 2, HD 2	Added Representative Pine as a member.
S.B. 2572, SD 2, HD 1	Added Representative Pine as a member.	S.B. 2956, SD 2, HD 2	Added Representative Finnegan as a member.
S.B. 2575, SD 2, HD 1	Added Representative Meyer as a member.	S.B. 2957, SD 2, HD 2	Added Representative Pine as a member.

S.B. 2958, SD 2, HD 1	Added Representative Pine as a member.	S.B. 3181, SD 2, HD 2	Added Representative Thielen as a member.
S.B. 2959, SD 3, HD 1	Added Representative Ching as a member.	S.B. 3186, SD 2, HD 2	Added Representative Marumoto as a member.
S.B. 2961, SD 1, HD 1	Added Representative Stevens as a member.	S.B. 3192, SD 1, HD 2	Added Representative Ching as a member.
S.B. 2980, SD 2, HD 1	Added Representative Ching as a member.	S.B. 3195, SD 2, HD 2	Added Representative Ching as a member.
S.B. 2997, SD 1, HD 1	Added Representative Marumoto as a member.	S.B. 3205, SD 2, HD 1	Added Representative Halford as a member.
S.B. 3000, SD 2, HD 1	Added Representative Meyer as a member.	S.B. 3215, SD 1, HD 2	Added Representative Moses as a member.
S.B. 3009, SD 2, HD 2	Added Representative Halford as a member.	S.B. 3247, SD 2, HD 2	Added Representative Finnegan as a member.
S.B. 3011, SD 1, HD 1	Added Representative Halford as a member.	S.B. 3252, SD 2, HD 1	Added Representative Finnegan as a member.
S.B. 3021, SD 2, HD 2	Added Representative Finnegan as a member.	S.B. 3262, SD 1, HD 1	Added Representative Halford as a member.
S.B. 3035, SD 1, HD 1	Added Representative Halford as a member.	S.B. 3270, SD 2, HD 1	Added Representative Halford as a member.
S.B. 3059, SD 2, HD 1	Added Representative Finnegan as a member.	S.B. 3273, SD 2, HD 2	Added Representative Ching as a member.
S.B. 3065, SD 1, HD 1	Added Representative Moses as a member.		
S.B. 3076, SD 1, HD 1	Added Representative Halford as a member.		
S.B. 3077, SD 2, HD 2	Added Representative Thielen as a member.		
S.B. 3078, SD 2, HD 1	Added Representative Halford as a member.		
S.B. 3090, SD 2, HD 1	Added Representative Meyer as a member.		
S.B. 3101, SD 2, HD 2	Added Representative Ching as a member.		
S.B. 3105, SD 2, HD 2	Added Representative Pine as a member.		
S.B. 3114, SD 2, HD 2	Added Representative Ching as a member.		
S.B. 3119, SD 2, HD 1	Added Representative Finnegan as a member.		
S.B. 3120, SD 2, HD 1	Added Representative Ching as a member.		
S.B. 3138, HD 1	Added Representative Ching as a member.		
S.B. 3146, SD 2, HD 1	Added Representative Stevens as a member.		
S.B. 3180, SD 1, HD 2	Added Representative Finnegan as a member.		

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SYMBOLISM OF THE HAWAII MEDAL OF HONOR

The Hawaii Medal of Honor was designed by Sergeant First Class Aaron Pollick from the Hawaii Army National Guard. This medal consists of the following six components, superimposed on each other:

Circle of Kalo Leaves: The kalo leaves represent the family or Ohana. The leaves are designed in an encircled fashion and represents the concept of Ohana, which we strive to embrace.

Coat of Arms: The Great Shield is the keystone of the design. The eight bars represent the eight major islands of the State of Hawaii. The kapu sticks, or Pulo'ulo'u, symbolize authority and protection. The star in the center of the medallion is the Star of Hawaii, the 50th star on the flag of the United States. This star also represents the honorees of this prestigious award.

Maltese Cross: The Maltese Cross represents the four directional axes of the globe, denoting Hawaii as the Crossroads of the Pacific.

Sun Rays: The irradiant sun is symbolic of the new era. Its position in the center of the Maltese Cross represents our sunny shores and warm hearts ever shining on all the corners of the world.

The Neck Drape: The neck drape is red and golden yellow in color. These colors symbolize the royal monarchy that once ruled these islands. The red represents courage and strength. The golden yellow depicts the honor that the recipients have brought to our islands.

Service Ribbon & Attachment: The service ribbon represents distinguished service. Its colors are identical to the colors of the neck drape. The attachment device at the middle of the ribbon is an ancient flag or puela of Hawaiian Chiefs. In olden times, the puela was raised above the sail of the ancient Hawaiians' canoes while at sea. Our puela signifies that the person receiving this medal is of high rank or honor.

Joint Services Color Guard

United States Army:

US Flag Bearer: Sergeant Lashawan Parker
Color Bearer: Sergeant Matthew Dougherty, NCOIC
Rifle Bearer: Specialist Darron Soren

United States Marines:

Color Bearer: Corporal Alberto Reategui
Rifle Bearer: Lance Corporal Erik Granado

United States Navy:

Color Bearer: Culinary Specialist Seaman Franklin Benson
Bell & Ringer: Cryptologic Tech Seaman Samuel Crawford

United States Air Force:

Color Bearer: Senior Airman Michael Adams
Bugler: Technical Sergeant Dodie Pagaoa

United States Coast Guard:

Color Bearer: Gunners Mate 3rd Class Tor V. Eystad

Hawaii Air National Guard Royal Guard

Color Bearer: Master Sergeant Maui Quizon
Rifle Bearer: Technical Sergeant Prescott Looney
Rifle Bearer: Staff Sergeant Paul Mahuka

US Air Force Base Honor Guard Firing Detail:

Staff Sergeant Isidro Tabion, NCOIC
Staff Sergeant Ingrid Lopez
Senior Airman David Wheeler
Senior Airman C.J. Suarez
Senior Airman Kristopher Douglas
Senior Airman Lance Thornall
Staff Sergeant Mario Zaragoza
Airman 1st Class Gabriel Ruiz

From House Bill 8, designated as Act 21, Session Laws of Hawaii of 2005:

"The purpose of this Act is to provide for a Hawaii Medal of Honor that would help express the deep appreciation and gratitude of the People of Hawaii to the loved ones of members of the military who sacrificed their lives in defense of our nation and its freedoms."

From House Concurrent Resolution 329 of 2006:

"The People of the State of Hawaii are grateful and saddened by the loss of each armed forces member and stand by the surviving family members in support and with aloha."

"The Legislature, on behalf of the People of the State of Hawaii, honors and remembers the sacrifice of these armed forces heroes with ties to Hawaii who fought and died bravely for the United States of America, and sends its heartfelt appreciation and sympathy to surviving family members."

ACKNOWLEDGEMENTS

Paul T. Kawaguchi, Senate Chief Clerk & his staff
Ben Villafior, Senate Sergeant-at-Arms & his staff
Patricia A. Mau-Shimizu, House Chief Clerk & her staff
Kevin R. Kuroda, House Sergeant-at-Arms & his staff
Linda Luli Nakasone Oamilda, House Majority Staff Office & her staff
David Wilson & Lea Okudara, McNeil Wilson Communications, Inc.
Dennis Fujii, U.S. Pacific Command
Kent Untermann & Valerie Wang, Pictures Plus
Rose Lee, Rose Lee's Alterations
Ty & Cindy Tamanaha, Awardline
Bobby Chi, The Honolulu Mint
Pearl Harbor Historic Sites
Girl Scout Council of Hawaii
Hale Koa Hotel
Polynesian Cultural Center
Hawaii Restaurant Association
Hawaii Hotel Association
Hawaii Tourism Authority

Planning Committee:
Senate President Robert Bunda
House Speaker Calvin K.Y. Say
Vice Speaker K. Mark Takai
Senator Norman Sakamoto
Representative Ken Ito
Representative Pono Chong
Major General Robert G.F. Lee
Brigadier General Gary M. Ishikawa
Colonel (ret.) Emerick K. Kaneshi
Sergeant First Class Aaron R. Pollick
Lisa Vargas
Janis Higaki
Carole Furuya
Cherry Torres
George White
Georgette Deemer

FIFTY-FIRST DAY

Wednesday, April 19, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Joe Tassill, after which the Roll was called showing all members present with the exception of Representatives Stonebraker and Waters, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fiftieth Day was deferred.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 755 through 757) were received and announced by the Clerk:

Sen. Com. No. 755, dated April 18, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

30, HD1, SD2	Chun Oakland, Chair; Baker/Taniguchi, Co-Chairs; Tsutsui, Trimble
1821, HD2, SD2	Chun Oakland, Chair; Baker/Taniguchi, Co-Chairs; Fukunaga, Trimble
1871, HD1, SD2	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Whalen
1995, HD1, SD2	Chun Oakland, Chair; Hanabusa, Co-Chair; Whalen
2043, HD2, SD3	Chun Oakland, Chair; Tsutsui, Co-Chair; Fukunaga, Taniguchi, Slom
2097, HD2, SD2	Chun Oakland, Chair; Baker/Taniguchi, Co-Chairs; Ihara, Tsutsui, Trimble
2133, SD1	Kokubun, Chair; Hanabusa, Co-Chair; Fukunaga, Whalen
2258, HD 1, SD2	Chun Oakland, Chair; Taniguchi, Co-Chair; Tsutsui, Trimble
2367, HD1, SD1	Chun Oakland, Chair; Hanabusa, Co-Chair; Whalen
2691, SD2	Kanno, Chair; Hanabusa, Co-Chair; Hogue
3116, HD2, SD2	Chun Oakland, Chair; Baker/Tsutsui, Co-Chairs; Taniguchi, Trimble
3194, HD1, SD1	Chun Oakland, Chair; Hee, Co-Chair; Trimble
3217, HD1, SD1	Chun Oakland, Chair; Tsutsui, Co-Chair; Ihara, Taniguchi, Trimble

Sen. Com. No. 756, dated April 18, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:

475, SD2, HD1	Chun Oakland, Chair; Tsutsui, Co-Chair; Taniguchi, Trimble
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2158, SD2, HD1	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Hogue
2159, SD2, HD1	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Hogue
2162, SD2, HD1	Chun Oakland, Chair; Hanabusa, Co-Chair; Fukunaga, Trimble
2188, SD1, HD2	Chun Oakland, Chair; Hanabusa, Co-Chair; Hooser, Kokubun, Whalen
2290, SD2, HD1	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Hogue
2292, SD2, HD1	Menor, Chair; Fukunaga/Hanabusa, Co-Chairs; Baker, Whalen
2293, SD2, HD1	Menor, Chair; Fukunaga, Co-Chair; Baker, Hogue
2323, SD2, HD1	Chun Oakland, Chair; Hanabusa/Tsutsui, Co-Chairs; Taniguchi, Trimble
2327, SD2, HD1	Chun Oakland, Chair; Hanabusa, Co-Chair; Hooser, Whalen
2334, SD2, HD2	Chun Oakland, Chair; Hanabusa/Taniguchi, Co-Chairs; Fukunaga, Ihara, Whalen
2461, SD1, HD1	Chun Oakland, Chair; Menor/Taniguchi, Co-Chairs; Baker, Kokubun, Tsutsui
2571, HD1	Menor, Chair; Hanabusa/Taniguchi, Co-Chairs; Hogue
2572, SD2, HD1	Menor, Chair; Taniguchi, Co-Chair; Tsutsui, Hogue
2688, SD2, HD2	Chun Oakland, Chair; Hanabusa/Tsutsui, Co-Chairs; Fukunaga, Taniguchi, Trimble
3009, SD2, HD2	Kanno, Chair; Taniguchi, Co-Chair; Hemmings
3021, SD2, HD2	Kanno, Chair; Hanabusa, Co-Chair
3035, SD1, HD1	Kanno, Chair; Taniguchi, Co-Chair; Hogue
3205, SD2, HD1	Chun Oakland, Chair; Baker/Tsutsui, Co-Chairs; Taniguchi, Whalen
3215, SD1, HD2	Chun Oakland, Chair; Tsutsui, Co-Chair; Hooser, Taniguchi, Trimble
3247, SD2, HD2	Chun Oakland, Chair; Tsutsui, Co-Chair; Baker, Taniguchi, Trimble
3252, SD2, HD1	Chun Oakland, Chair; Baker/Tsutsui, Co-Chairs; Fukunaga, Ihara, Taniguchi, Trimble

Sen. Com. No. 757, dated April 18, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 439, HD 1, SD 2	Discharged Senator Trimble as a conferee.
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H.B. No. 1917, Discharged Senator Ihara as a conferee.
HD 2, SD 2

S.B. No. 2546, Discharged Senator Kanno as Chair.
SD 1, HD 2 Discharged Senator Inouye as Co-Chair.
Discharged Senator Fukunaga as a conferee.
Added Senator Fukunaga as Chair.
Added Senators Ige, Inouye, Kanno, Slom
as conferees.

S.B. No. 2719, Added Senator Kanno as Co-Chair.
SD 2, HD 1

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Arakaki, on behalf of Representatives Abinsay, Finnegan and himself, introduced a group of ladies from the Kalihi Union Church, accompanied by Ms. Adele Yoshida, and his office manager, Mr. John Mizuno.

Representative Luke introduced Mr. Ezra Levine, an attorney from the Howrey Law Firm in Washington, D.C., accompanied by Honolulu attorneys, Mr. Marvin Dang and Mr. Jim Dixon.

Representative Takai introduced his college classmate, Mr. Mike Chun.

Representative Nishimoto, on behalf of Representative Stevens and himself, introduced the members of the Student Council at Jefferson Elementary School, accompanied by counselor, Ms. Maile Kapuniai.

At 12:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

S.C.R.

<u>Nos.</u>	<u>Re-referred to:</u>
13	Committee on Finance
85	Committee on Finance
97, SD1	Committee on Finance
196, SD1	Jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns
211	Committee on Finance

The Chair announced:

"Members, please pardon the error in regards to the 48-hour notice. It is a ten-day notice because these are constitutional amendments. I'll restate it once more. For Reports of Conference Committees, please note that on your Order of Day, it says 48-hour notice. It is not 48-hours. It is a ten-day notice because of the constitutional amendments.

"So it is a ten-day notice for Conference Committee Report Nos. 1-06 through 3-06, and 51-06 as listed on pages 1 and 2. So ten days from now, we'll be addressing these constitutional amendments where you can vote up or down. We're giving the Governor ten days notice on the constitutional amendment provisions."

CONFERENCE COMMITTEE REPORTS

Representatives B. Oshiro and Tsuji, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2479, HD 1, presented a report (Conf. Com. Rep. No. 1-06) recommending that S.B. No. 2479, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 1-06 and S.B. No. 2479, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," was deferred.

Representatives B. Oshiro and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 995, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 2-06) recommending that S.B. No. 995, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 2-06 and S.B. No. 995, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," was deferred.

Representatives B. Oshiro and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2246, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 3-06) recommending that S.B. No. 2246, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 3-06 and S.B. No. 2246, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," was deferred.

Representatives Magaoay, Luke and Yamane, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1917, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 51-06) recommending that H.B. No. 1917, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article XVII, Section 3, of the Constitution of the State of Hawaii, consideration of Conf. Com. Rep. No. 51-06 and H.B. No. 1917, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," was deferred.

ANNOUNCEMENTS

Representative Souki, for the Committee on Transportation, requested a waiver of the 48-hour advance notice requirement to hear:

S.C.R. No. 41, Requesting the Department of Transportation and the Executive Office on Aging to Collaborate on Providing Transportation to Seniors and to Visually Impaired Persons, and

Expressing the Legislature's Support for Federal Legislation to Provide Funding for ITNAmerica for a Five-Year National Roll-Out and Grants; and

S.C.R. No. 44, Requesting the Auditor to Conduct A Management Audit of the Capital Improvement Projects of the Department of Transportation.

These measures will be heard tomorrow at 9:30 a.m. in Conference Room 309, and the Chair "so ordered."

Representative Shimabukuro: "Thank you, Mr. Speaker. I just wanted to announce the pancake sale for the Foodbank has been rescheduled to next week Tuesday, and we'll be taking your orders up until the end of this week. Thank you."

Representative Karamatsu, for the Committee on Economic Development & Business Concerns, requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 141, Requesting the City and County of Honolulu to Maintain the Current Zoning of a One Hundred Seventy-Two Acre Parcel of Real Property in Royal Kunia for the Establishment of a Park, Golf Course, or Continued Use as Open Space, tomorrow at 10:30 a.m. in Conference Room 325, and the Chair "so ordered."

Representative Wakai: "Thank you, Mr. Speaker. I just wanted to acknowledge the wonderful work by Representative Takai at yesterday's ceremony, assisted by Pat Mau-Shimizu's office as well as Kevin Kuroda's staff. I think all of us were touched by what transpired here on this Floor yesterday. And I know it was a heck of a lot of work to be put together and spearheaded by Representative Takai. And I think yesterday was a wonderful opportunity for us to show the community that there's a lot of good work that goes on here. And I think all of us were proud to be an American yesterday. And I wanted to acknowledge all the good work by Mark Takai's staff as well as the rest of the staff here at the House.

Representative Takai: "Thank you, Mr. Speaker. Yesterday this Chamber looked very different than it does today. And I think Mr. Speaker, when you take a look back at our conversation, it was probably December of 2004, when we just started talking about this Hawaii Medal of Honor. I don't think you, who really needs to be given the credit for coming up with the idea, you, nor I, nor anyone else close to us during the early discussions, ever realized the magnitude of what yesterday's ceremony was going to be.

"Having said all of that, as we all know, and I appreciate the recognition and the comments by the Representative from Moanalua, having said all of that, a thing like yesterday doesn't go on just with one or two people. In fact, yesterday's ceremony was the culmination of many, many months of hard work by many individuals. Although, we recognized a few of them on the acknowledgements on the back of the program Mr. Speaker, with your indulgence and permission, I'd like to go through some of them today.

"Thank you, Mr. Speaker. I'd like to first thank all of our staff here. Chief Clerk, Pat Mau-Shimizu and her staff; Kevin Kuroda, House Sergeant-of-Arms, and his staff; Linda Oamilda, House Majority Staff Office, and her staff; Georgette Deemer, our Communications Director; and David Wilson and Lea Okudara from McNeil Wilson Communications and their staff. We did get a lot of support and assistance from the military. And I would like to recognize Dennis Fujii from the US Pacific Command, and Leighton Siu from the Governor's office, who helped us with protocol.

"I also wanted to mention four individuals who helped us very early on in identifying the people that we recognized yesterday. From the Army, we had Mr. Mark Van Doorne. From the Navy, we had Chief Jonathan Weiss. From the Marines, we had 1st Lieutenant Jon Mohler, who unfortunately is currently deployed and replacing him, we continued our work with the Marines with Captain Mark Nicholson.

"In addition Mr. Speaker, as all of you noticed, the Medal itself was beautiful and I wanted to acknowledge Sergeant First Class Aaron Pollick once again, who came up with the initial design. But with that, a lot of other people participated, namely Bobby Chi from the Honolulu Mint who created the final Medal, minted the Medal. We had Kent Untermann and Valerie Wang from Pictures Plus who framed it, Rose Lee from Rose Lee's Alternations who helped us sew the ribbons. And Ty and Cindy Tamanaha from Awardline who helped us with the plaques.

"In addition, Mr. Speaker, we all knew this was going to turn into a much bigger event after we started receiving RSVPs from many people from very far away. And because of that we worked very closely with the Pearl Harbor Historic Sites, the Bowfin, the Missouri, and the Arizona. And they came through with support for the families. The Hale Koa Hotel came through, the Polynesian Cultural Center came through, and we worked specifically with the Hawaii Restaurant Association, the Hawaii Tourism Authority, and the Hawaii Hotel Association. All of these organizations and entities helped us as we helped the families make this a special visit to Hawaii.

"Many people yesterday were asking about the 'Olelo Broadcast and I wanted to make mention once again, Mr. Speaker, that Capitol TV will be graciously donating a DVD for each family, both present and not present of yesterday's ceremony.

"Finally Mr. Speaker, I wanted to recognize the Planning Committee. Many people in this Chamber, as well as the other, and a few other individuals really put in the hard work over the past year to make yesterday's events a reality. Senate President Bobby Bunda, you Mr. Speaker, Senator Norman Sakamoto, Representative Ken Ito, and Representative Pono Chong. All helped from our side to make yesterday's event a reality. In addition, we got support from Major General Robert Lee, Brigadier General Gary Ishikawa, and Colonel Retired Emerick Kaneshi.

"Finally Mr. Speaker, we all know as Representatives that much of our success and the things that we do in this Chamber, as well as in our communities, are the direct results of our staff. And I wanted to at this time, acknowledge the staff people who made this all possible. From Representative Pono Chong's office, Janis Higaki and his other staff. From Representative Ito's office, Carole Furuya and his other staff. From Senator Sakamoto's office, Cherry Torres and his other staff. From Senate President's office, George White and his other staff. And from my staff in particular and I have them here today, I wanted to recognize Kendall Matsuyoshi, Victoria Hallett and Sara Hoffman.

"And finally Mr. Speaker, I saved her for last because she really did a lot of work and without her we would not have had yesterday. Lisa Vargas, our office manager did the due diligence, and covered all of our bases and contacted all of the service members who are deserving of this award. And remember now, this award recognized anyone with Hawaii ties, 120 of them up until February 28th. I think we got them all. So I wanted this Body at this time to recognize my legislative staff and in particular, Lisa Vargas who made life much easier yesterday. Can they rise and can we recognize them? Thank you, Mr. Speaker."

ADJOURNMENT

At 12:34 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Thursday, April 20, 2006. (Representatives Chang, Stonebraker and Waters were excused.)

HOUSE COMMUNICATION

House Communication dated April 19, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bill:

1021, HD2, SD2 Morita/Herkes/Evans, Co-Chairs; Pine

House Communication dated April 19, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. 2043, Added Representative Green as a member.
HD 2, SD 3

S.B. 2961, Added Representatives Green and Yamane
SD 1, HD 1 as members.

S.B. 3262, Added Representative Green as a member.
SD 1, HD 1

House Communication dated April 19, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measure:

H.B. 3016, Added Representative Stevens as a member.
HD 1, SD 1

House Communication dated April 19, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Linda Lingle, Governor of the State of Hawaii, that in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following Senate Bill, a copy of which is attached hereto: S.B. No. 2479, H.D. 1, C.D. 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," and that said measure was placed on the Order of the Day of the Hawaii House of Representatives on this date.

House Communication dated April 19, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Linda Lingle, Governor of the State of Hawaii, that in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following Senate Bill, a copy of which is attached hereto: S.B. No. 995, S.D. 1, H.D. 1, C.D. 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," and that said measure was placed on the Order of the Day of the Hawaii House of Representatives on this date.

House Communication dated April 19, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Linda Lingle, Governor of the State of Hawaii, that in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following Senate Bill, a copy of which is attached hereto: S.B. No. 2246, S.D. 1, H.D. 2, C.D. 1, entitled: "PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT,"

and that said measure was placed on the Order of the Day of the Hawaii House of Representatives on this date.

House Communication dated April 19, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable Linda Lingle, Governor of the State of Hawaii, that in accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form of the following House Bill, a copy of which is attached hereto: H.B. No. 1917, H.D. 2, S.D. 2, C.D. 1, entitled: "PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," and that said measure was placed on the Order of the Day of the Hawaii House of Representatives on this date.

FIFTY-SECOND DAY

Thursday, April 20, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered in song by Representative Michael Puamamo Kahikina, after which the Roll was called showing all members present with the exception of Representatives Cabanilla, Schatz and Thielen, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Thirty-Eighth, Thirty-Ninth, Fortieth, Forty-First, Forty-Second, Forty-Third, Forty-Fourth and Forty-Fifth Days were approved. (Representatives Cabanilla and Thielen were excused.)

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 261) was received and announced by the Clerk:

Gov. Msg. No. 261, informing the House that on April 19, 2006, the following bill was signed into law:

S.B. No. 2018, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES." (ACT 009)

The following message from the Governor (Gov. Msg. No. 262) was announced by the Clerk and was received for possible consideration at a later date:

Gov. Msg. No. 262, transmitting S.B. No. 3008, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 19, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3008

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3008, entitled, "A Bill for an Act Relating to Public Work Projects."

This bill is objectionable because it would require the State to cite a contractor for each individual construction project for which work is performed, no matter how minor the infraction and whether the violation was committed knowingly or not. If violations were discovered in one investigation involving multiple construction projects, the contractor would receive multiple citations.

Upon the receipt of a third violation, a contractor would be precluded from performing any new public work construction for a three-year period. Considering the complexity of the law and the difficulties it poses for a contractor to successfully navigate, this result is too harsh. This rigid violation structure fails to take into account the severity of the violations found and the willfulness of the contractor in committing the violation.

The mandatory, progressive penalty structure in current law allows firms to correct errors as soon as they are identified and ensures that

the Department of Labor and Industrial Relations is able to work with affected contractors to provide fair wages pursuant to the wage schedules, benefit formula and applicable overtime rules in place.

The changing of the manner of issuing violations from one based on investigations to one based on projects will likely result in potential litigation. Further, the number of firms bidding on and accepting State and county projects is likely to diminish if the rigid penalty structure imposed by this bill is enacted.

Diminishing the number of firms that can bid on State and county projects, and passing measures that further discourage qualified firms from bidding, will inevitably result in higher costs for public works projects. This will adversely impact the State's ability to fund and execute construction and repair of schools, highways, parks, harbors, and the entire spectrum of public facilities operated by the State of Hawaii. It will also negatively impact the ability of the counties to repair and rebuild our sewer systems, upgrade wastewater treatment plants, expand police and fire facilities and similar local government structures.

To avoid the adverse effects on government contracting and critical public works projects that would likely occur, the finding of a violation should continue to be based on the investigation conducted rather than on individual projects as contemplated by this bill.

For the foregoing reasons, I am returning Senate Bill No. 3008 without my approval.

Respectfully,

/s/
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 758 through 765) were received and announced by the Clerk:

Sen. Com. No. 758, transmitting H.C.R. No. 67, entitled: "HOUSE CONCURRENT RESOLUTION IN SUPPORT OF INTERNATIONAL WOMEN'S DAY AND REQUESTING THE UNITED STATES SENATE TO RATIFY THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 759, transmitting H.C.R. No. 274, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR MAINTAINING PEACE IN THE ASIA-PACIFIC WITH THE UNITED NATIONS AND WITH THE SUPPORT OF ALLIES AND FRIENDS," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 760, transmitting H.C.R. No. 275, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG SUPPORT FOR THE CONTINUANCE OF PERSISTENT AND SKILLFUL DIPLOMACY IN RESOLVING NUCLEAR PROLIFERATION ISSUES WITH THE ISLAMIC REPUBLIC OF IRAN BEFORE THE UNITED NATIONS SECURITY COUNCIL UPON THE REFERRAL OF THE INTERNATIONAL ATOMIC ENERGY AGENCY," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 761, transmitting H.C.R. No. 34, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION COMMEMORATING THE FIFTY-SECOND ANNIVERSARY OF THE DETONATION OF THE BRAVO HYDROGEN BOMB OVER BIKINI ATOLL, DECLARING MARCH 1ST AS A DAY

OF REMEMBRANCE, AND REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE MEASURES TO PROVIDE FOR THE FULL HEALTH NEEDS OF THE HYDROGEN BOMB TESTS SURVIVORS AND THEIR PROGENY, PAY APPROPRIATE PROPERTY DAMAGE CLAIMS, AND PROVIDE FOR THE COSTS OF CLEANING UP NUCLEAR SITES IN THE REPUBLIC OF THE MARSHALL ISLANDS IN CONNECTION WITH HYDROGEN BOMB TESTING ON ATOLLS OF THE REPUBLIC OF THE MARSHALL ISLANDS," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 762, transmitting H.C.R. No. 112, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," which was adopted by the Senate on April 19, 2006.

Sen. Com. No. 763, dated April 19, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

1935, HD1, SD1	Menor, Chair; Espero, Hogue
1948, HD2, SD2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Tsutsui, Hogue
1968, HD1, SD1	Menor, Chair; Espero, Hogue
1977, HD1, SD2	Menor, Chair; Hanabusa, Co-Chair; Whalen
2175, HD2, SD2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Kokubun, Whalen
2315, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Hogue
2319, HD1, SD1	Menor, Chair; Taniguchi, Co-Chair; Baker, Hogue
2619, SD1	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Ige, Tsutsui, Whalen
2964, HD1, SD2	Menor, Chair; Kokubun/Taniguchi, Co-Chairs; Espero, Hogue
3067, HD2, SD2	Menor, Chair; Kokubun/Taniguchi, Co-Chairs; Baker, Hogue
3100, HD1, SD1	Menor, Chair; Espero, Hogue
3225, HD1, SD1	Menor, Chair; Espero, Hogue

Sen. Com. No. 764, dated April 20, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:

743, SD2, HD2	Menor, Chair; Hanabusa, Co-Chair; Sakamoto, Hogue
744, SD2, HD 1	Menor, Chair; Hanabusa, Co-Chair; Hogue
1223, SD2, HD1	Menor, Chair; Taniguchi, Co-Chair; Hogue
2143, SD2, HD 1	Menor, Chair; Taniguchi, Co-Chair; Baker, Slom
2193, SD1, HD1	Menor, Chair; Ige, Co-Chair; Whalen

2248, SD2, HD1	Menor, Chair; Hanabusa/Taniguchi, Co-Chairs; Hogue
2283, SD1, HD1	Menor, Chair; Espero, Hogue
2298, SD1, HD1	Menor, Chair; Espero
2499, SD2, HD 2	Menor, Chair; Taniguchi, Co-Chair; Espero, Hogue
2762, SD1, HD1	Menor, Chair; Baker, Hogue
2774, SD2, HD1	Menor, Chair; Kokubun, Co-Chair; Espero, Hogue
2913, SD1, HD1	Menor, Chair; Espero, Co-Chair
2917, HD3	Menor, Chair; Baker, Espero, Hogue
2957, SD2, HD2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Kokubun, Whalen
3000, SD2, HD1	Menor, Chair; Ige, Co-Chair; Espero, Hogue
3065, SD1, HD1	Menor, Chair; Baker, Hogue
3072, SD1, HD2	Kanno, Chair; Menor, Co-Chair; Slom
3181, SD2, HD 2	English, Chair; Menor/Taniguchi, Co-Chairs; Espero, Hogue
3185, SD2, HD2	English, Chair; Menor, Co-Chair; Espero, Whalen

Sen. Com. No. 765, dated April 19, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 2692, HD 1, SD 1	Senator Espero replaced Senator Inouye as Co-Chair.
S.B. No. 1512, SD 1, HD 3	Discharged Senate Conferees.
S.B. No. 2255, SD 1, HD 1	Discharged Senate Conferees.
S.B. No. 2603, SD 1, HD 1	Discharged Senate Conferees.
S.B. No. 3105, SD 2, HD 2	Added Senator Espero as a conferee.

At this time, Representative Harbin rose, stating:

"Thank you, Mr. Speaker. I rise, and you're going to have to work me with on this. I'm rising on a point of personal privilege of the House procedures. I believe according to Rule 29 of the House."

The Chair then stated:

"May we take that up at the end of the calendar, during announcements, Representative Harbin?"

"Representative Harbin continued, stating:

"Mr. Speaker, according to the Order of Business by Rule 29, this would be a special business matter. I believe according to Rule 29.3, this is the time in the agenda for that to be discussed."

At 12:24 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

The Chair then recognized Representative M. Oshiro, stating:

"The Chair at this time recognizes Representative Marcus Oshiro in responding to the point of personal privilege from Representative Harbin."

Representative M. Oshiro rose, stating:

"Mr. Speaker, could we first turn our attention to the introductions that the Members might want to make this morning before we proceed on this matter?"

The Chair responded, stating:

"If the Members of this House agree with that particular request. Does everyone agree with the request to have this follow the introduction of guests in the gallery?"

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Magaoay introduced students of the Wheeler Even Start Family Literacy Program, and their teachers, Ms. Joy Matsukawa and Ms. Leslie Shimokawa. They were accompanied by the Representative's administrative assistant, Ms. Judy Fomin.

Representative Lee introduced local independent filmmaker, Ms. Kimberlee Bassford, producer of *Cheerleaders* and *Ahead of the Majority*."

At 12:28 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:55 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

H.R.
No.

Referred to:

283 Jointly to the Committee on Legislative Management and the Committee on Judiciary

COMMITTEE REASSIGNMENTS

The following House bill was re-referred to committee by the Speaker:

H.B.
No.

Re-referred to:

1021, Committee on Energy & Environmental Protection,
HD2, then to the Committee on Consumer Protection &
SD2 Commerce, then to the Committee on Finance

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

S.C.R.
Nos.

Re-referred to:

76, Committee on Health
SD1

113, Jointly to the Committee on Consumer Protection &
SD1 Commerce and the Committee on Health

128, SD1 Committee on Finance

STANDING COMMITTEE REPORT

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1806-06) recommending that S.C.R. No. 108, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 108, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING CONGRESS TO EXAMINE THE PUBLIC POLICY UNDERLYING THE RECOVERY OF MEDICAL ASSISTANCE PAYMENTS," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1807-06) recommending that S.C.R. No. 2, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 2, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1808-06) recommending that S.C.R. No. 6, SD 1, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 6, SD 1, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. This Resolution calls for us to urge President Bush and the United States Congress to not privatize Social Security.

"And the reason I'm in opposition is that if the only way to save Social Security is to privatize it, then I'm all for saving Social Security, so I have to oppose this measure. Thank you."

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Ching rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition to this measure. This Resolution urges President Bush and the U.S. Congress to not privatize Social Security.

"Our Social Security System urgently requires reform, as our ability to support future generations is impacted by our growing population and their retirement needs. Converting even partially to a system of private accounts will give retirees the chance to substantially increase their savings, boost their sense of family and personal responsibility for their own economic well-being and allow savings to be passed on to next of kin in the event of a retiree's untimely death. Additionally, privatized Social Security will stimulate the economy, as retirees choose to invest their money in a variety of financial instruments."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to that same measure. I would ask that the words of the Representative from Makakilo be put in the Journal as if they were my own.

"I just can't understand why there is so much opposition to the idea of privatizing. Employees pay 50% of the FICA tax and the employer pays 50%. If you were taking that money and putting it in some kind of security that you have some control over, if you were to die at least your family would get something. Not just a death benefit.

"I just can't understand the fear people have. To me, it's a far better thing if you have some control over some of that money. There is a real fear on the part of younger Americans that they may never get any of their Social Security. And you don't know what to believe in the papers because some people say, 'There's no problem.' Others say, 'It'll be insolvent through 2015, 2020.'

"We need to do something. The whole idea of privatizing, it's not the entire thing. It'll be portion of it. Those are the details that could be worked out. And I think for me personally, I want Congress and the President to continue looking at this model. Thank you, Mr. Speaker."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, I rise with words of support for this Resolution. I thought we had finished with this issue last year, Mr. Speaker. And then I thought, perhaps both sides of the aisle are in agreement, that privatization of Social Security is not the best way to go.

"It surely has been beaten down by the roar of public opposition across our country, as we've read in newspapers and seen on TV news, journals. It's pretty clear that there no longer is support for privatization of Social Security. Even our own President, Mr. Speaker, has stopped talking about it, as has Congress. So to hear people on the other side of the aisle to get up and repeat arguments, that not even their own President is supporting anymore, is kind of surprising. Last year Mr. Speaker, I quoted ..."

Representative Moses rose, stating:

"I'm sorry, Mr. Speaker. Point of personal privilege. Did I understand that the Representative across the aisle is saying that the President is not his President? That's the way I took that."

Speaker Say: "No, he did not say that. Please proceed, Representative Caldwell."

Representative Moses: "I think he's our President. Thank you."

Representative Caldwell continued, stating:

"Thank you, Mr. Speaker. I'd like to quote from one of our other Presidents, my President, your President, and everyone's President, and that's Franklin Roosevelt. He stated, Mr. Speaker, when he started Social Security back in the 30s: 'This law, too, represents a cornerstone in a structure which is being built, but is by no means complete. It is a structure intended to lessen the forces of possible future depressions. It will act as a protection to future Administrations against the necessity of going deeply into debt to furnish relief to the needy. The law will flatten out the peaks and valleys of deflation and of inflation. It is, in short, a law that will take care of the human needs, and at the same time provide the United States an economic structure of vastly greater soundness.'

"Mr. Speaker, I quote this because it still rings true today. It is probably the foundation of so much good in our country. And it remains a cornerstone that has taken of the human needs of our senior citizens in their golden years.

"The contention somehow being made by some people, usually the Neo-Conservatives, that the Social Security Trust Fund is a myth, is something that shouldn't even be repeated again today, in my mind.

"As we discussed previously Mr. Speaker, Social Security is protected by treasury bonds of a special type. They're actually stored in a vault, they're not traded on the open market like regular treasury bonds. And their value remains strong and backed by the United States of America, the strongest economy in the world, Mr. Speaker.

"Mr. Speaker, even President Bush, my President, your President, and everyone else's President, has now admitted that this is not a problem that privatization can solve. In fact, what isn't a myth, Mr. Speaker, is our ballooning Federal deficit and the payment of the Iraq War, which is we've just read recently in yesterday's paper has ballooned to over \$100 billion a year now, Mr. Speaker. More than what the entire Marshall Plan cost, to save Western Europe from Communism.

"So Mr. Speaker, I think we should focus more on our President's tax cuts to the rich, and less on Social Security. Thank you very much, Mr. Speaker."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. I think from the argument that was made just now, that this is not an issue that we should be doing a Resolution on in the first place. It wasn't an issue. I guess the President and Congress are not talking about it so why do we need to do a Resolution, Mr. Speaker?

"And then let's go ahead and talk about tax policy and other things that might be more pertinent to the discussion of this day. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I wish to speak in favor of this Resolution. And I believe Mr. Speaker and Members, the bigger issue of Social Security is the tremendous debt that the United States is incurring and the continual raiding of Social Security funds. If anything is going to bankrupt Social Security, it's the government raiding Social Security funds to help to pay the debt. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. Despite what previous speakers have said, the Social Security will be paying out more money than it is taking in, in about ten years or so. There must be some remedy to this. So I will support looking at privatization as a solution. Maybe a partial solution. I have not heard of any other ideas to help the fund except for raising the taxes on the fund. So I think we should be

concerned about a solution because more and more retirees will be supported by fewer and fewer workers. Thank you."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Just wanted to note my reservations to this measure. The speaker from Manoa convinced that this measure is not needed. And since the speaker of Manoa was talking about tax cuts for the rich, it's my hope then that this Legislature that can act on tax cuts for the poor, will do so this year because we do tax the poor higher than any other state in the nation. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. I enjoy getting my check every month."

Representative Ching rose to respond, stating:

"Thank you, Mr. Speaker. I just wanted to clarify that if I were to walk into the Chamber, and still in opposition, and hear certain statements made, I would infer that certain people are not in support of Social Security. And I would love to know who's not in support of Social Security. And I can vouch for myself fully in support. What this measure is about is ways to help or to look at different options to improve it.

"And also to refute a second point, is that it's my understanding, although I'm not, maybe been around so, so long, but I've been here long enough before the Iraq War started, that there was much concern over the situation with Social Security and the fact that it looked like it was a dire situation of not being continued. So the fact that, the point made that the Iraq War has caused this situation, I think is fallacious.

"So I just wanted to clarify that I don't think anyone in this Chamber, I would love to know who is not in support of Social Security."

Representative Moses rose to respond, stating:

"Thank you. Still in support of Social Security and am opposed to this measure. Mr. Speaker, we heard talk about Gross National Product and that's not what we're talking about here. Really, it's Social Security, but just for the Member's edification, the Gross National Product, I'm sorry the percent of our debt. Our debt is a lower percentage of our Gross National Product than it's ever been. So you might talk about the growing debt, but you have to look at what we're bringing in as a country and the ratio is going way, way down. Thank you."

Representative Souki rose to respond, stating:

"Mr. Speaker, rebuttal please. Mr. Speaker, I may favor privatization if they would provide the money to Halliburton. As the war continues, Halliburton gets richer all the time. So that might be a way of us getting some money and some good return on our Social Security. Thank you."

Representative Meyer rose to respond, stating:

"Mr. Speaker. Thank you. Again, still in opposition to this Resolution. The language in this Resolution is just skewed. About the fourth or fifth Whereas: Whereas opponents of Social Security. People who are looking at ways of solving the problems we have with Social Security are not opponents of Social Security. They are realists. They are people looking at a real problem that is down the road.

"Just because one Party doesn't want to even look at it or touch it, doesn't mean that ... I mean, it just means that just think it's too

sacred. You can't do anything. Congress has over the years, in trying to address the problem with Social Security, which listening to the conversation in this Chamber, you might think there was no problem. They have lengthened the age before you can file for Social Security. This has all been done in recognition that we are going to have a problem.

"We have this huge number of 'baby boomers' that are going to be retiring in droves and we're going to have a problem funding it. But because somebody is looking at the problem and thinks that we need to find some solutions, doesn't make them opponents of the Social Security Fund. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 6, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING PRESIDENT BUSH AND THE UNITED STATES CONGRESS TO NOT PRIVATIZE SOCIAL SECURITY," was adopted, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses and Stonebraker voting no, and with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1809-06) recommending that S.C.R. No. 43, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 43, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1810-06) recommending that S.C.R. No. 144, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 144, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEVELOPMENT OF A LONG-TERM CARE INFRASTRUCTURE PLAN FOR HAWAII TO ENSURE PUBLIC SAFETY WHILE SUPPORTING AGING IN PLACE," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1811-06) recommending that S.C.R. No. 204, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 204, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representatives Souki and Caldwell, for the Committee on Transportation and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1812-06) recommending that S.C.R. No. 47, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 47, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO

REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

Representatives Souki and Caldwell, for the Committee on Transportation and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1813-06) recommending that S.C.R. No. 95, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 95, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO IMPROVE THE SYNCHRONIZATION OF TRAFFIC SIGNALS ON ALA MOANA BOULEVARD BETWEEN PUNCHBOWL STREET AND KALAKAUA AVENUE, AND TO ASSUME JURISDICTION OF THAT SAME PORTION OF ROAD IN THE INTEREST OF PROMOTING SAFE TRAFFIC FLOW," was adopted, with Representatives Cabanilla, Halford, Saiki, Stevens and Thielen being excused.

CONFERENCE COMMITTEE REPORT

The Chair then announced:

"Members, please note the 48-hour notice for Conference Committee Report No. 4-06, as listed on page 4."

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2609, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 4-06) recommending that S.B. No. 2609, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 4-06 and S.B. No. 2609, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," was deferred for a period of 48 hours.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 283) was placed on the members' desk and referred:

H.R. No. 283, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT ALL BILLS TO BE CONSIDERED FOR FINAL READING BE LISTED ON THE ORDER OF THE DAY AT LEAST TWENTY-FOUR HOURS IN ADVANCE OF FINAL READING," was offered by Representative Harbin.

Representative Harbin rose, stating:

"Mr. Speaker, before I go into announcements, I'd like to once again return us to the order of business. Rule 30, Order of Business says that after the fourth order, the House may specify that special orders be taken up. I hereby request that House Resolution No. 238 be set for rule change debate in 24 hours. That would be tomorrow."

The Chair then stated:

"At this point, the Chair would like to note to all of you, that the Chair has made a decision as far as referring to the Committee on Legislative Management/Judiciary. That is the legislative process that we have here in this House and this Chamber. And that is the process that you would have to consider, Representative Harbin."

Representative Harbin responded, stating:

"Thank you, Mr. Speaker. Thank you for that ruling and obviously I'm not content with that ruling because I feel it's contrary to Rule 57. So therefore pursuant to Section 230 of the *Mason's* rules of procedure, I would like to appeal your ruling to the Members. Thank you."

At this time, Representative Harbin moved to appeal the decision of the Chair in referring H.R. No. 283 jointly to the Committee on Legislative Management and the Committee on Judiciary.

Representative M. Oshiro rose to point of order, stating:

"Mr. Speaker. Point of order, I believe that there is no appeal to be made because the Chair has not made a decision on a matter before this Body. So it's an inappropriate motion and she's out of order, Mr. Speaker."

Representative Harbin responded, stating:

"Mr. Speaker, I believe my motion is on the Floor waiting for a second. And I believe that the prior motion is out of order. So if I could have a second on my motion to appeal please. Thank you."

Representative Finnegan then seconded the motion.

The motion was put to vote by the Chair and upon a show of hands, the motion to appeal the decision of the Chair in referring H.R. No. 283, entitled: "AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT ALL BILLS TO BE CONSIDERED FOR FINAL READING BE LISTED ON THE ORDER OF THE DAY AT LEAST TWENTY-FOUR HOURS IN ADVANCE OF FINAL READING," jointly to the Committee on Legislative Management and the Committee on Judiciary, was defeated. (Representatives Cabanilla, Halford, Saiki, Stevens and Stonebraker were excused.)

ANNOUNCEMENTS

Representative Harbin: "I have an announcement. Thank you. I would like to announce that there was a news release and I'm not too sure everyone in this Body has been aware of it. That HCDA is seeking input on the historic Ala Moana Pump Station Policy Study. I do believe that in this particular website and this particular news release, they are discussing placing low rise and possibly medium rise residences at the historic Pump location behind the building.

"So I got the information, if anybody would like to come to my office. I can give you the website because they're planning to make a decision on high rise, low rise, medium rise residences on *makai* side behind the historic Pump. So I just wanted to give my colleagues notice. Thank you."

Representative Arakaki, for the Committee on Health, requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 70, with a proposed HD 1; S.C.R. No. 72, with a proposed HD 1; and S.C.R. No. 76, tomorrow at 8:45 a.m. in Conference Room 229, and the Chair "so ordered."

Representative Arakaki continued, stating:

"SCR 70 and 72 are two measures that the Committee intends to amend and we did provide advance copies of the proposed HD 1. The first has to do with a taskforce or committee to look at developing a method of assisting children and screening them for children ages three to eight prior to their entrance into school.

"The second, requests the Department of Health to conduct bacterial level testing of the sand at beaches that have been deemed to be contaminated.

"The third resolution, we just received a re-referral to Health only. And this is for safe staffing guidelines for nurses here in Hawaii."

Representative Harbin: "Thank you, Mr. Speaker. I have another announcement. Tonight or this afternoon between 5:00 and 6:00, for those of you that are in Conference Committee and those of us that are not, on Hawaii Public Radio, tonight from 5:00 to 6:00 on the Town Square, two Representatives have been invited to participate in the ups and downs of being a political appointee to the House of Representatives. And that would be Representative Stevens from Waikiki and myself. So if any anybody would like to call in, the number is 941-3689, but it will be on the radio for the driving public. And it should be a very interesting discussion. Maybe we can talk about the Resolution at that time too. Thank you."

Representative Magaoay, for the Committee on Legislative Management, requested a waiver of the 48-hour advance notice requirement to hear S.C.R. No. 32, SD 1, and S.C.R. No. 216, tomorrow at 10:00 a.m. in Conference Room 309, and the Chair "so ordered."

Representative Magaoay continued, stating:

"SCR 32, SD 1 is Requesting the State Procurement Office and the State Ethic Commission to Review Possible Procurement Code and Ethic Violation Committed by the Department of Business, Economic Development, and Tourism; and SCR 216, Creating a Legislative Taskforce to Make Recommendations for a Statutory Enactment to Enhance Transparency in Legislative Proceedings."

ADJOURNMENT

At 1:16 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Friday, April 21, 2006. (Representatives Cabanilla, Halford, Saiki, Stevens and Stonebraker were excused.)

OTHER COMMUNICATION

The following communication was received by the Clerk on April 20, 2006:

"The Senate
The Twenty-Third Legislature
of the
State of Hawaii
STATE CAPITOL
HONOLULU, HAWAII 96813

April 19, 2006

The Honorable Linda Lingle
Governor of the State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

In accordance with the provisions of Article XVII, Section 3 of the Hawaii State Constitution, written notice is hereby given of the final form to the following bill(s), a copy of which is attached hereto:

S.B. No. 995, SD1, HD1, CD1
"PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES."

S.B. No. 2246, SD1, HD2, CD1

"PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT."

S.B. No. 2479, HD1, CD1

"PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION."

Respectfully,
/s/Paul T. Kawaguchi
PAUL T. KAWAGUCHI
Clerk of the Senate

PTK:law
Enclosure

cc: Patricia Mau-Shimizu
Clerk of the House"

HOUSE COMMUNICATIONS

House Communication dated April 20, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bills:

1740, SD1, HD1 Takamine, Chair; Kawakami, Nakasone, Moses

3185, SD2, HD2 Morita/Herkes/Takamine, Co-Chairs; Thielen

House Communication dated April 20, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. 266, Added Representative Stevens as a member.
HD 1, SD 2

H.B. 2043, Added Representative Finnegan as a
HD 2, SD 3 member.

S.B. 3084, Discharged Representative Evans as Co-
SD 2, HD 3 Chair.
Added Representative Yamashita as Co-
Chair.

S.B. No. 3105, Discharged Representative Kawakami as
SD 2, HD 2 Co-Chair.
Added Representative Takamine as Co-
Chair.

FIFTY-THIRD DAY

Friday, April 21, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Ezra R. Kanoho, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Stonebraker and Thielen, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Second Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 263 through 265) were received and announced by the Clerk:

Gov. Msg. No. 263, dated April 6, 2006, transmitting the Department of Transportation's Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 264, dated April 13, 2006, transmitting the Employees' Retirement System's Comprehensive Annual Financial Report for Fiscal Year Ended June 30, 2005.

Gov. Msg. No. 265, transmitting the following:

"EXECUTIVE CHAMBERS
HONOLULU

April 18, 2006

The Honorable Calvin K. Y. Say
Speaker of the House of Representatives
Twenty-Third State Legislature
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Speaker:

In a letter dated February 10, 2006, I had requested your immediate consideration and passage of S.B. No. 2339, Making an Emergency Appropriation to the Department of Health (DOH) for the Emergency Medical Services System Branch, to appropriate emergency funding to address deficits in ambulance service contracts and to request an increase in the expenditure ceiling for the emergency medical services special fund in accordance with Section 9, Article VII of the Constitution of the State of Hawaii.

I am now requesting to amend Senate Bill No. 2339, S.D. 2, H.D. 1, to add emergency funding in the amount of \$2,356,497 in general funds to pay for Hawaii National Guard helicopter medical transport services. As you know, this critical service was provided by the United States Army, but due to the deployment of the unit, the Hawaii National Guard has provided the service. The cost may appear high but this is the only available alternative for the remainder of FY 06. For FY 07, the United States Army is procuring private air ambulance services which will include the emergency transport of injured civilians on Oahu. The State will reimburse the Army on a per transport basis.

Attached is a proposed C.D. 1 of Senate Bill No. 2339, S.D. 2, H.D. 1, that incorporates the requested additional appropriation requirements for DOH.

The general fund recommendation included in this measure has been made in accordance with the statutorily defined appropriation ceiling for the Executive Branch pursuant to Section 37-92, HRS.

Including appropriations made up to and including the regular and special sessions of 2005, the Executive Branch appropriation ceiling for FY 06 has already been exceeded by \$165,665,981 or 3.83 percent. Funding requested in this measure for emergency medical transport services will result in the appropriation ceiling for the Executive Branch to now be exceeded in FY 06 by \$9,511,232, or 0.22 percent. This current declaration takes into account additional general fund appropriations authorized for FY 06 in this measure only, and does not include other general fund appropriations for FY 06 that may be authorized for the Executive Branch in other legislation submitted to the Legislature during the regular session of 2006.

We appreciate your prompt attention to this matter. DOH and the Department of Defense will be available to answer any questions you may have on this request.

Sincerely,
/s/Linda Lingle
LINDA LINGLE

Attachment

c: Honorable Dwight Y. Takamine

S.B. NO. 2339
S.D. 2, H.D. 1 Proposed C.D. 1

A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of article VII of the Constitution of the state of Hawaii.

SECTION 2. Although funds were appropriated to the department of health for emergency medical services for the fiscal period beginning July 1, 2005, and ending June 30, 2006, a critical funding emergency now exists.

The purpose of this Act is to appropriate additional funds for ambulance service contracts and other costs, and helicopter medical transport services.

An additional \$7,154,735 in general funds for fiscal year 2005-2006 is required to pay for unexpected ambulance service contract collective bargaining costs, fuel and other ambulance service operating costs, and contract ambulance billing and collection costs. This emergency appropriation is necessary to comply with collective bargaining increases negotiated by ambulance service providers statewide, increases in fuel and other ambulance service operating costs, and increases in workload in contracted ambulance billing and collection services. In addition, the purpose of this Act is to request an increase in the expenditure ceiling of the emergency medical services special fund due to an increase in costs in contract ambulance services in Maui and Kauai counties.

An additional \$2,356,497 in general funds for fiscal year 2005-2006 is required to pay for Hawaii National Guard helicopter medical transport services. This emergency appropriation is necessary to cover costs incurred by the National Guard in providing critical transport services that were previously provided by the United States Army.

SECTION 3. There is appropriated out of the general revenues of the state of Hawaii the sum of \$9,511,232 to the department of

health, to be distributed as follows:

- (1) The sum of \$5,621,552, or so much thereof as may be necessary, for fiscal year 2005-2006 for the city and county of Honolulu for ambulance related services, including general operating expenses, equipment, and supplies;
- (2) The sum of \$867,531, or so much thereof as may be necessary, for fiscal year 2005-2006 for the county of Hawaii for ambulance related services, including general operating expenses, equipment, and supplies;
- (3) The sum of \$394,330, or so much thereof as may be necessary, for fiscal year 2005-2006 for the purposes of payment to the American Medical Response-Maui;
- (4) The sum of \$178,976, or so much thereof as may be necessary, for fiscal year 2005-2006 for the purposes of payment to the American Medical Response-Kauai to comply with negotiated collective bargaining agreements, increases in fuel costs, and other ambulance service operating costs;
- (5) The sum of \$92,346, or so much thereof as may be necessary, for fiscal year 2005-2006 for emergency medical system contract ambulance billing and collection costs; and
- (6) The sum of \$2,356,497, or so much thereof as may be necessary, for fiscal year 2005-2006 for costs incurred by the Hawaii Army National Guard in providing helicopter medical transport services on Oahu.

SECTION 4. There is appropriated out of the emergency medical services special fund the sum of \$441,721, or so much thereof as may be necessary, for fiscal year 2005-2006 to be used for:

- (1) Increased costs in contract ambulance services for the counties of Maui and Kauai; and
- (2) Payment of the central service assessment and department administrative expenses for fiscal year 2005-2006.

SECTION 5. The sums appropriated in sections 3 and 4 shall be expended by the department of health.

SECTION 6. This Act shall take effect upon its approval."

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 766 through 785) were received and announced by the Clerk:

Sen. Com. No. 766, dated April 20, 2006, informing the House that the Senate has, on April 19, 2006, reconsidered its action taken on March 30, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading.

S.B. No. 2255, "RELATING TO TIME LIMITATIONS."
SD 1, HD 1

S.B. No. 2603, "RELATING TO MOTOR VEHICLE
SD 1, HD 1 INSURANCE."

Sen. Com. No. 767, dated April 20, 2006, informing the House that the Senate has, on April 19, 2006, reconsidered its action taken on April 6, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading.

S.B. No. 2606, "RELATING TO BAIL."
HD 1

Sen. Com. No. 768, dated April 20, 2006, informing the House that the Senate has, on April 19, 2006, reconsidered its action taken on April 11, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading.

S.B. No. 2597, "RELATING TO APPELLATE
HD 1 JURISDICTION."

S.B. No. 2599, "RELATING TO APPEALS."
HD 1

S.B. No. 2607, "RELATING TO TRANSFER OF
SD 1, HD 1 APPEALS."

Sen. Com. No. 769, dated April 20, 2006, informing the House that the Senate has, on April 19, 2006, reconsidered its action taken on April 13, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading.

S.B. No. 1317, "RELATING TO COURT APPOINTED
SD 1, HD 1 COUNSEL."

S.B. No. 1512, "RELATING TO DOMESTIC VIOLENCE
SD 1, HD 3 FATALITY REVIEW."

S.B. No. 2166, "RELATING TO MINORS."
SD 2, HD 3

Sen. Com. No. 770, dated April 20, 2006, informing the House that the following conferee assignment was listed incorrectly on the letter dated April 19, 2006, and corrected assignment is listed as follows:

S.B. No. 2913, SD 1, HD 1 Menor, Chair; Espero

Sen. Com. No. 771, transmitting H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO CONDUCT A STUDY AND PROVIDE RECOMMENDATIONS FOR ADDRESSING THE SHORTAGE OF INFANT AND TODDLER CHILD CARE PROVIDERS, FACILITIES, AND SERVICES IN THE STATE," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 772, transmitting H.C.R. No. 27, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES, THE UNITED STATES DEPARTMENT OF DEFENSE, THE UNITED STATES CONGRESS, THE PRIME MINISTER OF JAPAN, THE JAPAN DEFENSE AGENCY, AND THE NATIONAL DIET OF JAPAN TO TAKE ACTION TO REDUCE THE UNITED STATES MILITARY PRESENCE IN OKINAWA," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 773, transmitting H.C.R. No. 57, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT THE ENACTMENT OF LAWS THAT ASSIST HUNGRY AMERICANS," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 774, transmitting H.C.R. No. 64, entitled: "HOUSE CONCURRENT RESOLUTION URGING HAWAII'S CONGRESSIONAL DELEGATION TO SUPPORT AND SECURE PASSAGE OF FEDERAL LEGISLATION ESTABLISHING A CATASTROPHIC REINSURANCE FUND TO SUPPORT STATE EFFORTS TO KEEP HOMEOWNERS' DISASTER INSURANCE AFFORDABLE," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 775, transmitting H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO PROVIDE A STATUS

REPORT ON THE PROGRESS OF A PLANNED CORRECTIONAL FACILITY LOCATED ON PUUNENE ON THE ISLAND OF MAUI," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 776, transmitting H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE DEVELOPMENT OF THE FUND MANAGEMENT INDUSTRY IN HAWAII," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 777, transmitting H.C.R. No. 119, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO IMMEDIATELY RATIFY THE AMENDMENTS MADE TO THE HAWAIIAN HOMES COMMISSION ACT OF 1920, AS AMENDED, AS EMBODIED IN ACT 302, SESSION LAWS OF HAWAII 2001, AND TO RECOGNIZE HAWAIIAN HOMESTEAD COMMUNITY ORGANIZATIONS AS SELF-GOVERNING ADMINISTRATIVE AUTHORITIES FOR THEIR RESPECTIVE COMMUNITIES," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 778, transmitting H.C.R. No. 232, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE OFFICE OF HAWAIIAN AFFAIRS TO CONVENE A TASK FORCE TO CONSIDER THE MERITS OF CREATING A MONUMENT TO THE CITIZENS OF THE KINGDOM OF HAWAII IN COLLABORATION WITH HAWAIIAN ORGANIZATIONS, RESPECTED KUPUNA IN THE HAWAIIAN COMMUNITY, AND THE DEPARTMENT OF LAND AND NATURAL RESOURCES," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 779, transmitting H.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION CONDEMNING THE GENOCIDE IN WESTERN SUDAN AND URGING CONGRESS WITH THE SUPPORT OF THE PRESIDENT TO ENGAGE THE INTERNATIONAL COMMUNITY TO TAKE ACTION TO PROTECT THE PEOPLE OF DARFUR," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 780, transmitting H.C.R. No. 245, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING DEL MONTE AND THE CAMPBELL ESTATE TO ALLOW RESIDENTS TO CONTINUE TO RESIDE AT KUNIA CAMP AT LEAST UNTIL DECEMBER 2008, TO ALLOW THE RESIDENTS TIME TO FIND HOUSING SOLUTIONS OR AFFORDABLE ALTERNATIVE HOUSING," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 781, transmitting H.C.R. No. 273, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES TRADE REPRESENTATIVE TO INCLUDE A REPRESENTATIVE OF THE STATE OF HAWAII IN THE MEMBERSHIP OF THE INTERGOVERNMENTAL POLICY ADVISORY COMMITTEE ON TRADE AND DESIGNATE THIS REPRESENTATIVE AS THE SINGLE POINT OF CONTACT FOR THE STATE OF HAWAII," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 782, transmitting H.C.R. No. 41, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 783, transmitting H.C.R. No. 109, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE PLANNED 2006 COMMEMORATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE FUKUOKA AND HAWAII SISTER-STATE RELATIONSHIP," which was adopted by the Senate on April 20, 2006.

Sen. Com. No. 784, dated April 20, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for

consideration of amendments proposed by the Senate to the following House Bill:

1928, HD2, SD2 Kokubun, Chair; Taniguchi/Inouye/
Fukunaga, Co-Chairs; Hemmings

Sen. Com. No. 785, dated April 20, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

S.B. No. 1648, Added Senator Taniguchi as Co-Chair.
SD 1, HD 2

S.B. No. 2298, Added Senator Baker as a conferee.
SD 1, HD 1

S.B. No. 2461, Discharged Senator Baker as a conferee.
SD 1, HD 1 Added Senator Baker as Co-Chair.

S.B. No. 2913, Added Senator Baker as a conferee.
SD 1, HD 1

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 64) was received by the Clerk and was placed on file:

Dept. Com. No. 64, dated April 20, 2006, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the report required by Act 3, Special Session Laws of Hawai'i 2005, as prepared by a consultant engaged by the Office of the Auditor.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

H.R. No.

Referred to:

284 Jointly to the Committee on Legislative Management
and the Committee on Judiciary

COMMITTEE REASSIGNMENTS

The following House bill was re-referred to committee by the Speaker:

H.B. No.

Re-referred to:

237, Committee on Consumer Protection & Commerce,
HD3, then to the Committee on Judiciary
SD1

The following Senate concurrent resolutions were re-referred to committee by the Speaker:

S.C.R. Nos.

Re-referred to:

31, Committee on Consumer Protection & Commerce
SD1

- 77, Jointly to the Committee on Human Services and the
SD2, Committee on Health
HD1
- 81, Jointly to the Committee on Human Services and the
SD1, Committee on Health
HD1
- 86, Committee on Energy & Environmental Protection
SD1,
HD1
- 117, Committee on Health
SD1,
HD1

STANDING COMMITTEE REPORT

Representative Sonson, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 1814-06) recommending that S.C.R. No. 52, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 52, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COMMITTEES ON HUMAN SERVICES OF THE SENATE AND HOUSE OF REPRESENTATIVES TO CONVENE INTERIM HEARINGS ON THE USE OF LEGAL INTERVENTIONS AVAILABLE TO THE FAMILY COURT," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1815-06) recommending that S.C.R. No. 67, SD 1, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 67, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANSION PROGRAM," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Karamatsu, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1816-06) recommending that S.C.R. No. 141, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 141, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO MAINTAIN THE CURRENT ZONING OF A ONE HUNDRED SEVENTY-TWO ACRE PARCEL OF REAL PROPERTY IN ROYAL KUNIA FOR THE ESTABLISHMENT OF A PARK, GOLF COURSE, OR CONTINUED USE AS OPEN SPACE," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1817-06) recommending that S.C.R. No. 33, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 33, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO CONTINUE TO

COLLABORATE WITH THE HAWAII HARBOR USERS GROUP TO IMPLEMENT PLANNED IMPROVEMENTS AND CONSTRUCTION TO IMPROVE CARGO TERMINAL AND CONTAINER FACILITIES AT HONOLULU HARBOR, KAHULUI HARBOR, AND HILO HARBOR, AND COMMENDING AND CONGRATULATING THE DEPARTMENT OF TRANSPORTATION AND THE HAWAII HARBOR USERS GROUP FOR THEIR FINE WORK IN COMPLETING THE HAWAII HARBORS USER GROUP'S REPORT," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1818-06) recommending that S.C.R. No. 46, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 46, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO COMPLY WITH COUNTY ORDINANCES AND STANDARDS RELATING TO OUTSIDE LIGHTING AT AIRPORTS AND HARBORS, AND TO PROVIDE CUT-OFF OR FULLY SHIELDED LENS FIXTURES TO DIRECT ARTIFICIAL LIGHTING DOWNWARD TO PREVENT DIFFUSION THE LIGHT INTO THE ATMOSPHERE, ON THE ISLAND OF HAWAII AND THE ISLAND OF MAUI," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1819-06) recommending that S.C.R. No. 48, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 48, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO RECOMMEND WHETHER THE DEPARTMENT OF TRANSPORTATION SHOULD ADOPT THE BASIC RIDER COURSE OF THE MOTORCYCLE SAFETY FOUNDATION AS A COMPREHENSIVE EDUCATIONAL PROGRAM FOR THE ENTIRE MOTORCYCLE COMMUNITY," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1820-06) recommending that S.C.R. No. 74, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 74, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO EXPEDITE THE COMPLETION OF THE LAHAINA BYPASS PROJECT AS A TOP PRIORITY AND, IN COOPERATION WITH THE COUNTY OF MAUI AND STAKEHOLDERS, DEVELOP STRATEGIES TO REDUCE MOTOR VEHICLE USE INTO AND OUT OF LAHAINA ON THE ISLAND OF MAUI," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1821-06) recommending that S.C.R. No. 116, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 116, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING THE UNITED STATES FOOD AND DRUG ADMINISTRATION'S NATIONAL CAMPAIGN TO RAISE AWARENESS AND INFORM WOMEN ABOUT MENOPAUSAL HORMONE THERAPY AND DESIGNATING SEPTEMBER AS MENOPAUSE AWARENESS

MONTH IN HAWAII," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1822-06) recommending that S.C.R. No. 129, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 129, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COOPERATION FROM THE LEGISLATURE AND THE DEPARTMENT OF HEALTH TO FACILITATE THE DEVELOPMENT OF A REGIONAL HEALTH INFORMATION ORGANIZATION IN HAWAII," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1823-06) recommending that S.C.R. No. 140, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 140, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was adopted, with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1824-06), recommending that S.C.R. No. 119, SD 1, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 119, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO CONSIDER THE MERITS OF RECOGNIZING HYPNOTHERAPY AS A LEGITIMATE PROFESSION AND HYPNOTHERAPISTS AS PROVIDERS OF HUMAN SERVICES SEPARATE AND INDEPENDENT FROM OTHER MENTAL HEALTH PROFESSIONS," was referred to the Committee on Consumer Protection & Commerce with Representatives Abinsay, Stonebraker and Thielen being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1825-06), recommending that S.C.R. No. 117, SD 1, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 117, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS," was referred to the Committee on Finance with Representatives Abinsay, Stonebraker and Thielen being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1826-06), recommending that S.C.R. No. 77, SD 2, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 77, SD 2, HD 1, entitled: "SENATE

CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT TWO STUDIES OF RECOMMENDED PROCEDURES THAT WILL ENSURE THAT STATE-FUNDED HEALTH CARE PAYMENTS ADEQUATELY REIMBURSE PROVIDERS WHO PROVIDE SERVICES FOR, FIRST, MEDICAID OR QUEST RECIPIENTS AND, SECOND, FOR INJURED EMPLOYEES UNDER WORKERS COMPENSATION INSURANCE," was referred to the Committee on Finance with Representatives Abinsay, Stonebraker and Thielen being excused.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 284) was placed on the members' desk and referred:

H.R. No. 284, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT ALL PROPOSED DRAFTS OF BILLS AND RESOLUTIONS BE PROVIDED SIMULTANEOUSLY TO MEMBERS IN BOTH PAPER AND ELECTRONIC FORM," was offered by Representative Harbin.

At this time, Representative Harbin rose, stating:

"Mr. Speaker, I don't have an announcement yet. I would like to point us to House Resolution 284 and request that pursuant to Rule 57 of the House of Representatives rules, that this particular measure be given 24-hour notice, to date for Monday, before this Body."

The Chair responded, stating:

"Representative Harbin, at this time, this particular House Resolution No. 284 is not before this Body. It has been referred to the Committee on Legislative Management/Judiciary. It is on your Referral Sheets, Members of this Chamber."

Representative Harbin: "Mr. Speaker. Pursuant to Rule 57, which states that motions that deal with amendments to rules, this is a special order and therefore it is not a referable issue. It's an issue that must be placed on the agenda for debate before this Body."

Speaker Say: "Representative Harbin, I believe you're incorrect at this point and time. If you want to appeal the Chair's decision, you may at this point."

At this time, Representative Harbin moved to appeal the decision of the Chair in referring H.R. No. 284 jointly to the Committee on Legislative Management and the Committee on Judiciary.

The motion was put to vote by the Chair and upon a show of hands, the motion to appeal the decision of the Chair in referring H.R. No. 284, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT ALL PROPOSED DRAFTS OF BILLS AND RESOLUTIONS BE PROVIDED SIMULTANEOUSLY TO MEMBERS IN BOTH PAPER AND ELECTRONIC FORM," jointly to the Committee on Legislative Management and the Committee on Judiciary, was defeated. (Representatives Abinsay, Stonebraker and Thielen were excused.)

ANNOUNCEMENTS

Representative Takamine, for the Committee on Finance, requested a waiver of the 48-hour advanced notice requirement for the purpose of hearing SCR 128, Requesting the Department of Hawaiian Homelands Enter into a Lease/Purchase Agreement for the Construction of a New Office Facility on Hawaiian Homelands in East Kapolei to be Funded by the Issuance of Certificates of Participation.

At 12:17 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m.

Representative Takamine: "Thank you, Mr. Speaker. SCR 128, SD 1, will be added to the public hearing by your House Committee on Finance this afternoon, in Conference Room 308 at 5:30 pm, with decision making to following," and the Chair "so ordered."

ADJOURNMENT

At 12:23 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, April 24, 2006. (Representatives Abinsay, Chang, Schatz, Stonebraker, Thielen, Tsuji and Waters were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 21, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has discharged all conferees to Senate Bill 3186, S.D. 2, H.D. 2.

House Communication dated April 21, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the Senate to the following House Bill:

2412, HD1, SD1 Takamine, Chair; Kawakami, Nakasone, Moses

House Communication dated April 21, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. 237, Discharged Representative Arakaki as Co-
HD 3, SD 1 Chair.

H.B. 2153, Discharged Representative Nakasone as Co-
HD 2, SD 2 Chair.
Added Representative Magaoay as Co-
Chair.

S.B. 1081, Added Representative Cabanilla as a
SD 2, HD 1 member.

S.B. No. 2961, Discharged Representative Nakasone as Co-
SD 1, HD 1 Chair.
Added Representative Magaoay as Co-
Chair.

FIFTY-FOURTH DAY

Monday, April 24, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Jon Riki Karamatsu, after which the Roll was called showing all members present with the exception of Representatives Chang, M. Oshiro, Souki and Stonebraker, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Third Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 266 through 268) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 266, informing the House that on April 21, 2006, the following bill was signed into law:

S.B. No. 2224, entitled: "A BILL FOR AN ACT RELATING TO CREDIT SALES." (ACT 010)

Gov. Msg. No. 267, informing the House that on April 21, 2006, the following bill was signed into law:

H.B. No. 3250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUPERSEDEAS BONDS." (ACT 011)

Gov. Msg. No. 268, informing the House that on April 21, 2006, the following bill was signed into law:

H.B. No. 2057, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 012)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 786 through 808) were received and announced by the Clerk:

Sen. Com. No. 786, transmitting H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT OF THE UNITED STATES AND THE UNITED STATES CONGRESS TO SUPPORT IMPROVING THE QUALITY OF THE NATION'S PUBLIC SCHOOLS BY SUBSTANTIALLY INCREASING EDUCATION FUNDING," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 787, transmitting H.C.R. No. 49, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES SECRETARY OF THE NAVY TO PROVIDE RENT RELIEF TO THE USS BOWFIN SUBMARINE MUSEUM AND PARK AND USS MISSOURI MEMORIAL," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 788, transmitting H.C.R. No. 76, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND THE CITY AND COUNTY OF HONOLULU AND REPORT ON HOW THE DEPARTMENT OF HEALTH CONDUCTS HEALTH SURVEILLANCES RELATED TO ENVIRONMENTAL FACTORS, SUCH AS LANDFILLS AND INFECTIOUS DISEASE, AND HOW THE DIVISIONS OF THE DEPARTMENT OF HEALTH WORK TOGETHER TO SHARE

INFORMATION AND DETERMINE ANY ACTIONS TO BE TAKEN," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 789, transmitting H.C.R. No. 84, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO REVIEW THE AVAILABLE SCIENTIFIC RESEARCH ON DECABROMODIPHENYL ETHER AND ASSESS THE AVAILABILITY OF SAFER, EFFECTIVE, AND TECHNICALLY FEASIBLE FLAME RETARDANTS THAT CAN BE USED IN ITS PLACE," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 790, transmitting H.C.R. No. 86, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CITY AND COUNTY OF HONOLULU TO INCLUDE IN ITS TRANSPORTATION PLAN FOR A LIGHT-RAIL TRANSIT SYSTEM AN ADDITIONAL SPUR LINE TO MILILANI," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 791, transmitting H.C.R. No. 120, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BUSH ADMINISTRATION AND THE UNITED STATES CONGRESS TO FULLY RESTORE THE BUDGET CUTS TO THE EQUIPMENT AND PERSONNEL BUDGET OF THE ARMY NATIONAL GUARD AND AIR NATIONAL GUARD OF THE UNITED STATES," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 792, transmitting H.C.R. No. 155, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE COUNTY OF MAUI, WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO DETERMINE THE FEASIBILITY OF REDEVELOPING THE OLD NAHIKU SCHOOL SITE AND MAKING IT AVAILABLE AS A COMMUNITY FACILITY," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 793, transmitting H.C.R. No. 226, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A WORKING GROUP TO DETERMINE FAMILY PLANNING FUNDING NEEDS FOR LEGISLATIVE CONSIDERATION IN THE STATE'S FISCAL BIENNIAL 2007-2009 BUDGET," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 794, transmitting H.C.R. No. 249, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO REEVALUATE THE BOUNDARIES OF THE HILO BAY RECREATIONAL THRILL CRAFT ZONE," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 795, transmitting H.C.R. No. 262, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION SERVICES OF THE CITY AND COUNTY OF HONOLULU TO INSTALL A LIGHTED CROSSWALK ON KAMEHAMEHA HIGHWAY IN KANEOHE, OAHU, AT THE CROSSWALK BETWEEN LILIPUNA ROAD AND MEHANA STREET AND TO ESTABLISH A MARKED CROSSWALK ON KEOLU DRIVE NEAR KAELEPULU ELEMENTARY SCHOOL," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 796, transmitting H.C.R. No. 290, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 797, transmitting H.C.R. No. 12, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO PREVENT AND FIGHT AGAINST INVASIVE SPECIES IN HAWAII," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 798, transmitting H.C.R. No. 30, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKA'AKO MAKAI," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 799, transmitting H.C.R. No. 88, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 800, transmitting H.C.R. No. 98, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE STATEWIDE FERAL PIG POPULATION," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 801, transmitting H.C.R. No. 164, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSULT WITH HAWAIIAN CIVIC ORGANIZATIONS BEFORE SELECTING ANY COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 802, transmitting H.C.R. No. 197, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 803, transmitting H.C.R. No. 312, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INSTITUTE FOR HUMAN RIGHTS TO CONVENE A WORKING GROUP TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING UNITED NATIONS' HUMAN RIGHTS INSTRUMENTS FOR ADOPTION BY THE STATE OF HAWAII," which was adopted by the Senate on April 21, 2006.

Sen. Com. No. 804, dated April 21, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

1021, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Hogue
1214, HD2, SD2	Kanno, Chair; Espero, Co-Chair; Hanabusa
1800, HD1, SD1	Menor, Chair; Taniguchi, Co-Chair; Espero, Kanno, Tsutsui, Hogue
2176, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Inouye, Whalen

2966, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Tsutsui, Whalen
2991, HD2, SD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Tsutsui
3118, HD1, SD1	Menor, Chair; Taniguchi, Co-Chair; Espero, Fukunaga, Tsutsui, Hogue

Sen. Com. No. 805, dated April 21, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bills:

2076, SD2, HD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Kokubun, Hogue
2545, SD2, HD 2	Menor, Chair; Taniguchi, Co-Chair; Espero, Tsutsui, Trimble
2773, SD3, HD2	Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Kokubun, Hogue
2958, SD2, HD 1	Menor, Chair; Taniguchi, Co-Chair; Baker, Chun Oakland, Espero, Tsutsui, Whalen

Sen. Com. No. 806, dated April 21, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 1867, HD 1, SD 2	Added Senator Espero as a conferee.
H.B. No. 2678, HD 2, SD 2	Added Senator Ihara as a conferee.
H.B. No. 2947, HD 2, SD 2	Added Senator Espero as a conferee.
H.B. No. 2950, SD 2	Added Senator Espero as a conferee.
S.B. No. 3021, SD 2, HD 2	Added Senator Taniguchi as a conferee.

Sen. Com. No. 807, dated April 21, 2006, informing the House that the following conferee assignment was listed incorrectly on the letter dated April 20, 2006, and corrected assignment is listed as follows:

S.B. No. 2193, SD 1, HD 1	Menor, Chair; Ige, Whalen
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Sen. Com. No. 808, dated April 21, 2006, informing the House that the Senate has, on April 20, 2006, reconsidered its action taken on April 13, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading.

S.B. No. 2357, HD 1	"RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997."
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ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

H.R.
No.

Referred to:

285 Jointly to the Committee on Legislative Management and the Committee on Judiciary

At this time, Representative Harbin rose, stating:

"Thank you, Mr. Speaker. I would like to, pursuant to Rule 57, ask that House Resolution No. 285, titled: Amending the Rules of the House of Representatives to Require That the Order of Day be Posted in Both Paper and Electronic Form at Least Twenty-Four Hours in Advance, be set for debate on Tuesday, April 25th at 12:00."

The Chair responded, stating:

"Thank you very much for your request. That particular request will be denied at this point and time. House Resolution No. 285 has been referred to the Committees on Legislative Management/Judiciary."

Representative Harbin: "Thank you, Mr. Speaker. If I may, pursuant to Rule 2, Subparagraph 15, the Speaker does not have authority to refer this particular measure to Committee. And this matter is pursuant to special rule, Rule 30, which is discussing special rules. This matter must be taken up at a specific point on the order of business. If I may please have that done. Thank you."

Speaker Say: "Thank you very much. Your statement is incorrect at this point. And if you would like to appeal the Chair's ruling, you may at this time."

Representative Harbin: "If I may, I'd like to, if I could, a point of order please, sir. Again, I must direct us to Rule 2, Subparagraph 15, which states that, within 4 session days that you have the right to refer all bills to committees which have subject matters within the House. At no place in the rules does it give you the authority to refer any resolution, especially resolutions that are under Rule 57. If I may, based upon that particular statement, appeal your ruling, but I would like to also mention Mr. Speaker, that my initial motion that was denied is actually a very debatable motion."

Speaker Say: "At this point, it is not a debatable motion. And the Chair will stand on the referral as far as House Resolution 285. If you like to appeal the Chair's ruling, you may at this point."

Representative Harbin: "Yes, Mr. Speaker, I'd like to appeal your ruling, and I may have other procedural issues that I will probably take up tomorrow because obviously the appeal will go down because the Majority will, of course, vote with you. So why don't we just vote on it and then I'll have another procedure to discuss tomorrow. Thank you."

Representative Sonson rose, stating:

"Mr. Speaker, at this time, I'd like to stand on a point of privilege. Mr. Speaker, we've heard the former, not former Representative but ..."

Representative Takai rose, stating:

"Mr. Speaker, point of information. I believe there is a motion on the Floor. It needs a second."

The Chair responded, stating:

"There is no second at this point and that's why the Chair recognized Representative Sonson."

Representative Sonson continued, stating:

"Thank you very much, Mr. Speaker. Mr. Speaker, we've heard this debate over these issues brought on by our colleague, my colleague sitting on my left. I believe that the Chair has made it clear

that the ruling is going to be the same regardless whether she's going to bring up a motion today, tomorrow, or the other previous times. It seems to me that at this point, it does affect the Members as far as time management. And it affects this Body, regarding to time management.

"I don't want to listen to the same motion every day from now until *Sine Die*. Mr. Speaker, I think at this point, it's just a waste of time. You have given her the privilege to speak on it three times. The same issue, the same arguments and the same result. Therefore Mr. Speaker, if this is going to continue, it really will be some precedent that will be set. That if somebody wants to bring attention to themselves on the Floor because there are cameras rolling, whatever the reason may be, at this point there is no reason for continued debate on these same issues. It does affect this Body in the way we do business. We are running on a lot of deadlines. And frankly Mr. Speaker, I think I can speak since I'm sure of this, I've heard enough of this and we should stop it. Thank you very much."

Representative Harbin rose to a point of personal privilege, stating:

"Mr. Speaker, on a point of personal privilege so that I can respond back to the prior speaker. I believe if the prior speaker were to stand back and take a look at what I'm trying to do, it's not a matter of cameras running or rolling. What it is, is a matter of transparency in this Body. It's a matter of this Body proceeding under its own rules and the rules of *Mason's*, which we have adopted as our bible of behavior. And I think that we are so concerned about this perception in the public place that we are not open for business to the public for transparency that we are in fact going to be hearing SCR 216 on the Floor very soon, which is to establish a task force for transparency. I stand down. Thank you."

Representative Takai rose to a point of order, stating:

"Point of order, Mr. Speaker. Thank you, Mr. Speaker. I think you made your decision Mr. Speaker and if the Representative wants to continue under the appeal, we can, but I believe we need to move on."

Representative Harbin continued, stating:

"Mr. Speaker, as a point of order, I'm responding to the prior speaker. I am responding to the prior speaker, in that I have been accused of standing and trying to make a point of showing off and I'm not."

Speaker Say: "And your point is well taken."

Representative Harbin: "I'm trying to make a big point of the fact that this Body does not follow its own rules. And I will continue to make that point until we at least get some of these resolutions on the Floor for debate because the public is asking me, as their Representative, the Downtown Representative, as I walk the streets, that this Body is not responsive and is not open for transparency. Those are the reasons for these resolutions. To make us to look at own rules and follow our own rules. That's it."

"Time, yes we are running out of time, but that we're running out of time, we cannot rush to make laws that impact the people of Hawaii because we are running out of time."

Speaker: "Members, let's proceed on with the Order of the Day."

Representative Meyer rose, stating:

"Mr. Speaker, was there a second needed for the Representative from Downtown? You asked her, if she wanted to appeal, and she said, 'yes'. She didn't make a motion for an appeal."

Speaker Say: "There is no motion for the appeal at this point."

Representative Meyer: "So there is no need for a second."

SUSPENSION OF RULES

Representative B. Oshiro moved that the rules be suspended for the purpose of considering a certain bill on Final Reading on the basis of a modified consent calendar, seconded by Representative Meyer.

At this time, the Chair stated:

"Members, any questions? What is the motion before this House, Representative Stevens? If you want to learn about process, this is the process."

Representative Stevens responded, stating:

"Mr. Speaker, I believe the motion is to consider certain bills, which I believe refers to Senate Bill 2609 for consideration before the House."

Speaker Say: "Your point is well taken. It is the motion to suspend the Rules of the House to consider certain Senate Bills for Final Reading by consent calendar. Any questions at this point?"

The motion was put to vote by the Chair and carried, and the rules were suspended for the purpose of considering a certain bill on Final Reading on the basis of a modified consent calendar. (Representatives Chang, M. Oshiro, Souki and Stonebraker were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 4-06 and S.B. No.2609, SD 1, HD 1, CD 1:

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2609, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," passed Final Reading by a vote of 47 ayes and, with Representatives Chang, M. Oshiro, Souki and Stonebraker being excused.

At 12:21 o'clock p.m., the Chair noted that S.B. No. 2609, SD 1, HD 1, CD 1, passed Final Reading.

At this time, the Chair announced:

"Members, please note that Senate Concurrent Resolution No. 77, SD 2, HD 1, was re-referred solely to the Committees on Human Services and Health. And likewise Senate Concurrent Resolution No. 117, SD 1, HD 1, was re-referred solely to the Committee on Health per committee referral sheet number 62 dated April 21st, 2006. The Committee on Finance waived its referral to these measures and therefore it is appropriate for the House to consider action for adoption.

SUSPENSION OF RULES

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken on S.C.R. No. 77, SD 2, HD 1, and S.C.R. No. 117, SD 1, HD 1. (Representatives Chang, M. Oshiro, Souki and Stonebraker were excused.)

RECONSIDERATION OF ACTION TAKEN

Representative Takai moved that the House reconsider its action taken pursuant to the recommendations contained in Standing Committee Report Nos. 1826-06, in referring S.C.R. No. 77, SD 2,

HD 1, to the Committee on Finance; and 1825-06, in referring S.C.R. No. 117, SD 1, HD 1, to the Committee on Finance, seconded by Representative B. Oshiro, and carried. (Representatives Chang, M. Oshiro, Souki and Stonebraker were excused.)

ADOPTIONS

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, S.C.R. No. 77, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT TWO STUDIES OF RECOMMENDED PROCEDURES THAT WILL ENSURE THAT STATE-FUNDED HEALTH CARE PAYMENTS ADEQUATELY REIMBURSE PROVIDERS WHO PROVIDE SERVICES FOR, FIRST, MEDICAID OR QUEST RECIPIENTS AND, SECOND, FOR INJURED EMPLOYEES UNDER WORKERS COMPENSATION INSURANCE," was adopted, with Representatives Chang, M. Oshiro, Souki and Stonebraker being excused.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, S.C.R. No. 117, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS," was adopted, with Representatives Chang, M. Oshiro, Souki and Stonebraker being excused.

STANDING COMMITTEE REPORTS

Representatives Morita and Abinsay, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1827-06) recommending that S.C.R. No. 36, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 36, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNITED STATES CONGRESS TO APPROVE THE PROPOSED HAWAII INVASIVE SPECIES ACT," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1828-06) recommending that S.C.R. No. 55, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 55, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A STUDY ON THE ISSUE OF RECLASSIFYING VARIABLE ANNUITY CONTRACTS AS INSURANCE RATHER THAN SECURITIES," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1829-06) recommending that S.C.R. No. 82, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 82, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING CONGRESS AND THE FEDERAL COMMUNICATIONS COMMISSION TO ADDRESS PUBLIC INTERESTS AND COMMUNITY NEEDS FOR LOCAL MEDIA, INCLUDING NEWS, ACCESS, AND OWNERSHIP," was adopted,

with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1830-06) recommending that S.C.R. No. 150, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 150, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of the measure, stating:

"I stand in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 150, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE INSURANCE COMMISSIONER TO CONVENE A TASK FORCE TO STUDY THE PHYSICIAN ON-CALL CRISIS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

At 12:24 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

Representatives Herkes and Arakaki, for the Committee on Consumer Protection & Commerce and the Committee on Health presented a report (Stand. Com. Rep. No. 1831-06) recommending that S.C.R. No. 113, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 113, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE ISSUE OF AUTHORIZING PSYCHOLOGISTS WHO HAVE OBTAINED THE APPROPRIATE EDUCATION, TRAINING, AND EXPERIENCE TO PRESCRIBE A LIMITED FORMULARY OF PSYCHOTROPIC MEDICATIONS FOR THE TREATMENT OF MENTAL ILLNESS WHILE PRACTICING IN FEDERALLY QUALIFIED HEALTH CENTERS OR LICENSED HEALTH CLINICS LOCATE IN FEDERALLY DESIGNATED MEDICALLY UNDERSERVED AREAS OR IN MENTAL HEALTH PROFESSIONAL SHORTAGE AREAS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Waters, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1832-06) recommending that S.C.R. No. 157, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 157, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII BOARD OF REGENTS TO NAME THE KOMOHANA RESEARCH AND EXTENSION CENTER'S ADMINISTRATIVE OFFICE WING IN HONOR OF DR. TADASHI HIGAKI," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1833-06) recommending that S.C.R. No. 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 1, entitled: "SENATE CONCURRENT RESOLUTION RECOGNIZING JANUARY AS CERVICAL CANCER MONTH

IN HAWAII," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Arakaki and Sonson, for the Committee on Health and the Committee on Human Services presented a report (Stand. Com. Rep. No. 1834-06) recommending that S.C.R. No. 115, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 115, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING TO CONVENE A FOCUS GROUP WITH OTHER STAKEHOLDERS TO ASSESS YEARLY SERVICE DELIVERY NEEDS AND LONG-TERM STRATEGIC PLANNING FOR KUPUNA CARE," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Sonson and Arakaki, for the Committee on Human Services and the Committee on Health presented a report (Stand. Com. Rep. No. 1835-06) recommending that S.C.R. No. 81, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committees be adopted, and that S.C.R. No. 81, SD 1, HD1, be adopted, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Shimabukuro rose in support of the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"In strong support. Mr. Speaker, the importance of this Resolution is highlighted by it making the front page of this morning's *Advertiser*.

"Mr. Speaker, put simply, this Resolution concerns whether we should support the Department of Human Services in providing incentives to mainland-based, for-profit insurance companies to enter and compete in the QUEST market.

"This Resolution urges the Department to address the impact of positive re-enrollment in the recently issued QUEST request for proposal, or RFP.

"Positive Re-Enrollment means that every year QUEST patients must now 're-enroll' in their health plans. If you fail to re-enroll by the deadline, QUEST will automatically assign you to the health plan with the lowest bid.

"Enter Summerlin. A Nevada-based, for profit, insurance company that wants to enter Hawaii's market by hopefully underbidding the three current providers, HMSA, AlohaCare, and Kaiser.

"Who are these current providers? AlohaCare for one. AlohaCare is owned by a consortium of community health centers, such as Hana Health Center, Kalihi-Palama Health Center, Community Clinic of Maui, Hamakua Health Center, Waianae Coast Comprehensive Health Center, and other non-profit health centers providing care to the indigent in rural areas.

"Imagine, Mr. Speaker, if you were required to 're-enroll' in your health plan every year. If you missed the deadline, you'd be automatically re-assigned to a plan that bid the lowest to the State. Imagine your surprise if you show up at your neighborhood doctor, only to be told that you are no longer covered.

"Now imagine that you are homeless, mentally ill, illiterate, or physically abused. You either didn't receive, didn't understand, or didn't have the time to complete the positive re-enrollment form. Now you are told that you have to go elsewhere for medical treatment. Mr. Speaker, this could mean the difference between life and death for this fragile QUEST population.

"DHS thankfully understands the dire consequences of such a situation, and now plans to amend its RFP to include 'safety net' language that would permit a QUEST recipient to remain in their current plan if they show up at their previous provider and indicate that they misunderstood the process.

"This 'safety net' proposal brings up two important issues. First, if DHS is going to include it, then positive re-enrollment is totally unnecessary. Under the current system, all QUEST recipients may select a new plan during 'open enrollment' each July. If a recipient fails to select a new plan, they remain in their existing plan. This sensible set-up is what you and I experience each year with our health plans, resulting in no unintended disruption in critical medical service. The current open enrollment system provides more than enough incentive for companies like Summerlin to compete with AlohaCare and others.

"The other issue I have with the 'safety net' proposal is whether it is realistic. I find it hard to believe that every single receptionist, medical assistant, nurse, office worker, etc. at every health center, hospital, etc. will understand exactly what to do if a patient shows up and does not appear on the computer as covered under a qualified plan.

"I have represented a number of people who have fallen through the cracks of the QUEST system. One woman was told by QUEST that she was covered, that her card was in the mail, and provided with an identification number. Later that day she appeared before her doctor for a medical emergency and provided the receptionist with her identification number. Unfortunately, the receptionist could not verify with QUEST that the woman was covered, and charged her \$1,200 out of pocket for the services. Later that same day, the woman went to another medical center and received services under QUEST without a problem. Mr. Speaker, this unfortunate incident occurred in 2004 and there still has not been a resolution.

"Thus, I am very concerned that the safety net proposed with positive re-enrollment will prove to be unworkable.

"Mr. Speaker, the non-profit health care centers that own AlohaCare provide care to all, including the uninsured. Besides that, they willingly accept QUEST patients, despite the low reimbursement rates.

"To fund this extremely costly endeavor, the health centers created AlohaCare, which stepped in to fill the void when other insurance companies pulled out of the challenging business of providing care to the poor and needy. This effort toward decreasing dependence on government subsidies by self-funding through AlohaCare is a model that should be applauded and supported whole-heartedly by the Legislature.

"Do we want to unduly assist a for-profit company from the mainland that is trying to undercut locally owned companies providing healthcare to the poor such as HMSA and AlohaCare?

"The bottom line is this. Sure we want to encourage competition if it will result in better care for Hawaii's indigent population. But at what cost? On the one hand, we can go the route that will risk disruption in services to the patient. On the other hand, we can go the route that will risk providing fewer incentives for the companies. There is only one answer: We as government must not take any risk that could harm an indigent patient.

"Colleagues, do what is right and support this legislation."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 81, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS THE IMPACT OF POSITIVE ENROLLMENT IN THE RECENTLY ISSUED QUEST REQUEST FOR PROPOSAL," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

At 12:27 o'clock p.m., Representative Arakaki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:31 o'clock p.m.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1836-06) recommending that S.C.R. No. 86, SD 1, as amended in HD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 86, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE HAWAII 2050 TASK FORCE TO USE A SCIENCE-BASED FRAMEWORK AS THE GUIDE TO MAPPING AND MEASURING THE SUCCESSES IN REALIZING THE GOALS OF THE SUSTAINABILITY PLAN," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1837-06) recommending that S.C.R. No. 49, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 49, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY OF THE STATE FIRE COUNCIL," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Caldwell, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1838-06) recommending that S.C.R. No. 106, SD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 106, SD 1, be adopted, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in support of this concept that's stated in this Resolution in that, I think it's a very good idea that we as policymakers continue to not support bullying or any type of violence in the workplace. In every Session we should be addressing this issue.

"But I just wanted to raise a concern because this seems to run very counter to certain provisions in a bill making itself through the Legislature with uninsured insurance which will encourage and make it very easy for those that are fired for bullying or violence in the workplace, make it very easy for them to get unemployment benefits for a pretty good time. Plus also under that particular bill, it increases their benefits.

"So I really think that if we're going to send a message to the employers and the employees of the State of Hawaii, that this is in fact the message that we want to take, there needs to be some type of a penalty for those employees that are released from work due to violence or bullying. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 106, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HAWAII EMPLOYERS TO DEVELOP AND IMPLEMENT STANDARDS OF CONDUCT AND POLICIES FOR MANAGERS AND EMPLOYEES TO REDUCE WORKPLACE BULLYING AND PROMOTE HEALTHFUL AND SAFE WORK ENVIRONMENTS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1839-06) recommending that S.C.R. No. 14, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 14, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO PREVENT AND FIGHT AGAINST INVASIVE SPECIES IN HAWAII," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Abinsay and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1840-06) recommending that S.C.R. No. 159, SD 1, as amended in HD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 159, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1841-06) recommending that S.C.R. No. 31, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 31, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN ANALYSIS OF PROPOSED REGULATORY MEASURES REQUIRING PROFESSIONAL LICENSURE OF GENETIC COUNSELORS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Ito and Morita, for the Committee on Public Safety & Military Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1842-06) recommending that S.C.R. No. 170, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 170, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNITED STATES HOUSE OF REPRESENTATIVES SUPPORT AND PASS H.R. 4259, THE VETERANS' RIGHT TO KNOW ACT, WHICH CREATES A COMMISSION TO BRING RELIEF TO VETERANS INVOLVED IN PROJECT 112 AND THE SHIPBOARD HAZARD AND DEFENSE PROJECT AND OTHER INCIDENTS OF CHEMICAL OR BIOLOGICAL TESTING," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1843-06) recommending that S.C.R. No. 147, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 147, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CONGRESS OF THE UNITED STATES TO AUTHORIZE AND APPROPRIATE FUNDS TO ALLOW ALL MEMBERS OF THE ARMED FORCES RESERVE COMPONENT TO ACCESS THE TRICARE PROGRAM," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1844-06) recommending that S.C.R. No. 12, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 12, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Reservations, please. Mr. Speaker, I spoken out on this subject several times. This measure is requesting the Department of Defense to present a Homeland Security plan to the Legislature. And this Body earlier took a very prudent course, I believe, in passing out a measure to the Senate to setup an oversight committee where sensitive material which could possibly aid terrorist could be disclosed within that body and still remain not publicly disclosed so as to threaten our State and our people.

"This measure just asks for them to present the material to the Legislature which makes it completely public knowledge and I think it's not the prudent way to go. Thank you."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 12, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1845-06) recommending that S.C.R. No. 32, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 32, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Halford rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, this is a fairly bizarre Resolution in my view. On the face of it, it sounds okay. Requesting the State Ethics Commission to Review Possible Ethics Violations Committed by the Department of Business, Economic Development, and Tourism, which is referring to the Asian trips.

"Fairly bizarre Mr. Speaker, in several respects. One, this is not really an order of importance. Now first of all, the testifiers on this bill, there was only one person who planned to testify in favor of this Resolution and that is the Majority Leader. As you know, Mr. Speaker, from time to time, it's not very often, but sometimes we have a Representative sitting on the other side of the conference table and usually that's okay. In this particular case, the Majority Leader had very comprehensively put together testimony that if it was useful or valuable, one would think that members of the public would be interested and might have testified too.

"Well actually one member of the public did testify. A member of the public who's just sitting in the audience and heard the issue. He was there to speak about something else and decided that he would comment, but otherwise the only planned speaker in favor of this Resolution was the Majority Leader.

"Another unusual phenomena about this bill is that present was Mr. Mollway, who we are asking to pursue this the request of the Resolution, stated that, he had never seen this before. He had never seen a Resolution asking him to act. He's seen complaints before, but never a Resolution asking him to act. And he was not giving us a very clear signal about exactly what he was going to do except to say that he would be paying attention to the Legislature.

"Additionally, Mr. Speaker, there is report deadline asking for this, results of this review by September 1, '06. Are we having a Special Session, Mr. Speaker, in September? Normally we're asking for reviews to come back in December so when we're in Session we can take some action if we learn something useful. But to pick a date that's within a month of the primary election is, in my view, bizarre. And it hasn't been answered, why would we want that answer a month from the primary election.

"Additionally, Mr. Speaker, we have already asked the Auditor to review the trips to Asia. We did that in a previous Resolution. And that in itself was an interesting step, although I voted in favor of that Mr. Speaker, because I'm okay that this Legislature be clear about all of the great things that were done to create that trip and the great outcomes that came from that trip. So I think a review is okay.

"But in light of that and now this Resolution asking for the Ethics Commission to study this, this looks like we're trying to get all of the dogs to attack at once. And particularly to ask for the results by September 1. It's certainly not for us as a Legislature because we're not going to convene and do anything about it. Maybe it's for the press, but certainly not for our action.

"And additionally Mr. Speaker, as was brought up during the Resolution about the Auditor's review, which is the same subject matter essentially, apparently from the testimony we're trying to drive at exactly the same information."

Representative Finnegan rose to yield her time, and the Chair, "so ordered."

Representative Halford continued, stating:

"During testimony for that, the issue was brought up from the proponents, which is Leadership essentially Mr. Speaker, proponents for this 'headhunt', I guess. I'm couching it now as 'headhunt' because I'm seeing this report date, rather than an information gathering phenomenon, which is what I was voting yes on. I voted yes on the Auditor Resolution because I'm okay with information gathering. But compounding these, that perhaps it's a headhunt, Mr. Speaker. And in the previous testimony, the Auditor review, the issue of 'pay-to-play' came up. That the purpose of Leadership is to look at 'pay-to-play'.

"Mr. Speaker, I'm okay to talk about 'pay-to-play', but that is a whole other issue. When we conduct fundraisers during Session, that can be characterized as 'pay-to-play'. When the Majority conducts a fundraiser during Session, where 80% of the Members of this Body conduct a fundraiser ..."

Representative Yamane rose to a point of order, stating:

"Point of order. Are we discussing fundraisers during this Legislative Session, or are we talking about the Resolution, Stand. Com. Report 1845?"

The Chair responded, stating:

"We're addressing the Stand. Com. Report 1845, Requesting the Ethics Commission to Review Possible Ethics Violations Committed by the Department of Business, Economic Development, and Tourism."

Representative Yamane: "Okay, I'm just trying to clarify since the speaker seems to be straying."

Representative Halford continued, stating:

"Thank you. So the issue of 'pay-to-play', if that's what this wishes to examine, then let's examine 'pay-to-play', including the majority of this Body fundraising during Session, asking for up to \$2,000 to attend a fundraiser, attended by almost anyone that wants to have their bills passed.

"So Mr. Speaker, let's do talk about 'pay-to-play' and I hope that issue comes up for further discussion as a general activity in government. How does 'pay-to-play' go in government, and how do we ourselves do that. But regarding this ethics review, I would be okay if someone wants to file a complaint, which is the normal process. But this Mr. Speaker, is bizarre. It's never been done before. And frankly, at the hearing, the Ethics Commissioner really didn't know what to do with it. Thank you."

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I will be voting with reservations on this measure. Let me explain why. I attended the hearings specifically because as a citizen participant last Session, procurement was a big issue for myself as a citizen. And one of the reasons is because procurement is becoming a huge industry in the State of Hawaii. And what this measure attempts to do is it attempts to attack, I think a very negative perception. And there is a very negative perception in the community of what this particular measure is discussing, and for that I support looking into this so that we can make a determination.

"However, with that being said, I took the time to attend the hearing as a sitting legislator because of my past experiences with procurement and the procurement industry. And I was there specifically so that I could ask the State Procurement Office, which was one of the testifiers, a specific question because I think we need to get to the bottom of this. Is this good? Or is this bad? Or is this a gray area that we need to fix?

"However, reducing this to some type of a across the aisle issue of us versus them, I don't think is the correct way to do this. In talking with those in the federal procurement enforcement side, they find this to be very suspect also, and it does not perceive, and does not look well with the public. However, with that being said, while I sat in the hearing, I was waived off so I couldn't ask a very important question that I think might have given us some guidance on a way to deal with these types of issues.

"Last Session, again as a citizen participant, one of the issues that I worked very hard to do was to get the Hawaii Procurement Institute under the School of Law at the University of Hawaii. Who more can we trust than the School of Law? And we have a brain trust there that would be able to look at this and give us an opinion if this is in fact a gray area and perhaps give us suggestions on how to fix this type of things from happening.

"So making this into a partisan, ethics type of an issue, I think is going down the wrong trail because ethics and procurement are like oil and water, they just are two very different things. So we need to know, is this wrong or is this right? And until we get the wrong or right answer, we're going to have a bad perception and this is not going to solve that perception because it looks very partisan to me. Thank you."

Representative Halford rose to a point of information, stating:

"Just a point of information, Mr. Speaker. This Resolution in it's form now, deleted all reference to procurement. That this deal with ethics only. It did as was pointed out, deal with procurement when she was at the hearing, but since then all procurement issues have been deleted from this. Thank you."

Representative Magaoay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On the same measure, I'm standing in support of this measure. And I appreciate the Representative from Maui for clarifying that basically it was procurement and ethics, and we deleted the procurement on this because of the information that was given.

"Just for the information regarding the State Ethics Commission, the way this Resolution is right now is basically if you read it and on page 2 because it says be it further resolved, pursuant section 84-31 (a) (7), the Hawaii State Ethics Commission is requested to educate the Legislature on its history regarding the ethical aspects of its review no later than September 1st of 2006. This is the basic essence of this Resolution.

"As far as the question relating to why is it September 1st? Why not the end of year, prior to Session? I spoke with the Executive Director at length. And speaking with the Executive Director trying to get a straight yes or no, it takes a while before you get a final answer, if you do get an answer. So we left the Resolution the way it is as September 1st. So I ask my colleagues to stand in support. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to the measure. I think the Representative from Maui makes a good point and my colleague from Kahuku, trying to explain the September 1st date, I don't think makes any sense. It's actually, the way it reads, they want this report no later than September 1st. It doesn't make any sense. And it brings up the intent of looking like this is trying to make this a political problem. Thank you, Mr. Speaker."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm also voting no on this measure. Mr. Speaker, it looks uncomfortably politically motivated. And I don't think it does credit to this Body to pass it."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with some reservations on this measure. As we heard, both the Auditor and the State Ethics Commission will be now reviewing the procedures used in funding the trips to Asia. It seems like this is just a duplicative effort. And I would like to see something like a lead investigator chosen, appointed to lead the effort, if we want to investigate this. It just seems like having two bodies running independent investigations, is duplicative to me so, I just have that reservation. Thank you."

Representative Pine rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Moses rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Souki rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I wish to speak in favor of the Resolution. I'm quite amazed at some of the speeches done by my friends across the aisle. There's an old saying, it was made by a great man years ago who said that, 'Who is without sin, cast the first stone.' Thank you very much."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Just very briefly to clarify. I think the prior resolution that we took a look at, when we asked the Auditor to take a look at what went on, really had to do with the issues of procurement, that's Chapter 103D.

"This is different. This is having to ask the Ethics Commission to take a look at whether there were violations. That's an entirely separate chapter. That's taking a look at Chapter 84, specifically Section 84-13 regarding fair treatment, which says, 'that no legislator or employee shall use, or attempt to use, their official position to secure or grant unwarranted privileges, exemptions, advantages, contracts or treatment for one self or others.'

"It's very broad. It does state that we basically cannot be interfering to try and give preferential treatment to certain individuals. And that's the underlying question that we have to answer. And while some of that may be addressed through the procurement code, some of that also should be address through the State's ethics code. Thank you."

Representative Wakai rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Mr. Speaker, the Representative from Kihei brought up how it's wrong for lawmakers to have fundraisers during the legislative session and that conjures up the impression of 'pay-to-play'. But I do want to point that he himself has a fundraiser tomorrow night at Nick's Fish Market, so I don't know where the hypocrisy is in his discussion this morning."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The Chair addressed Representative Halford, stating:

"Representative Halford, for what purpose do you rise? This is your third time. Are you rising on a point of personal privilege? The Chair will allow you to state your point of personal privilege."

Representative Halford rose, stating:

"Okay. It is true that I am having a fundraiser tomorrow and that is a common long standing practice in this Legislature for decades. But what is not common, and as far as I know, never occurred before two years ago was that a legislative Political Action Committee with essentially 80% of the body, holding a fundraiser, a leadership Political Action Committee holding a fundraiser during Session to push legislation. That was the point I was going after, Mr. Speaker."

Representative Evans rose to a point of personal privilege, stating:

"Point of personal privilege. I just want to state that the previous speaker, at least as I'm listening to this conversation, is implying that we, maybe all of us have fundraisers. And I just want to state for the record, I did not and do not plan on having a fundraiser during Session. Thank you."

Representative Ching rose in support of the measure with reservations, asked that her written remarks be inserted in the Journal, and asked that the remarks of Representatives Halford and Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise with grave reservations on this measure. This bill requests the State Procurement Office and the Ethics Commission to investigate the circumstances of the 2005 trip organized by the Department of Business, Economic Development, and Tourism.

"DBEDT did not oppose this measure as the Department favors a transparent, open-door policy, and if the public is reassured, then there may be a possible benefit so I will not cast a no vote. However, it must be stated that DBEDT's purpose in undertaking this type of trade mission was to put Hawaii's best foot forward in efforts to strengthen economic ties and to develop new markets and new opportunities for the State and its businesses. In order to best represent our State abroad and to put our best foot forward (accurately portraying the quality of our entrepreneurial talent) public-private partnerships were sought.

"My grave concerns are that the premise of any wrongdoing is unfounded and that this measure may only serve to hurt the business community and prevent them from participating in the future, therefore unfortunately amounting to a partisan attack at the expense of the business community and ultimately this State."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'll be voting with reservations because of the September date before the election. If the report came in after the next Session, it might be of more use to the new Members who may be elected this coming November for possible use for legislation next Session. But before that, they'll be the old Members of this House. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 32, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ETHICS COMMISSION TO REVIEW POSSIBLE ETHICS VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM," was adopted, with Representatives Halford, Meyer, Moses and Thielen voting no, and with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1846-06) recommending that S.C.R. No. 130, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 130, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO RECOMMEND SOLUTIONS TO ABATE AND PREVENT THE ACCUMULATION OF SEDIMENT AT WAILOA SMALL BOAT HARBOR AND ALONG HILO BAYFRONT," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1847-06) recommending that S.C.R. No. 137, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 137, entitled: "SENATE CONCURRENT RESOLUTION URGING THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS AND THE STATE OF HAWAII TO AFFIRM AND SUPPORT THE HISTORIC, CULTURAL, AND SACRED SIGNIFICANCE OF MAUNA'ALA-THE ROYAL MAUSOLEUM," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1848-06) recommending that S.C.R. No. 148, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 148, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO WORK WITH THE SAMUEL MILLS DAMON ESTATE TRUSTEES, MOANALUA GARDENS FOUNDATION, THE TRUST FOR PUBLIC LANDS, THE NATURE CONSERVANCY, AND OFFICE OF HAWAIIAN AFFAIRS TO PURCHASE THE MOANALUA GARDENS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Kanoho, for the Committee on Water, Land, & Ocean Resources presented a report (Stand. Com. Rep. No. 1849-06) recommending that S.C.R. No. 98, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 98, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"I'd like to ask for a ruling on a potential conflict of interest. On Senate Concurrent Resolution No. 98, the subject matter initially discussed on page 1 is actually a lawsuit that I am representing the community against the City and County of Honolulu," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 98, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH CAUTION IN REVIEWING DEVELOPMENTS ON STEEP HILLSIDES WITH POTENTIAL ROCKFALL HAZARDS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Kanoho and Karamatsu, for the Committee on Water, Land, & Ocean Resources and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1850-06) recommending that S.C.R. No. 196, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committees be adopted, and that S.C.R. No. 196, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in strong support of Senate Concurrent Resolution 196.

"The Turtle Bay expansion project has divided the North Shore community into two camps, for and against the proposed development of five new hotels, built over a long-term period, based on a City special management area granted 20 years ago. Both sides claim that the quality of life for the North Shore residents will be harmed if the opposing side gets its way.

"Senate Concurrent Resolution 196 asks for a rigorous reexamination of the Turtle Bay expansion project by the City and County of Honolulu Council. In 20 years time, conditions of the North Shore and the island of Oahu have changed. If we are truly to do what's best for the people of the North Shore, the development should go through a process that meets the standards of today and the needs of tomorrow, not those set in 1986.

"What have been the significant changes? For one thing, traffic on the North Shore has increased dramatically over the years, particularly along Kamehameha Highway due to the tremendous popularity of the surf meets, people flocking annually in awe of the high surf, and the enjoyment of the world renowned beaches by both locals and visitors.

"Over the past 20 years, the developments of Ko'Olina and Kapolei have put a significant strain on the infrastructure and resources of West Oahu. In addition to traffic, this includes health care services, landfill capacity, water and affordable housing. Can a third major development be supported on Oahu?

"The environment impact statement (EIS) completed in 1985 failed to address the impact of the project on customary and traditional practices of native Hawaiians. The EIS did identify known prehistoric settlements in the development area, and the development plan calls for the disinterment of any burial remains found during the project construction. By today's standards, this does not adequately or fully take into account the environmental impact of the development on native Hawaiian culture.

"The Department of Health's administrative rules require that if the timing of a project has been significantly changed, the environmental impact statement must be supplemented. Due to the size and scope of the developer's plans, we propose that the City should follow through on this, as well as require the developer, Kuilima Resort Company to do more.

"SCR 196 calls for not only the reexamination of the special management area permit, including the supplemental environmental impact statement, but recommends that the City also review the Land Use Commission's action to reclassify this area from the agricultural to the urban district in order to facilitate the project, and the Unilateral Agreement filed with the Bureau of Conveyances that require certain conditions.

"While unusual, there is legal precedent in the City to take this route. The Hawaii Supreme Court affirmed an issuing agency's right

to review, revoke or modify special management area use permits in *Morgan v. Planning Department County of Kauai*, 104 Ha. 174, 86p.3d982(2004).

"Change, especially on something as permanent as land development, is always hard on a community. As I talk to the people of the North Shore, both for and against the Turtle Bay Expansion, there is mistrust and divisiveness growing to a harmful degree. People expect you to take a side in what has become a bitter battle, and that will only result in one side winning and one side losing.

"We have a better chance of getting on both sides winning if we can focus on areas where there may be common ground – good jobs with decent pay for residents in the community, affordable housing for some employees, cultural sensitivity, beach access and support for local fishing, surfing and family gatherings, preserving the sense of Hawaiian country.

"I don't believe anyone expects the North Shore to stay in a time warp, so if we are to move forward with some sort of development, let it be one in which the people's best interest drive the nature, size and scope of the project. That includes holding government accountable for thoroughly examining the environmental, economic, social and cultural impact that this community will be forced to live with for generations to come.

"Thank you Mr. Speaker and I ask my colleagues to support me on this bill. Malama Pono."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.C.R. No. 196, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Kanoho and Kahikina, for the Committee on Water, Land, & Ocean Resources and the Committee on Housing presented a report (Stand. Com. Rep. No. 1851-06) recommending that S.C.R. No. 195, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 195, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HONOLULU BOARD OF WATER SUPPLY OF THE CITY AND COUNTY OF HONOLULU TO WORK WITH THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII ON THE REPLACEMENT OF THE WAIHAOLE VALLEY WATER SYSTEM AND FOR THE BOARD OF WATER SUPPLY TO ACCEPT DEDICATION OF THE UPGRADED WATER SYSTEM," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Kanoho and Souki, for the Committee on Water, Land, & Ocean Resources and the Committee on Transportation presented a report (Stand. Com. Rep. No. 1852-06) recommending that S.C.R. No. 23, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 23, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DEDICATE BERTHING AREAS IN EACH COUNTY WHERE NON-PROFIT ORGANIZATIONS CAN MOOR THEIR VOYAGING CANOES," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1853-06) recommending that S.C.R. No. 13, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 13, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO CONVENE A WORK-FAMILY TASK FORCE TO REVIEW HAWAII'S WORK-FAMILY LAWS AND POLICIES, AND REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY OTHER STATES' LAWS AND PRACTICES THAT PROMOTE GOOD WORK-FAMILY POLICY," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1854-06) recommending that S.C.R. No. 37, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 37, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE REGULATION OF MIXED MARTIAL ARTS," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1855-06) recommending that S.C.R. No. 97, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 97, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF STUDENT HOUSING SERVICES AT THE UNIVERSITY OF HAWAII AT MANOA," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1856-06) recommending that S.C.R. No. 128, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 128, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF HAWAIIAN HOME LANDS ENTER INTO A LEASE/PURCHASE AGREEMENT FOR THE CONSTRUCTION OF A NEW OFFICE FACILITY ON HAWAIIAN HOME LANDS IN EAST KAPOLEI TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1857-06) recommending that S.C.R. No. 211, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 211, be adopted, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Just in strong support and appreciation to the Committee in passing out this Resolution, this Concurrent Resolution. I think that it's helpful because many of our historic preservation professionals, which by the way take care of many

different sites, through them, like the previous page is in support of Mauna 'Ala, where our former kings and queens of the Kingdom of Hawaii are buried. But also there are the different temples, our Shinto Temples, our Buddhist Temples, that are all very much in need of help. And what is interesting about this is that a number of the people who help these artifacts of our cultures and preserve these educational infrastructures which serve to educate our children, a number of them are supported by those individuals with training and skill and they all happen to be, for some reason, are often a generation above us.

"Maybe back then it was more valued. Maybe understanding where you came from and your history was valued more for some reason in generations past. But what happens in that situation is that our present generation isn't trained. So this portends a very real crisis because if we don't have people who are trained to preserve these sites, they won't be preserved or we'll have to pay the price of importing experts from the mainland which there are not that many there either. So I'm really pleased with the passage of this Concurrent Resolution in protecting the future for our children. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 211, entitled: "SENATE CONCURRENT RESOLUTION SUPPORTING A FOUR-YEAR DEGREE PROGRAM IN HISTORIC PRESERVATION AT THE UNIVERSITY OF HAWAII," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Takamine, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1858-06) recommending that S.C.R. No. 85, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 85, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Mr. Speaker. On 1858, I'm rising in opposition. Thank you, Mr. Speaker. Mr. Speaker, the Board of Education and OHA are elected and they do provide the information that's requested in this Resolution. But the Regents are appointed. And they answer to both the Governor and to the Senate, which must confirm them. The Regents in question, mentioned in this Resolution, all recused themselves, they disclosed the possible conflicts and they left the room during deliberations and voting. So there was no conflict of interest.

"But what we're doing here is we're responding to newspaper reports that there were conflicts of interest in the Board. I guess since newspapers are considered gospel, then what about conflicts that the newspaper have discussed going on at the Legislature. There's been several in the past three or four days, and what do we do about them? Well, we don't do anything. But this Resolution to me is very suspect.

"It's another, let's attack those that have been appointed by the Governor. That's exactly what it appears to be. Some can say, well the WASC had some problems with the Regents. They had a report on that and I'll let my colleague discuss that in a moment, but that was all resolved. The testimony we received said it was resolved. And yet here we are with this Resolution. Again, in opposition."

Representative Herkes rose to speak in support of the measure, stating:

"In support. You're all familiar with the proposal by two Regents for the University of Hawaii procurement policy that was quite bizarre. I think you'd support this Resolution. And there's been other

problems with Regents attempting to override the State procurement code."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition. When this Resolution was heard in Finance, the Vice President for Legal Affairs at the University, Walter Kirimitsu, testified to the fact that there was no need for this Resolution. He did refer to these reports by the Western Association of Schools and Colleges and the negative report came out in March of '04, but it was at a very tumultuous time at the University when the Board of Regents did not have a very good relationship with the President of the college. They came back and did another report that came out in December 21st, when that President was not there anymore. There had been changes in the Regents and they gave a very positive report.

"The Board of Regents have to comply with the bylaws which are set forth in Article X of the Board of Regents bylaws. And these are much more stringent than what is in the State of Hawaii Ethics Code, which they also must comply with. But as far as if there was any thought that they may have a conflict of interest, the Regents may not vote. And as the Representative from Makakilo said, they can't even be in the room when there's any discussion or deliberation. It's in the Article X, it is saying restraint on participation. They may not even be present to hear the discussion on the particular matter that they feel they shouldn't vote on. So I think that they are doing a good job.

"The other part of this Resolution which is going to ask the Auditor to decide whether the Regents should have financial disclosure statements that must be available to the general public. There are others. Members of the Board of Land and Natural Resources do not have to make their financial disclosures public. That could be an impediment for people being willing to serve as Regents. Very well qualified people who may not want the whole world to know everything about their financial affairs. So for those reasons, I'll be voting no."

Representative Pine rose to speak in support of the measure with reservations, stating:

"I just wanted to also note my reservation. It just seems like, I guess what a cynic would say, that we are abusing our power for political purposes and that's why I have reservations. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Reservations for the same reasons."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Thielen rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 85, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE UNIVERSITY OF HAWAII BOARD OF REGENTS' CONFLICT OF INTEREST POLICY," was adopted, with Representatives Meyer and Moses voting no, and with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1859-06) recommending that S.C.R. No. 76, SD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 76, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING HEALTHCARE FACILITIES IN THE STATE OF HAWAII TO IMPLEMENT THE 'UTILIZATION GUIDE FOR THE AMERICAN NURSES ASSOCIATION PRINCIPLES FOR SAFE STAFFING,'" was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1860-06) recommending that S.C.R. No. 70, as amended in HD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 70, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO DETERMINE A MEANS FOR A CHILD TO BE SCREENED PRIOR TO THE START OF THE CHILD'S EDUCATION, AT THE CHILD'S FIRST ENTRY INTO PRESCHOOL AND ELEMENTARY SCHOOL, TO PROVIDE FOR DIAGNOSIS, REFERRAL, CORRECTION OR TREATMENT, AND TO INTEGRATE THE EFFORTS OF COMMUNITY AND STATE ORGANIZATIONS RELATED TO SCREENING UNDER THIS HAWAII CHILDHOOD SCREENING INITIATIVE," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1861-06) recommending that S.C.R. No. 72, SD 1, as amended in HD 1, be adopted.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 72, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for another ruling on a potential conflict. I'm representing community groups suing the City and County of Honolulu for the sewage spills that occurred," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 72, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER CONDUCTING BACTERIA-LEVEL TESTING OF THE SAND AT ALL BEACHES WHERE CONTAMINATED WATER WARNING SIGNS HAVE BEEN POSTED DUE TO CONTAMINATION CAUSED BY A SEWAGE SPILL," was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1862-06) recommending that S.C.R. No. 118, SD 1, as amended in HD 1, be adopted.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 118, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO CONVENE A TASK FORCE TO RESEARCH AVENUES OF APPROPRIATE FINANCING FOR CAPITAL IMPROVEMENTS FOR FEDERALLY QUALIFIED HEALTH CENTERS, INCLUDING USE OF REVOLVING LOAN FUNDS,"

was adopted, with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1863-06), recommending that S.C.R. No. 41, be referred to the Committee on Judiciary.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 41, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE EXECUTIVE OFFICE ON AGING TO COLLABORATE ON PROVIDING TRANSPORTATION TO SENIORS AND TO VISUALLY IMPAIRED PERSONS, AND EXPRESSING THE LEGISLATURE'S SUPPORT FOR FEDERAL LEGISLATION TO PROVIDE FUNDING FOR ITNAMERICA FOR A FIVE-YEAR NATIONAL ROLL-OUT AND GRANTS," was referred to the Committee on Judiciary with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1864-06), recommending that S.C.R. No. 44, be referred to the Committee on Finance.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 44, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A MANAGEMENT AUDIT OF THE CAPITAL IMPROVEMENT PROJECTS OF THE DEPARTMENT OF TRANSPORTATION," was referred to the Committee on Finance with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1865-06), recommending that S.C.R. No. 217, be referred to the Committee on Finance.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 217, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COUNTIES TO ADOPT AN ORDINANCE TO PARTICIPATE IN THE NATIONAL FLOOD INSURANCE PROGRAM COMMUNITY RATING SYSTEM TO OBTAIN MONETARY DISCOUNTS IN PURCHASING FLOOD INSURANCE," was referred to the Committee on Finance with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Arakaki, for the Committee on Health presented a report (Stand. Com. Rep. No. 1866-06), recommending that S.C.R. No. 71, SD 1, be referred to the Committee on Finance.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 71, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ISSUES HOSPITALS FACE WITH REGARD TO WAIT LISTED PATIENTS IN HAWAII IN NEED OF LONG TERM MEDICAL CARE," was referred to the Committee on Finance with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representatives Arakaki and Hale, for the Committee on Health and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1867-06), recommending that S.C.R. No. 145, be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Takai, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 145, entitled: "SENATE CONCURRENT

RESOLUTION URGING THE NATIONAL COUNCIL OF STATE BOARDS OF NURSING TO CONDUCT THE NATIONAL COUNCIL LICENSURE EXAMINATION IN THE CITY OF MANILA IN THE REPUBLIC OF THE PHILIPPINES," was referred to the Committee on Consumer Protection & Commerce with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1868-06), recommending that S.C.R. No. 216, as amended in HD 1, be referred to the Committee on Judiciary.

Representative Takai moved that the report of the Committee be adopted, and that S.C.R. No. 216, HD 1, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I will be voting with reservations on this measure. And it sort of is a little deviation from all of these Resolutions that I have been introducing and being criticized for introducing. But the reason I'm voting with reservations on this is because I really questioned whether or not we need a taskforce, whether we need statutory provisions, whether we need anything to do that magical word that seems to be the word of the century in this Body, which is 'transparency'.

"Since being here, moving from being a citizen participant into being a real life participant, I found that transparency is somewhat of a figment of all of our imaginations. And once I realized that my imagination wasn't fooling me, that is the reason why I have been introducing all these Resolutions.

"We have before us, Members, the rules of the House of Representatives, which also relies on the *Mason's* Rules of Legislative Procedures, and guess what? These rules are here for one reason. For our behavior, for how we proceed, but basically it's there to give transparency to the people that we represent. And I firmly believe that transparency is so vividly missing in this Session that it just really angers me to the point that I just don't realize, I just can't understand, why we would have to statutorily tell ourselves that we need to be transparent to the people that we are representing.

"If we all look at Section 13 in *Mason's* Rules, it says that within 24 hours, we can change rules. We can do everything that is in this Resolution that's going to require a taskforce to sit around between now and let's see ... To report back maybe in a year or two on how to have transparency. Transparency is simple. Fix the rules. Follow the rules. Set things 24 hours before they're scheduled to be set. We have wonderful Internet capacities. We can PDF proposals, so that we don't have to run to offices to get them. We can have instantaneous transparency. So let us put this aside and let us look at some of the Resolutions that are pending before this Body that have been referred away, but will soon be back on the Floor. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 216, HD 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING A LEGISLATIVE TASK FORCE TO MAKE RECOMMENDATIONS FOR STATUTORY ENACTMENT TO ENHANCE TRANSPARENCY IN LEGISLATIVE PROCEEDINGS," was referred to the Committee on Judiciary with Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine being excused.

CONFERENCE COMMITTEE REPORT

At this time, the Chair announced:

"For the Members of this House, please note the 48-hour notice for Conference Committee Report No. 5-06 as listed on page 15. So all of you have the responsibility now during the next 48 hours to know what the summary of this particular measure is all about as a Conference draft. That is what transparency is."

Representatives Chang and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2213, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 5-06) recommending that S.B. No. 2213, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 5-06 and S.B. No. 2213, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," was deferred for a period of 48 hours.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 285) was placed on the members' desk and referred:

H.R. No. 285, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE THAT THE ORDER OF THE DAY BE POSTED IN BOTH PAPER AND ELECTRONIC FORM AT LEAST TWENTY-FOUR HOURS IN ADVANCE," was offered by Representative Harbin.

ANNOUNCEMENT

Representative Finnegan: "Thank you, Mr. Speaker. As you know in some of the actions that I did in the past, I am a strong supporter of the 24-hour notice. And therefore, I'd just like to announce that tomorrow, during tomorrow's Floor session, I'll be making a motion to recall Senate Bill 3279, SD 2, HD 1, from the Judiciary Committee.

"After recalling the bill from the Judiciary Committee, should it be successful, I've prepared and will be making a motion to amend the bill, to address the concerns of the Judiciary Chair, Vice Chair, and the Representative from Puna, regarding this medical malpractice reform bill. The report title is: Medical malpractice insurance and premiums; and the description is: Lowers medical malpractice insurance premiums by adopting legislation that directly affects elements impacting medical malpractice insurance rates. And copies of the amendment are available in my office, Room 328. Thank you."

ADJOURNMENT

At 1:07 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Tuesday, April 25, 2006. (Representatives Chang, Nakasone, M. Oshiro, Sonson, Stonebraker and Takamine were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 24, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measure:

H.B. 1935,
HD 1, SD 1

Added Representative Marumoto as a member.

House Communication dated April 24, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measure:

S.B. 2545,
SD 2, HD 2

Added Representative Cabanilla as a member.

House Communication dated April 24, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following change to the conferees on the following measure:

S.B. 2926,
SD 1, HD 2

Added Representative Meyer as a member.

House Communication dated April 24, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bill has this day passed Final Reading in the House of Representatives:

S.B. No. 2609, SD 1, HD 1, CD 1

FIFTY-FIFTH DAY

Tuesday, April 25, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:09 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Bertha C. Kawakami, after which the Roll was called showing all members present.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Fourth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 269 through 275) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 269, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2295, entitled: "A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS." (ACT 013)

Gov. Msg. No. 270, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2297, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS." (ACT 014)

Gov. Msg. No. 271, informing the House that on April 24, 2006, the following bill was signed into law:

H.B. No. 2400, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ACQUISITION OF WAIMEA VALLEY, OAHU." (ACT 015)

Gov. Msg. No. 272, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2337, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION." (ACT 016)

Gov. Msg. No. 273, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2338, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE DEVELOPMENTAL DISABILITIES DIVISION." (ACT 017)

Gov. Msg. No. 274, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2340, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES." (ACT 018)

Gov. Msg. No. 275, informing the House that on April 24, 2006, the following bill was signed into law:

S.B. No. 2347, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT

OF HEALTH FOR THE FAMILY HEALTH SERVICES DIVISION." (ACT 019)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 809 through 843) were received and announced by the Clerk:

Sen. Com. No. 809, dated April 24, 2006, informing the House that on April 17, 2006, the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House [sic] to the following House Bill:

2626, SD1 Taniguchi, Chair; Tsutsui, Trimble

Sen. Com. No. 810, informing the House that S.B. No. 2609, S.D. 1, H.D. 1, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI," passed Final Reading in the Senate on April 24, 2006.

Sen. Com. No. 811, dated April 24, 2006, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Concurrent Resolution:

67, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF HUMAN SERVICES ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANSION PROGRAM."

Sen. Com. No. 812, transmitting H.C.R. No. 16, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING APPROPRIATE SAFEGUARDS BE INSTITUTED IN HEALTH CARE FACILITIES TO MINIMIZE THE OCCURRENCE OF MUSCULOSKELETAL INJURIES SUFFERED BY NURSES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 813, transmitting H.C.R. No. 53, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION AND THE COUNTY FIRE CHIEFS TO COLLABORATE AND COOPERATE TO REACH A MUTUALLY AGREEABLE SOLUTION OVER FIRE INSPECTION RESPONSIBILITIES AT THE HONOLULU INTERNATIONAL AIRPORT AND OTHER STATE AIRPORTS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 814, transmitting H.C.R. No. 62, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES OFFICE OF PERSONNEL MANAGEMENT TO TREAT HAWAII FEDERAL EMPLOYEES WITH REGARD TO PAY AND RETIREMENT BENEFITS THE SAME AS FEDERAL EMPLOYEES WHO RESIDE IN THE FORTY-EIGHT CONTIGUOUS UNITED STATES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 815, transmitting H.C.R. No. 69, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AND OPERATE A STATEWIDE SUICIDE EARLY INTERVENTION AND PREVENTION PROGRAM," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 816, transmitting H.C.R. No. 73, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A SUNRISE REVIEW OF THE CERTIFICATION OF NURSE AIDES WHO WORK IN SETTINGS OTHER THAN MEDICARE- OR MEDICAID-

CERTIFIED NURSING FACILITIES AND THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO RESCIND ITS DECISION TO END CERTIFICATION OF THESE NURSE AIDES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 817, transmitting H.C.R. No. 80, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO ADOPT CHANGES TO THE MEDICARE PART D PROGRAM," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 818, transmitting H.C.R. No. 92, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES TO RELAX RESTRICTIONS ON THE ISSUANCE OF TEMPORARY NONIMMIGRANT E2 AND E3 VISAS TO ALLOW GRADUATE NURSES TO ENTER THE UNITED STATES FOR THE PURPOSE OF TAKING THE NATIONAL COUNCIL LICENSURE EXAMINATION FOR REGISTERED AND PRACTICAL NURSES, AND TO ALLOCATE MORE EMPLOYMENT VISAS TO INDIVIDUALS TO ENTER THE UNITED STATES TO WORK AS NURSES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 819, transmitting H.C.R. No. 130, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PUBLIC SAFETY TO CONDUCT A SECURITY AUDIT OF THE HAWAII YOUTH CORRECTIONAL FACILITY," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 820, transmitting H.C.R. No. 137, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PRESIDENT AND THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII TO REAFFIRM THEIR COMMITMENT TO MAINTAINING A SYSTEMWIDE OFFICE OF THE VICE PRESIDENT FOR STUDENT AFFAIRS AND TO FILL THE VACANT POSITION OF THE VICE PRESIDENT FOR STUDENT AFFAIRS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 821, transmitting H.C.R. No. 156, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING STRONG OPPOSITION TO PREEMPTIVE FEDERAL INSURANCE LEGISLATION THAT WOULD THREATEN THE POWER OF STATE LEGISLATURES, GOVERNORS, INSURANCE COMMISSIONERS, AND ATTORNEYS GENERAL TO OVERSEE, REGULATE, AND INVESTIGATE THE BUSINESS OF INSURANCE AND PROTECT CONSUMERS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 822, transmitting H.C.R. No. 166, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION STRONGLY URGING THE DEPARTMENT OF HUMAN SERVICES TO TEMPORARILY DELAY REALIGNMENT OF ITS CHILD WELFARE SERVICE OFFICES ON ISLAND OF HAWAII TO ALLOW FOR THE CONVENING OF A PUBLIC, COMMUNITY FORUM TO DISCUSS REALIGNMENT IMPLICATIONS AND POTENTIAL IMPACT ON THE CONTINUUM OF CHILD ABUSE AND NEGLECT PREVENTION, FAMILY SUPPORT, FAMILY STRENGTHENING AND VOLUNTARY CASE MANAGEMENT SERVICES FOR FAMILIES AND CHILDREN," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 823, transmitting H.C.R. No. 170, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REVITALIZE LALAMILO STATION WITH THE COLLABORATION OF THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 824, transmitting H.C.R. No. 193, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE ESTABLISHMENT OF A TEMPORARY ADVISORY

COMMISSION ON BIOPROSPECTING," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 825, transmitting H.C.R. No. 196, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE CONCEPT OF A PUBLIC-PRIVATE JOINT VENTURE TO DEVELOP A NEW ADVANCED SIMULATOR AIRLINE TRAINING FACILITY IN HAWAII," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 826, transmitting H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE AND THE COUNTIES TO PRIORITIZE EXPENDITURE OF FEDERAL HOMELAND SECURITY FUNDS ON INTEROPERABLE COMMUNICATIONS SYSTEMS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 827, transmitting H.C.R. No. 205, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO REVIEW PROPOSED PLANS AND EXISTING AND ANTICIPATED APPROPRIATION REQUESTS OF THE STADIUM AUTHORITY AND THE GOVERNOR FOR THE REPAIR, RENOVATION, REFURBISHMENT, OR REPLACEMENT OF THE ALOHA STADIUM," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 828, transmitting H.C.R. No. 235, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF PROVIDING VIDEO-CONFERENCING CAPABILITY IN THE STATE CAPITOL TO ENSURE CLOSE COMMUNICATION WITH NEIGHBOR ISLAND RESIDENTS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 829, transmitting H.C.R. No. 250, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII COUNTY OFFICE OF THE PROSECUTING ATTORNEY TO CONDUCT A STUDY ON THE FEASIBILITY OF ESTABLISHING "RECEIVING HOMES" IN EAST AND WEST HAWAII," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 830, transmitting H.C.R. No. 266, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF TRANSPORTATION TO WORK COLLABORATIVELY TO PURSUE, ON A PRIORITY BASIS, THE RELOCATION OF THE UNIVERSITY OF HAWAII MARINE CENTER FROM THE FORMER KAPALAMA MILITARY RESERVATION, HONOLULU HARBOR," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 831, transmitting H.C.R. No. 269, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO DESIGNATE AND CELEBRATE 2008 AS THE YEAR OF THE FAMILY AND TO ESTABLISH A FAMILY CELEBRATION COMMISSION TO ADMINISTER THE CELEBRATION," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 832, transmitting H.C.R. No. 270, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO SPEEDILY REBUILD A SCHOOL OF GLOBAL AND PUBLIC HEALTH," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 833, transmitting H.C.R. No. 277, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE LEGISLATURE, THE ADMINISTRATION, THE UNIVERSITY OF HAWAII, AND HAWAII'S CONGRESSIONAL DELEGATION TO WORK COLLABORATIVELY WITH THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, THE JAPAN AEROSPACE EXPLORATION AGENCY, AND

OTHER PUBLIC AND PRIVATE AEROSPACE-RELATED AGENCIES AND INSTITUTIONS, TO EXPAND AND DIVERSIFY THE AEROSPACE INDUSTRY THROUGH THE DEVELOPMENT OF THE PACIFIC INTERNATIONAL SPACE CENTER FOR EXPLORATION SYSTEMS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 834, transmitting H.C.R. No. 314, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII INSTITUTE FOR ASTRONOMY TO REVIEW AND REPORT ON THE LONG-TERM DEVELOPMENT OF OBSERVATORY SITES ON THE SUMMIT OF MAUNA KEA," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 835, transmitting H.C.R. No. 36, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO WORK IN COOPERATION WITH THE STATE TOURISM LIAISON AND THE HAWAII HOTEL & LODGING ASSOCIATION IN RAISING AWARENESS, EDUCATION, AND PREVENTION OF THE INCREASING INCIDENCE OF BEDBUGS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 836, transmitting H.C.R. No. 75, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO MCKINLEY HIGH SCHOOL PHYSICAL EDUCATION AND ATHLETIC FACILITIES," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 837, transmitting H.C.R. No. 79, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HARBORS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PROCEED WITH EXECUTING THE TEN-YEAR LEASE APPROVED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR PACIFIC SHIPYARDS INTERNATIONAL TO CONTINUE TO PROVIDE VITAL SHIP REPAIR SERVICES TO THE MARITIME COMMUNITY FROM ITS EXISTING HONOLULU HARBOR FACILITY," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 838, transmitting H.C.R. No. 105, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE STATE AND THE HAWAII HEALTH SYSTEMS CORPORATION TO ENTER INTO A LEASE/PURCHASE AGREEMENT FOR A NEW PARKING STRUCTURE FOR MAUI MEMORIAL MEDICAL CENTER TO BE FUNDED BY THE ISSUANCE OF CERTIFICATES OF PARTICIPATION," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 839, transmitting H.C.R. No. 113, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND TO PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 840, transmitting H.C.R. No. 145, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES PRESIDENT AND CONGRESS TO CREATE A PATHWAY FOR UNDOCUMENTED IMMIGRANTS TO LEGALIZE THEIR STATUS AND REQUESTING THE STATE AND THE FEDERAL GOVERNMENT TO ADEQUATELY REIMBURSE HEALTH CARE PROVIDERS SO THAT THEY CAN CONTINUE TO PROVIDE EMERGENCY MEDICAL TREATMENT TO THIS POPULATION," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 841, transmitting H.C.R. No. 192, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING

THE ATTORNEY GENERAL TO APPOINT A SPECIAL DEPUTY ATTORNEY GENERAL TO INDEPENDENTLY AND IMPARTIALLY INVESTIGATE THE KALOKO RESERVOIR DAM COLLAPSE," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 842, transmitting H.C.R. No. 202, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE OFFICE OF HAWAIIAN AFFAIRS, THE LAND USE COMMISSION, THE OFFICE OF PLANNING, THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL, THE UNITED STATES ARMED FORCES IN HAWAII, THE COUNTIES, AND THE AFFORDABLE HOUSING AND HOMELESS ALLIANCE TO STUDY THE USE OF MOBILE HOME PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S AFFORDABLE HOUSING CRISIS," which was adopted by the Senate on April 24, 2006.

Sen. Com. No. 843, dated April 24, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bills:

1878, SD1 Menor, Chair; Espero, Hogue

2313, SD1 Menor, Chair; Espero, Hogue

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Sonson introduced his legislative 'shadow', Ms. Brittany Olson, a junior at Hanalani School.

Representative Sonson also introduced his legislative intern, Ms. Melissa Takaaaze from Alaska.

Representative Yamane introduced his legislative 'shadow', Ms. Nacira Woodard, a senior at Hanalani School. She was accompanied by Representative's legislative aide, Mr. Brandon Lee.

Representative Finnegan introduced her brother, Mr. Mark Gapol; and sister, Ms. Gaylin Paaluhi visiting from California.

Representative Caldwell introduced 3rd grade students from Noelani Elementary School, accompanied by teachers, Ms. Lynne Johnson and Ms. Kristin Nakamura; Skills Trainers, Mr. David McGue and Mr. Austin Oney; and Chaperones, Ms. Kristen Wheeler, Ms. Claire Higa, and Ms. Kathy Au.

Representative Ito also introduced Noelani Elementary School 3rd grade student, Logan Araki, grandson of Mr. George Okuda, legislative aide to Representative Ito; and Kaneohe resident, teacher, Ms. Lynne Johnson.

Representative Harbin introduced her friend, Mr. Bob Toyofuku.

At 12:21 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:52 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

H.R.
No.

Referred to:

286 Jointly to the Committee on Legislative Management and the Committee on Judiciary

STANDING COMMITTEE REPORTS

Representatives Sonson and Kahikina, for the Committee on Human Services and the Committee on Housing presented a report (Stand. Com. Rep. No. 1869-06) recommending that S.C.R. No. 107, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 107, entitled: "SENATE CONCURRENT RESOLUTION URGING THE COUNTY COUNCILS TO ASSIST LOW-INCOME HOMEOWNERS," was adopted, with Representatives Abinsay, Saiki and Schatz being excused.

Representative Kahikina, for the Committee on Housing presented a report (Stand. Com. Rep. No. 1870-06) recommending that S.C.R. No. 58, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 58, be adopted, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in very strong support of this resolution. Some of us may or may not know, this is an affordable housing project right in the heart of Honolulu, which happens to be my district. This is a really hard position for me to take and it's taken a lot of soul searching for me because as we all know, I come as a small business advocate to this, as my prior life and I truly believe that the market should be allowed to generate what it is that should happen with property.

"But as I have become more and more realistic about what is happening to our people, and the lives of our people, and the lack of housing, and the fact that I live right smack down in the middle of town at 250 North King Street, across from Aala Park, in an affordable housing project, it is really a wonderful experience to see the blending of many of our young local people. Young people coming into the State, retired people, and people such as I, that have one foot in retirement and one foot out.

"And to allow something as valuable as Kukui Gardens to leave the possession of our State and our people, I think is very very scary. There have been some beneficiaries that have reaped the harvest of this property for over 40 years, and I think that they should look at this Resolution as a message from this policymaking body that the needs of our people sometimes has got to be more powerful than the needs of landowners.

"So I hope that they will continue to work with us, with the State and with the community and with the nonprofit community to do everything possible to keep this as affordable housing, which it should be. Thank you."

Representative Kahikina rose in support of the measure and asked that the remarks of Representative Harbin be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Halford rose to speak in support of the measure, stating:

"Mr. Speaker, in favor. I just want to take this opportunity to express how well the Housing Committee has worked and the complete sincerity of the Chairman of the House Committee in general and on this issue in particular. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION URGING THE OWNERS OF KUKUI GARDENS TO SELL THE PROJECT TO A QUALIFIED AFFORDABLE HOUSING NON-PROFIT ORGANIZATION," was adopted, with Representatives Abinsay, Saiki and Schatz being excused.

At this time, the Chair announced:

"Members, please note on page 2 and 3, the 48-hour notice for the Conference Committee reports."

CONFERENCE COMMITTEE REPORT

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2924, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 6-06) recommending that S.B. No. 2924, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-06 and S.B. No. 2924, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2930, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 7-06) recommending that S.B. No. 2930, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7-06 and S.B. No. 2930, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," was deferred for a period of 48 hours.

Representatives Ito and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2243, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 8-06) recommending that S.B. No. 2243, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-06 and S.B. No. 2243, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," was deferred for a period of 48 hours.

Representatives Luke and Caldwell, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 695, HD 1, presented a report (Conf. Com. Rep. No. 9-06) recommending that S.B. No. 695, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-06 and S.B. No. 695, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2265, SD 1, HD 1, presented a report (Conf. Com.

Rep. No. 10-06) recommending that S.B. No. 2265, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10-06 and S.B. No. 2265, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3051, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 11-06) recommending that S.B. No. 3051, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 11-06 and S.B. No. 3051, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," was deferred for a period of 48 hours.

Representatives Arakaki and Sonson, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2098, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 52-06) recommending that H.B. No. 2098, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-06 and H.B. No. 2098, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2282, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 53-06) recommending that H.B. No. 2282, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-06 and H.B. No. 2282, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2897, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 54-06) recommending that H.B. No. 2897, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 54-06 and H.B. No. 2897, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," was deferred for a period of 48 hours.

RECALL FROM COMMITTEE

At this time, Representative Finnegan moved that S.B. No. 3279, SD 2, HD 1, be recalled from the Committee on Judiciary, seconded by Representative Meyer.

The Chair then stated:

"For all of you, this is a procedural motion. Debate is limited to the propriety of the action in recalling the bill from Committee. So the debate on the merits or the substance of the bill is not in order at this point and time. Any discussion on the recall motion?"

Representative Finnegan rose to speak in support of the motion to recall, stating:

"Thank you Mr. Speaker. Mr. Speaker, I will confine my remarks to the procedure. I would like to describe the bill. The report title is, Medical Malpractice Insurance Premiums, and the description is, 'lowers medical malpractice insurance premiums by adopting legislation that directly affects elements impacting medical malpractice insurance rates.'

"Mr. Speaker, this particular bill was passed out of our Health Committee and our Consumer Protection Committee. The Consumer Protection Committee did not have any amendments and on the Floor. We did not have anyone against this particular measure, and the reason why we are, or I am, passing or asking for the recall is just to have the ability to go to the next stage, which is to give us an opportunity to discuss this very controversial matter, but also to give us the opportunity to discuss some different options.

"Mr. Speaker, I would ask for the support of this Body in order to keep just a glimmer of hope on this particular issue alive. At the appropriate time Mr. Speaker, I would like to ask for a roll call vote."

Representative Luke rose to speak in opposition to the motion to recall, stating:

"Thank you, Mr. Speaker. I rise to speak against the recall motion. The reason for a recall is to allow for debate on an issue when a subject matter committee has not dealt with the issue. In this situation, the subject of the bill itself was fully discussed on the Floor when the Minority put the contents of S.B. No. 3279 into another bill as a Floor Amendment. So I believe that we did have a Floor Amendment and the reason for the recall is no longer there. Thank you."

Representative Meyer rose to speak in support of the motion to recall, stating:

"Mr. Speaker, I'm rising in support of the recall motion. I realize that this is not something we do every day, but every now and then a subject or a problem is so pressing that it requires some kind of extra special effort.

"We did, as the Chair of Judiciary said, we did speak on this measure in another amendment, but the Legislature is almost over and the problem that this bill tries to seek to relieve has not gotten any better. It's something that we have been aware of, a statewide problem, for many years and it is only because it is such a serious problem that we feel that this kind of unusual motion is appropriate. Thank you."

Representative Sonson rose to speak in opposition to the motion to recall, stating:

"Thank you, Mr. Speaker. I'm speaking against the motion. Mr. Speaker, I stood up yesterday because there was another motion, which I believe was previously discussed thoroughly. I want to be consistent to say that, if something is done over and over again, expecting the same result, it's a waste of time for this Body to take it up. This is sometimes called in the legal arena, a frivolous motion, and there are sanctions for those. If we only had sanctions for frivolous motions in this Body and maybe there is, we should impose them so that we don't have this discussion over and over about these matters we have already taken up.

"Now the Minority Leader has said, we want to bring this motion up today because we want to go to the next step, which is to discuss a controversial issue. Again, as pointed out by a prior speaker, we have done that. We discussed this issue twice at least in this Body this Session, and the result is the same. Why again, other than to have political posturing be right here and focus the attention of the public. The public is not going to want us to discuss this over and over to see whether we come up with different results.

"I think if we truly need to discuss this matter, we need to be discussing it with a goal of addressing the real issue that is underlying the proponents of this measure. Again, I'm not opposed to having discussions to find solutions, but I think that we need to discuss that at another point in time. The motion that has been proposed here is simply a waste of time at this point, Mr. Speaker."

Representative Moses rose, stating:

"Mr. Speaker. Thank you, Mr. Speaker. I almost rose with an objection because I don't believe this political posturing. We're trying to discuss a very serious matter. I know we can't discuss the matter that's underlying the motion until we move the motion forward, so I'm trying to stay away from discussing the underlying matter, but we need to move this motion forward."

"Whether or not we discussed it on the Floor before, it's a serious matter. It's affecting our State. It's affecting the people of this State. And unless we can just break through this barrier and get the motion on the Floor so we can discuss the merits of the underlining bill. You know, we're keeping the people in the dark. It's not that we're trying to politically posture this thing. It's that we're trying to help the residents of the State, and I'm sure that's what you're all about too. So we're trying to work together and get something done for the people. Thank you."

Representative B. Oshiro rose to speak in opposition to the motion to recall, stating:

"Mr. Speaker, I rise in opposition to the motion. Very briefly, procedurally one of the problems with this underlining bill is that it was actually a 'gut and replace'. S.B. No. 3279 as it came over from the Senate had to do with the admissibility of expressions of sympathy or benevolence. So that is the subject which the Senate dealt with when they passed over the Senate Bill in the form of an SD 2. And it was actually in our own House that there was a 'gut and replace' procedure, and usually while we tend not to really favor 'gut and replace' because that does not fully allow for the public process. The bill continued to move and ultimately did not make it all the way out, but I think the criticisms that we don't want to be in the dark and we want a public discussion, really are not warranted."

"If people really want to take a comprehensive look at this issue, what they need to do is read the LRB report that came out in this year entitled, *On Call Crisis in Trauma Care: Government Responses*. That's a very comprehensive report that deals with this problem and will tell us there's a multitude of approaches that we need to take. This singular approach in the underlying bill is not sufficient, and that's why if we really are truly going to work on this problem. We need to take a look ..."

Representative Finnegan rose, stating:

"Point of personal privilege. Thank you. I would just like to ask if this speaker is speaking on the underlining bill?"

The Chair responded, stating:

"I believe he's speaking to a ..."

Representative Finnegan: "Because he did bring up the report on the On Call Physicians."

Speaker Say: "Yes, but the Chair will allow him to stray a little."

Representative Finnegan: "Mr. Speaker, will you allow us the same opportunity?"

Speaker Say: "The Chair will, but I wanted to close the debate on this motion of a recall."

Representative Finnegan: "I would like to, Mr. Speaker ..."

Speaker Say: "There is no reference of the substance of the matter that he is presenting to this Body. It is just a study that was completed."

Representative Finnegan: "Mr. Speaker, we been very careful not to be to stay within the confines of the procedure."

Representative B. Oshiro rose to a point of order, stating:

"Mr. Speaker, a point of order. A point of personal privilege under Section 223 of *Mason's* has to do with somebody's ability to actually be a Representative. I never called into question the current speaker's ability to be a Representative. So she's out of order, it's not a point of privilege."

The Chair responded, stating:

"The Chair will allow her at this point, to voice her point of personal privilege if she is aggrieved by the decision of the Chair in regards to what the debate is all about. The debate was supposed to address the motion of a recall. The Chair has strayed with the Majority Floor Leader to allow him to make reference to the study, but that was it. Like I said to you earlier, this is a motion for the recall of a measure out of a Committee, which is a procedural motion. Representative Blake Oshiro."

Representative B. Oshiro continued, stating:

"Again Mr. Speaker, let me just close with this. People have criticized that we're in the dark and that we're not allowing this issue to be brought to the forefront. I suggest people read the report. That fully discusses what we need to do if we're going to move forward. That's all I referenced the report for. Not to talk about the substance and what we're going to do about it, but to really suggest that, because I really don't think people have read the report. That's my 'guestionment', but I would suggest that they do. Thank you."

Representative Harbin rose to speak in support of the motion to recall, stating:

"Mr. Speaker, thank you very much. I'm going to be speaking for the recall as a procedural issue. I'm very sorry that the prior speaker strayed because I'm quite prepared to discuss the LRB report at length now, if that is what you would want me to do."

The Chair responded, stating:

"No, not at this point and time."

Representative Harbin: "Then with that being said, let's move on to procedural issues."

Speaker Say: "Representative Harbin, you're out of order if you're going to be addressing the motion of the recall."

Representative Harbin: "I am going to address the motion. One of the prior speakers, the Representative from Waipahu made mention of 'over, and over, and over again'. I think that's a song that I grew up with, but part of it was in reference to my everyday motions for certain Resolutions."

"I'd like to really say that one of the things that I learned in my short stint here is that one must be patient with 'over, and over, and over again'. In fact, I think I've seen and heard that bills have been introduced for four to five, even six years before they finally become policy. And I think what makes us different from the Judiciary system or other systems is that we need to consistently have public debate which has been sorely lacking in this House, which is why I am supporting this recall. Because this issue according to the LRB report, which like I said, I'm ready to discuss at length, makes it very obvious that this subject needs to be discussed and the people want it discussed. Thank you."

The request for a roll call vote was put to vote by the Chair and upon a show of hands, the roll call was approved.

Roll call having been approved, the motion that S.B. No. 3279, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY," be recalled from the Committee on Judiciary, was put to vote by the Chair and failed to carry on the following show of Noes and Ayes:

Noes, 33: Representatives Berg, Caldwell, Carroll, Chang, Chong, Evans, Herkes, Ito, Kahikina, Kanoho, Karamatsu, Kawakami, Lee, Luke, Magaoay, Morita, Nakasone, Nishimoto, B. Oshiro, M. Oshiro, Say, Shimabukuro, Sonson, Souki, Takai, Takamine, Takumi, Tanaka, Tsuji, Wakai, Waters, Yamane and Yamashita.

Ayes, 15: Representatives Arakaki, Cabanilla, Ching, Finnegan, Green, Hale, Halford, Harbin, Marumoto, Meyer, Moses, Pine, Stevens, Stonebraker and Thielen.

Excused, 3: Representatives Abinsay, Saiki and Schatz.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 286) was placed on the members' desk and referred:

H.R. No. 286, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO REQUIRE EACH MEMBER TO DISCLOSE THE NAME AND PLACE OF EMPLOYMENT OF ANY STAFF MEMBER WHOSE SALARY IS PAID BY A THIRD PARTY," was offered by Representative Harbin.

ANNOUNCEMENT

Representative Shimabukuro: "Mr. Speaker, I would like to thank so much, everyone who purchased pancakes, and thank you very much for your patience. We had some technical difficulties with our power supply this morning. We had over 200 orders.

"I especially want to thank Representative Corinne Ching, who very generously donated pancake mix from Liliha Bakery. Also Nani Ferris and Sarah Akiona from Senator Chun-Oakland's office. My constituents, Kamu Miles and Art Frank came all the way from Waianae to help and my staff who spent six hours working on this, this morning. And if I could, I want to submit my staff's names for the Journal. Thank you," and the Chair "so ordered."

Representative Shimabukuro submitted the following names in appreciation:

Representative Corinne Ching, Nani Ferris, Sarah Akiona, Colleen Young, Erica Miles, Kamu Miles, Naomi Uehara, Kamu Enos, Wally Inglis, Mike Dahilig, Ed Suka, and Art Frank.

ADJOURNMENT

At 1:11 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon, tomorrow, Wednesday, April 26, 2006. (Representatives Abinsay, Saiki and Schatz were excused.)

FIFTY-SIXTH DAY

Wednesday, April 26, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by retired Pastor Norman Okasako of Mililani Missionary Church, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Cabanilla, Stonebraker and Takamine, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Fifth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 276 through 284) were received and announced by the Clerk:

Gov. Msg. No. 276, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2593, entitled: "A BILL FOR AN ACT RELATING TO COURT FEES." (ACT 020)

Gov. Msg. No. 277, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2598, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS." (ACT 021)

Gov. Msg. No. 278, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2050, entitled: "A BILL FOR AN ACT RELATING TO DEFINITION OF NEIGHBORHOOD ELECTRIC VEHICLE." (ACT 022)

Gov. Msg. No. 279, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2051, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING." (ACT 023)

Gov. Msg. No. 280, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2332, SD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING." (ACT 024)

Gov. Msg. No. 281, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2506, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE REPRODUCTIVE RIGHTS PROTECTION COMMITTEE." (ACT 025)

Gov. Msg. No. 282, informing the House that on April 25, 2006, the following bill was signed into law:

H.B. No. 2275, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE." (ACT 026)

Gov. Msg. No. 283, informing the House that on April 25, 2006, the following bill was signed into law:

S.B. No. 2263, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 134." (ACT 027)

Gov. Msg. No. 284, informing the House that on April 25, 2006, the following bill became law without her signature, pursuant to Section 16 of Article III of the State Constitution:

S.B. No. 2581, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BACKLOG IN UNSERVED ARREST WARRANTS." (ACT 028)

"EXECUTIVE CHAMBERS
HONOLULU

April 26, 2006

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2581 SD1

On April 25, 2006, Senate Bill No. 2581, entitled "Relating to the Backlog in Unserved Arrest Warrants" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill seeks to reduce the backlog of unserved arrest warrants by (1) authorizing county police officers and public safety officers with police powers to serve arrest warrants, and (2) requiring the Attorney General to adopt rules pursuant to chapter 91, Hawaii Revised Statutes, through which retired police officers or public safety officers may be authorized to serve arrest warrants.

It should be pointed out that county police officers and public safety officers already have the authority to serve arrest warrants. Hiring retired law enforcement personnel is also currently possible and these rehires could serve arrest warrants if the department which hired them has such authority.

While this bill assigns to the Attorney General responsibility for adopting administrative rules to provide for authorizing retired county police officers and retired State public safety officers to serve certain arrest warrants, it fails to specify which State entity is responsible for administering such a program.

Further, this bill does not appropriate funds to compensate retired officers and to supervise the service of the arrest warrants.

This bill, alone, will not accomplish the goal of reducing the backlog in unserved arrest warrants. It will be incumbent upon the next session of the Legislature to remedy the aforementioned shortcomings of this measure with legislation placing the program under the jurisdiction of an agency, such as the Judiciary, and providing funding commensurate to ensure its purpose is served.

Therefore, I allowed Senate Bill No. 2581 SD1 to become law as Act 28 effective April 25, 2006 without my signature.

Sincerely,
/s/Linda Lingle
LINDA LINGLE"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 844 through 848) were received and announced by the Clerk:

Sen. Com. No. 844, dated April 25, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bill:

3036, HD 1, SD 1 [sic] Menor, Chair; Taniguchi, Co-Chair; Baker, Espero, Slom

Sen. Com. No. 845, dated April 25, 2006, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Concurrent Resolutions:

12, SD 1, HD 1 "REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE."

32, SD 1, HD 1 "REQUESTING THE STATE ETHICS COMMISSION TO REVIEW POSSIBLE ETHICS VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM."

70, HD 1 "REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO DETERMINE A MEANS FOR A CHILD TO BE SCREENED PRIOR TO THE START OF THE CHILD'S EDUCATION, AT THE CHILD'S FIRST ENTRY INTO PRESCHOOL AND ELEMENTARY SCHOOL, TO PROVIDE FOR DIAGNOSIS, REFERRAL, CORRECTION OR TREATMENT, AND TO INTEGRATE THE EFFORTS OF COMMUNITY AND STATE ORGANIZATIONS RELATED TO SCREENING UNDER THIS HAWAII CHILDHOOD SCREENING INITIATIVE."

72, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF HEALTH TO CONSIDER CONDUCTING BACTERIA-LEVEL TESTING OF THE SAND AT ALL BEACHES WHERE CONTAMINATED WATER WARNING SIGNS HAVE BEEN POSTED DUE TO CONTAMINATION CAUSED BY A SEWAGE SPILL."

77, SD 2, HD 1 "REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT TWO STUDIES OF RECOMMENDED PROCEDURES THAT WILL ENSURE THAT STATE-FUNDED HEALTH CARE PAYMENTS ADEQUATELY REIMBURSE PROVIDERS WHO PROVIDE SERVICES FOR, FIRST, MEDICAID OR QUEST RECIPIENTS AND, SECOND, FOR INJURED EMPLOYEES UNDER WORKERS COMPENSATION INSURANCE."

81, SD 1, HD 1 "URGING THE DEPARTMENT OF HUMAN SERVICES TO ADDRESS THE IMPACT OF POSITIVE ENROLLMENT IN THE RECENTLY ISSUED QUEST REQUEST FOR PROPOSAL."

86, SD 1, HD 1 "URGING THE HAWAII 2050 TASK FORCE TO USE A SCIENCE-BASED FRAMEWORK AS THE GUIDE TO MAPPING AND MEASURING THE SUCCESSES IN REALIZING THE GOALS OF THE SUSTAINABILITY PLAN."

98, SD 1, HD 1 "URGING THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH CAUTION IN REVIEWING DEVELOPMENTS ON STEEP HILLSIDES WITH POTENTIAL ROCKFALL HAZARDS."

117, SD 1, HD 1 "REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS."

118, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO CONVENE A TASK FORCE TO RESEARCH AVENUES OF APPROPRIATE FINANCING FOR CAPITAL IMPROVEMENTS FOR FEDERALLY QUALIFIED HEALTH CENTERS, INCLUDING USE OF REVOLVING LOAN FUNDS."

159, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM."

196, SD 1, HD 1 "CALLING FOR THE RIGOROUS REEXAMINATION OF THE DEVELOPMENT EXPANSION PLAN AT TURTLE BAY RESORT DUE TO THE PASSAGE OF TIME AND CHANGED CONDITIONS OF THE NORTH SHORE AND THE ISLAND OF OAHU."

Sen. Com. No. 846, transmitting H.C.R. No. 212, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIR OF THE HOUSE COMMITTEE ON TOURISM AND CULTURE AND THE CHAIR OF THE SENATE COMMITTEE ON TOURISM TO EACH DESIGNATE A MEMBER OF THEIR RESPECTIVE COMMITTEES TO CONDUCT INFORMAL DISCUSSIONS ON WAYS TO REPLICATE THE HISTORIC IWILEI PINEAPPLE-SHAPED WATER TANK," which was adopted by the Senate on April 25, 2006.

Sen. Com. No. 847, transmitting H.C.R. No. 261, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH, WITH THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE DEPARTMENT OF FACILITY MAINTENANCE OF THE CITY AND COUNTY OF HONOLULU, TO REPORT TO THE LEGISLATURE ON THE RELATIONSHIP BETWEEN VARIOUS KAILUA WATERWAYS, INCLUDING THE KAELEPULU POND, AND THE WATER QUALITY AND NATURAL RESOURCES OF KAILUA BEACH AND KAILUA BAY," which was adopted by the Senate on April 25, 2006.

Sen. Com. No. 848, dated April 25, 2006, informing the House that the Senate has made the following change to Senate Conferee assignments for the following bill:

H.B. No. 2176,
HD 2, SD 2

Added Senator Chun Oakland as a conferee.

ORDER OF THE DAY

COMMITTEE ASSIGNMENT

The following House resolution was referred to committee by the Speaker:

H.R. No.

Referred to:

287 Jointly to the Committee on Legislative Management
and the Committee on Judiciary

Representative Harbin rose, stating:

"Thank you, Mr. Speaker. I believe I am rising on a point of personal privilege. Mr. Speaker, for the last two days I have been accused, I think, of interfering with the process of this Chamber with repetitious Resolutions. I have a little bit of a problem with that and I thought perhaps maybe what I would do is take this personal privilege time to explain that I feel very strongly about rules of order and rules of how a body operates.

"With that being said, yesterday I deferred to invoking a Rule 57 motion in deference to the fact that we were going to be doing a recall which was a first time for me. With that being said, what I would like to do at this particular juncture, since we don't have an Order of the Day that has an addendum item for special orders, I would like to move that House Resolution 286, Amending the Rules of the House of Representatives to Require Each Member to Disclose the Name and Place of Employment of a Staff Member Whose Salary is Paid by a Third Party, be placed on the agenda for a 24-hour notice for debate for Friday April 26."

Representative Thielen rose, stating:

"I second the motion, Mr. Speaker."

The Chair responded, stating"

"Representative Thielen, there is no motion before us at this point. She's on a point of personal privilege, inquiring about the discussion we had during the past few days."

Representative Harbin: "Thank you, Mr. Speaker. I stand corrected. Now Mr. Speaker, if I may, I would like to move that House Resolution 286, Amending the Rules of the House of Representatives to Require Each Member to Disclose the Name and Place of Employment of a Staff Member Whose Salary is Paid by a Third Party, pursuant to Rule 57, be placed on the agenda for 24-hour notice of debate for Friday April 26, 2006."

Representative Thielen: "I second the motion, Mr. Speaker."

Speaker Say: "May we have a short recess? Recess subject to the call of the Chair."

Representative Harbin: "Mr. Speaker. I'm not yielding the floor. My motion and a second is on the floor and I'm not yielding for a recess."

Speaker Say: "And the Chair is calling a recess at this point and time. Recess subject to the call of the Chair."

Representative Harbin: "I have the floor."

At 12:14 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:21 o'clock p.m.

At this time, the Chair stated:

"At this point, the Chair has been very generous in allowing Members of this House to speak on a point of personal privilege. I think the Members of this House realize that as the Chair of this House, the Chair has the responsibility of referring bills and resolutions.

"Presently, there is nothing before this Body in regards to this House Resolution that the Representative is talking about. For all of you, you know that it has been referred to the Committees on Legislative Management/Judiciary. It is on your desk. And on page 33 of our House Rules it states that the Clerk shall send all resolutions except congratulatory resolutions to be printed. When they have been printed and circulated among the Members of this House, they shall placed on the calendar for adoption, unless ordered otherwise.

"The Chair has decided that because it is a very substantive Resolution that impacts the Members of the House, it has been referred to the Committee for a hearing, if the two Chairs would like to schedule a hearing. That is the process that I'm asking all of you to be patient about.

"So right now Representative, there is nothing before this Body except for your point of personal privilege that you have been aggrieved by the Chair in the referral of these Resolutions. May we proceed on at this point? Representative Harbin."

Representative Harbin responded, stating:

"Thank you, Mr. Speaker. Before I waive my right to appeal that, but I would like to now file another Rule 57 motion for House Resolution 287, which I think is rather appropriate at this time. This amends the Rules of the House of Representatives to prohibit smoking in any area under its jurisdiction. Again, rules are very important for how we function, and I'd like to bring everybody's attention, for those of us that voted on this particular bill ..."

Representative M. Oshiro rose to a point of order, stating:

"Mr. Speaker, point of order. I believe this particular Resolution is no longer before this Body and has been referred to the Committees on Legislative Management and Judiciary as of April 26 on your referral sheet. So it's with the two joint Committees and is not presently before the Body. It is out of order."

The Chair responded, stating:

"Representative Harbin, you are out of order at this point because it has been referred to the Committees as has just been stated. If you want to appeal the Chair's decision on the referral, please ask for the appeal and I'll have a vote of this House."

Representative Harbin: "Thank you, Mr. Speaker. May I appeal your order please?"

Speaker Say: "Members of this House, there has been an appeal of the ruling of the Chair in regards to the referral."

Representative Takai then rose to a point of order, stating:

"Point of order, Mr. Speaker. I believe the Representative did not make a motion. She's asking for permission. She has to make an affirmative motion to appeal your decision."

Speaker Say: "Representative Harbin, once more. Please make the proper motion."

Representative Harbin: "Mr. Speaker, I move for a motion to appeal your order. No. May I have a recess please?"

At 12:25 o'clock p.m., Representative Harbin requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

Representative Harbin rose, stating:

"Thank you, Mr. Speaker. I would like to at this time withdraw my motion to appeal, in that I have been advised by my colleagues that there is a ruling in DAGS that the Capitol is a smoke-free building, in spite of the fact that our rules are different. So I hereby withdraw my motion, and hope that we can continue on with our business. Thank you."

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Abinsay, Kahikina and Stonebraker were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 5-06 and S.B. No.2213, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that S.B. No. 2213, SD 2, HD 2, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support of Conference Committee Report No. 5-06, Relating to Tort Actions. Limiting the liability for public entities or public employees associated with a motorsports facilities appears to be a good public policy. Given the popularity of these activities, this policy of limiting liability would go a long way in helping to promote this sport, which is a very popular family activity. While we are moving to make some reforms in tort law in this limited area, it is a shame that don't do the same for OBGYNs, specialists, and other surgeons.

"Even with this bill in place, minors will still suffer injuries. Motorsports racing is a dangerous activity, so while we protect counties, we won't address the people that will heal potential life-threatening injuries suffered by minors as a result of activities at a motorsports facilities. We won't even take care of the specialist that deliver the children that grow up to indulge in this activity.

"The question is: Will we even have these trained folks left to take care of these injuries?"

Representative M. Oshiro rose to a point of order:

"Point of order, Mr. Speaker. I think the current speaker is really straying off the path of this particular measure."

The Chair responded, stating:

"Representative Meyer, could you confine your remarks to tort liability in regards to the motorsports facility?"

Representative Meyer continued, stating:

"Mr. Speaker, I will just ask to have the balance of my remarks inserted in the Journal. Thank you," and the Chair "so ordered."

Representative Meyer's additional remarks are as follows:

"Will we even have these folks left to take care of these injuries or to deliver these children in a few years?

"Mr. Speaker, addressing the narrow liability issue here is simple. But what good does it do if the folks that heal the injuries aren't there? Are we going to collectively pat ourselves on the back when one of these injuries occurs, and the county and public employees can escape liability in limited cases? We can congratulate ourselves that a good balance of rights and responsibilities for safety was struck, as the Committee Report states. And I support that balance. But what have we done to address the real issue, some child, maybe not ours, but someone's child, gets hurt badly - and cannot get the care they need at the hospital emergency room because of a lack of trauma doctors.

"Because of the medical malpractice system, doctors try to avoid liability to practicing defensive medicine which drives up the cost of healthcare. Doctors are sued anyway, often without cause, driving up the cost of medical malpractice insurance, and further driving up the costs of healthcare. What does that mean for you and me? Higher insurance rates and higher doctor bills, but worst of all, less and less doctors willing to practice medicine. That hurts everyone, including the person who gets injured at a motor sports facility. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2213, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Final Reading by a vote of 49 ayes, with Representatives Abinsay and Stonebraker being excused.

At 12:30 o'clock p.m., the Chair noted that S.B. No. 2213, SD 2, HD 2, CD 1, passed Final Reading.

STANDING COMMITTEE REPORT

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1871-06) recommending that S.C.R. No. 233, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 233, be adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I have reservations on the measure. I don't have any reservations on the underlining intent. My reservations are just in some of the, 'Now Therefore', if you will. Some of the intended requested actions.

"The measure first is requesting the military to map and monitor all munitions dumpsites off of Hawaiian shores. Great, that's very good. I appreciate the effort. But it just appears to me that maybe the House is way ahead of the Senate on this issue because we heard from Mr. Addison Davis, the Deputy Assistant Secretary of the Army for Environment Safety, and Occupational Health.

"He appeared before the Public Safety Committee with others and then he briefed me in my office on March the 13th. That appearance in Public Safety was early March. On March 13th we discussed more details in my office because of course, I do have a district that parallels that area off the coast.

"I attended a public meeting on March the 15th at Fort Shafter where he appeared again with many other military brass, if you will,

from around the area. And basically the Army is already doing just about everything, I think, that's in this Resolution. I'll go through that in a minute. They provided detailed maps. You can't see this well because it's black and white, but they're in color. It shows the dumpsites. It shows where they are. They're in tremendously deep water off the coast. Some are over 5 miles. They can't exactly say from the old records, which are 60 years old. And others they know are more than 10 miles off the shore. They are monitoring them.

"They also provided handouts to anybody interested to attend the meetings. 'Explosives Safety Guide for Hawaii.' 'Ammunitions at Sea, A Guide for Commercial Maritime Industries.' So all of the things in this measure are basically covered already.

"I want to go through just a few details. The first 'Be it Resolved' says they want appropriate resources provided by Congress for cleanups. Well, those listening to the Army Assistant Secretary on this matter say it's better not to touch them. Leave them where they are. They're safe. They've been investigated off the coast of Europe and are safer left alone, rather than drag them up and bring up to shore and everything else.

"The next 'Be it Further Resolved' is existing ordinance transportation rules should be examined. Well, they already do that. That's on-shore here. That's just to comply with existing ordinance rules.

The next 'Be it Further Resolved', requests the military to do a mapping project, which is what I just showed you. That's exactly what they're doing, and they're not done. They're going to continue to do it.

"The next one is, 'Be it Further Resolved' that the military conduct a risk assessment. That's what they have done. That's what they're reporting to us. Better to leave them there than to drag them up.

"The next 'Be it Further Resolved' is that the military monitor dumpsites off Hawaiian shores. Again, that's what they're doing. This is all with the full knowledge of the Department of Defense and the US Congress.

"The next 'Be it Further Resolved' that now all of a sudden it's considered a major emergency after 60 years, and that the military should develop an emergency public notification procedure, which they have in place already. And that they should look at any contamination or other dangers arising from the dumpsites which are many miles offshore and in very, very deep water.

"The next 'Be it Further Resolved', the next to the last, says the Departments of Health and Public Safety shall develop adequate safety procedures including evacuation and disaster control procedures. Well Mr. Speaker, as you and I know, it's not the Department of Health or Public Safety that does that. It's our Civil Defense. So we can pass this out. I guess it does no harm. But I just want to make sure that the Members know that there is nothing requested in this measure that isn't already being done. Thank you."

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I think the importance of this Resolution is highlighted by the fact that it took a KHON TV news reporter to tell us about these tens of thousands of mustard and other types of chemical munitions that were dumped at sea, offshore from Waianae and other areas around this State.

"So I think it's difficult for the public to have a whole lot of trust at this point on this issue. That's why it's extremely important that this type of Resolution be passed, and that we make a strong statement that we want to ensure that all of these types of things are disclosed.

"Mr. Speaker, I was at those community meetings out in Waianae and basically it was told to us is that they're going to come back and

report to us in the spring. A lot of these questions are still unanswered, and a lot of it is still being researched by the military. I think it's extremely important that we remain vigilant on this issue. I have additional written comments that I'd like to submit in strong support. Thank you," and the Chair "so ordered."

Representative Shimabukuro submitted the following letter:

"HOUSE OF REPRESENTATIVES
STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

November 10, 2005

Hon. Francis J Harvey
Secretary of the Army
The Pentagon
Washington, DC 20310

Re: Chemical weapons dumped off the Wai'anae Coast, Pearl Harbor, and any other locations in Hawai'i

Secretary Harvey,

I am writing to request a written report and public meetings regarding the Army's dumping of chemical weapons near Hawai'i approximately 60 years ago. The report and public meetings should include the Army's plans to mitigate the impact of these weapons on human health and the environment.

While comments by the Army have indicated that the dumping was done a considerable distance from Hawai'i shores, KHON Channel 2 News recently revealed that the dumping may have occurred much closer. Reports indicate ordnance litter is frequently found within 5 miles offshore of the district I represent, the Wai'anae Coast of O'ahu, Hawai'i.

I believe the people of Hawai'i have a right to full disclosure regarding the description, condition, and location of the dumped munitions, with special emphasis on the human health and environmental threats posed by the materials. It is imperative that the Army perform a risk assessment regarding this matter immediately.

I look forward to your response. Feel free to contact me if you have any questions. Thank you for your attention to this matter.

Sincerely,

MAILE SHIMABUKURO
Representative, House District 45

Cc: Governor Linda Lingle
Mayor Mufi Hanneman
Hawai'i House of Representatives Speaker Calvin Say
Wai'anae Neighborhood Board Chair Cynthia Rezendes
Wai'anae Harbormaster William Aila, Jr.
Malama Makua member Fred Dodge
Westside Stories Editor Gail Gomes
KHON Channel 2 News"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 233, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE MILITARY TO MAP AND MONITOR ALL MUNITION DUMPSITES OFF HAWAIIAN SHORES," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

CONFERENCE COMMITTEE REPORTS

The Chair then stated:

"Members, please note the Reports of Conference Committees, 48-hour notice listed on pages 2 and 3."

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 427, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 12-06) recommending that S.B. No. 427, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 12-06 and S.B. No. 427, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 706, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 13-06) recommending that S.B. No. 706, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 13-06 and S.B. No. 706, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," was deferred for a period of 48 hours.

Representatives Chang and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2667, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 14-06) recommending that S.B. No. 2667, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 14-06 and S.B. No. 2667, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2237, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 15-06) recommending that S.B. No. 2237, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 15-06 and S.B. No. 2237, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," was deferred for a period of 48 hours.

Representatives Caldwell and Nakasone, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2021, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 16-06) recommending that S.B. No. 2021, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 16-06 and S.B. No. 2021, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2639, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 55-06) recommending that H.B. No. 2639, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 55-06 and H.B.

No. 2639, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," was deferred for a period of 48 hours.

Representative Takumi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1861, SD 1, presented a report (Conf. Com. Rep. No. 56-06) recommending that H.B. No. 1861, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 56-06 and H.B. No. 1861, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 862, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 57-06) recommending that H.B. No. 862, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 57-06 and H.B. No. 862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2422, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 58-06) recommending that H.B. No. 2422, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 58-06 and H.B. No. 2422, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 386, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 59-06) recommending that H.B. No. 386, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 59-06 and H.B. No. 386, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," was deferred for a period of 48 hours.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 287) was placed on the members' desk and referred:

H.R. No. 287, entitled: "HOUSE RESOLUTION AMENDING THE RULES OF THE HOUSE OF REPRESENTATIVES TO PROHIBIT SMOKING IN ANY AREA UNDER ITS JURISDICTION," was offered by Representative Harbin.

At 12:36 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 853) was received by the Clerk:

Sen. Com. No. 853, dated April 17, 2006, informing the House that the Senate has on April 17, 2006, reconsidered its action taken on April 13, 2006, in agreeing to the amendments proposed by the House to the following Senate Bill and has moved to disagree to the amendments:

2190, SD 1, HD 2 "RELATING TO EMPLOYMENT SECURITY."

OTHER COMMUNICATION

The following communication dated April 26, 2006 was received by the Clerk:

"HAWAII STATE LEGISLATURE
STATE CAPITOL
HONOLULU, HAWAII 96813

April 26, 2006

TO: All Senate and House Members

FROM: Robert Bunda, President
Senate

Calvin K.Y. Say, Speaker
House of Representatives

SUBJECT: Legislative Calendar

We hereby waive the April 13, 2006 deadline on the 2006 Legislative Timetable specifically for the Senate to disagree to the House amendments contained in SB 2190 SD1 HD2."

ANNOUNCEMENTS

Representative B. Oshiro requested a waiver of the 24-hour notice requirement for the purpose of reconvening a Conference Committee on H.B. No. 3016, HD 1, SD 1, Relating to Unserved Arrest Warrants, today at 2:00 in room 325, stating:

"My apologies to Conference members, Caldwell and Stevens, but we need to reconvene because the Judiciary just gave us notice that they have concerns. I don't know why it took them so long, but we're going to be reconsidering and taking a look so we can reconsider," and the Chair "so ordered."

Speaker Say: "Representative Stevens, do you understand what happened? The waiver of the 24-hour notice at the request of the Judiciary Branch?"

Representative Souki, for the Committee on Transportation, requested a waiver of the 48-hour advanced notice requirement to hear H.R. No. 112, with a proposed HD 1, on Thursday, April 27th, at 8:30 a.m. in Conference Room 224, stating:

"The proposed HD 1 is to encourage the Department of Transportation, with the cooperation of the Department of Land and Natural Resources, to assist in this State and nation on policy to reduce the reliance on fossil fuels and to promote the development of an ethanol industry in the State of Hawaii. The proposed House Draft Mr. Speaker, is available in Room 433, if they wish to review the entire draft," and the Chair "so ordered."

ADJOURNMENT

At 12:44 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 6:30 o'clock p.m., tomorrow,

Thursday, April 27, 2006. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

HOUSE COMMUNICATIONS

House Communication dated April 26, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bill has this day passed Final Reading in the House of Representatives:

S.B. No. 2213, SD 2, HD 2, CD 1

House Communication dated April 26, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the Speaker has this day appointed as Conferees on the part of the House for consideration of amendments proposed by the House to the following Senate Bill:

2190, SD1, HD2 Caldwell/Takamine, Co-Chairs; Stevens

FIFTY-SEVENTH DAY

Thursday, April 27, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 6:37 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Shirley Batad-Labisores, legislative aide to Representative Luke, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Caldwell, Harbin, Herkes, Marumoto, Morita, Nishimoto, Saiki, Schatz, Souki, Takai, Takamine and Yamashita, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journal of the Forty-Sixth Day was approved. (Representatives Abinsay, Caldwell, Harbin, Herkes, Marumoto, Morita, Nishimoto, Saiki, Souki, Takai, Takamine and Yamashita were excused.)

GOVERNOR'S MESSAGES

The following message from the Governor (Gov. Msg. No. 285) was announced by the Clerk and was received for possible consideration at a later date:

Gov. Msg. No. 285, transmitting H.B. No. 2208, HD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 26, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2208

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2208, entitled "A Bill for an Act Relating to Counties."

The stated purpose of this bill is to extend the statute of limitations for actions against the counties for damage or injury from six month [sic] to two years.

This bill is objectionable because it is inconsistent with the intended purpose of section 46-72, Hawaii Revised Statutes, which was to create a claims procedure as a prerequisite to the filing of a lawsuit, not to establish a limitations period for filing a lawsuit. Notification of a claim within six months of the occurrence of the incident giving rise to the claim is to allow for a prompt investigation while facts and circumstances are still fresh, witnesses are still available, and conditions remain substantially the same. An early review of claims would minimize unnecessary litigation, because a determination can be made whether the claim is frivolous or should be settled before a lawsuit is filed. If the claim is denied, the claimant still has the option to file a lawsuit within the two-year statute of limitations set forth in section 657-7, Hawaii Revised Statutes.

The claims procedure provided by section 46-72 will become a nullity if the time to submit a written notice of a claim were identical to the time to file a lawsuit.

For the foregoing reasons, I am returning House Bill No. 2208 without my approval.

Respectfully,

/s/Linda Lingle
LINDA LINGLE
Governor of Hawaii"

The following messages from the Governor (Gov. Msg. Nos. 286 through 303) were received and announced by the Clerk:

Gov. Msg. No. 286, informing the House that on April 26, 2006, the following bill was signed into law:

S.B. No. 2608, entitled: "A BILL FOR AN ACT RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS." (ACT 029)

Gov. Msg. No. 287, informing the House that on April 26, 2006, the following bill was signed into law:

S.B. No. 2296, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSES." (ACT 030)

Gov. Msg. No. 288, informing the House that on April 26, 2006, the following bill was signed into law:

S.B. No. 2226, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS." (ACT 031)

Gov. Msg. No. 289, informing the House that on April 26, 2006, the following bill was signed into law:

H.B. No. 2885, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ADULT ENTERTAINMENT PRODUCTS." (ACT 032)

Gov. Msg. No. 290, informing the House that on April 26, 2006, the following bill was signed into law:

H.B. No. 2347, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION STUDENT TRANSPORTATION." (ACT 033)

Gov. Msg. No. 291, informing the House that on April 26, 2006, the following bill was signed into law:

H.B. No. 2303, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 034)

Gov. Msg. No. 292, informing the House that on April 26, 2006, the following bill was signed into law:

H.B. No. 1242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 453-16, HAWAII REVISED STATUTES." (ACT 035)

Gov. Msg. No. 293, informing the House that on April 26, 2006, the following bill became law without her signature, pursuant to Section 16 of Article III of the State Constitution:

S.B. No. 2602, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROBATION RECORDS." (ACT 036)

"EXECUTIVE CHAMBERS
HONOLULU

April 27, 2006

The Honorable Calvin K. Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431

Honolulu, Hawaii 968 13

Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2602 SD1

On April 26, 2006, Senate Bill No. 2602, entitled "Relating to Adult Probation Records" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill adds persons and entities to the list of those who are allowed access to adult probation records to include court officers and designated social workers. The bill also allows the court to give contact information of current and former defendants to attorneys or collection agencies contracted to collect court penalties, fees, and judgments.

The statutory changes under Senate Bill No. 2602 have generally met the original intent of the bill to improve services to offenders, victims, and the community through selective release of information under collaborative relationships. The bill sought the release of information to selected individuals who facilitated the collection of delinquent monetary penalties and restitution. It also sought release of information to service providers to ensure offenders receive the proper substance abuse treatment.

The standard practice in substance abuse treatment is that the risk assessment and need for treatment services are obtained by a provider before placement decisions are made. Senate Bill No. 2602, however, states that the defendant's risk assessment and need for treatment services "shall be given only upon the acceptance or admittance of the defendant into a treatment program." Providing such information after the client is admitted is contrary to standard clinical practice, since a client should be admitted only if there is an assessed need for treatment.

Treatment providers, which are private nonprofit entities, objected to the above provision since it may result in admissions of clients who require specialized services that may be beyond a provider's program capacity or are inappropriate for the offender.

The Judiciary has indicated that despite these possible problems, they are willing to monitor the effects of the law and make suggested statutory changes to the 2007 Legislature.

Therefore, I allowed Senate Bill No. 2602 SD1 to become law as Act 36 effective April 26, 2006 without my signature.

Sincerely,
/s/Linda Lingle
LINDA LINGLE"

Gov. Msg. No. 294, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2215, entitled: "A BILL FOR AN ACT RELATING TO CONCESSIONS ON PUBLIC PROPERTY." (ACT 037)

Gov. Msg. No. 295, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2476, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING, REENACTING, OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS." (ACT 038)

Gov. Msg. No. 296, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2309, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND." (ACT 039)

Gov. Msg. No. 297, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2311, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM." (ACT 040)

Gov. Msg. No. 298, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2317, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE." (ACT 041)

Gov. Msg. No. 299, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2286, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 042)

Gov. Msg. No. 300, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2287, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT." (ACT 043)

Gov. Msg. No. 301, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 1819, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 281, HAWAII REVISED STATUTES." (ACT 044)

Gov. Msg. No. 302, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2857, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION." (ACT 045)

Gov. Msg. No. 303, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 3126, entitled: "A BILL FOR AN ACT RELATING TO RAPID IDENTIFICATION DOCUMENTS." (ACT 046)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 849 through 852; and 854 through 856) were received and announced by the Clerk:

Sen. Com. No. 849, informing the House that S.B. No. 2213, S.D. 2, H.D. 2, C.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Final Reading in the Senate on April 26, 2006.

Sen. Com. No. 850, transmitting H.C.R. No. 11, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII INVASIVE SPECIES COUNCIL TO STUDY AND REPORT ON SPECIFIC STRATEGIES TO PREVENT THE SPREAD OF COQUI FROGS AND OTHER INVASIVE SPECIES," which was adopted by the Senate on April 26, 2006.

Sen. Com. No. 851, transmitting H.C.R. No. 278, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS, DEPARTMENT OF TRANSPORTATION, DEPARTMENT OF HAWAIIAN HOME LANDS, DEPARTMENT OF LAND AND NATURAL

RESOURCES, CITY AND COUNTY OF HONOLULU, HONOLULU BOARD OF WATER SUPPLY, QUEEN EMMA FOUNDATION, AND KAMEHAMEHA SCHOOLS TO SUPPORT THE ESTABLISHMENT OF A CULTURAL PRESERVE IN HA'IKU VALLEY AND NORTH HALAWA VALLEY," which was adopted by the Senate on April 26, 2006.

Sen. Com. No. 852, transmitting H.C.R. No. 300, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A LAND USE WORKING GROUP TO ADDRESS ISSUES RELATING TO NON-AGRICULTURAL ACTIVITY ON AGRICULTURALLY CLASSIFIED LANDS," which was adopted by the Senate on April 26, 2006.

Sen. Com. No. 854, dated April 26, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Concurrent Resolutions:

81, SD 1, HD 1 Chun Oakland, Chair; Baker, Fukunaga, Trimble

196, SD 1, HD 1 Kokubun, Chair; Kim/Ige, Co-Chairs; Slom

Sen. Com. No. 855, dated April 26, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the Senate to the following House Bill:

2440, HD 2, SD 2 Menor, Chair; Hanabusa/Taniguchi, Co-Chairs; Espero, Hogue

Sen. Com. No. 856, dated April 27, 2006, informing the House that the President has appointed as conferees on the part of the Senate, for consideration of amendments proposed by the House to the following Senate Bill:

2133, SD 2, HD 2 Baker, Chair; Tsutsui, Co-Chair; Chun Oakland, Whalen

At 6:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:08 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar. (Representatives Abinsay, Saiki, Takai, Takamine and Waters were excused.)

UNFINISHED BUSINESS

Conf. Com. Rep. No. 6-06 and S.B. No. 2924, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.B. No. 2924, SD 1, HD 1, CD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising in support of this measure with some reservations. As the Committee Report states, this bill and the one that follows it, the impetus for drawing up these bills was a recent animal cruelty case where the Hawaiian Humane Society took in about 69 dogs that belonged to a man who was a constituent of mine and was a dog breeder. And by keeping the dogs for a very

long time, while this case went to court, they incurred a lot of expenses for board and care for the animals.

"But in looking at the existing laws on animal cruelty, it really is a question of whether this man was really being cruel to the dogs. The dogs had food, the dogs had water, and the dogs had shelter. Some of the dogs were in the house, but many were outside in cages because they were going to be sold. I think that sometimes the Humane Society is overzealous. The owner of these dogs has a very large piece of property, had a lot of equipment on there. It was a little bit crowded with things like many people. They gather more than what they can really take care of.

"But as far as the animals, I don't see that as the law is written that he was being cruel to these animals. It wasn't like the case in Hawaii Kai where a woman was raising dogs and had them in a vacant apartment and came infrequently to check on the animals. This owner came home every night, every day, made sure the dogs had water and food, and then he would exercise various dogs each day. So I'm just concerned that we are perhaps overreacting in this situation. If the Humane Society rather than taking possession of all these animals, had worked out something with the owner, they would not have incurred all the expense that they incurred. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2924, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 7-06 and S.B. No. 2930, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2930, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 8-06 and S.B. No. 2243, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2243, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 9-06 and S.B. No. 695, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 695, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 10-06 and S.B. No. 2265, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2265, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 11-06 and S.B. No. 3051, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3051, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 52-06 and H.B. No. 2098, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2098, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 53-06 and H.B. No. 2282, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2282, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

Conf. Com. Rep. No. 54-06 and H.B. No. 2897, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2897, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION," passed Final Reading by a vote of 47 ayes, with Representatives Abinsay, Saiki, Takai and Takamine being excused.

At 7:13 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2924, SD 1, HD 1, CD 1
 S.B. No. 2930, SD 1, HD 1, CD 1
 S.B. No. 2243, SD 1, HD 1, CD 1
 S.B. No. 695, HD 1, CD 1
 S.B. No. 2265, SD 1, HD 1, CD 1
 S.B. No. 3051, SD 2, HD 1, CD 1
 H.B. No. 2098, HD 1, SD 1, CD 1
 H.B. No. 2282, HD 1, SD 1, CD 1
 H.B. No. 2897, HD 1, SD 1, CD 1

CONFERENCE COMMITTEE REPORTS

At this time, the Chair announced:

"Members, for Conference Committee Reports, please note the 48-hour notice. Once more, for the Conference Committee Reports listed on pages 3 through 10. You'll have another 48 hours to go over all of these measures to get the summary and the objectives of what it is."

Representatives Herkes and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1223, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 17-06) recommending that S.B. No. 1223, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 17-06 and S.B. No. 1223, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2244, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 18-06) recommending that S.B. No. 2244, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 18-06 and S.B. No. 2244, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," was deferred for a period of 48 hours.

Representatives B. Oshiro and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2600, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 19-06) recommending that S.B. No. 2600, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 19-06 and S.B. No. 2600, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," was deferred for a period of 48 hours.

Representatives Saiki and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3180, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 20-06) recommending that S.B. No. 3180, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 20-06 and S.B. No. 3180, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," was deferred for a period of 48 hours.

Representatives Sonson, Arakaki and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3254, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 21-06) recommending that S.B. No. 3254, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 21-06 and S.B. No. 3254, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2430, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 22-06) recommending that S.B. No. 2430, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 22-06 and S.B. No. 2430, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," was deferred for a period of 48 hours.

Representatives Arakaki, Sonson, Herkes and Evans, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2227, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 23-06) recommending that S.B. No. 2227, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 23-06 and S.B. No. 2227, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was deferred for a period of 48 hours.

Representatives Kanoho, Saiki and Chong, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2004, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 24-06) recommending that S.B. No. 2004, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 24-06 and S.B. No. 2004, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was deferred for a period of 48 hours.

Representatives Kanoho and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2006, SD 3, HD 2, presented a report (Conf. Com. Rep. No. 25-06) recommending that S.B. No. 2006, SD 3, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 25-06 and S.B. No. 2006, SD 3, HD 2, CD 1, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," was deferred for a period of 48 hours.

Representatives Kanoho and B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2358, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 26-06) recommending that S.B. No. 2358, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 26-06 and S.B. No. 2358, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," was deferred for a period of 48 hours.

Representative Kanoho, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2501, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 27-06) recommending that S.B. No. 2501, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 27-06 and S.B. No. 2501, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," was deferred for a period of 48 hours.

Representatives Abinsay and Morita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3076, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 28-06) recommending that S.B. No. 3076, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 28-06 and S.B. No. 3076, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2298, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 29-06) recommending that S.B. No. 2298, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 29-06 and S.B. No. 2298, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," was deferred for a period of 48 hours.

Representatives Herkes and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3065, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 30-06) recommending that S.B. No. 3065, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 30-06 and S.B. No. 3065, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 743, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 31-06) recommending that S.B. No. 743, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 31-06 and S.B. No. 743, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," was deferred for a period of 48 hours.

Representatives Ito and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 826, HD 2, presented a report (Conf. Com. Rep. No. 32-06) recommending that S.B. No. 826, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 32-06 and S.B. No. 826, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," was deferred for a period of 48 hours.

Representatives Sonson, Herkes and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2162, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 33-06) recommending that S.B. No. 2162, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 33-06 and S.B. No. 2162, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," was deferred for a period of 48 hours.

Representatives Sonson and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2188, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 34-06) recommending that S.B. No. 2188, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 34-06 and S.B. No. 2188, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the

House in S.B. No. 2327, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 35-06) recommending that S.B. No. 2327, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 35-06 and S.B. No. 2327, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," was deferred for a period of 48 hours.

Representatives Sonson and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2328, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 36-06) recommending that S.B. No. 2328, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 36-06 and S.B. No. 2328, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," was deferred for a period of 48 hours.

Representatives Luke, Herkes and Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2248, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 37-06) recommending that S.B. No. 2248, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 37-06 and S.B. No. 2248, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," was deferred for a period of 48 hours.

Representatives Kanoho and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2360, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 38-06) recommending that S.B. No. 2360, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 38-06 and S.B. No. 2360, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," was deferred for a period of 48 hours.

Representatives Chang, B. Oshiro and Tsuji, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2485, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 39-06) recommending that S.B. No. 2485, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 39-06 and S.B. No. 2485, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

Representatives Kanoho and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2487, HD 1, presented a report (Conf. Com. Rep. No. 40-06) recommending that S.B. No. 2487, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 40-06 and S.B. No. 2487, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred for a period of 48 hours.

Representatives Hale, Karamatsu and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the

amendments proposed by the Senate in H.B. No. 2199, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 60-06) recommending that H.B. No. 2199, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 60-06 and H.B. No. 2199, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," was deferred for a period of 48 hours.

Representatives Morita and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1955, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 61-06) recommending that H.B. No. 1955, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 61-06 and H.B. No. 1955, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," was deferred for a period of 48 hours.

Representatives Caldwell, Sonson and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2367, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 62-06) recommending that H.B. No. 2367, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 62-06 and H.B. No. 2367, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," was deferred for a period of 48 hours.

Representatives Ito, Souki and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1809, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 63-06) recommending that H.B. No. 1809, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 63-06 and H.B. No. 1809, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," was deferred for a period of 48 hours.

Representatives Ito and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2343, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 64-06) recommending that H.B. No. 2343, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 64-06 and H.B. No. 2343, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was deferred for a period of 48 hours.

Representatives Ito and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3121, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 65-06) recommending that H.B. No. 3121, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 65-06 and H.B. No. 3121, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," was deferred for a period of 48 hours.

Representatives Kanoho and Tsuji, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2974, SD 1, presented a report (Conf. Com. Rep. No. 66-06) recommending that H.B. No. 2974, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 66-06 and H.B. No. 2974, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2899, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 67-06) recommending that H.B. No. 2899, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 67-06 and H.B. No. 2899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS," was deferred for a period of 48 hours.

Representatives B. Oshiro and Kawakami, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3217, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 68-06) recommending that H.B. No. 3217, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 68-06 and H.B. No. 3217, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," was deferred for a period of 48 hours.

Representatives Morita, Luke and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2039, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 69-06) recommending that H.B. No. 2039, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 69-06 and H.B. No. 2039, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," was deferred for a period of 48 hours.

Representatives Morita, Luke and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2503, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 70-06) recommending that H.B. No. 2503, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 70-06 and H.B. No. 2503, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1935, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 71-06) recommending that H.B. No. 1935, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 71-06 and H.B. No. 1935, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

At 7:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:20 o'clock p.m.

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro:

H.B. No. 1977, HD 1, SD 2	H.B. No. 2737, HD 1, SD 1
H.B. No. 2133, SD 1	H.B. No. 3037, HD 1, SD 1

The Chair stated:

"At this time, the Chair recognizes Representative Finnegan. What is the motion at this point? To reconsider the action taken. The prior motion was to suspend the Rules of the House to consider action to reconsider."

The motion was put to vote by the Chair and carried. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

FINAL READING

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received.

The Chair stated:

"Representative Pine, what is the motion now before us?"

Representative Pine rose to respond, stating:

"We're moving to pass the said House Bills for Final Reading."

H.B. No. 1977, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1977, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Luke and Souki). Noes, none. Excused, 1 (Thielen).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1977, H.D. 1 and H.B. No. 1977, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO STRUCTURED SETTLEMENTS," passed Final Reading by a vote of 46 ayes, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.B. No. 2133, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2133, on the following showing of Ayes and Noes:

Ayes, 3 (Kanoho, B. Oshiro and Thielen). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 2133, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in support of House Bill 2133.

"Mr. Speaker, House Bill 2133 will support preservation of the western-most tip of the island and comprising of approximately thirty-four acres, which represents the last relatively intact coastal dune ecosystem remaining in Oahu. Its purpose as defined in House Bill 2133, will aid to prohibit all public vehicular access within the Ka'ena Point natural area reserve. Prohibiting vehicular access will allow the vegetation to recover its resources after being degraded by vehicles that have traveled upon them in the past. House Bill 2133 is of particular significance to Native Hawaiian cultural practitioners, as its land resources are essential to Hawaiian cultural traditions. Ka'ena Point is deeply important to Native Hawaiians as historically this particular point of Oahu, contains *leina a ka'uhane*, the 'leaping place of souls', it is believed that spirits of the recently dead can be united with their ancestors, here.

"Acceptance of House Bill 2133 will implement preservation of one of the last dune ecosystems in Hawaii and it will also preserve an important part of Hawaiian culture.

"Support of HB2133 will assist Department of Land and Natural resources in monitoring vehicular activities in the Ka'ena Point Natural Area reserve and State Park, and protect against damage to a valuable land resource of Oahu.

"Thank you Mr. Speaker, and I ask my colleagues to support me on this bill. *Malama Pono*."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2133 and H.B. No. 2133, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM," passed Final Reading by a vote of 46 ayes, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.B. No. 2737, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2737, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Souki, B. Oshiro and Stevens). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2737, H.D. 1 and H.B. No. 2737, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI," passed Final Reading by a vote of 46 ayes, with

Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.B. No. 3037, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 3037, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Souki, Luke and Moses). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3037, H.D. 1 and H.B. No. 3037, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Final Reading by a vote of 46 ayes, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

At 7:23 o'clock p.m., the Chair noted that the following House bills passed Final Reading:

H.B. No. 1977, H.D. 1, S.D. 2
H.B. No. 2133, S.D. 1
H.B. No. 2737, H.D. 1, S.D. 1
H.B. No. 3037, H.D. 1, S.D. 1

The Chair stated:

"Representative Thielen, what Action Sheet will we be moving on to now? Representative Thielen, we just took care of our yellow Action Sheets. What's the next Action Sheet behind that? The white Action Sheet."

Representative Thielen rose to respond stating:

"The white Action Sheet, Mr. Speaker. It is for Concurrent Resolutions."

At 7:24 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:24 o'clock p.m.

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative M. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative B. Oshiro and carried. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

H.C.R. 12 (SD 1)
H.C.R. 30, HD 1 (SD 1)
H.C.R. 34, HD 1 (SD 1)
H.C.R. 36, HD 1 (SD 1)
H.C.R. 41, HD 1 (SD 1)
H.C.R. 75, HD 1 (SD 1)
H.C.R. 79, HD 1 (SD 1)
H.C.R. 88, HD 1 (SD 1)
H.C.R. 98, HD 1 (SD 1)
H.C.R. 109, HD 1 (SD 1)
H.C.R. 112, HD 1 (SD 1)
H.C.R. 192, HD 1 (SD 1)
H.C.R. 197, HD 1 (SD 1)
H.C.R. 202, HD 1 (SD 1)
H.C.R. 312, HD 1 (SD 1)

At 7:26 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:27 o'clock p.m.

At 7:27 o'clock p.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:30 o'clock p.m.

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. 12, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 12, and H.C.R. 12, S.D. 1, entitled: "REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO SEEK FEDERAL FUNDING TO BE USED FOR PROGRAMS AND MEASURES INTENDED TO PREVENT AND FIGHT AGAINST INVASIVE SPECIES IN HAWAII," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 30, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 30, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have reservations. My reservations are, I know we're passing a bill to prohibit development, on the *makai* side, but it seems to me that there's some legal problems that we're going to run into if there are already agreements entered into, legal contracts entered into. And now we're urging a State entity, if you will, to break that agreement. It just makes me uncomfortable that we started with something and now we're just backing off. And it's just, we can just break a contract because we're the State, but if a company did that, there would be serious ramifications. Thank you."

Representative Schatz rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I just want to clarify something. The terms of this agreement between HCDA and the successful bidder are such that actually either party legally can back out at any time. So while that may be the case that there would be normally legal ramifications if the State backed out of a contract, there are no such concerns in this particular case because those were the terms of the RFP. Thank you."

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support of this Resolution. I would also at this time like to publicly thank Alexander & Baldwin for being a very good corporate citizen in standing down and working with the State of Hawaii and with this Legislature to overcome public outcry, and perhaps maybe some wrong decisions.

"But with that being said, with regards to the liability to the State, I think it was very clear, through HCDA and Alexander & Baldwin, that the letter of intent to accept the process was actually to be implemented in January before we went into Session, and all parties

agreed to stand down. So I think the liability question and the exposure to the State is not a very good argument.

"However, I would also say that, again on behalf of the people of Kakaako and the citizens of Hawaii, that this is a great Resolution and I hope that everyone here supports it. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 30, HD 1, and H.C.R. 30, H.D. 1, S.D. 1, entitled: "URGING THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY TO IMMEDIATELY RESCIND BOTH ITS REQUEST FOR PROPOSALS AND ANY CONTRACT OR AGREEMENT AWARDED, OR COMMITMENT MADE, TO ALEXANDER & BALDWIN PROPERTIES, INC. FOR THE DEVELOPMENT OF KAKAOKO MAKAI," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 34, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 34, HD 1, and H.C.R. 34, H.D. 1, S.D. 1, entitled: "COMMEMORATING THE FIFTY-SECOND ANNIVERSARY OF THE DETONATION OF THE BRAVO HYDROGEN BOMB OVER BIKINI ATOLL, DECLARING MARCH 1ST AS A DAY OF REMEMBRANCE, AND REQUESTING THE UNITED STATES CONGRESS TO ENACT APPROPRIATE MEASURES TO PROVIDE FOR THE FULL HEALTH NEEDS OF THE HYDROGEN BOMB TESTS SURVIVORS AND THEIR PROGENY, PAY APPROPRIATE PROPERTY DAMAGE CLAIMS, AND PROVIDE FOR THE COSTS OF CLEANING UP NUCLEAR SITES IN THE REPUBLIC OF THE MARSHALL ISLANDS IN CONNECTION WITH HYDROGEN BOMB TESTING ON ATOLLS OF THE REPUBLIC OF THE MARSHALL ISLANDS," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 36, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 36, HD 1, and H.C.R. 36, H.D. 1, S.D. 1, entitled: "REQUESTING THE DEPARTMENT OF HEALTH TO WORK IN COOPERATION WITH THE STATE TOURISM LIAISON AND THE HAWAII HOTEL & LODGING ASSOCIATION IN RAISING AWARENESS, EDUCATION, AND PREVENTION OF THE INCREASING INCIDENCE OF BEDBUGS," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 41, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 41, and H.C.R. 41, S.D. 1, entitled: "RECOGNIZING MARCH AS CAREGIVERS' MONTH IN HAWAII," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 75, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 75, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On behalf of McKinley High School and the users in the district, I'd like to thank everybody for this

Resolution and hope that it proceeds on course. Thank you. I am in strong support."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 75, and H.C.R. 75, S.D. 1, entitled: "RELATING TO MCKINLEY HIGH SCHOOL PHYSICAL EDUCATION AND ATHLETIC FACILITIES," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 79, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 79, and H.C.R. 79, S.D. 1, entitled: "REQUESTING THE HARBORS DIVISION OF THE DEPARTMENT OF TRANSPORTATION TO PROCEED WITH EXECUTING THE TEN-YEAR LEASE APPROVED BY THE DEPARTMENT OF LAND AND NATURAL RESOURCES FOR PACIFIC SHIPYARDS INTERNATIONAL TO CONTINUE TO PROVIDE VITAL SHIP REPAIR SERVICES TO THE MARITIME COMMUNITY FROM ITS EXISTING HONOLULU HARBOR FACILITY," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 88, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 88, and H.C.R. 88, S.D. 1, entitled: "REQUESTING THE DIRECTOR OF HEALTH TO DEVELOP A TRAUMA SYSTEM PLAN FOR HAWAII," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 98, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 98, HD 1, and H.C.R. 98, H.D. 1, S.D. 1, entitled: "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PREPARE A PLAN TO REDUCE THE STATEWIDE FERAL PIG POPULATION," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 109, H.D. 1, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 109, HD 1, and H.C.R. 109, H.D. 1, S.D. 1, entitled: "SUPPORTING THE PLANNED 2006 COMMEMORATION OF THE TWENTY-FIFTH ANNIVERSARY OF THE FUKUOKA AND HAWAII SISTER-STATE RELATIONSHIP," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 112, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 112, and H.C.R. 112, S.D. 1, entitled: "REQUESTING THE AUDITOR TO ANALYZE THE PROBABLE EFFECTS OF THE PROPOSED REGULATION OF ATHLETE AGENTS AND ASSESS WHETHER ITS ENACTMENT IS CONSISTENT WITH STATE POLICY," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 192, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 192, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising with some concerns about this measure. Thank you. I believe the Attorney General's Office is adequately staffed and very capable of impartially investigating the reservoir dam collapse on Kauai. I don't think we need to ask them to appoint a special Deputy Attorney General. Thank you."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. I especially want to thank the Attorney General for working with me on a compromise with regard to this issue, and especially recognizing that the State may be in conflict in some of the civil actions in representing itself and defending itself. I just want to add additional written comments to the Journal," and the Chair "so ordered."

Representative Morita's written remarks are as follows:

"Mr. Speaker, when this Body passed House Concurrent Resolution 192 in the form of a House Draft 1, I spoke at length about the concerns of many people in my community. These constituents were extremely disappointed in the Attorney General's negotiated guilty plea involving one of the owners of the Kaloko reservoir regarding an earlier environmental catastrophic event that resulted in criminal charges. Currently, as this investigation proceeds with the potential legal issues that may ensue over the Kaloko reservoir dam breach, the Attorney General's office may find itself in the position of not only prosecuting or suing a State agency, but defending it as well. Therefore, the investigation of the Kaloko reservoir dam breach, conclusions about its cause, and possible subsequent legal actions to place responsibility for it should not be jeopardized or mired in conflict of interest charges.

"Unfortunately, at this late date in this legislative Session, there was no way that we could amend statutes to allow for an independent investigator distinct from the Attorney General to hold the powers and authority of that office to fully investigate and, if necessary, prosecute this incident. However, I believe the language of the Senate Draft 1 is a fair compromise of the best way we can handle this situation under existing laws. Should this Body not be satisfied with the State's investigation, later, in the next legislative Session, we can authorize a legislative investigation of the incident, if necessary.

"This resolution also outlines the history of the United States Office of the Independent Counsel. The Special Counsel is an independent prosecutor distinct from the Attorney General of the United States Department of Justice that provides reports to the United States Congress under Title 28 of the United States Code, Section 595. Perhaps, to avoid this dilemma again, we should look at the Office of the Independent Counsel as a model or investigate other States for model legislation to authorize a Special Counsel before the need should ever arise.

"I especially want to thank the our House Chair of the Water, Land & Ocean Resources Committee and the Senate Chair of the Water, Land & Agriculture Committee, for working with me on this measure."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 192, HD 1, and H.C.R. 192, H.D. 1, S.D. 1, entitled: "REQUESTING THE ATTORNEY GENERAL TO APPOINT A SPECIAL DEPUTY ATTORNEY GENERAL TO INDEPENDENTLY AND IMPARTIALLY INVESTIGATE THE KALOKO RESERVOIR DAM COLLAPSE," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 197, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 197, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, thank you for the opportunity to speak in favor of this Resolution. There is a lot of State land, which is under the control of the Department of Health, in the area around Leahi Hospital. It's adjacent to Kapiolani Community College. It's on the saddle of Diamond Head. And there are several blocks that belong to the State and there should be a master plan. I think this is a very good resolution. I would encourage all of you to vote for it. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 197, and H.C.R. 197, S.D. 1, entitled: "REQUESTING LEAHI HOSPITAL TO DEVELOP A MASTER PLAN AND FINANCIAL FEASIBILITY REPORT FOR ITS EXISTING CAMPUS THAT WILL TAKE ADVANTAGE OF ITS UNIQUE LOCATION AND RELATIONSHIPS IN EAST HONOLULU," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 202, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 202, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising in support, but I do have a concern about this, if I may? Thank you. Mr. Speaker, if you notice, the House Concurrent Resolution would have included homeless in this examination of whether or not mobile home parks would be a possible option for solving that crisis, the lack of housing crisis. Unfortunately the Senate version only focuses on Hawaii's affordable housing. I think that we should have left homeless in and I'm sorry that we didn't have a chance to go to Conference on this matter to convince the Senate. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 202, HD 1, and H.C.R. 202, H.D. 1, S.D. 1, entitled: "REQUESTING THE HOUSING AND COMMUNITY DEVELOPMENT CORPORATION OF HAWAII, IN CONSULTATION WITH THE DEPARTMENT OF LAND AND NATURAL RESOURCES, THE DEPARTMENT OF HAWAIIAN HOME LANDS, THE OFFICE OF HAWAIIAN AFFAIRS, THE LAND USE COMMISSION, THE OFFICE OF PLANNING, THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL, THE UNITED STATES ARMED FORCES IN HAWAII, THE COUNTIES, AND THE AFFORDABLE HOUSING AND HOMELESS ALLIANCE TO STUDY THE USE OF MOBILE HOME PARKS AS A POSSIBLE OPTION FOR SOLVING HAWAII'S AFFORDABLE HOUSING CRISIS," was Adopted, with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

H.C.R. 312, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 312, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Stonebraker rose and asked that the Clerk record a no vote for him, and the Chair "so ordered."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This is a Resolution requesting the Hawaii Institute for Human Rights to convene a working group to examine and make recommendations regarding United Nations' human rights instruments for adoption by the State of Hawaii.

"My problem is I don't believe that the United Nations has proven itself a paragon of exemplary behavior. Recently, the United Nations has admitted that many of its peacekeeping forces have violated the rights set forth in the Convention of the Rights of a Child. There have been reports of peacekeepers raping, abusing, and exploiting women and children, contrary to their declaration. What does that say to us about the people that created the document? They do not practice what they preach. For those reasons, I can't support this Resolution."

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I support this. It did not come out of my Committee like this. Actually we asked for the Convention of the Child. But with the Conference Committee with the Senate, they wanted to broaden to a study of all of the kinds of human rights conventions that have been passed by the United States, and have not been passed by the United States.

"As far as the United Nations actually violating certain people, if you follow what has happened, the Secretary of the United Nations has really tackled that problem to clean it up.

"And I think for the United States, this applies to a former Resolution, one that we are agreeing to, and that is for Okinawa, where the United States troops have violated many of the human rights that we supposedly are telling people that they should do this. And for that reason, we have asked that some of these bases in Okinawa be moved. But I strongly support this and I think that by doing a taskforce on this area we can find out where, again the United States has not carried out many of the documents that we started when we started the United States, and also the human rights declaration.

"So we're hoping that the State of Hawaii can lead the United States as to how we carry out some of these decisions. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I've traveled through scores of countries, Mr. Speaker, and the human rights we have here in the United States are second to none. There are countries where you can't protest, you can't speak. You'll get run over by a tank or whatever it is. You'll get locked into jail for trying to do anything. Women still can't vote. The abuses that are around the world and with countries that are represented in the UN, the abuses that they have in their own countries are just horrendous. And yet they can see fit to come together in the United Nations and try to preach to countries like us, who have real human rights. We do have human rights here. We respect human rights. So Mr. Speaker, there's no way I can support a Resolution like this."

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this Resolution. As the good Representative from Puna had mentioned, this is not the Resolution that left the House. But I'm very proud to be voting in favor of it and encourage my colleagues to think of the bigger picture.

"Last year, this Body passed, both us and the Senate, passed a draft of the UN Rights, Convention on the Rights of Indigenous People. When I sat in Geneva last summer, representing Hawaii and *vis-a-vis*

the United States, at an interparliamentary union conference. We are the only state in the nation that recognizes the rights of indigenous people by adopting this UN convention draft. The United States was not present. The United States did not sign this.

"So when we look at the possibility that Hawaii has to be leaders in the planet for states of a free nation to adopt UN conventions and drafts, I think we have a tremendous opportunity to set the standard. And I appreciate the fact that the Senate has worked with us. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 312, HD 1, and H.C.R. 312, H.D. 1, S.D. 1, entitled: "REQUESTING THE HAWAII INSTITUTE FOR HUMAN RIGHTS TO CONVEY A WORKING GROUP TO EXAMINE AND MAKE RECOMMENDATIONS REGARDING UNITED NATIONS' HUMAN RIGHTS INSTRUMENTS FOR ADOPTION BY THE STATE OF HAWAII," was Adopted with Representatives Meyer, Moses and Stonebraker voting no, and with Representatives Abinsay, Nakasone, Saiki, Takai and Takamine being excused.

At this time, Representative B. Oshiro moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Meyer and carried. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

At 7:46 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 6:30 o'clock p.m. tomorrow, Friday, April 28, 2006. (Representatives Abinsay, Nakasone, Saiki, Takai and Takamine were excused.)

CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 41-06 through 50-06; 72-06 through 94-06; and 101-06 through 115-06) were received by the Clerk prior to 12:00 o'clock midnight this legislative day and the following action taken:

Conf. Com. Rep. No. 41-06 and S.B. No. 2909, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 42-06 and S.B. No. 3262, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 43-06 and S.B. No. 3192, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 44-06 and S.B. No. 3105, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 45-06 and S.B. No. 3185, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 46-06 and S.B. No. 2339, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 47-06 and S.B. No. 2323, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 48-06 and S.B. No. 2941, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 49-06 and S.B. No. 2260, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 50-06 and S.B. No. 951, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 72-06 and H.B. No. 2555, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 73-06 and H.B. No. 2991, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 74-06 and H.B. No. 2772, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 75-06 and H.B. No. 2145, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 76-06 and H.B. No. 2848, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 77-06 and H.B. No. 1706, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 78-06 and H.B. No. 439, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 79-06 and H.B. No. 2271, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 80-06 and H.B. No. 1878, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 81-06 and H.B. No. 2265, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 82-06 and H.B. No. 3242, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 83-06 and H.B. No. 2410, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 84-06 and H.B. No. 1995, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 85-06 and H.B. No. 2146, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 86-06 and H.B. No. 237, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 87-06 and H.B. No. 2805, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 88-06 and H.B. No. 2708, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 89-06 and H.B. No. 1968, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 90-06 and H.B. No. 3225, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 91-06 and H.B. No. 1871, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 92-06 and H.B. No. 3016, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 93-06 and H.B. No. 2299, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 94-06 and H.B. No. 3256, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 101-06 and S.B. No. 2948, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 102-06 and S.B. No. 3119, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 103-06 and S.B. No. 895, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 104-06 and S.B. No. 2901, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 105-06 and S.B. No. 2929, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 106-06 and S.B. No. 2065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 107-06 and S.B. No. 2283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 108-06 and S.B. No. 696, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 109-06 and S.B. No. 2922, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 110-06 and S.B. No. 2158, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 111-06 and S.B. No. 2159, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 112-06 and S.B. No. 2193, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 113-06 and S.B. No. 2290, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 114-06 and S.B. No. 2292, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 115-06 and S.B. No. 2293, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Friday, April 28, 2006.

HOUSE COMMUNICATIONS

House Communication dated April 27, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. 169, HD 1, SD 1	Replaced Representative Abinsay with Representative Chang as Chair.
H.B. 328, SD 1	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 330, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 954, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 955, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 1033, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 1082, HD 3, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 1200, HD 2, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 1360, HD 2, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 1843, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 1928, HD 2, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2145, HD 2, SD 1	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2146, HD 1, SD 1	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2179, HD 2, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2271, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2763, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2771, HD 2, SD 1	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2772, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2774, HD 1, SD 2	Replaced Representative Abinsay with Representative Chang as Co-Chair.
H.B. 2796, HD 1, SD 1	Replaced Representative Abinsay with Representative Chang as Co-Chair.
S.B. 244, SD 2, HD 1	Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 1065,
SD 2, HD 1

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 1268,
SD 2, HD 2

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 1899,
SD 1, HD 1

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2155,
SD 2, HD 1

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2485,
SD 2, HD 2

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2486,
SD 2, HD 1

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2492,
SD 1, HD 1

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2753,
SD 1, HD 2

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 2954,
SD 2, HD 2

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 3049,
SD 1, HD 1

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 3076,
SD 1, HD 1

Replaced Representative Abinsay with Representative Chang as Co-Chair.

S.B. 3078,
SD 2, HD 1

Replaced Representative Abinsay with Representative Chang as Co-Chair.

House Communication dated April 27, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measures:

H.B. 2299,
HD 1, SD 1

Discharged Representative B. Oshiro.
Added Representative Luke as Chair.

H.B. 3016,
HD 1, SD 1

Discharged Representative B. Oshiro.
Added Representative Luke as Chair.

H.B. 3256,
HD 1, SD 1

Replaced Representative B. Oshiro as Chair with Representative Luke.
Added Representative B. Oshiro as a member.

House Communication dated April 27, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

H.B. 970,
HD 1, SD 1

Added Representative Waters as member.

House Communication dated April 27, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bills have this day passed Final Reading in the House of Representatives:

S.B. No. 2924, SD 1, HD 1, CD 1

S.B. No. 2930, SD 1, HD 1, CD 1

S.B. No. 2243, SD 1, HD 1, CD 1
S.B. No. 695, HD 1, CD 1
S.B. No. 2265, SD 1, HD 1, CD 1
S.B. No. 3051, SD 2, HD 1, CD 1
H.B. No. 2098, HD 1, SD 1, CD 1
H.B. No. 2282, HD 1, SD 1, CD 1
H.B. No. 2897, HD 1, SD 1, CD 1

House Communication dated April 27, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 13, 2006, and has this day, agreed to the amendments and passed the following House Bills on Final Reading:

H.B. No. 1977, HD 1, SD 2	H.B. No. 2737, HD 1, SD 1
H.B. No. 2133, SD 1	H.B. No. 3037, HD 1, SD 1

House Communication dated April 27, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. 12, SD 1	H.C.R. 98, HD 1, SD 1
H.C.R. 30, HD 1, SD 1	H.C.R. 109, HD 1, SD 1
H.C.R. 34, HD 1, SD 1	H.C.R. 112, SD 1
H.C.R. 36, HD 1, SD 1	H.C.R. 192, HD 1, SD 1
H.C.R. 41, HD 1, SD 1	H.C.R. 197, SD 1
H.C.R. 75, SD 1	H.C.R. 202, HD 1, SD 1
H.C.R. 79, SD 1	H.C.R. 312, HD 1, SD 1
H.C.R. 88, SD 1	

FIFTY-EIGHTH DAY

Friday, April 28, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 6:46 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Ms. Deirdra Alo, legislative aide to Representative Magaoay, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Carroll, Kanoho, Souki, Stonebraker, Takamine and Takumi, who were excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Seventh Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 304 through 309) were received and announced by the Clerk:

Gov. Msg. No. 304, dated April 25, 2006, transmitting the Foreign-Trade Zone No. 9's Annual Report to the Foreign-Trade Zones Board for federal fiscal year ending September 30, 2005.

Gov. Msg. No. 305, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 1920, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL LITERACY MONTH." (ACT 047)

Gov. Msg. No. 306, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 3254, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OATHS OF OFFICE." (ACT 048)

Gov. Msg. No. 307, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2331, entitled: "A BILL FOR AN ACT RELATING TO AN INACTIVE STATUS FOR PROFESSIONAL AND VOCATIONAL LICENSES." (ACT 049)

Gov. Msg. No. 308, informing the House that on April 27, 2006, the following bill was signed into law:

H.B. No. 2901, entitled: "A BILL FOR AN ACT RELATING TO GARNISHMENT." (ACT 050)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 857 through 860) were received and announced by the Clerk:

Sen. Com. No. 857, dated April 27, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

S.B. No. 696, Discharged Senator Taniguchi as Co-Chair.
SD 1, HD 2 Added Senator Taniguchi as a conferee.

S.B. No. 2948, Discharged Senator Taniguchi as Co-Chair.
SD 1, HD 2 Added Senator Taniguchi as a conferee.

S.B. No. 3119, Discharged Senator Taniguchi as Co-Chair.
SD 2, HD 1 Added Senator Taniguchi as a conferee.

Sen. Com. No. 858, informing the House that the following bills have this day passed Final Reading in the Senate on April 27, 2006:

H.B. No. 2098, HD 1, SD 1, CD 1
H.B. No. 2282, HD 1, SD 1, CD 1
H.B. No. 2897, HD 1, SD 1, CD 1
S.B. No. 695, HD 1, CD 1
S.B. No. 2243, SD 1, HD 1, CD 1
S.B. No. 2259, SD 1, HD 1
S.B. No. 2265, SD 1, HD 1, CD 1
S.B. No. 2924, SD 1, HD 1, CD 1
S.B. No. 2930, SD 1, HD 1, CD 1
S.B. No. 3051, SD 2, HD 1, CD 1

Sen. Com. No. 859, informing the House that the Senate has agreed to the amendments proposed by the House to the following Senate Concurrent Resolutions and that said resolutions were adopted in final form by the Senate on April 27, 2006:

12, SD 1, HD 1 "REQUESTING THAT THE DEPARTMENT OF DEFENSE PRESENT A HOMELAND SECURITY PLAN TO THE LEGISLATURE."

67, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF HUMAN SERVICES ENSURE THAT THE CURRENT RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY IS NOT DISMANTLED WITH THE PROPOSED QUEST EXPANSION PROGRAM."

70, HD 1 "REQUESTING THE DIRECTOR OF HEALTH TO CONVENE A TASK FORCE TO DETERMINE A MEANS FOR A CHILD TO BE SCREENED PRIOR TO THE START OF THE CHILD'S EDUCATION, AT THE CHILD'S FIRST ENTRY INTO PRESCHOOL AND ELEMENTARY SCHOOL, TO PROVIDE FOR DIAGNOSIS, REFERRAL, CORRECTION OR TREATMENT, AND TO INTEGRATE THE EFFORTS OF COMMUNITY AND STATE ORGANIZATIONS RELATED TO SCREENING UNDER THIS HAWAII CHILDHOOD SCREENING INITIATIVE."

98, SD 1, HD 1 "URGING THE CITY AND COUNTY OF HONOLULU TO PROCEED WITH CAUTION IN REVIEWING DEVELOPMENTS ON STEEP HILLSIDES WITH POTENTIAL ROCKFALL HAZARDS."

117, SD 1, HD 1 "REQUESTING THE GOVERNOR TO CONVENE A TASK FORCE TO EVALUATE AND RECOMMEND POSSIBLE PROCEDURAL, STATUTORY, AND PUBLIC POLICY CHANGES TO MINIMIZE THE CENSUS AT HAWAII STATE HOSPITAL AND PROMOTE COMMUNITY-BASED HEALTH SERVICES FOR FORENSIC PATIENTS."

118, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF BUDGET AND FINANCE TO CONVENE A TASK FORCE TO RESEARCH AVENUES OF APPROPRIATE FINANCING FOR CAPITAL IMPROVEMENTS FOR FEDERALLY QUALIFIED HEALTH CENTERS, INCLUDING USE OF REVOLVING LOAN FUNDS."

Sen. Com. No. 860, dated April 27, 2006, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 957, Added Senator Inouye as Co-Chair.
HD 1, SD 1 Added Senators Espero, Fukunaga as conferees.

S.B. No. 1740, Added Senator Inouye as Co-Chair.
SD 1, HD 1 Added Senators Espero, Fukunaga as conferees.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Berg introduced her office manager, Ms. Jen Wilbur; and Kapiolani Community College volunteer intern, Ms. Annie Popovich.

Representative Luke introduced her friends Mr. Arkie and Mrs. Ruth Koehl; and Mr. David and Mrs. Cindy Cheever.

Representative Kanoho introduced Ms. Anela Grace, a volunteer in his office, and her friend Mr. Guy Belegaud.

Representative Caldwell introduced Ms. Lynn Miller, legislative aide to Representative Yamane.

Representative Caldwell also introduced Mr. Brickwood Galuteria, Chair of the Democratic Party of Hawaii.

Representative Kahikina introduced former Senator, Reverend Bob Nakata and his wife, Mrs. Joanna Nakata.

Representative M. Oshiro introduced labor leader, Mr. Harold Dias, Jr.

At 6:55 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:13 o'clock p.m.

ORDER OF THE DAY

UNFINISHED BUSINESS

Conf. Com. Rep. No. 12-06 and S.B. No. 427, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 13-06 and S.B. No. 706, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 14-06 and S.B. No. 2667, SD 2, HD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 15-06 and S.B. No. 2237, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 16-06 and S.B. No. 2021, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 55-06 and H.B. No. 2639, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 56-06 and H.B. No. 1861, SD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 57-06 and H.B. No. 862, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 58-06 and H.B. No. 2422, HD 1, SD 2, CD 1:

By unanimous consent, action was deferred to May 2, 2006

Conf. Com. Rep. No. 59-06 and H.B. No. 386, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred to May 2, 2006

CONFERENCE COMMITTEE REPORTS

Representatives Evans, Karamatsu and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2909, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 41-06) recommending that S.B. No. 2909, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 41-06 and S.B. No. 2909, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," was deferred for a period of 48 hours.

Representatives Arakaki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3262, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 42-06) recommending that S.B. No. 3262, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 42-06 and S.B. No. 3262, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was deferred for a period of 48 hours.

Representatives Hale, Karamatsu and Wakai, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3192, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 43-06) recommending that S.B. No. 3192, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 43-06 and S.B. No. 3192, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," was deferred for a period of 48 hours.

Representatives Morita, Herkes and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3105, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 44-06) recommending that S.B. No. 3105, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 44-06 and S.B. No. 3105, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," was deferred for a period of 48 hours.

Representatives Morita, Herkes and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3185, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 45-06) recommending that S.B. No. 3185, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 45-06 and S.B. No. 3185, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Representatives Arakaki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2339, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 46-06) recommending that S.B. No. 2339, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 46-06 and S.B. No. 2339, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," was deferred for a period of 48 hours.

Representatives Sonson, Luke and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2323, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 47-06) recommending that S.B. No. 2323, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 47-06 and S.B. No. 2323, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2941, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 48-06) recommending that S.B. No. 2941, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 48-06 and S.B. No. 2941, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2260, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 49-06) recommending that S.B. No. 2260, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 49-06 and S.B. No. 2260, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," was deferred for a period of 48 hours.

Representatives Kanoho and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 951, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 50-06) recommending that S.B. No. 951, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 50-06 and S.B. No. 951, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," was deferred for a period of 48 hours.

Representatives Kanoho and Yamane, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2555, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 72-06) recommending that H.B. No. 2555, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 72-06 and H.B. No. 2555, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred for a period of 48 hours.

Representatives Kahikina, Luke and Nishimoto, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2991, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 73-06) recommending that H.B. No. 2991, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 73-06 and H.B. No. 2991, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," was deferred for a period of 48 hours.

Representatives Chang and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2772, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 74-06) recommending that H.B. No. 2772, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 74-06 and H.B. No. 2772, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," was deferred for a period of 48 hours.

Representatives Kanoho, Chang, Luke and Yamashita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2145, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 75-06) recommending that H.B. No. 2145, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 75-06 and H.B. No. 2145, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," was deferred for a period of 48 hours.

Representatives Morita and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2848, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 76-06) recommending that H.B. No. 2848, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 76-06 and H.B. No. 2848, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was deferred for a period of 48 hours.

Representatives Morita, Kanoho, B. Oshiro and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1706, HD 3, SD 1, presented a report (Conf. Com. Rep. No. 77-06) recommending that H.B. No. 1706, HD 3, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 77-06 and H.B. No. 1706, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," was deferred for a period of 48 hours.

Representatives Magaoay, Luke and Yamane, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 439, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 78-06) recommending that H.B. No. 439, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 78-06 and H.B. No. 439, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," was deferred for a period of 48 hours.

Representatives Kanoho, Chang, Luke and Yamane, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2271, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 79-06) recommending that H.B. No. 2271, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 79-06 and H.B. No. 2271, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1878, SD 1, presented a report (Conf. Com. Rep. No. 80-06) recommending that H.B. No. 1878, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 80-06 and H.B. No. 1878, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," was deferred for a period of 48 hours.

Representatives Ito, Caldwell and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2265, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 81-06) recommending that H.B. No. 2265, HD 2, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 81-06 and H.B. No. 2265, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3242, SD 1, presented a report (Conf. Com. Rep. No. 82-06) recommending that H.B. No. 3242, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 82-06 and H.B. No. 3242, SD 1, CD 1, entitled: "A BILL FOR AN ACT

RELATING TO INTOXICATING LIQUOR," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2410, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 83-06) recommending that H.B. No. 2410, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 83-06 and H.B. No. 2410, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1995, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 84-06) recommending that H.B. No. 1995, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 84-06 and H.B. No. 1995, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," was deferred for a period of 48 hours.

Representatives Kanoho, Chang and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2146, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 85-06) recommending that H.B. No. 2146, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 85-06 and H.B. No. 2146, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 237, HD 3, SD 1, presented a report (Conf. Com. Rep. No. 86-06) recommending that H.B. No. 237, HD 3, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 86-06 and H.B. No. 237, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," was deferred for a period of 48 hours.

Representatives Karamatsu and Yamane, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2805, SD 1, presented a report (Conf. Com. Rep. No. 87-06) recommending that H.B. No. 2805, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 87-06 and H.B. No. 2805, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," was deferred for a period of 48 hours.

Representatives Karamatsu and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2708, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 88-06) recommending that H.B. No. 2708, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 88-06 and H.B. No. 2708, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," was deferred for a period of 48 hours.

Representatives Karamatsu and Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1968, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 89-06) recommending that H.B. No. 1968, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 89-06 and H.B. No. 1968, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3225, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 90-06) recommending that H.B. No. 3225, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 90-06 and H.B. No. 3225, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

Representatives Luke and Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1871, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 91-06) recommending that H.B. No. 1871, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 91-06 and H.B. No. 1871, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3016, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 92-06) recommending that H.B. No. 3016, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 92-06 and H.B. No. 3016, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2299, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 93-06) recommending that H.B. No. 2299, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 93-06 and H.B. No. 2299, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3256, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 94-06) recommending that H.B. No. 3256, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 94-06 and H.B. No. 3256, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," was deferred for a period of 48 hours.

Representatives Morita, Herkes and Evans, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1021, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 95-06) recommending that H.B. No. 1021, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 95-06 and H.B. No. 1021, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," was deferred for a period of 48 hours.

Representatives Caldwell, Herkes and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2211, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 96-06) recommending that H.B. No. 2211, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 96-06 and H.B. No. 2211, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," was deferred for a period of 48 hours.

Representatives Caldwell, Karamatsu and Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2691, SD 2, presented a report (Conf. Com. Rep. No. 97-06) recommending that H.B. No. 2691, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 97-06 and H.B. No. 2691, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2412, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 98-06) recommending that H.B. No. 2412, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 98-06 and H.B. No. 2412, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was deferred for a period of 48 hours.

Representatives Caldwell and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2678, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 99-06) recommending that H.B. No. 2678, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 99-06 and H.B. No. 2678, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," was deferred for a period of 48 hours.

Representatives Caldwell and Nakasone, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2950, SD 2, presented a report (Conf. Com. Rep. No. 100-06) recommending that H.B. No. 2950, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 100-06 and H.B. No. 2950, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," was deferred for a period of 48 hours.

Representatives Saiki and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2948, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 101-06) recommending that S.B. No. 2948, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 101-06 and S.B. No. 2948, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," was deferred for a period of 48 hours.

Representatives Saiki, Kahikina and Carroll, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3119, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 102-06) recommending that S.B. No. 3119, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 102-06 and S.B. No. 3119, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," was deferred for a period of 48 hours.

Representatives Kanoho and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 895, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 103-06) recommending that S.B. No. 895, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 103-06 and S.B. No. 895, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA," was deferred for a period of 48 hours.

Representatives Souki and Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2901, HD 1, presented a report (Conf. Com. Rep. No. 104-06) recommending that S.B. No. 2901, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 104-06 and S.B. No. 2901, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," was deferred for a period of 48 hours.

Representative Kanoho, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2929, HD 1, presented a report (Conf. Com. Rep. No. 105-06) recommending that S.B. No. 2929, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 105-06 and S.B. No. 2929, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," was deferred for a period of 48 hours.

Representatives Souki and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2065, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 106-06) recommending that S.B. No. 2065, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 106-06 and S.B. No. 2065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2283, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 107-06) recommending that S.B. No. 2283, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 107-06 and S.B. No. 2283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives Luke and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 696, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 108-06) recommending that S.B. No. 696, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 108-06 and S.B. No. 696, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," was deferred for a period of 48 hours.

Representative Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2922, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 109-06) recommending that S.B. No. 2922, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 109-06 and S.B. No. 2922, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2158, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 110-06) recommending that S.B. No. 2158, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 110-06 and S.B. No. 2158, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2159, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 111-06) recommending that S.B. No. 2159, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 111-06 and S.B. No. 2159, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2193, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 112-06) recommending that S.B. No. 2193, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 112-06 and S.B. No. 2193, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2290, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 113-06) recommending that S.B. No. 2290, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 113-06 and S.B. No. 2290, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2292, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 114-06) recommending that S.B. No. 2292, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 114-06 and S.B. No. 2292, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," was deferred for a period of 48 hours.

Representatives Herkes and Luke, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2293, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 115-06) recommending that S.B. No. 2293, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 115-06 and S.B. No. 2293, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," was deferred for a period of 48 hours.

Representatives Takumi, Caldwell and Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2887, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 116-06) recommending that S.B. No. 2887, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 116-06 and S.B. No. 2887, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was deferred for a period of 48 hours.

Representatives Kanoho, Magaoay and Yamane, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2090, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 117-06) recommending that S.B. No. 2090, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 117-06 and S.B. No. 2090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," was deferred for a period of 48 hours.

Representatives Kanoho, B. Oshiro and Evans, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3077, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 118-06) recommending that S.B. No. 3077, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 118-06 and S.B. No. 3077, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," was deferred for a period of 48 hours.

Representatives Kahikina, Kanoho and Magaoay, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3000, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 119-06) recommending that S.B. No. 3000, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 119-06 and S.B. No. 3000, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Representatives Kahikina, Kanoho and Magaoay, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2774, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 120-06) recommending that S.B. No. 2774, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 120-06 and S.B. No. 2774, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3111, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 121-06) recommending that S.B. No. 3111, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 121-06 and S.B. No. 3111, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," was deferred for a period of 48 hours.

Representatives Arakaki and Nishimoto, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2727, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 122-06) recommending that S.B. No. 2727, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 122-06 and S.B. No. 2727, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," was deferred for a period of 48 hours.

ANNOUNCEMENTS

Representative Magaoay: "I know it's been a long day, but Mr. Speaker and colleagues, it's really an honor for me to stand today and honor the Chair of Public Safety and Military Affairs as he turns another year. I would like to honor our good Windward Representative, Ken Ito. I don't want to disclose his age, but Ken Ito could you open your eyes and say hi to everybody."

Representative Waters: "Thank you, Mr. Speaker. He is as old as his tongue and slightly older than his teeth."

Representative Ching: "Thank you, Mr. Speaker. With that, I would like to announce Historic Preservation Day. Honoring all great things that get better with age. We do have a historic preservation awareness celebration this year coming up again, Monday through Wednesday. I want to remind everyone that it is the 100th anniversary of the Antiquities Act, the rural historic preservation declared by DLNR.

"We're really grateful that there's been a lot of support this Session. We're going to celebrate the legislation on Monday with Historic

Preservation Day, a Proclamation, and then a heritage walk on Tuesday around the Capitol Cultural District. A number of the exhibits and we have approximately 30 preservation organizations from around the State. So I encourage everyone to stop by Conference Rooms 325 and 329. One of your organizations from your districts might be there hopefully. And we'll be ending with a reception.

"We hope everyone will come out. We realize it's a tough time, however, it is National Historic Preservation month and that's why we have to have it in May. Thank you."

At this time, Representative B. Oshiro moved to keep the Journal open until 12:00 midnight this legislative day, seconded by Representative Meyer and carried. (Representatives Abinsay, Carroll, Souki, Stonebraker and Takumi were excused.)

At 7:17 o'clock p.m., on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives stood in recess until 10:00 o'clock a.m., Tuesday, May 2, 2006. (Representatives Abinsay, Carroll, Souki, Stonebraker and Takumi were excused.)

CONFERENCE COMMITTEE REPORTS

In accordance with the motion made, the following Conference Committee Reports (Conf. Com. Rep. Nos. 123-06 through 237-06) were received by the Clerk prior to 12:00 o'clock midnight this legislative day and the following action taken:

Conf. Com. Rep. No. 123-06 and S.B. No. 439, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 124-06 and S.B. No. 467, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 125-06 and S.B. No. 1294, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 126-06 and S.B. No. 2898, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 127-06 and S.B. No. 2720, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 128-06 and S.B. No. 3072, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 129-06 and S.B. No. 2343, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 130-06 and S.B. No. 2145, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 131-06 and S.B. No. 2957, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 132-06 and S.B. No. 3181, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 133-06 and S.B. No. 486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 134-06 and S.B. No. 3003, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 135-06 and S.B. No. 3215, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 136-06 and S.B. No. 3247, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 137-06 and S.B. No. 3252, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 138-06 and S.B. No. 2570, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 139-06 and S.B. No. 3078, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 140-06 and S.B. No. 2997, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 141-06 and S.B. No. 845, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 142-06 and S.B. No. 1899, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 143-06 and S.B. No. 2984, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 144-06 and S.B. No. 2036, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 145-06 and S.B. No. 2753, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 146-06 and S.B. No. 2486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 147-06 and S.B. No. 2879, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 148-06 and S.B. No. 2575, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 149-06 and S.B. No. 2348, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 150-06 and S.B. No. 1648, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 151-06 and H.B. No. 1862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 152-06 and H.B. No. 1891, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 153-06 and H.B. No. 1800, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 154-06 and H.B. No. 1923, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 155-06 and H.B. No. 2669, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 156-06 and H.B. No. 2239, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 157-06 and H.B. No. 2399, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 158-06 and H.B. No. 2075, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 159-06 and H.B. No. 1880, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 160-06 and H.B. No. 2214, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 161-06 and H.B. No. 2637, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 162-06 and H.B. No. 2500, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 163-06 and H.B. No. 1900, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 164-06 and H.B. No. 1280, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOOD CONTROL," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 165-06 and H.B. No. 1889, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 166-06 and H.B. No. 1879, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 167-06 and H.B. No. 3259, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 168-06 and H.B. No. 3235, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 169-06 and H.B. No. 1918, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 170-06 and H.B. No. 2626, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 171-06 and H.B. No. 2540, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 172-06 and H.B. No. 2051, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 173-06 and H.B. No. 2277, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 174-06 and H.B. No. 2045, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 175-06 and H.B. No. 1821, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 176-06 and S.B. No. 475, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 177-06 and S.B. No. 2334, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 178-06 and S.B. No. 3253, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 179-06 and S.B. No. 2961, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 180-06 and S.B. No. 2545, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 181-06 and S.B. No. 2150, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 182-06 and S.B. No. 2897, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 183-06 and S.B. No. 2273, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 184-06 and S.B. No. 965, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 185-06 and S.B. No. 2958, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 186-06 and S.B. No. 819, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 187-06 and S.B. No. 2133, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 188-06 and S.B. No. 2502, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 189-06 and S.B. No. 2143, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 190-06 and S.B. No. 2484, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 191-06 and S.B. No. 2480, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 192-06 and S.B. No. 2504, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 193-06 and S.B. No. 3090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 194-06 and S.B. No. 3270, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 195-06 and S.B. No. 2214, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 196-06 and S.B. No. 2461, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 197-06 and S.B. No. 3120, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 198-06 and S.B. No. 3035, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 199-06 and S.B. No. 2505, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 200-06 and S.B. No. 2274, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 201-06 and H.B. No. 2778, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 202-06 and H.B. No. 2595, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VISITS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 203-06 and H.B. No. 1865, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 204-06 and H.B. No. 1866, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 205-06 and H.B. No. 2692, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 206-06 and H.B. No. 2153, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 207-06 and H.B. No. 3116, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 208-06 and H.B. No. 3056, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 209-06 and H.B. No. 2109, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 210-06 and H.B. No. 1867, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 211-06 and S.B. No. 218, SD 4, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 212-06 and S.B. No. 2630, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 213-06 and S.B. No. 3009, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 214-06 and S.B. No. 3101, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 215-06 and S.B. No. 2980, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 216-06 and S.B. No. 3197, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 217-06 and S.B. No. 3059, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 218-06 and S.B. No. 3195, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 219-06 and S.B. No. 3273, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 220-06 and S.B. No. 2076, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 221-06 and S.B. No. 2190, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 222-06 and S.B. No. 2708, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 223-06 and S.B. No. 2719, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 224-06 and H.B. No. 3105, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 225-06 and H.B. No. 3142, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 226-06 and H.B. No. 2961, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 227-06 and H.B. No. 2558, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 228-06 and H.B. No. 2947, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 229-06 and H.B. No. 3244, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 230-06 and H.B. No. 970, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 231-06 and H.B. No. 2175, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 232-06 and H.B. No. 266, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 233-06 and H.B. No. 2179, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 234-06 and H.B. No. 2176, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 235-06 and H.B. No. 2966, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 236-06 and H.B. No. 3115, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Conf. Com. Rep. No. 237-06 and S.B. No. 2956, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," were placed on the Calendar for Final Reading on Tuesday, May 2, 2006.

Senate that the House has made the following changes to the conferees on the following measures:

H.B. 2961, HD 1, SD 1 Discharged Representative Takumi as Co-Chair.
Added Representative Berg as Co-Chair.

H.B. 3115, HD 2, SD 2 Discharged Representative Morita as Co-Chair.
Discharged Representative Caldwell.

S.B. 2956, SD 2, HD 2 Discharged Representative Takumi as Co-Chair.
Added Representative Berg as Co-Chair.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m., Tuesday, May 2, 2006.

HOUSE COMMUNICATIONS

House Communication dated April 28, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

S.B. 3205, SD 2, HD 1 Changed Representative Carroll from Co-Chair to manager.
Added Representative Yamane as Co-Chair.

House Communication dated April 28, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has made the following changes to the conferees on the following measure:

S.B. 475, SD 2, HD 1 Discharged Representative Carroll.
Added Representative Yamane as Co-Chair.

House Communication dated April 28, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the

FIFTY-NINTH DAY

Tuesday, May 2, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 10:17 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Deacon Kats Taura of Waialae Baptist Church, after which the Roll was called showing all members present with the exception of Representative Kanoho, who was excused.

By unanimous consent, reading and approval of the Journal of the House of Representatives of the Fifty-Eighth Day was deferred.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 309 through 318) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 309, informing the House that on April 28, 2006, the following bill was signed into law:

H.B. No. 2346, SD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR DEPARTMENT OF EDUCATION ELECTRICITY." (ACT 051)

Gov. Msg. No. 310, informing the House that on April 28, 2006, the following bill was signed into law:

H.B. No. 2273, SD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR RISK MANAGEMENT." (ACT 052)

Gov. Msg. No. 311, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 2210, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEARLRIDGE ELEMENTARY SCHOOL." (ACT 053)

Gov. Msg. No. 312, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 1833, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS." (ACT 054)

Gov. Msg. No. 313, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 2443, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT." (ACT 055)

Gov. Msg. No. 314, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 3194, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COMMISSION FOR NATIONAL AND COMMUNITY SERVICE." (ACT 056)

Gov. Msg. No. 315, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 3018, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES." (ACT 057)

Gov. Msg. No. 316, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 2780, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DISPOSITION OF CONVICTED DEFENDANTS." (ACT 058)

Gov. Msg. No. 317, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 1983, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 059)

Gov. Msg. No. 318, informing the House that on May 1, 2006, the following bill was signed into law:

H.B. No. 2207, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ASSAULT." (ACT 060)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 861 through 866) were received and announced by the Clerk:

Sen. Com. No. 861, transmitting H.C.R. No. 48, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE FEDERAL GOVERNMENT ALLOW NATIONAL GUARD MEMBERS AND MILITARY RESERVISTS WITH TWENTY OR MORE YEARS OF SERVICE TO RETIRE WITH FULL RETIREMENT BENEFITS AT AGE FIFTY-FIVE," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 862, transmitting H.C.R. No. 72, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES, ADULT FOSTER HOME ASSOCIATION, AND CASE MANAGEMENT COUNCIL TO WORK TOGETHER TO CLEARLY DEFINE AND RECOMMEND THE THREE DISTINCT COMPONENTS OF THE RESIDENTIAL ALTERNATIVES COMMUNITY CARE FOSTER FAMILY HOMES SERVICE ARRAY AND THEIR MODE OF SERVICE DELIVERY, FOR INCLUSION IN THE DEPARTMENT OF HUMAN SERVICES QUEST EXPANDED ACCESS REQUEST FOR PROPOSAL," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 863, transmitting H.C.R. No. 180, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF AGRICULTURE AND THE AGRIBUSINESS DEVELOPMENT CORPORATION TO SEEK FEDERAL MATCHING FUNDS FOR THE IRRIGATION REPAIR AND MAINTENANCE SPECIAL FUND," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 864, transmitting H.C.R. No. 200, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN ANALYSIS OF INCENTIVES TO PROMOTE LANDOWNER PROTECTION OF IMPORTANT MAUKA LANDS," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 865, transmitting H.C.R. No. 230, entitled: "HOUSE CONCURRENT RESOLUTION APPROVING AND AUTHORIZING THE ESTABLISHMENT OF STATE-PROVINCE RELATIONS OF FRIENDSHIP BETWEEN THE STATE OF HAWAII OF THE UNITED STATES OF AMERICA AND THE PROVINCE OF ISABELA OF THE REPUBLIC OF THE PHILIPPINES," which was adopted by the Senate on April 28, 2006.

Sen. Com. No. 866, informing the House that the Senate has, on April 28, 2006, reconsidered action taken on April 25, 2006, in disagreeing to the amendments proposed by the House and has adopted in final form the following Senate Concurrent Resolutions:

- 32, SD 1, HD 1 "REQUESTING THE STATE ETHICS COMMISSION TO REVIEW POSSIBLE ETHICS VIOLATIONS COMMITTED BY THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM."
- 159, SD 1, HD 1 "REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH AN AGRICULTURAL PESTICIDE DISPOSAL ASSISTANCE PROGRAM."

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Pine introduced members of the Iroquois Point Elementary School Band, and their Principal, Mr. Bob Elliot; Music Teacher, Mr. David Utrera; and parents, Madalene Aponte, Stacey Scalf, Linda Coronado, Ruth Brown, Kristen Alvarado, Linda Carlson, Nuniamah Evans, and Pia Valeriano.

Representative Caldwell introduced members of the Kakaako Coalition and Mr. Ron Iwami.

Representative Kahikina introduced members of the Kukui Gardens Association; President, Ms. Carol Anzai, and Rev. Bob Nakata.

Representative Wakai introduced Mr. Bill Daniel, Chairman of William Daniel Venture Capitalists.

Representative Ito introduced former Attorney General, Mr. Ron Amemiya.

Representative Abinsay introduced Ms. Helena Manzano, an advocate for language access.

Representative Ching introduced her friend, Ms. Pauline Worsham.

Representative Harbin introduced her son, Mr. Bradley Endrizal.

Representative Berg introduced her constituent, Mr. George Downing of Downing Hawaii.

Representative Meyer introduced her Punahou classmate, Mr. Alex Jamile.

Representative Thielen introduced Mr. Henry Curtis of Life of the Land, and Ms. Kat Brady of the Community Alliance on Prisons.

ORDER OF THE DAY

SUPPLEMENTAL CALENDAR #1 CONFERENCE COMMITTEE REPORTS

At this time, the Chair announced:

"Before going on to the Unfinished Business, the Chair would like to say a few words regarding Supplemental Calendar No. 1 on your desk. For all of you, the following measures were filed with the Clerk's Office and were dated May 2nd, 2006.

"As you may know, the Senate President and I waived the Friday deadline for filing the Conference Committee Reports and Conference Drafts for these ten House bills.

"I wanted to take this opportunity to explain the procedural reasons for why these reports and bills were not filed on Friday night, and the reason the President and I waived the deadline.

"Back on December 13, 2005, the Senate President and I prepared an internal legislative timetable, setting April 28th as the last day to file fiscal bills to deck for Final Reading. On March 24th of this year, the President and I signed the Conference Committee Guidelines that provide, in paragraph 10(c), that all Conference Committee reports shall be filed by 11:30 p.m. on Friday, April 28th.

"However, several measures were being negotiated up to the last minutes on Friday night. Several Conference Committees, even though they had reached agreement on the substance of these ten measures, did not have the time to prepare and adequately review the reports and final form of the Conference Drafts prior to the filing deadline.

"Therefore, the President and I exercised our powers under Rule 12 of the Conference Committee Guidelines, to make an exception to this deadline for these bills. The reason we granted this exception was to provide the Conference Members with an opportunity to make sure that the Conference Reports and the Conference Drafts accurately reflected the agreements made on Friday evening.

"The President and I felt that since the Conferees had reached timely agreement on these bills, allowing these bills to die based on an internal procedural deadline for filing paperwork with the Clerk's office, was not in the best interests of the people of Hawaii.

"Rather, we felt it important to exercise the discretion that the Guidelines gave us to waive that deadline and ensure that the tax relief provided for in House Bill No. 957, as well as other important initiatives, would reach the floor of both houses for Final Reading as the Conference Committees intended.

"I wish to emphasize to all of you that previous Legislatures, when facing similar problems in past years, have followed the same procedure we will be following with these measures. These bills are listed on today's Supplemental Calendar No. 1 on the Order of the Day.

"Please note that these bills will receive the proper 48-hour notice of final form as required by the Constitution and will be before this House for Final Reading on Thursday."

Representatives Karamatsu and Yamashita, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2546, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 238-06) recommending that S.B. No. 2546, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 238-06 and S.B. No. 2546, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," was deferred for a period of 48 hours.

Representatives Sonson, Arakaki and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2043, HD 2, SD 3, presented a report (Conf. Com. Rep. No. 239-06) recommending that H.B. No. 2043, HD 2, SD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 239-06 and H.B. No. 2043, HD 2, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," was deferred for a period of 48 hours.

Representatives Sonson and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2258, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 240-06) recommending that H.B. No. 2258, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 240-06 and H.B. No. 2258, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," was deferred for a period of 48 hours.

Representatives Karamatsu and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2878, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 241-06) recommending that H.B. No. 2878, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 241-06 and H.B. No. 2878, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," was deferred for a period of 48 hours.

Representatives Karamatsu and Yamane, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2806, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 242-06) recommending that H.B. No. 2806, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 242-06 and H.B. No. 2806, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," was deferred for a period of 48 hours.

Representatives Karamatsu, Herkes and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3036, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 243-06) recommending that H.B. No. 3036, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 243-06 and H.B. No. 3036, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," was deferred for a period of 48 hours.

Representatives Karamatsu, Herkes and Chong, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3118, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 244-06) recommending that H.B. No. 3118, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 244-06 and H.B. No. 3118, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," was deferred for a period of 48 hours.

Representatives Karamatsu, Waters and Wakai, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3261, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 245-06) recommending that H.B. No. 3261, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 245-06 and H.B. No. 3261, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," was deferred for a period of 48 hours.

Representatives Karamatsu and Yamashita, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3060, HD 1, SD 2, presented a

report (Conf. Com. Rep. No. 246-06) recommending that H.B. No. 3060, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 246-06 and H.B. No. 3060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," was deferred for a period of 48 hours.

Representatives Karamatsu, Herkes and Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2419, HD 1, SD 3, presented a report (Conf. Com. Rep. No. 247-06) recommending that H.B. No. 2419, HD 1, SD 3, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 247-06 and H.B. No. 2419, HD 1, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

Representative Takamine, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 957, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 248-06) recommending that H.B. No. 957, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 248-06 and H.B. No. 957, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was deferred for a period of 48 hours.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 237-06 and S.B. No. 2956, SD 2, HD 2, CD 1:

By unanimous consent, action was deferred to the end of calendar on May 4, 2006

SUSPENSION OF RULES

On motion by Representative B. Oshiro., seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 163-06 and H.B. No. 1900, HD 1, SD 1, CD 1:

Representative Takamine moved that the report of the Committee be adopted and that H.B. No. 1900, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative Kawakami

Representative Takamine rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, I rise in support of this measure.

"Mr. Speaker, the budget has always been a collective effort. Because there was so much demand on resources available, it was even more critical that this budget be a product of many voices. Otherwise, Mr. Speaker, we would not be able to agree on its priorities.

"I'd like to first thank the Leadership and all the Committee Chairs for providing the framework for this budget. All the hard work of the various interim workgroups led by your Committee Chairs as they held hearings and briefings statewide to find answers to the critical

issues we face today have culminated in the priorities of this budget.

"I'd also like to thank the efforts of the Members of the Finance Committee. Beginning late last summer in August, the Finance Committee embarked on site visits that would encompass all islands. Those visits allowed us to see firsthand the challenges faced by our various communities.

"Mr. Speaker, I thank the Finance Committee staff for all their hard work in organizing our interim site visits, as well as all the time dedicated to analyzing the details of the budget and all the other bills that tied into the Executive Budget.

"Mr. Speaker, I would be remiss if I didn't acknowledge the hard work of your Grants-in-Aid Subcommittee Chair, Representative Magaoay, and I would like to thank Representative Nakasone and his staff for all their hard work on the CIP portion of the budget.

"Mr. Speaker, I'd like to also acknowledge and thank the tremendous contribution of Vice Chair Kawakami. Her insight and knowledge of the budget has been invaluable over the years. Vice Chair, thank you for all your support.

"Finally, Mr. Speaker, I would also like to acknowledge our Senate counterparts, Chair Taniguchi and his conferees, who were integral partners in crafting the Conference Draft of our State budget.

"Mr. Speaker, in your Opening Day remarks you challenged us. You pointed out that, and I quote from your remarks:

We need to take a collective deep breath and think hard before we decide what to do. As good stewards, we know there is a significant responsibility on our shoulders. We must make the right choices. Why? Because we may not have another chance like this for a long time.

"Rather than squandering this incredible opportunity, we took a balanced, fiscally responsible approach to this budget. During the mid to late 1990s, many states enjoyed economic booms that provided unprecedented revenues – a situation similar to what we face today. In response, these states both increased their spending, as well as reduced their taxes. These actions created structural deficits in their budgets, and when recession hit, these states were faced with making tough choices, which included raising taxes and cutting essential programs.

"We took a lesson from the past, Mr. Speaker, and heavily scrutinized new funding initiatives and tax cuts that would have created similar obligations in the future. We cannot and should not sacrifice the future of our children for short-term political gain.

"We began this Session with numerous ideas on how to spend our surplus. Our challenge was to strike a balance between providing for the numerous unmet needs in our communities caused by tight budgeting and ensuring a prosperous future for our State.

"You challenged us, Mr. Speaker, to reinvent our future. We did just that. This budget is one step towards doing so. Funding in several bills that we will be voting on later will more fully define that future.

"Mr. Speaker, we have repeatedly recognized that our children are our most precious resource. Our first, and perhaps our greatest, single priority is to ensure them a safe and prosperous future. That future begins in a safe, clean, and productive learning environment."

Representative Schatz rose to yield his time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Thank you. Mr. Speaker, our communities demanded that we fix our schools – both public schools and our colleges and universities.

Mr. Speaker, we did just that.

"Governor Lingle provided a mere \$40 million to fix schools. That's a drop in the bucket, Mr. Speaker, to tackle a backlog of repairs that amount to about \$525 million and grows by \$75 million every year. We're providing \$230 million in cash and bonds for this purpose. Our efforts will reduce the immediate backlog by one-third.

"Mr. Speaker, we could have the best primary educational system available, but it would be wasted, if it weren't also a door to higher learning opportunities. We found that our community college system and university system was suffering from a problem very similar to that of public education – decaying infrastructure. The Governor proposed to provide the university system with just \$10 million to address all of its critical repair needs. That's simply not enough.

"The University of Hawaii System has a backlog of over \$160 million. Our budget proposes \$50 million to take a major bite out of the repair and maintenance backlog.

"Mr. Speaker, in the process of building a stronger, more prosperous Hawaii, we cannot lose sight of our responsibility to the most vulnerable in our communities. If we are to invent a new future for ourselves, we cannot afford to leave anyone behind. We must improve the quality of life for all.

"Some people have said that we're too late to do anything about the affordable housing crunch. That doesn't mean that we shouldn't tackle the problem head on. Mr. Speaker, we did just that.

"As a start, \$50 million has been set aside to provide for an array of services for the homeless and to assure that affordable rentals will be available in the future. In addition, over \$34 million has been provided to decrease the number of people without health insurance; provide for dental services for low-income families; and support our rural hospitals in the delivery of efficient, high-quality healthcare services.

"Our quality of life also depends on the responsible use of our natural resources. Finding new ways to conserve energy and develop the technologies that allow us to decrease our dependence on oil are urgent priorities, not only for our citizens, but for our businesses that provide jobs for everyone. In order to address these efforts, we need to develop a comprehensive energy strategy and Mr. Speaker, we did just that.

"\$40 million will be invested in renewable energy incentives and research and development of new technologies and applications.

"Mr. Speaker, we are at a turning point in our State's history. The many sacrifices that we have collectively made have brought us to the point where economic diversity is no longer just a buzz-word. It is a part of a reality ..."

Representative Caldwell rose to yield his time, and the Chair, "so ordered."

Representative Takamine continued, stating:

"Thank you. It is part of a reality that is starting to blossom. We stand on the edge of a brighter future for the State built on a foundation of years of visionary, steadfast, and difficult decisions.

"Not everyone will agree with the choices made. Some will say we could have done more to pay for programs and services. Others will say that we could have not cut enough taxes. I beg to differ.

"We must seize the opportunity we now have to really plan for the long term. We must not squander this chance to chart a new course. We don't know what the future holds, but that's exactly why we must exercise fiscal restraint.

"Mr. Speaker, we saw what happened in February and March when

our communities were inundated with heavy rains that caused much suffering. Governor Lingle requested over \$60 million to address this situation.

"Due to funding requirements of the ongoing war in Iraq, President Bush has already made cuts in federal funding that are being felt by this budget. For example, the Even Start Family Literacy program has already been cut by 60%. The President is now requesting that this program be eliminated.

"We've provided substantial resources to the Department of Education to fix our schools and address our repair and maintenance backlog. But our work is just beginning. Even if we were able to provide the DOE with \$150 million more per year, it would take until 2013 – six years from now – to totally eliminate the backlog.

"Mr. Speaker, the balanced combination of one-time funding and recurring expenses in this budget will ensure that we are prepared for uncertainty. This is a fiscally prudent, responsible and responsive budget that focuses on improving the quality of life for all the people of Hawaii. This is a budget that reinvents, defines and sets us on the path to that brighter, more prosperous future.

"Therefore, I urge my colleagues' support. Thank you very much, Mr. Speaker."

Representative Moses rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, in support with some comments. Thank you. Thanks to Hawaii's hardworking people and our Administration's 'open for business' policies and attitude, Hawaii's economy is robust and continues to grow. We have the lowest unemployment rate in the nation. Employment is available for just about anybody in Hawaii who is willing to work. This, combined with some of the highest taxes in the nation has produced a very large surplus, which we have invested in public safety, healthcare, human services, alternative energy, transportation, our *aina*, our heritage, and education. These are all fundamental services that make our State a better place to live. In addition, many emergency situations receive necessary funding.

"Unfortunately Mr. Speaker, while some entire areas received everything asked for and more, often much, much more, others appeared to be intentionally singled out for reduced attention. I supported education since before my first election Mr. Speaker. It's what brought me here into politics.

"I'm not opposed to giving money to our schools. There's probably no more noble cause, but I question where the money has been used by the Department of Education. I believe that too much money has been provided with insufficient guidance and oversight. Money has been provided in amounts beyond the Department's ability to properly spend it, with the results that some funds sit in the DOE's account while our children still lack essentials and our citizens continue to pay taxes that are too high and other programs are deprived of needed funds.

"It would make better fiscal sense to appropriate an amount the DOE has the capacity to spend. Our tax dollars should be working for the taxpayers. Circulating through the economy not tucked under a mattress at the DOE.

"Although in another bill, House Bill 957, that you refer to earlier, that will be before us on Thursday, there is some income tax relief that was taken up at the last minute this Session – about \$51 million for our residents and approximately \$9 million for flood relief. That's very good. That's out of the surplus that exceeds \$700 million. There should have been more and it should have been done much sooner and it should be immediate. Immediate relief for the taxpayers. Our hardworking families were not considered for the benefits of their labor until at the deadline for taking action.

"Mr. Speaker, surely we all realized that money for tax relief to hard working families is circulated back through the marketplace, back through our entire economy and it makes our economy even stronger.

"On another subject, Mr. Speaker, I'm personally very saddened by the fact that while the DOE has benefited so grandly, the University of Hawaii did not receive needed funds for many program IDs, nor any of the funds for the badly needed West Oahu campus. It is true that the House provided \$200 million in B funds for the construction of the new campus in Kapolei and that the Senate deleted the money, but the final result remains that the people of West Oahu must wait for the badly needed campus despite the State's budget surplus.

"I like to end by commending this Body for providing badly needed funds for a North-South Road, sufficient funds to move ahead with the Kapolei Judiciary Complex, and funds for many needed and well deserved grants-in-aid. Although some projects I talked about are in the Second City at Kapolei, they are projects that are for the benefit of the entire island and I believe for the entire State. That's why I singled them out. Thank you, Mr. Speaker."

Representative Pine rose to speak in support of the measure, stating:

"Just in support, Mr. Speaker. And I want to use the words of the previous speaker and to also thank this Body for also including the whole Ewa Plain in their priorities this year. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support, but I do have some reservations. Thank you Mr. Speaker. Mr. Speaker, we reviewed a lot of the budget bill and the Conference Committee Report and I did want to thank the Chair of Finance, as well as the Chair of Ways and Means in the Senate, and all those who participated in this bill. I know that this takes a lot of work so the comments that I have are meant to not disrespect anyone because I know that this budget, it still does a lot of good funding for our State.

"Mr. Speaker, some of the reservations that I have would be that as I look at it, there are a couple things that stood out in my mind as to our overall picture and what we're trying to accomplish as a State with government, and one of those is the issue in regards to an alternative to the HYCF situation that we have. It was brought to my attention that there is another alternative which is called the 'safe house.' And this safe house is an alternative from sending these youths over to Oahu, to and going to HYCF, instead staying on some of their own islands and Neighbor Islands. Some of that money has not been included in the budget and what that means is less alternatives for these youths on these Neighborhood Islands.

"We all know the challenges that they're having over there and that particular pilot project was visited by the US Department of Health and Human Services. The Administrator, I think he's the Secretary, and he said, that basically it was a great pilot project, that it was a good alternative and that it should be supported. And it would be nice, I think that some of the other areas like Maui and Kauai and West Hawaii were also included in some of that money to be able to fund that project.

"Another one that comes that stuck out to me was also for the DLNR's budget to help with the water access for the thousand affordable homes over in North Kona. You know, we are talking about different affordable housing measures and that would have been a good opportunity to increase our affordable housing on that side of the island.

"Overall, Mr. Speaker, I look at the bill and I want to thank, the Finance Committee for supporting Charter Schools. It does show support of Charter Schools in this particular area.

"In regard to schools in general, one of the things that I stood up and I've talked about throughout this whole Session is allowing the schools to be able to prioritize their own spending and through that and through community involvement we would be able to have meaningful programs, not just spread out throughout the whole State, but meaningful programs for each school level, at the school level and some of what's in the budget detracts from that. It basically says that, here we have DOE making the decisions for the school level needs and priorities, so I would have preferred if we put more money into school level priorities.

"Mr. Speaker, some of the things also that I'm concerned about is the Standard of Need. That particular bill, the money for that bill, it's really budget neutral. So in the beginning of the Session I talked about if we wanted to help the poor, that this is an area where we would be able to help them. The Standard of Need allows for more money going to groups like the aged, blind, and disabled, and although we are looking at a bill for that, it's considered 'budget neutral' and so it doesn't necessarily allow them to receive more money.

"As I look at this, let me see ... The other thing the main thing in regards to my reservations, however ..."

Representative Thielen rose to yield her time, and the Chair, "so ordered."

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. I think the main issue for me though with my reservation, is not having an overall picture with a six-year financial plan to be able to take a look at how this all fits together, and not just look in a bubble and say, 'Okay this is the budget and we have so many other bills that have fiscal implications to the State.' We have debt service. We have ongoing support for these programs. We have a lot of things in '07 in regards to our collective bargaining increases and other items that we don't have an ability to take a look into the future, and see how that works with our future stability, the financial stability of our State. Mr. Speaker, that's why I rise with reservations and I thank the hard work that everyone has put into it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1900, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Halford and Stonebraker voting no.

At 10:57 o'clock a.m., the Chair noted that H.B. No. 1900, HD 1, SD 1, CD 1, passed Final Reading.

At 10:57 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:10 o'clock p.m.

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Berg introduced students of the Kamehameha Middle School Kukui Team, Project Citizen participants, and their teachers, Ms. Kim Maunakea, Ms. Amy Callahan, Ms. Renade Kaneakua, Ms. Joy Aiwohi, Mr. Mike Kawakami, Mr. Alan Akaka, and Ms. Laurie Seto.

Representative Berg also introduced Kamehameha Middle School student Trey Paresa, son of Assistant Sergeant-at-Arms Lon Paresa.

The Chair recognized the Clerk who announced:

"I have been informed by a representative of the President of the Senate that Conference Committee Report for H.B. No. 1900, HD 1, SD 1, CD 1, was adopted, and that H.B. No. 1900, HD 1, SD 1, CD 1, Relating to the State Budget, passed Final Reading in the Senate at 12:37 p.m. this day.

"In addition, I have been informed by the Assistant Clerk of the House that at 12:38 p.m., this day, H.B. No. 1900, HD 1, SD 1, CD 1, has been duly transmitted by the Legislature to the Governor, pursuant to Article VII, Section 9, of the Hawaii State Constitution."

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 867) was received and announced by the Clerk:

Sen. Com. No. 867, informing the House that the Senate has on May 2, 2006, passed the following bill on Final Reading:

H.B. No. 1900, "RELATING TO THE STATE BUDGET."
HD 1, SD 1,
CD 1

UNFINISHED BUSINESS

Conf. Com. Rep. No. 196-06 and S.B. No. 2461, SD 1, HD 1, CD 1:

At this time, Representative Arakaki offered Floor Amendment No. 4 amending S.B. No. 2461, SD 1, HD 1, CD 1 as follows:

SECTION 1. Senate Bill No. 2461, S.D. 1, H.D. 1, C.D. 1, is amended by adding a new part to read as follows:

"PART VII

SECTION 13. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,500,000, or so much thereof as may be necessary for fiscal year 2006-2007, as grants pursuant to chapter 42F, Hawaii Revised Statutes, to:

(1) Molokai General Hospital	\$500,000
(2) Kahuku Hospital	\$500,000
(3) Hana Community Health Center	\$500,000

The sum appropriated shall be expended by the department of health for the purposes of this section.

SECTION 14. There is appropriated out of the general revenues of the State of Hawaii \$500,000, or so much as may be necessary for fiscal year 2006-2007, as a grant pursuant to chapter 42F, Hawaii Revised Statutes, for emergency room subsidy at the Waianae District Comprehensive Health and Hospital Board, Inc., doing business as Waianae Coast Comprehensive Health Center.

The sum appropriated shall be expended by the department of health for the purposes of this section."

SECTION 2. Senate Bill No. 2461, S.D. 1, H.D. 1, C.D. 1, is amended by renumbering section 13 as section 15, and designating it as "PART VIII".

Representative Arakaki moved that Floor Amendment No. 4 be adopted, seconded by Representative Takamine.

Representative Arakaki rose, stating:

"Thank you, Mr. Speaker. I'm offering an amendment to amend Senate Bill 2461, Senate Draft 1, House Draft 1, Conference Draft 1 to add additional appropriations to provide funding for Molokai General Hospital, Kahuku Hospital, Hana Community Health Center and Waianae District Comprehensive Health Center."

The motion that Floor Amendment No. 4 amending S.B. No. 2461, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," be adopted was put to vote by the Chair and carried.

Conf. Com. Rep. No. 211-06 and S.B. No. 218, SD 4, HD 1, CD 1:

At this time, Representative Arakaki offered Floor Amendment No. 5 amending S.B. No. 218, SD 4, HD 1, CD 1 as follows:

SECTION 1. S.B. No. 218, C.D. 1, is amended by designating sections 1 and 2 as part I.

SECTION 2. S.B. No. 218, C.D. 1, is amended by amending the last paragraph of section 1 to read as follows:

"The purpose of this ~~Act~~ part is to appropriate funds to the department of health to establish a training stipend program for emergency medical technicians who do not have access to a training stipend program and who want to advance in their chosen profession by enrolling in a state-qualified mobile intensive care technician training program."

SECTION 3. S.B. No. 218, C.D. 1, is amended by amending the last paragraph of section 2 to read as follows:

"The sum appropriated shall be expended by the department of health for the purposes of this ~~Act~~ part."

SECTION 4. S.B. No. 218, C.D. 1, is amended by adding a new section, designating the new section as part II, and numbering the new section as section 3, to read as follows:

"PART II

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000, or so much thereof as is necessary for fiscal year 2006-2007, to provide funding for helicopter medical transport services for the island of Oahu; provided that the department of health shall procure helicopter medical transport services for the island of Oahu according to the following priority:

- (1) Working with the department of defense;
- (2) Working with the city and county of Honolulu; or
- (3) Purchase of service.

The sum appropriated shall be expended by the department of health for the purpose of this part."

SECTION 5. S.B. No. 218, C.D. 1, is amended by renumbering section 3 as section 4, and designating the newly designated section 4 as part III.

Representative Arakaki moved that Floor Amendment No. 5 be adopted, seconded by Representative Takamine.

Representative Arakaki rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. Mr. Speaker, this is to provide an additional appropriation out of the general revenues of the State of Hawaii in the sum of \$1 million. This is to provide for funding for helicopter and medical transport services for the island of Oahu. As you all know, because of the departure of the MAST helicopter services, we have a need to provide interim services and ongoing

services as provided hopefully through the Department of Defense and the additional sums will allow us, the Department of Health to contract for those services."

The motion that Floor Amendment No. 5 amending S.B. No. 218, SD 4, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," be adopted was put to vote by the Chair and carried.

Conf. Com. Rep. No. 236-06 and H.B. No. 3115, HD 2, SD 2, CD 1:

At this time, Representative M. Oshiro offered Floor Amendment No. 6 amending H.B. No. 3115, HD 2, SD 2, CD 1 as follows:

SECTION 1. House Bill No. 3115, H.D. 2, S.D. 2, C.D. 1 (RELATING TO PETROLEUM INDUSTRY), is amended to read as follows:

SECTION 1. The legislature finds that the oil industry has in the past, and if unchecked, will likely in the future, use oligopolistic powers to set artificially high prices in Hawaii for motor fuel and other petroleum products. Disadvantaged by the secrecy in the industry, elected officials and the public are denied accurate assessments of the true causes of higher prices. True and effective transparency would be an effective tool to prevent the use of price maintenance schemes or other illegal behavior that artificially raises consumer prices.

While true transparency should provide benefits for Hawaii consumers, the legislature further finds that the combination of the state's geographical isolation and the market control exercised by the oil companies necessitate additional measures to safeguard the public. While the effectiveness of increased transparency is tested, the current maximum wholesale price of gasoline should be suspended but the governor should have the ability to reinstate it in the event transparency does not provide the relief needed and the oil industry maintains excessively high prices. The governor should have the authority to reinstate the maximum wholesale price upon publication of a finding that its reinstatement is beneficial to the economic well-being, health, or safety of the people of the State.

The legislature further finds that the establishment and allocation of adequate resources for a vigorous state watchdog system to monitor and oversee the petroleum industry and gasoline market is a prerequisite to ensure an efficient market. The public disclosure, collection, aggregation, and analyses of current data relating to Hawaii petroleum fuel prices, volumes, costs, and profits, and the subsequent reporting of this information to planning and enforcement agencies, such as the departments of the attorney general, business, economic development, and tourism, and taxation, for review and assessment, is critical in ensuring compliance with the letter and spirit of the laws and regulations designed to promote fair and competitive gasoline prices for Hawaii's consumers.

The purposes of this Act are to:

- (1) Require true transparency by the oil industry to increase competition and provide the public and elected officials with the necessary monitoring capability to discourage the industry from using price maintenance schemes or other anti-competitive practices that artificially raise consumer prices;
- (2) Suspend the maximum gasoline wholesale price while leaving the governor the ability to reinstate it if oil companies maintain excessively high prices that are detrimental to the economic well-being, health, or safety of the people of the state;
- (3) Require the public utilities commission to develop and maintain the petroleum industry monitoring, analysis, and reporting program, including an automated petroleum industry information reporting system;

- (4) Redelineate the types of information that the petroleum industry must submit to the public utilities commission;
- (5) Appropriate funds to be expended by the public utilities commission to establish and maintain the petroleum industry monitoring, analysis, and reporting program; and
- (6) Prohibit unfair trade practices by the petroleum industry.

PART I

SECTION 2. Chapter 486J, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§486J-A Informational cost reports. (a) Each refiner shall file with the commission, on a quarterly basis, in compliance with reporting dates established by the commission, on forms prescribed, prepared, and furnished by the commission, a certified statement of operating and overhead costs for the refiner's Hawaii operations that shall include but not be limited to the following:

- (1) Crude oil costs and sources;
- (2) Other feedstock costs and sources;
- (3) Refinery operating expenses;
- (4) Marketing operating expenses by petroleum product;
- (5) Distribution expenses by petroleum product;
- (6) Corporate overhead expenses; and
- (7) The percentage of the total number of wholesale gallons of unleaded regular and premium unleaded gasoline sold during the reporting period at wholesale prices per gallon that exceed two hundred per cent of the total costs and expenses reported in this subsection on a per gallon basis.

(b) In addition to the reporting required under subsection (a), each distributor shall file with the commission all Securities and Exchange Commission Forms 10-K, 10-Q, annual reports, quarterly reports, and earnings supplements published by the distributor.

(c) Each distributor, except a distributor who is so defined solely by criteria in paragraph (4) of that definition in section 486J-1, who sells liquid fuel only at retail and is not a refiner, shall file with the commission, on a quarterly basis in compliance with reporting dates established by the commission, on forms prescribed, prepared, and furnished by the commission, a certified statement of operating and overhead costs that shall include the following:

- (1) Gasoline purchases, exchanges, and sources;
- (2) Diesel purchases, exchanges, and sources;
- (3) Marketing expenses; and
- (4) Distribution expenses.

§486J-B Petroleum industry monitoring, analysis, and reporting program. The commission shall establish the petroleum industry monitoring, analysis, and reporting program that includes development and maintenance of an automated petroleum industry information reporting system that meets the requirements of government, industry, and the public while promoting sound policy making and consumer information and protection. The purpose of the petroleum industry monitoring, analysis, and reporting program is to conduct and facilitate the efficient analysis and reporting of all information and data provided by the petroleum industry pursuant to this chapter. The commission shall develop the petroleum industry

monitoring, analysis, and reporting program in a manner that will result in greater market transparency and provide useful information to the general public and those agencies that are authorized or mandated to conduct oversight of the petroleum industry and ensure compliance with all relevant laws."

SECTION 3. Section 486J-1, Hawaii Revised Statutes, is amended as follows:

1. By adding eight new definitions to be appropriately inserted and to read:

"Classes of retail trade" means the separate subdivisions, or "classes," of outlets or methods of retail sales of liquid fuels, typically but not always limited to gasoline and diesel for motor vehicles, and includes any:

- (1) Company-operated station that is a retail service station owned and operated by a refiner or wholesale distributor and where retail prices are set by that refiner or wholesale distributor;
- (2) Lessee dealer-operated station that is a retail service station owned by a refiner or wholesale distributor and operated by a qualified gasoline dealer other than a refiner or wholesale distributor under a franchise; or
- (3) Owner-operated station that is a retail service station not owned by a refiner or wholesale distributor and operated by a qualified gasoline dealer.

"Commission" means the public utilities commission.

"Corporate overhead expenses" means the expenses or costs allocated by the refiners that reflect their Hawaii business units' share of corporate staff costs, such as legal, finance, accounting, information technology, and similar costs.

"Dealer tank wagon price" means the wholesale price at which liquid fuel is sold to any retail outlet by any distributor priced on a delivered basis to a retail outlet.

"Liquid fuel" means fuels in liquid form, commercially usable for energy needs, power generation, and fuels that may be manufactured, produced, or imported into the State or that may be exported therefrom, including petroleum and petroleum products and all fuel alcohols.

"Nonrefiner wholesale price" means the wholesale price at which liquid fuel is sold by any distributor, not a refiner, to any other distributor, not a refiner, for resale at any subsequent wholesale or retail transaction.

"Refiner wholesale price" means the wholesale price at which liquid fuel is sold by a refiner to any distributor, not a refiner, for resale at any subsequent wholesale or retail transaction.

"Wholesale liquid fuel prices" means the prices at which liquid fuel is sold at wholesale for resale at wholesale or retail, typically but not limited to gasoline and diesel for motor vehicles, and include "dealer tank wagon price," "nonrefiner wholesale price," and "refiner wholesale price."

2. By amending the definitions of "distributor," "fuel," "person," and "refiner" to read:

"Distributor" means [and includes]:

- (1) Every person who refines, manufactures, produces, or compounds fuel in the [State,] state, and sells it at wholesale or at retail[;] or who [utilizes] uses it directly in the manufacture of products or for the generation of power;

- (2) Every person who imports or causes to be imported into the [State] state, or exports or causes to be exported from the [State,] state, any fuel; ~~and~~
- (3) Every person who acquires fuel through exchanges with another distributor~~[-]; or~~
- (4) Every person who purchases fuel for resale at wholesale or retail from any person described in paragraph (1), (2), or (3); provided that "distributor" shall not include a marina, lessee dealer-operated station, owner-operated station, or other retailer that retails fuel only to end users or the public.

"Fuel" means ~~and includes~~ fuels, whether liquid, solid, or gaseous, commercially usable for energy needs, power generation, and fuels manufacture, that may be manufactured, grown, produced, or imported into the [State] state or that may be exported ~~therefrom;~~ from the state, including petroleum and petroleum products and gases, coal, coal tar, vegetable ferments, and all fuel alcohols.

"Person"~~[-]~~ means any person, firm, association, organization, partnership, business trust, corporation, or company. "Person" also includes any city, county, public district or agency, the State, or any department or agency ~~thereof;~~ of the State, and the United States or any department or agency of the United States to the extent authorized by federal law.

"Refiner" means any person who owns, operates, or controls the operations of one or more refineries~~[-]~~ in Hawaii."

3. By deleting the definition of "petroleum commissioner."

~~[""Petroleum commissioner" or "commissioner" means the administrator of the energy, resources, and technology division of the department of business, economic development, and tourism."]~~

SECTION 4. Section 486J-2, Hawaii Revised Statutes, is amended to read as follows:

"§486J-2 Distributors to register. Every distributor, and any person before becoming a distributor, shall register as such with the ~~[commissioner]~~ commission on forms to be prescribed, prepared, and furnished by the ~~[commissioner,]~~ commission."

SECTION 5. Section 486J-3, Hawaii Revised Statutes, is amended to read as follows:

"§486J-3 Statements. (a) Each distributor shall~~[-at such]~~ file monthly on reporting dates ~~[as the commissioner may establish, file with the commissioner,]~~ established by the commission, on forms prescribed, prepared, and furnished by the ~~[commissioner,]~~ commission, a certified statement showing separately for each county and for the islands of Lanai and Molokai within which and whereon fuel is sold or used during the last preceding reporting ~~[period,]~~ month, the following:

- (1) The total number of gallons or units of fuel, by type or grade, refined, manufactured, or compounded by the distributor within the ~~[State and sold or used by the distributor,]~~ state; and, if for ultimate ~~[use]~~ sale or consumption in another county or on another island, ~~[the name of that county or island,]~~ the number of gallons or units of fuel, by type or grade, sold, exchanged, or otherwise transferred or used by the distributor in each county or island;
- (2) The total number of gallons or units of fuel, by type or grade, imported or exported by the distributor ~~[or sold]; the total volumes of fuel, by type or grade, sold, exchanged, or otherwise transferred or used by the distributor,]~~ and, if for ultimate [use] sale or consumption in another county or on another island, [the name of that] the number of gallons or units of fuel, by type or grade, sold, exchanged, or otherwise transferred or used by the distributor in each county or island;

- (3) The total number of gallons or units of fuel sold as liquid fuel, aviation fuel, diesel fuel, and other types of fuel as required by the ~~[commissioner,]~~ commission;

- (4) The total number of gallons or units of fuel ~~[and the types thereof], by type or grade, and their respective sales prices for all fuel sold to:]~~ federal, state, and county agencies, ships stores, or base exchanges, commercial agricultural accounts, commercial nonagricultural accounts, retail dealers, and other customers as required by the ~~[commissioner,]~~

- (5) ~~Monthly Hawaii]~~ commission;

- (5) Weekly weighted average acquisition cost per barrel and volumes of foreign or domestic crude oil or other liquid fuels, finished or unfinished, imported to Hawaii, including information identifying the source of the crude oil or other liquid fuels;

- (6) The effective date and time, and the amount of change in cents per gallon, of any increase or decrease in wholesale price occurring during the week; and the weekly weighted average wholesale prices and sales volumes of finished ~~[lead]~~ regular,] unleaded regular~~[-]~~ and premium motor gasoline, and of each other grade of gasoline sold ~~[through company-operated,]~~ by island, to retail outlets, [to other end users,] by classes of retail trade, and to wholesale ~~[customers;~~

- (6) ~~Monthly Hawaii]~~ distributors;

- (7) Weekly weighted average retail prices and sales volumes of finished unleaded regular and premium motor gasoline, and of each other grade of gasoline sold, by island, by retail distributor outlets of all classes of retail trade, and by any distributor to other end-users; provided that the commission may purchase retail price data from data service companies that the commission may use to substitute some or all data to meet the reporting requirement for retail price data under this paragraph;

- (8) The effective date and time, and the amount of change in cents per gallon, of any increase or decrease in wholesale price occurring during the week; and the weekly weighted average wholesale prices and sales volumes ~~[for residential sales, commercial and institutional sales, industrial sales, sales through company-operated retail outlets, sales to other end-users, and wholesale sales of No. 2 diesel fuel and No. 2 fuel oil; and~~

- (7) ~~Monthly Hawaii]~~ of No. 2 diesel fuel and No. 2 fuel oil, by island, to retail distributor outlets, by classes of retail trade, and to all other wholesale distributors. Weighted average wholesale prices and sales volumes shall be reported by type of wholesale liquid fuel price;

- (9) Weekly weighted average retail prices, and sales volumes of No. 2 diesel fuel and No. 2 fuel oil sold, by island, by retail distributor outlets of all classes of retail trade, and by any distributor to other end-users. The commission may purchase retail price data from data service companies that the commission may use to substitute some or all data to meet the reporting requirement for retail price data under this paragraph;

- (10) Weekly weighted average prices and sales volumes for retail sales and wholesale sales, by island, of No. 1 distillate, kerosene, finished aviation gasoline, kerosene-type jet fuel, No. 4 fuel oil, residual fuel oil, and consumer grade propane[-];

- (11) For each distributor that is a refiner, the gross margins or spreads between a refiner's average weighted acquisition price

for each gallon of crude oil and blendstock refined within the state; and the average weighted prices for each gallon or unit of fuel sold, by county or island, to another distributor, retail dealer, end-user, or consumer; and

- (12) For each distributor that is not a refiner, the gross margins or spreads between the distributor's average weighted price for each gallon or unit of fuel acquired by the distributor; and the average weighted prices for each gallon or unit of fuel sold, by county or island, to another distributor, retail dealer, end-user, or consumer.

The [commissioner] commission shall prescribe [by rule when the first report shall be submitted.

(b) ~~In addition to the above reporting, each distributor shall file with the commissioner, Federal Form FEO 1000 or an equivalent state form to be prescribed, prepared, and furnished by the commissioner, showing the expected supply of fuel products for the coming month, and their intended distribution as categorized by Form FEO 1000 or the equivalent state form. The state form shall be supplied in the event that the Federal Mandatory Petroleum Allocation Regulations should expire, be revoked, or be amended to delete or substantially change the reporting requirements provided therein.~~

(e) applicable standards and practices for reporting to facilitate uniformity, consistency, and comparability of the data to be submitted.

(b) Each major marketer shall submit to the [commissioner,] commission, at a time and in a form as the [commissioner] commission shall prescribe, information, including petroleum and petroleum product receipts, exchanges, inventories, and distributions. [The commissioner shall prescribe by rule when the first report shall be submitted.

(d) (c) The [commissioner] commission may request additional information as and when [the commissioner] the commission deems necessary to perform [the commissioner's] the commission's responsibilities under this chapter.

(d) Information in the statements filed pursuant to this section shall be collected and maintained for the purpose of facilitating the analysis required by section 486J-5; provided that the commission shall make available to the public the information contained in the statements, but not the statements themselves, as provided in sections 486J-6 and 486J-8."

SECTION 6. Section 486J-4, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-4 Informational reports.** (a) Each major oil producer, refiner, marketer, oil transporter, and oil storer shall submit to the [commissioner,] commission, in [such] a form as the [commissioner] commission shall prescribe, information [which] that includes the following:

- (1) Major oil transporters shall report on petroleum by reporting the capacities of each major transportation system, the amount transported by each system, and inventories thereof. The provision of the information shall not be construed to increase and decrease any authority the [commissioner] commission may otherwise have;
- (2) Major oil storers shall report on storage capacity, inventories, receipts and distributions, and methods of transportation of receipts and distributions;
- (3) Refiners shall report on facility capacity and utilization and method of transportation of refinery receipts and distributions; and

- (4) Major oil marketers shall report on facility capacity and methods of transportation of receipts and distributions.

[The commissioner shall prescribe by rule when the first report shall be submitted.]

(b) The [commissioner] commission may request additional information as and when [the commissioner] the commission deems it necessary to perform [the commissioner's] the commission's responsibilities under this chapter."

SECTION 7. Section 486J-5, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-5 Analysis of information; [audits and inspections]; summary reports.** (a) The [petroleum commissioner,] commission, with the [commissioner's] commission's own staff and other support staff with expertise and experience in, or with, the petroleum industry, shall gather, analyze, and interpret the information submitted to it pursuant to sections 486J-3 [and], 486J-4, and 486J-4 and other information relating to the supply [and price], prices, margins, and profits of petroleum products, with particular emphasis on motor vehicle fuels, including[, but not limited to,] all of the following:

- (1) The nature, cause, and extent of any petroleum or petroleum [products shortage] product situation or condition affecting supply[;], price, margins, or profits;

(2) ~~The economic and environmental impacts of any petroleum and petroleum product shortage or condition affecting supply;~~

(3) ~~Petroleum or petroleum product demand and supply forecasting methodologies utilized by the petroleum industry in Hawaii;~~

(4) (2) The prices, with particular emphasis on wholesale and retail motor vehicle fuel prices, and any significant changes in prices charged by the petroleum industry for petroleum or petroleum products sold in Hawaii and the reasons for [such] the changes;

(5) (3) The income, expenses, margins, and profits[;] in Hawaii, both before and after taxes, [of the industry as a whole and of major firms within it, including a comparison with other major industry groups and major firms within them as to profits, return on equity and capital, and price earnings ratio;] of each distributor and the income, expenses, margins, and profits, both before and after taxes, of major oil companies in other regions of the United States and other countries; and

(6) (4) The emerging trends relating to supply, demand, [and conservation of petroleum and petroleum products;

(7) ~~The nature and extent of efforts of the petroleum industry to expand refinery capacity and to make acquisitions of additional supplies of petroleum and petroleum products; and~~

(8) ~~The development of a petroleum and petroleum products information system in a manner which will enable the State to take action to meet and mitigate any petroleum or petroleum products shortage or condition affecting supply.~~

(b) ~~The commissioner shall conduct random or periodic audits and inspections of any supplier or suppliers of oil or petroleum products to determine whether they are unnecessarily withholding supplies from the market or are violating applicable policies, laws, or rules. The commissioner may solicit assistance of the department of taxation in any such audit. The commissioner shall cooperate with other state and federal agencies to ensure that any audit or inspection conducted by the commissioner is not duplicative of the data received by any of their audits or inspections which is available to the commissioner.] price, margins, and profits.~~

~~[(e)] (b)~~ The ~~[commissioner]~~ commission shall analyze the ~~[impacts]~~ effects of state and federal policies, rules, and regulations upon the supply and pricing of petroleum products.

~~[(d)] (c)~~ The ~~[commissioner]~~ commission shall publish annually and submit to the governor and the legislature twenty days prior to the first day of ~~[the current]~~ each regular legislative session a summary, including any analysis and interpretation of the information submitted to it pursuant to this chapter, and any other activities taken by the ~~[commissioner]~~ commission, including civil penalties imposed and referrals of violations to the attorney general under section 486J-9. Any person may submit comments in writing regarding the accuracy or sufficiency of the information submitted. ~~[At the option of the director, this report may be combined with reporting required by section 196-4(11), in the director's role as state energy resources coordinator.]~~

SECTION 8. Section 486J-6, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-6 Confidential information.** (a) Confidential commercial information ~~[presented]~~ provided to the ~~[commissioner]~~ commission pursuant to this chapter that is exempt from public disclosure under section 92F-13(3) shall be held in confidence by the ~~[commissioner]~~ commission or aggregated to the extent necessary to ~~[assure]~~ ensure confidentiality as ~~[governed]~~ required by chapter 92F~~[-including its penalty provisions]~~."

(b) No data or information submitted to the ~~[commissioner]~~ commission shall be deemed confidential if the person submitting the information or data has made it public.

(c) Unless otherwise provided by law, with respect to data that the commission obtains or is provided pursuant to [sections] section 486J-3 [and], 486J-4, 486J-5, or 486J-A, neither the ~~[commissioner]~~ commission nor any employee of the ~~[department]~~ commission may do any of the following:

- (1) Use the information furnished or obtained [under sections 486J-3 and 486J-4] for any purpose other than the ~~[statistical]~~ purposes for which it is supplied;
- (2) Make any publication whereby the data furnished by any ~~[particular establishment or individual under sections 486J-3 and 486J-4]~~ person can be identified; or
- (3) Permit ~~[anyone]~~ any person other than the commission, the department of taxation, the attorney general, the consumer advocate, the department of business, economic development, and tourism, and the authorized representatives and employees of each to examine the individual reports or statements provided ~~[under sections 486J-3 and 486J-4 other than the public utilities commission, the attorney general, and the consumer advocate, and the authorized representatives and employees of each].~~

SECTION 9. Section 486J-7, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-7 Confidential information obtained by another state agency.** Any confidential information pertinent to the responsibilities of the ~~[commissioner]~~ commission specified in this chapter that is obtained by another state agency, including the department of taxation, ~~[the public utilities commission]~~ the attorney general, and the consumer advocate, shall be available only to the attorney general, the attorney general's authorized representatives, ~~[the department of business, economic development, and tourism, and the]~~ commission, and shall be treated in a confidential manner."

SECTION 10. Section 486J-8, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-8 Sharing of information obtained by the [commissioner]- commission.** ~~[The commissioner]~~ (a) Except as provided in subsections (b) and (c), the commission shall make ~~[a]~~ any information obtained by the ~~[commissioner]~~ commission under this chapter, including confidential information, available only to the attorney general, the department of taxation, ~~[the public utilities commission]~~ the consumer advocate, ~~[the department of business, economic development, and tourism, the presiding officers of the legislature, and the authorized representative of each, who shall safeguard the confidentiality of all confidential information received.]~~

(b) Notwithstanding any law to the contrary, including any other section of this chapter, no later than fourteen days after the reporting date established by the commission under section 486J-3, the commission shall disclose to the public using the best readily available technology, the information contained in the statements, but not the statements themselves, that are filed pursuant to section 486J-3.

(c) Nothing in this section shall be construed to prohibit the implementation of the petroleum industry monitoring, analysis, and reporting program under section 486J-B or the public disclosure of the analysis of information and reports described in section 486J-5."

SECTION 11. Section 486J-9, Hawaii Revised Statutes, is amended to read as follows:

"**§486J-9 Failure to timely provide information; failure to make and file statements; false statements; penalties; referral to the attorney general.** (a) The ~~[petroleum commissioner]~~ commission shall notify those persons who have failed to timely provide the information specified in section 486J-3 ~~[or], 486J-4, or 486J-A~~ or requested by the ~~[commissioner]~~ commission under section 486J-3 ~~[or], 486J-4[-], or 486J-A~~. If, within five business days after being notified of the failure to provide the specified or requested information, the person fails to supply the specified or requested information, the person shall be subject to a civil penalty of not less than \$50,000 per day nor more than \$100,000 per day for each day the submission of information is refused or delayed~~[-unless the person has timely filed objections with the commissioner regarding the information and the commissioner has held a hearing and, following a ruling by the commissioner, the person has properly submitted the issue to a court of competent jurisdiction for review].~~

(b) Any person, or any employee of any person, who wilfully makes any false statement, representation, or certification in any record, report, plan, or other document filed with the ~~[commissioner]~~ commission shall be subject to a civil penalty not to exceed \$500,000~~[-]~~ and shall be deemed to have committed an ~~[unfair or deceptive act or practice in the conduct of a trade or commerce and] unlawful trade practice~~ subject to the penalties specified in chapter ~~[486:]~~ "Unfair Petroleum Industry Trade Practices."

(c) The ~~[commissioner]~~ commission shall refer any matter under ~~[this]~~ subsection (a) or (b) to the attorney general, who may exercise any appropriate legal or equitable remedies that may be available to the State.

~~[(e)] (d)~~ For the purposes of this section, "person" means, in addition to the definition contained in section 486J-1, any responsible corporate officer."

SECTION 12. Section 486J-10, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (a) to read:

"(a) The ~~[commissioner]~~ director shall adopt rules in accordance with chapter 91 to require that gasoline sold in the ~~[State]~~ state for use in motor vehicles ~~[contain]~~ contains ten per cent ethanol by volume. The amounts of gasoline sold in the ~~[State]~~ state containing ten per cent ethanol shall be in accordance with rules as the

[~~commissioner~~] director may deem appropriate. The [~~commissioner~~] director may authorize the sale of gasoline that does not meet these requirements as provided in subsection (d)."

2. By amending subsections (d), (e), and (f) to read:

"(d) The [~~commissioner~~] director may authorize the sale of gasoline that does not meet the provisions of this section:

- (1) To the extent that sufficient quantities of competitively-priced ethanol are not available to meet the minimum requirements of this section; or
- (2) In the event of any other circumstances for which the [~~commissioner~~] director determines compliance with this section would cause undue hardship.

(e) Each distributor, [~~at such~~] on reporting dates [~~as~~] established by the [~~commissioner~~] director, [~~may establish~~] shall file with the [~~commissioner~~] director, on forms prescribed, prepared, and furnished by the [~~commissioner~~] director, a certified statement showing:

- (1) The price and amount of ethanol available;
- (2) The amount of ethanol-blended fuel sold by the distributor;
- (3) The amount of non-ethanol-blended gasoline sold by the distributor; and
- (4) Any other information the [~~commissioner~~] director shall require for the purposes of compliance with this section.

(f) Provisions with respect to confidentiality of information shall be the same as provided in section [486J-7.] 486J-6."

3. By amending subsection (h) to read:

"(h) The [~~commissioner~~] director, in accordance with chapter 91, shall adopt rules for the administration and enforcement of this section."

SECTION 13. Section 486J-12, Hawaii Revised Statutes, is repealed.

~~["§486J-12 Rules. The commissioner shall adopt, amend, or repeal such rules as [the commissioner] may deem proper to fully effectuate this chapter:"]~~

SECTION 14. There is appropriated out of the general revenues of the State of Hawaii the sum of \$500,000 or so much thereof as may be necessary for fiscal year 2006-2007 to:

- (1) Establish and administer the petroleum industry monitoring, analysis, and reporting program established under chapter 486J, Hawaii Revised Statutes; and
- (2) Establish two full-time staff positions in the public utilities commission to implement and maintain the petroleum industry monitoring, analysis, and reporting program, including the automated petroleum industry information reporting system established by section 486J-B, Hawaii Revised Statutes.

The sum appropriated shall be expended by the public utilities commission for the purposes of this part.

PART II

SECTION 15. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER UNFAIR PETROLEUM INDUSTRY TRADE PRACTICES

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

"Advertising" includes the use of any banner, sign, placard, poster, streamer, card, or any publication in the media.

"Gasoline" means a volatile mixture of liquid hydrocarbons, generally containing small amounts of additives, suitable for use as a fuel in spark-ignition internal combustion engines.

"Person" means an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership, unincorporated association, two or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity.

"Petroleum product" means gasoline, diesel fuel, liquefied petroleum gas only when used as a motor fuel, kerosene, thinner, solvent, liquefied natural gas, pressure appliance fuel, white gasoline, or any motor fuel, or any oil represented as engine lubricant, engine oil, lubricating or motor oil, or any oil used to lubricate transmissions, gears, or axles.

"Sell" or any of its variants means attempt to sell, offer for sale or assist in the sale of, permit to be sold or offered for sale or delivery, offer for delivery, trade, barter, or expose for sale.

§ -2 **Misrepresentations.** (a) It is unlawful for any person to make any deceptive, false, or misleading statement by any means whatsoever regarding quality, quantity, performance, price, discount, profit, or savings used in the sale or selling of any petroleum product regulated pursuant to this chapter or chapters 486H and 486J.

(b) The following deceptive, false, or misleading acts or practices committed or permitted by any person offering to sell any petroleum product that is regulated by this chapter or chapters 486H and 486J are also a violation of this section:

- (1) Misrepresenting the brand, grade, quality, or price of a petroleum product;
- (2) Using false or deceptive representations or designations in connection with the pricing, profits, or sale of a petroleum product;
- (3) Advertising petroleum products or services and not selling them as advertised;
- (4) Advertising petroleum products of a designated brand, grade, trademark, or trade name not actually sold or available for sale;
- (5) Making false, deceptive, or misleading statements concerning conditions of sale, price reductions, costs of operations, profits, or failing to disclose business relationships within the petroleum industry that affect the wholesale pricing of petroleum products;
- (6) Representing that the consumer will receive a rebate, discount, or other economic benefit and then failing to give that rebate, discount, or other economic benefit; and
- (7) Forging or falsifying any records or documents required by this chapter or chapter 486H or 486J or knowingly keeping, using, or displaying the false or forged records or documents.

§ -3 **Unlawful profiteering.** Any person who sells petroleum products and who, with intent to enhance the price or restrict the supply of petroleum products:

- (1) Wilfully causes or permits preventable waste in the production, manufacture, storage, or distribution of petroleum products;
- (2) Prevents, limits, lessens, or restricts the manufacture, production, supply, or distribution of petroleum products;
- (3) Enters into any contract, combination, or conspiracy in restraint of trade or commerce;
- (4) Exacts or demands any unjust or unreasonable profit in the sale, exchange, or handling of petroleum products; or
- (5) In any way aids or abets the doing of any act prohibited in paragraphs (1) to (4),

commits an unlawful trade practice.

§ -4 Penalty. Any person who violates this chapter shall be fined not more than \$10,000 for each violation or imprisoned for not more than five years, or both.

§ -5 Injunctions. Any person who violates this chapter may be enjoined by the circuit court by a mandatory injunction or temporary restraining order necessary or proper to effectuate the purposes of this chapter in a suit brought by the attorney general in the name of the State or by any private person in the person's own name.

§ -6 Remedies cumulative. The remedies prescribed in this chapter are cumulative and in addition to any other remedies provided by law."

PART III

SECTION 16. Beginning on the effective date of this part, sections 486H-13, 486H-15, and 486H-16, Hawaii Revised Statutes, and any rules adopted by the public utilities commission pursuant to chapter 91 to implement those sections, shall be suspended indefinitely.

SECTION 17. The governor by proclamation after publication of notice in accordance with section 1-28.5, Hawaii Revised Statutes, may reinstate the maximum pre-tax wholesale gasoline price pursuant to section 486H-13 upon a finding that such reinstatement is beneficial to the economic well-being, health, or safety of the people of the State. In the notice of reinstatement, the governor shall specify the effective date and the period of reinstatement. During the period of reinstatement, the public utilities commission shall calculate and publish the weekly maximum pre-tax wholesale price in accordance with section 486H-13, subject to any adjustments as may be determined by the public utilities commission.

PART IV

SECTION 18. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 19. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 20. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 21. This Act shall take effect on July 1, 2006; provided that Part III shall take effect upon its approval.

Representative M. Oshiro moved that Floor Amendment No. 6 be adopted, seconded by Representative Finnegan.

Representative Harbin rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I believe I rise in opposition to this amendment. If I may explain, Mr. Speaker, this particular amendment addresses, perhaps, one of the most contentious issues that we have faced in this Legislature – the repeal of the gas cap. This matter had numerous hearings, numerous upon numerous meetings in Conference Committee, and I think many of us, and along with many consumers and many advocates for consumers were present at 3 minutes to 12:00 when this Senate Draft was agreed to by our conferees, which is lead by the Chair of Judiciary and the Chair of Transportation.

"I'd really like to thank them for those amendments, which brings me to the issue of why at this time are we looking to make such radical changes to a measure that I think would have had, or will have, such a great impact to help the people of Hawaii. I was so looking forward today to voting yes on the agreement reached by the conferees. Perhaps maybe if the introducer of the floor amendment would agree to receive a question from me, perhaps maybe it might be more settling for us before we vote on this amendment. Pursuant to Mason's Rule section 114 will the introducer rise for a question of explanation of the amendments?"

The Chair responded, stating:

"Representative Harbin, who are you addressing this question to? Representative Marcus Oshiro, will you yield to a question at this point and time?"

Representative M. Oshiro responded, stating:

"No."

Representative Harbin responded, stating:

"Thank you, Mr. Speaker. Thank you, Representative. It's very unfortunate for the consumers of Hawaii to be deprived of an answer."

The motion that Floor Amendment No. 6 amending H.B. No. 3115, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," be adopted was put to vote by the Chair and carried.

[Note: Floor Amendment No. 6 was adopted on May 2, 2006 at 1:23 p.m. A motion to reconsider the adoption of Floor Amendment No. 6 was made and carried on May 2, 2006 at 2:17 p.m.]

Conf. Com. Rep. No. 25-06 and S.B. No. 2006, SD 3, HD 2, CD 1:

At this time, Representative Kanoho offered Floor Amendment No. 7 amending S.B. No. 2006, SD 3, HD 2, CD 1, as follows:

SECTION 1. Senate Bill No. 2006, S.D. 3, H.D. 2, C.D. 1, is amended by amending section 1 to read as follows:

"SECTION 1. In recent years, the number of edible opihi found in Hawaii has declined. The popularity of opihi as a delicacy has led to overharvesting on the island of Oahu and has made opihi difficult to find on the neighbor islands.

The blackfoot opihi (*Cellana exarata*), also known as "makaiauli," once the most common limpet in Hawaiian waters, is found in the upper wash of waves. The yellowfoot opihi (*Cellana sandwicensis*), also known as "alinalina," is the preferred species for eating. It is found in the wash of waves, roughly between the habitats of the blackfoot opihi and koele, the third type of edible opihi in Hawaii. Koele is also known as the "kneecap" opihi (*Cellana talcosa*). There

is also a fourth type of opihi (*Cellana melanostoma*) observed in Kaua'i that probably also could be found in Niihau.

Although opihi can be collected year-round, opihi shells must be at least one and a quarter inches wide, or the meat must be at least a half-inch wide, to be legally harvested in Hawaii.

The purpose of this Act is to prohibit the sale of all Hawaiian species of edible opihi, subject to an exemption for certain opihi shells used to make jewelry ~~[and for residents of any populated island that is privately owned and has a population of five hundred or less].~~

SECTION 1. Senate Bill No. 2006, S.D. 3, H.D. 2, C.D. 1, is amended by amending section 2 to read as follows:

"SECTION 2. Section 188-42.5, Hawaii Revised Statutes, is amended to read as follows:

"[H]§188-42.5[H] Hihiwai, hapawai, opihi, and opae kala'ole selling prohibited. It shall be unlawful for any person at any time to sell or offer for sale any hihiwai, hapawai, opihi, ~~[and]~~ or opae kala'ole taken from any of the waters within the jurisdiction of the State. ~~[; provided that it shall not be unlawful for a resident of any populated island that is privately owned and has a population of five hundred or less to sell or offer for sale any amount of opihi.]~~ It shall be presumed that the taking of more than one-half gallon per person per day of opihi, as measured with its shell on, from any of the waters within the jurisdiction of the State, is for the purpose of selling or offering to sell opihi.

As used in this section, "opihi" means all known Hawaiian opihi species, including *Cellana exarata* (blackfoot), *Cellana sandwicensis* (yellowfoot), *Cellana talcosa* (koele), and *Cellana melanostoma*.

The prohibition to sell or offer for sale any opihi as provided by this section shall not apply to opihi shells at least one and one-fourth inches in diameter, sold or offered for sale as a curio or jewelry, or as part of a curio or jewelry; provided that the taking of the opihi for these purposes is in compliance with this section."

Representative Kanoho moved that Floor Amendment No. 7 be adopted, seconded by Representative Schatz.

The motion that Floor Amendment No. 7 amending S.B. No. 2006, SD 3, HD 2, CD 1 entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," be adopted was put to vote by the Chair and carried.

At 1:23 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:30 o'clock p.m.

At this time, the Chair announced:

"Members, at this time, we are on page 1. Before proceeding on, let me state for the record that the four floor amendments that we adopted earlier have been clocked with the 48-hour notice. So when these amendments were adopted on the Floor, the 48-hour clock started. So these measures will be addressed on Thursday at the point that it was adopted, sometime around 1:10, 1:15, 1:20 on each of them."

Conf. Com. Rep. No. 1-06 and S.B. No. 2479, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2479, HD 1, CD 1 pass Final Reading,

seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm going to vote in favor of this measure, but I still have some serious reservations and I'd like to just mention what those are. They're basically the same concerns that Earthjustice brought up. This bill and I believe it's one other that we'll come to subsequently, address the irrigation systems. This bill will propose an amendment to a provision in the State Constitution and it will provide for a special purpose revenue bond for certain agricultural infrastructure.

"Earthjustice comments that the irrigation systems these bills seeks to support were originally built by plantation interests who assumed that water was their property and ignored the impacts of diversions on public streams, local farmers, and communities. We know that there was a landmark ruling of the Hawaii Supreme Court in 1978 and then the enactment of the State Water Code in 1987. Both made it clear that water is a public trust resource and the State has a responsibility as trustee to protect and restore public streams being diverted.

"My concern is that this State and the Water Commission hasn't yet set up the stream flow standards, so to go ahead and allow business as usual without this stream flow standards being set up could be detrimental to our local farmers, and for those reasons I am concerned about it, and as I will also be about the measure a few pages later. Thank you."

Representative Meyer rose in support of the measure with reservations, and asked that the remarks of Representative Thielen be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2479, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION," passed Final Reading by a vote of 51 ayes.

S.B. No. 2479, HD 1, CD 1, passed Final Reading in the following form:

S.B. No. 2479, HD 1, CD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VII, SECTION 12, OF THE HAWAII STATE CONSTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to Article VII, section 12, of the Hawaii State Constitution, to authorize the State to issue special purpose revenue bonds and use the proceeds from the bonds to assist agricultural enterprises serving important agricultural lands.

SECTION 2. Article VII, section 12, of the Constitution of the State of Hawaii is amended to read as follows:

"DEFINITIONS; ISSUANCE OF INDEBTEDNESS

Section 12. For the purposes of this article:

1. The term "bonds" shall include bonds, notes and other instruments of indebtedness.

2. The term "general obligation bonds" means all bonds for the payment of the principal and interest of which the full faith and credit

of the State or a political subdivision are pledged and, unless otherwise indicated, includes reimbursable general obligation bonds.

3. The term "net revenues" or "net user tax receipts" means the revenues or receipts derived from:

a. A public undertaking, improvement or system remaining after the costs of operation, maintenance and repair of the public undertaking, improvement or system, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made; or

b. Any payments or return on security under a loan program or a loan thereunder, after the costs of operation and administration of the loan program, and the required payments of the principal of and interest on all revenue bonds issued therefor, have been made.

4. The term "person" means an individual, firm, partnership, corporation, association, cooperative or other legal entity, governmental body or agency, board, bureau or other instrumentality thereof, or any combination of the foregoing.

5. The term "rates, rentals and charges" means all revenues and other moneys derived from the operation or lease of a public undertaking, improvement or system, or derived from any payments or return on security under a loan program or a loan thereunder; provided that insurance premium payments, assessments and surcharges, shall constitute rates, rentals and charges of a state property insurance program.

6. The term "reimbursable general obligation bonds" means general obligation bonds issued for a public undertaking, improvement or system from which revenues, or user taxes, or a combination of both, may be derived for the payment of the principal and interest as reimbursement to the general fund and for which reimbursement is required by law, and, in the case of general obligation bonds issued by the State for a political subdivision, general obligation bonds for which the payment of the principal and interest as reimbursement to the general fund is required by law to be made from the revenue of the political subdivision.

7. The term "revenue bonds" means all bonds payable from the revenues, or user taxes, or any combination of both, of a public undertaking, improvement, system or loan program and any loan made thereunder and secured as may be provided by law, including a loan program to provide loans to a state property insurance program providing hurricane insurance coverage to the general public.

8. The term "special purpose revenue bonds" means all bonds payable from rental or other payments made to an issuer by a person pursuant to contract and secured as may be provided by law.

9. The term "user tax" means a tax on goods or services or on the consumption thereof, the receipts of which are substantially derived from the consumption, use or sale of goods and services in the utilization of the functions or services furnished by a public undertaking, improvement or system; provided that mortgage recording taxes shall constitute user taxes of a state property insurance program.

The legislature, by a majority vote of the members to which each house is entitled, shall authorize the issuance of all general obligation bonds, bonds issued under special improvement statutes and revenue bonds issued by or on behalf of the State and shall prescribe by general law the manner and procedure for such issuance. The legislature by general law shall authorize political subdivisions to issue general obligation bonds, bonds issued under special improvement statutes and revenue bonds and shall prescribe the manner and procedure for such issuance. All such bonds issued by or on behalf of a political subdivision shall be authorized by the governing body of such political subdivision.

Special purpose revenue bonds shall only be authorized or issued to finance facilities of or for, or to loan the proceeds of such bonds to assist:

1. Manufacturing, processing, or industrial enterprises;
2. Utilities serving the general public;
3. Health care facilities provided to the general public by not-for-profit corporations;
4. Early childhood education and care facilities provided to the general public by not-for-profit corporations;
5. Low and moderate income government housing programs; [øø]
6. Not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges and universities[-]; or
7. Agricultural enterprises serving important agricultural lands,

each of which is hereinafter referred to in this paragraph as a special purpose entity.

The legislature, by a two-thirds vote of the members to which each house is entitled, may enact enabling legislation for the issuance of special purpose revenue bonds separately for each special purpose entity, and, by a two-thirds vote of the members to which each house is entitled and by separate legislative bill, may authorize the State to issue special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the legislature; and provided further that the State may combine into a single issue of special purpose revenue bonds two or more proposed issues of special purpose revenue bonds to assist not-for-profit private nonsectarian and sectarian elementary schools, secondary schools, colleges, and universities, separately authorized as aforesaid, in the total amount of not exceeding the aggregate of the proposed separate issues of special purpose revenue bonds. The legislature may enact enabling legislation to authorize political subdivisions to issue special purpose revenue bonds. If so authorized, a political subdivision by a two-thirds vote of the members to which its governing body is entitled and by separate ordinance may authorize the issuance of special purpose revenue bonds for each single project or multi-project program of each special purpose entity; provided that the issuance of such special purpose revenue bonds is found to be in the public interest by the governing body of the political subdivision. No special purpose revenue bonds shall be secured directly or indirectly by the general credit of the issuer or by any revenues or taxes of the issuer other than receipts derived from payments by a person or persons under contract or from any security for such contract or contracts or special purpose revenue bonds and no moneys other than such receipts shall be applied to the payment thereof. The governor shall provide the legislature in November of each year with a report on the cumulative amount of all special purpose revenue bonds authorized and issued, and such other information as may be necessary."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the State be authorized to issue special purpose revenue bonds and use the proceeds from the bonds to assist agricultural enterprises serving important agricultural lands?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Conf. Com. Rep. No. 2-06 and S.B. No. 995, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 995, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, in opposition. Mr. Speaker, this is a bad bill. It seeks to perpetuate a status quo – a male dominated Hawaii Supreme Court, and chokes off the infusion of new blood and new ideas into our highest court. Women now comprise almost 50% of the graduates from the William S. Richardson School of Law, but there is only one female Supreme Court Justice.

"With no mandatory retirement age, it will help perpetuate inequality. I also oppose this bill because, while it is true that many persons over the age of 70 are still mentally and physically capable, this is often not the case.

"Mr. Speaker, this Legislature has recognized that very fact during the Session when it passed Senate Bill 2051 just a few days ago, which requires additional testing every two years for commercial driver's licenses over age 72, which this Body obviously believed to be both prudent and constitutional.

"Such is not possible for Supreme Court Justices. There is no biannual testing of their physical condition. No review of their work. We have the highest court in the State and their decisions stand without recourse. It is true that they must be reconfirmed by the Judicial Selection Commission every ten years, but at that age, physical and mental changes often occur very rapidly and ten years is far too long for reassessment.

"Given tremendous responsibilities placed upon these Justices and lack of oversight or recourse, it is only prudent, Mr. Speaker, that the inevitable effects of aging be considered and we take reasonable precautions to preclude the possibility that they are serving with impaired judgment by requiring retirement at age 70. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Thank you. Mr. Speaker, I would first like to point out that our United States Supreme Court, the highest court in the land, has no retirement age and up until recently, there were two women Justices serving as long they wanted to. So an age limitation has nothing to do with the number of women who serve in our courts.

"But more importantly, Mr. Speaker, I don't see how forcing a judge to retire at the age of 70 has anything to do with improving the quality of justice in our country or in our State. If you read Article III, Section 1 of the United States Constitution, it states simply, Mr. Speaker, 'that judges shall hold their offices during good behavior.' Plain and simple – nothing else. Which means unless they violate some law, they should not be forced to be removed.

"And it's interesting, Mr. Speaker, to somehow just pick the age of 70 as an age of retirement. We all know people who up until their 90s as judges, are totally cognizant and issue incredible decisions. One of those was Martin Pence. One of the great judges in the federal District Court, and it's sad that he's no longer here to make decisions. And others we know who are in their 50s who I believe in a way, have a diminished mental capacity and I wish they weren't sitting on the court, but they are and that's, plain and simple, the facts.

"But Mr. Speaker, I tried to look back to see how did we get to this point, where at least in the founding of our country and the United States Supreme Court, they didn't put a mandatory retirement age.

You can look to Alexander Hamilton and Federalist Paper number 79 and he quotes, and I want to quote him to you, Mr. Speaker:

The deliberating and comparing faculties generally preserve their strength much beyond that period in men who survive it; and when, in addition to this circumstance, we consider how few there are who outlive the season of intellectual vigor, and how improbable it is that any considerable portion of the bench, whether more or less numerous, should be in such a situation at the same time, we shall be ready to conclude that limitations of this sort have little to recommend them.

"Basically Mr. Speaker, he's stating in Federalist 79, that there should be no retirement age. That people who serve into their older years, serve and rule and issue justice just as well as those who are younger.

"Another thing Mr. Speaker, it's interesting we all received a letter from the Governor regarding this provision, and basically the Governor argued that somehow by us lifting the retirement age, we're going to be impeding the movement of minorities and women in our State judiciary, and that caught my eye. I think it caught many of our eyes because we are concerned. We want to support the noble cause of moving forward against discrimination against women and minorities.

"But I have to say Mr. Speaker, I don't think there's anyone in this Body who would support getting rid of one form of discrimination, in this case age discrimination, to support another. Both are noble and both need to be supported, and the first step is to appoint more women to the bench. We hope that the Governor continues to do that as she goes forward.

"I do want to point out that despite that statement by this Governor, we have currently as our Chief Justice a man of Korean descent. We had a Chief Justice, who I served under as one of his clerks who was of Native Hawaiian and Chinese descent, William S. Richardson. And we had a Japanese Supreme Court Justice. So that in itself is a problem we can point to and I hope we continue to do that.

"In the end, Mr. Speaker, this is much about getting rid of one form of discrimination, plain and simple, and that is age discrimination. So I hope all of us today will support this constitutional amendment and put it up before the voters. Thank you."

Representative Hale rose to speak in support of the measure, stating:

"Mr. Speaker. I kind of take personal objection. I am very much for this. Thank you. You know, I didn't even start here as a legislator until 82. I am going to leave at 88, but not because I'm too old. Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Thank you. In support and I'm glad the Legislature doesn't have an age requirement otherwise we wouldn't have the benefit of the knowledge and experience of the Legislator from Puna.

"But I just wanted to state that even if we get rid of the age requirement, it doesn't mean judges don't go through some type of review process. The judges have a ten-year judicial selection retention process. The judges also go through the Judicial Conduct Commission which has routinely requested judges to leave the bench when the Commission felt that the judges were no longer capable of ruling in that capacity.

"The other thing is, if we are concerned about the lack of representation of women, it's not because of what the age requirement has done. If we look at the judges who have been removed by the Judicial Selection Commission in the last few years,

the last five judges have been women, and it's the Judicial Selection Commission that has gotten rid of women judges. So if we want to do something about that, we need to look at what the Judicial Selection Commission has done in the past five years. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Unfortunately I'm rising in opposition to this measure. I had a very hard time coming to this decision, and the only reason I'm voting against this measure is because I truly feel that we are going through a social change in the State of Hawaii and I really question whether or not, because I think part of being a judge or a justice is to understand what society is asking of its judicial interpretations. And I just feel that many of our judges are perhaps maybe a little out of step. I think an infusion of some of the younger leaders that we have in our State will give them more opportunity to step forward and perhaps maybe change the way we look at things. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm rising in opposition to this measure. This limit of 70 years was put in our Constitution many, many years ago and I don't think it's ... It was fine for all those years, but now that we have a Republican as a Governor, this bill comes up and I truly feel that this may have something to do wanting to preclude the Governor, should she get elected for the next four years, from being able to appoint people to the Supreme Court. I don't think it's about suddenly not wanting to discriminate against age. There were many, many Democrats before you folks here who thought this was fine, and now it is not fine. And I think that has more to do with this bill than anything else. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Mr. Speaker, just a short comment in opposition. And to clear up the perception, maybe what we could do is, what we should have done is, just for sitting judges, not to include them in this bill. They were put on as judges with the retirement age of 70. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 995, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES," passed Final Reading by a vote of 38 ayes to 13 noes, with Representatives Arakaki, Finnegan, Harbin, Halford, Lee, Meyer, Moses, Pine, Sonson, Stevens, Stonebraker, Takumi and Thielen voting no.

S.B. No. 995, SD 1, HD 1, CD 1, passed Final Reading in the following form:

S.B. No. 995, SD 1, HD 1, CD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE VI, SECTION 3, OF THE HAWAII CONSTITUTION TO REMOVE THE MANDATORY RETIREMENT AGE FOR STATE JUSTICES AND JUDGES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The legislature finds that in today's society, individuals are living longer, healthier lives, as evidenced by the growing number of older individuals throughout the country as well as the world. The legislature further finds that a benefit of our aging society is the wisdom, experience, and skills that these older

individuals possess, which should be both valued and respected, particularly in the workforce.

The legislature determines that the antiquated notion that all individuals are no longer mentally or physically fit to be contributing members of the workforce once they reach a certain age must be abolished. This point is particularly striking when examining the age restriction placed upon Hawaii's justices and judges, who are highly educated individuals who have served as learned members of the bar and now the bench. The wealth of knowledge and experience in interpreting Hawaii's laws that is retained by these individuals is invaluable to the residents of Hawaii.

SECTION 2. The purpose of this Act is to propose an amendment to article VI, section 3, of the Constitution of the State of Hawaii to repeal the mandatory retirement age of seventy for all state court justices and judges.

SECTION 3. Article VI, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3. The governor, with the consent of the senate, shall fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts, by appointing a person from a list of not less than four, and not more than six, nominees for the vacancy, presented to the governor by the judicial selection commission.

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. If the senate fails to reject any appointment within thirty days thereof, it shall be deemed to have given its consent to ~~[such]~~ the appointment. If the senate ~~[shall reject]~~ **rejects** any appointment, the governor shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the commission shall make the appointment from the list, without senate consent.

The chief justice, with the consent of the senate, shall fill a vacancy in the district courts by appointing a person from a list of not less than six nominees for the vacancy presented by the judicial commission. If the chief justice fails to make the appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. The senate must hold a public hearing and vote on each appointment within thirty days of any appointment. If the senate fails to do so, the nomination shall be returned to the commission and the commission shall make the appointment from the list without senate consent. The chief justice shall appoint per diem district court judges as provided by law.

QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court. A justice of the supreme court, a judge of the intermediate appellate court and a judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination. A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination.

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions.

TENURE; COMPENSATION; RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of ~~[such]~~ the justice or judge for the period provided by this section or by law.

There shall be a salary commission to review and recommend salaries for justices and judges of all state courts. Justices and judges shall have salaries as provided by law. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. ~~[They shall be retired upon attaining the age of seventy years.]~~ They shall be included in any retirement law of the State."

SECTION 4. The question to be printed on the ballot shall be as follows:

"Shall the mandatory retirement age of seventy for all state court justices and judges be repealed?"

SECTION 5. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 6. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Conf. Com. Rep. No. 3-06 and S.B. No. 2246, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2246, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL ASSAULT," passed Final Reading by a vote of 51 ayes.

S.B. No. 2246, SD 1, HD 2, CD 1, passed Final Reading in the following form:

S.B. No. 2246, SD 1, HD 2, CD 1

A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION OF THE STATE OF HAWAII RELATING TO SEXUAL

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to article I of the Constitution of the State of Hawaii to provide that the legislature may define what behavior constitutes a continuing course of conduct in continuous sexual assault crimes against minors younger than fourteen years of age and what constitutes the jury unanimity that is required for a conviction.

Under current Hawaii law, it is difficult to prosecute those who repeatedly sexually assault a child, because of the difficulty young children have in remembering the individual dates on which they were sexually assaulted. This amendment would allow the legislature to enact a law that would permit juries to convict a person of the continuous sexual assault of a minor younger than fourteen years of age, if each member of the jury was convinced beyond a reasonable doubt that the defendant had sexually assaulted the child the required number of times (such as three), even if there were not unanimity as

to the individual assaults. This would make it easier to prosecute those who repeatedly sexually assault a child.

The legislature passed such a law in 1997, but that law was invalidated by the Hawaii supreme court. An amendment similar to this amendment was proposed to the voters in 2004 and the amendment was invalidated by the Hawaii supreme court.

SECTION 2. Article I of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"SEXUAL ASSAULT CRIMES AGAINST MINORS

Section . In continuous sexual assault crimes against minors younger than fourteen years of age, the legislature may define:

1. What behavior constitutes a continuing course of conduct; and

2. What constitutes the jury unanimity that is required for a conviction."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the Constitution of the State of Hawaii be amended to provide that in continuous sexual assault crimes against minors younger than fourteen years of age, the legislature may define:

(1) What behavior constitutes a continuing course of conduct; and

(2) What constitutes the jury unanimity that is required for a conviction?"

SECTION 4. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Conf. Com. Rep. No. 51-06 and H.B. No. 1917, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1917, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION," passed Final Reading by a vote of 51 ayes.

H.B. No. 1917, HD 2, SD 2, CD 1, passed Final Reading in the following form:

H.B. No. 1917, HD 2, SD 2, CD 1

A BILL FOR AN ACT PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION RELATING TO THE ESTABLISHMENT OF A SALARY COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. The purpose of this Act is to propose an amendment to the Constitution of the State of Hawaii to establish a salary commission responsible for reviewing and recommending changes to salaries for justices and judges, members of the state legislature, the governor and lieutenant governor, the administrative director of the State, department heads or executive officers of the executive departments, and the deputies or assistants to department heads of the

executive departments, excluding the University of Hawaii and the department of education.

SECTION 2. Article XVI of the Constitution of the State of Hawaii is amended by adding a new section to be appropriately designated and to read as follows:

"SALARY COMMISSION

Section . There shall be a commission on salaries as provided by law, which shall review and recommend salaries for the justices and judges of all state courts, members of the legislature, department heads or executive officers of the executive departments and the deputies or assistants to department heads of the executive departments as provided by law, excluding the University of Hawaii and the department of education. The commission shall also review and make recommendations for the salary of the administrative director of the State or equivalent position and the salary of the governor and the lieutenant governor.

Any salary established pursuant to this section shall not be decreased during a term of office, unless by general law applying to all salaried officers of the State.

Not later than the fortieth legislative day of the 2007 regular legislative session and every six years thereafter, the commission shall submit to the legislature its recommendations and then dissolve.

The recommended salaries submitted shall become effective as provided in the recommendation, unless the legislature disapproves the entire recommendation as a whole by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted; provided that any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted."

SECTION 3. Article III, section 9, of the Constitution of the State of Hawaii is amended to read as follows:

**"[SALARY; ALLOWANCES; COMMISSION ON
LEGISLATIVE SALARY] LEGISLATIVE ALLOWANCE**

Section 9. The members of the legislature shall receive allowances reasonably related to expenses as provided by law[; and a salary prescribed by the commission on legislative salaries pursuant to this section which shall be payable in installments and at such times as provided by law.

There shall be a commission on legislative salary, which shall be appointed by the governor on or before November 30, 1978, and every eight years thereafter. Not later than the fortieth legislative day of the 1979 regular legislative session and every eight years thereafter, the commission shall submit to the legislature and the governor recommendations for a salary for members of the legislature, and then dissolve. The recommended salary submitted shall become effective as provided in the recommendation unless the legislature disapproves the recommendation by adoption of a concurrent resolution prior to adjournment sine die of the legislative session in which the recommendation is submitted or the governor disapproves the recommendation by a message of disapproval transmitted to the legislature prior to such adjournment. Any change in salary which becomes effective shall not apply to the legislature to which the recommendation for the change in salary was submitted]."

SECTION 4. Article VI, section 3, of the Constitution of the State of Hawaii is amended to read as follows:

"APPOINTMENT OF JUSTICES AND JUDGES

Section 3. The governor, with the consent of the senate, shall fill a vacancy in the office of the chief justice, supreme court, intermediate appellate court and circuit courts, by appointing a person from a list of not less than four, and not more than six, nominees for the

vacancy, presented to the governor by the judicial selection commission.

If the governor fails to make any appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. If the senate fails to reject any appointment within thirty days thereof, it shall be deemed to have given its consent to such appointment. If the senate shall reject any appointment, the governor shall make another appointment from the list within ten days thereof. The same appointment and consent procedure shall be followed until a valid appointment has been made, or failing this, the commission shall make the appointment from the list, without senate consent.

The chief justice, with the consent of the senate, shall fill a vacancy in the district courts by appointing a person from a list of not less than six nominees for the vacancy presented by the judicial selection commission. If the chief justice fails to make the appointment within thirty days of presentation, or within ten days of the senate's rejection of any previous appointment, the appointment shall be made by the judicial selection commission from the list with the consent of the senate. The senate ~~must~~ shall hold a public hearing and vote on each appointment within thirty days of any appointment. If the senate fails to do so, the nomination shall be returned to the commission and the commission shall make the appointment from the list without senate consent. The chief justice shall appoint per diem district court judges as provided by law.

QUALIFICATIONS FOR APPOINTMENT

Justices and judges shall be residents and citizens of the State and of the United States, and licensed to practice law by the supreme court. A justice of the supreme court, a judge of the intermediate appellate court and a judge of the circuit court shall have been so licensed for a period of not less than ten years preceding nomination. A judge of the district court shall have been so licensed for a period of not less than five years preceding nomination.

No justice or judge shall, during the term of office, engage in the practice of law, or run for or hold any other office or position of profit under the United States, the State or its political subdivisions.

TENURE; [COMPENSATION;] RETIREMENT

The term of office of justices and judges of the supreme court, intermediate appellate court and circuit courts shall be ten years. Judges of district courts shall hold office for the periods as provided by law. At least six months prior to the expiration of a justice's or judge's term of office, every justice and judge shall petition the judicial selection commission to be retained in office or shall inform the commission of an intention to retire. If the judicial selection commission determines that the justice or judge should be retained in office, the commission shall renew the term of office of ~~such~~ the justice or judge for the period provided by this section or by law.

[There shall be a salary commission to review and recommend salaries for justices and judges of all state courts. Justices and judges shall have salaries as provided by law. Their compensation shall not be decreased during their respective terms of office, unless by general law applying to all salaried officers of the State. They] Justices and judges shall be retired upon attaining the age of seventy years. They shall be included in any retirement law of the State."

SECTION 5. Article V, section 3, of the Constitution of the State of Hawaii is repealed.

**["COMPENSATION; GOVERNOR, LIEUTENANT
GOVERNOR**

Section 3. The compensation of the governor and of the lieutenant governor shall be as provided by law, but shall not be less than thirty-three thousand five hundred dollars, and twenty-seven thousand five

hundred dollars, respectively, a year. Such compensation shall not be increased or decreased for their respective terms, unless by general law applying to all salaried officers of the State. When the lieutenant governor succeeds to the office of the governor, the lieutenant governor shall receive the compensation for that office."]

SECTION 6. Article XVIII, section 3, of the Constitution of the State of Hawaii is repealed.

["SALARIES OF LEGISLATORS

~~Section 3. Until otherwise provided by law in accordance with Section 9 of Article III, the salary of each member of the legislature shall be twelve thousand dollars a year."~~]

SECTION 7. The question to be printed on the ballot shall be as follows:

"Shall the Constitution be amended to provide for a salary commission to review and recommend salaries for justices, judges, state legislators, the governor, the lieutenant governor, the administrative director of the State, state department heads or executive officers of the executive departments, and the deputies or assistants to department heads of the executive departments, excluding the superintendent of education and the president of the University of Hawaii?"

SECTION 8. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 9. This Act shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

Conf. Com. Rep. No. 12-06 and S.B. No. 427, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 427, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I rise to speak in support on SB 427, SD1, HD1, CD1. This bill will better protect the children between the ages of 4 and 8 who are too small for the shoulder restraint and too big for infant seats that are involved in motor vehicle accidents.

"As recommended by the National Highway Traffic Safety Administration, National Transportation Safety Board, and American Academy of Pediatrics, children who are between 4 and 8 should be properly secured in booster seats because more than 90% of children who are between 4 and 8 that were seriously injured in motor vehicle incidents were not in booster seats. Cited from the American Academy of Pediatrics, using booster seats instead of only a seat belt reduces risk of injury by 59%.

"In reflective of this important statistic, 28 other states have similar laws requiring children in booster seats, and 20 other states are considering similar legislation this year. Within our own State, Maui County Council passed a Resolution that adopted this measure. In order to make this measure universal across the State and to ensure the safety of our *keiki*, I will be voting in favor of SB 427, SD1, HD1, CD1."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 427, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," passed Final Reading by a vote of 50 ayes

to 1 no, with Representative Stonebraker voting no.

Conf. Com. Rep. No. 13-06 and S.B. No. 706, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 706, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Souki rose to speak in support of the measure with reservations, stating:

"Yes, Mr. Speaker. I wish to speak with strong reservations on this measure. Mr. Speaker, I believe a bill like this could affect many families throughout the State that provide a form of liquor because of cultural traditions, to their children. The children could be anywhere between 10 and 19, or 20. And personally being of Latin blood, we've always had a little beer or wine with the dinner, and the family would always offer some to the children. A little glass.

"With the Italian race, having a beverage, a little wine, is part of the meal. And that's the way it is with the Portuguese, and there's other races I'm sure, that have the same kind of tradition. Not all the time, but now and then."

At 1:46 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:48 o'clock p.m.

Representative Souki rose, stating:

"Mr. Speaker, I believe we just heard a bill that had to do with mandatory ages of retirement, and I believe I'm a poor example. I was speaking on the wrong bill. My apologies to the Chamber."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 706, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS," passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Harbin and Sonson voting no.

Conf. Com. Rep. No. 14-06 and S.B. No. 2667, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2667, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose, stating:

"Thank you, Mr. Speaker. To remain consistent, I've spoken about this bill every time it's come around, which has been many times now. I believe there's a problem with the restrictions on the time that fireworks may be used.

"For instance, it says, New Year's Eve to 1:00 a.m. on New Year's Day. Again I bring up the fact that New Year's Day is a holiday, and you might want to take your children out to do sparklers and such. The day before, not being a holiday, they may be in school and there's no time to do that. But I don't see why you can't go to a park on New Year's Day and use sparklers, or the worms, or whatever. Not necessarily the aerials. The small things.

"Then we look on the Fourth of July. It allows fireworks from 1:00 p.m. to 9:00 p.m. on the Fourth of July. Well every ceremony I go to on the Fourth of July is after sunset on the day of the Fourth of July. It's beginning about 7:00 p.m. and they will go well past 9:00 p.m. So again, I think we're being overly restrictive. This is the day we're celebrating the birthday of our nation. We talk all the time

about our military. How we love them, how we do everything for them, we support them but when it comes to celebrating our own birthday of our nation, we're going to restrict the time that we can do that, artificially. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2667, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 15-06 and S.B. No. 2237, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2237, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 16-06 and S.B. No. 2021, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2021, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Final Reading by a vote of 51 ayes.

At 1:52 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2479, HD 1, CD 1
S.B. No. 995, SD 1, HD 1, CD 1
S.B. No. 2246, SD 1, HD 2, CD 1
H.B. No. 1917, HD 2, SD 2, CD 1
S.B. No. 427, SD 1, HD 1, CD 1
S.B. No. 706, SD 2, HD 2, CD 1
S.B. No. 2667, SD 2, HD 1, CD 1
S.B. No. 2237, SD 1, HD 1, CD 1
S.B. No. 2021, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 17-06 and S.B. No. 1223, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 1223, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you Mr. Speaker, I rise in opposition. Thank you. This increases the fee being charged for returned checks from \$20 to \$30. I just believe that prohibitively hides that raise in the fee and I believe it's going to hurt our young people. During the Committee hearing, the testimony was just not convincing to me that the collectors of this returned check, needed that much of an increase to make their businesses work. So for those reasons, I'm going to vote no on this measure. Thank you."

Representative Sonson rose in opposition to the measure and asked that the remarks of Representative Stevens be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. This particular measure

raises the fee from \$20 to \$30 for dishonored checks. My concern is not only for the young people, but mainly for the people and the families that go from paycheck to paycheck. It's a substantial increase and that can eat away at one's monthly budget. Mr. Speaker, I disagree with that, and I think that \$20 is a good amount and that's why I'm in opposition. Thank you."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to this measure. I think that this measure is unnecessary for us to vote on. I think these people that bounce checks don't do it on purpose, and I think \$30 is too much of a penalty. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1223, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS," passed Final Reading by a vote of 39 ayes to 12 noes, with Representatives Cabanilla, Ching, Finnegan, Halford, Marumoto, Meyer, Moses, Pine, Sonson, Stevens, Stonebraker and Thielen voting no.

Conf. Com. Rep. No. 18-06 and S.B. No. 2244, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2244, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EXPUNGEMENTS," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19-06 and S.B. No. 2600, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2600, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 20-06 and S.B. No. 3180, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3180, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTIES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 21-06 and S.B. No. 3254, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3254, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1 as it would ensure the continuation of the licensing of home- and community-based case management agencies.

"Specifically, I support the repeal of the sunset for two

demonstration projects for licensing of home- and community-based case management agencies for Honolulu and the other Neighbor Islands.

"This measure will ensure the continued provision of quality home- and community-based services and care at reasonable costs. Community based case management provides an economical method of management.

"Please support this important bill as the case management system alleviates the state of much supervisory or oversight responsibility. Mr. Speaker, I urge my colleagues to support this important bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3254, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 22-06 and S.B. No. 2430, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2430, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION," passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 23-06 and S.B. No. 2227, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2227, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Final Reading by a vote of 51 ayes.

At 1:55 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1223, SD 2, HD 1, CD 1
S.B. No. 2244, SD 1, HD 1, CD 1
S.B. No. 2600, SD 1, HD 2, CD 1
S.B. No. 3180, SD 1, HD 2, CD 1
S.B. No. 3254, SD 2, HD 2, CD 1
S.B. No. 2430, SD 2, HD 1, CD 1
S.B. No. 2227, SD 2, HD 2, CD 1

At 1:56 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:17 o'clock p.m.

**RECONSIDERATION OF
ACTION TAKEN**

Representative M. Oshiro moved that the House reconsider its action previously taken in adopting Floor Amendment No. 6 to H.B. No. 3115, HD 2, SD 2, CD 1, seconded by Representative Finnegan and carried. (Representatives Berg and Takamine were excused.)

At this time, the Chair announced:

"Presently Members of the House of Representatives, this particular Conference Draft is before this House and before we act on it, it will need a 48-hour notice so that you know what the Conference Draft 1 is all about once more. So we have a 48-hour

notice, which is at 2:17 this afternoon. On Thursday afternoon at 2:17, we will take up this measure."

UNFINISHED BUSINESS

Conf. Com. Rep. No. 24-06 and S.B. No. 2004, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2004, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to Senate Bill 2004. I have spoken against this bill before so I think most of you are somewhat familiar, but it is really of a concern to me that we are here today, not only in the House, but in the Senate. We are going to establish a new monument in the State of Hawaii and that monument will be the sandbar that so many of us in Kaneohe have known and enjoyed for many, many years.

"My concern is that there has not been enough discussion in the broader community. Right now we have monuments on the record. Some of you might wonder how many. Is it 100? Is it 50? Is it 25? No, 6. There are 6 State monuments in the entire State of Hawaii including every island in the chain and today, 76 legislators in the 2 chambers with a minimal amount of information are going to vote on this bill to create a new monument.

"The monuments that are on the record are Iolani Palace, Diamond Head, Kukaniloko Birthstones, the Royal Mausoleum, Puu o Mahuka Heiau and Ulupo Heiau. There are other well-known heiaus that would be deserving of being made a monument.

"The sandbar is underwater probably 22 hours a day, and the history of the sandbar is there are different renditions of why it is an important place. First of all, the question is: What is the name of the sandbar? Some would call it Ahu o Laka, an altar to the Goddess of Hula, Laka. Others long time, many years ago, refer to it as Ahua a Laka. The sand bank of Laka. The Chief, a well-known chief in Koolauloa in many days gone by.

"I think there were three hearings. One in the Senate, there was only one referral. One hearing and then it went to the Floor. And when it went to the Floor, the Committee Report had a very large error in it and this is what the Senators saw on their desks when they considered the vote. It said that there were 15 people who had testified in opposition. I believe it was about 7 that testified in favor, and then there were another 190 that were in favor. Well those 190 were signatures on a petition that were all against the bill, so the Senators in the Senate voted with misinformation when the bill came over to us. There it was, in the Committee Report. I did bring it to the attention of the Chairman of Water, Land and it was shared with the 6 or 7 members that were in the second hearing.

"I had hoped, because the introducer of this bill had also introduced with other members of the Senate, a Resolution, which would make a whole lot more sense than what we're doing here today. The original draft of the Resolution would encourage a more deliberative outcome. It would have allowed for greater community involvement and better understanding of the real issue surrounding the sandbar than this bill.

"The Resolution would have involved a taskforce to ascertain the seriousness of the abuses, and it involved a greater portion of the community including representatives from the interested parties, Native Hawaiians, recreational boaters, and fishers, marine and environmentalist. Additionally the Resolution allowed for experts to be consulted on some of the uncertainties surrounding the sandbar's historical importance.

"One of the testifiers in favor of making the sandbar a monument went through his genealogy and tied himself as a direct descendant of Laka, and there was much discussion."

Representative Finnegan rose to yield her time, and the Chair, "so ordered."

Representative Meyer continued, stating:

"Thank you, Representative. There was much discussion about the stories around Laka the Chief. No one was sure whether Laka died at the sand bank, or Laka just rested there and died in Waiahole and had his son take some of his bones and buried them there. They were not certain. In 1998, someone found a finger bone which they first thought was found at the sandbar, but then it turned out as they described where he found it, it was found on Kapapa Island, which is seaward of the sandbar.

"With all these questions, I still say, why would we, on this Floor along with the Senators, go ahead and pass this bill and make this a monument when there are so many questions that still hang out there?

"Overall, another great concern of the boating community is what will the regulations be once we elevated the sandbar to a monument, and they have real concerns. You can't go to Diamond Head and have a picnic any time you want. You certainly can't go and have a big party at Iolani Place unless you got a permit. There are just a lot of questions and yet we are just going to steam ahead here and create this brand new monument to sit beside Iolani Palace and Diamond Head. I hope that some of you will think about the actions you're taking here today and consider voting no. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker, with reservations. The concern I have is similar to the Representative of Laie. Historic preservation is a serious issue and usually many other states use experts who come to the fore with input from the community, but it should never be an issue that divides people. It should be an issue that brings people together. So if there is not enough deliberation and input, then perhaps this measure needs to wait a little longer. So with that I express my deep reservations."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"I rise with some reservations. Thank you. My concerns are similar to the previous two speakers and I'd just like to add some nautical perspective. The area there has been dredged, and sandbar shifted and moved. I believe that we probably don't even know exactly where the Laka sandbar actually is or was.

"And I think because the genesis of this bill, as I understand it, were some parties that got carried away out there on the sandbar possibly, I don't think using historic preservation as a tool when perhaps law enforcement might be a better tool to use to control what happens out there. For the few people who perhaps got out of control, we limit the access to many, many people who enjoy this area as a recreational spot. So I just have reservations and I hope that we consider not using historic preservation actions as a tool when maybe law enforcement is a better tool to use. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2004, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Final Reading by a vote of 42 ayes to 8 noes, with Representatives Finnegan, Harbin, Halford, Kahikina, Meyer, Moses, Pine and Thielen voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 26-06 and S.B. No. 2358, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2358, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 27-06 and S.B. No. 2501, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2501, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 28-06 and S.B. No. 3076, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3076, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 29-06 and S.B. No. 2298, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2298, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 30-06 and S.B. No. 3065, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3065, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

At 2:29 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2004, SD 1, HD 1, CD 1
S.B. No. 2358, SD 2, HD 2, CD 1
S.B. No. 2501, SD 1, HD 1, CD 1
S.B. No. 3076, SD 1, HD 1, CD 1
S.B. No. 2298, SD 1, HD 1, CD 1
S.B. No. 3065, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 31-06 and S.B. No. 743, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 743, SD 2, HD 2, CD 1, entitled: "A BILL

FOR AN ACT RELATING TO THE UNIFORM SECURITIES ACT," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 32-06 and S.B. No. 826, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 826, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 33-06 and S.B. No. 2162, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2162, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Evans rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. On Senate Bill 2162, Conference Committee Report 33-06, I rise in opposition. And I know that I stated this before and so pardon me Members, I'll repeat it again. I believe that children, in terms of car insurance, I think it's a privilege and not a right. I'm still disturbed that in this bill that we're requiring foster parents to pay for car insurance. Thank you."

Representative Meyer rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"I have reservations about SB 2162 HD1, Mr. Speaker. I am not against foster children getting drivers' licenses, but I believe the foster parents should be included in that decision. They may not want the foster child driving their car, and they should not be forced into a situation where the foster child gets the Director of DHS to sign an application for an instruction permit, and then hound the foster parents to teach them how to drive. The rest of the bill is fine."

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I just briefly wanted to say this is something again, that the foster youth have really pushed hard for, as well as their advocates. I would also like to submit written comments in support."

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise to speak in strong support of a bill which will allows foster children to apply for a driver's license.

"The purpose of the bill is to help foster children successfully transition out of foster care and into independent living. Sadly, for many foster children, the difficulty in obtaining parental consent on a driver's instruction permit or license proves to be an insurmountable barrier - one that most of us could not imagine having to contend with. As stated in the Committee Report of the Committee on Consumer Protection and Commerce, "this bill is consistent with the State's responsibility to provide the best possible care of its foster children."

"Some may object to the bill on the grounds that driving a motor vehicle is privilege, not a right, and therefore the State has no obligation to provide the means or facilitate the process for a foster child to apply for a license. I would submit that in our present-day

economy, the ability to drive is not a luxury. It is often a necessity for certain types of employment. One of the keys for young people to transition out of foster care and take their place in the community as productive citizens is to find a job. A driver's license may very well make a difference in enabling that youngster to secure meaningful employment.

"Others may object that the bill requires a foster child's natural parents to pay for the child's car insurance, with such a requirement not only being burdensome, but also coercive. I must note that the bill does establish provisions for payment if the natural parents are unable to pay, and does not apply in circumstances where the foster parents are cooperative with the drivers' license process and willing to cover car insurance costs. Further, the bill is only intended to apply to minor foster children, who, I must emphasize, are wards of the State. I would also add, that foster children are no different from other teenagers when they reach legal driving age. Since it is the rare young person who is able to afford his or her own insurance, it is the parent who assumes that responsibility - hopefully, with the son or daughter contributing at least some share when possible.

"Another benefit of this bill is to allow foster board payments to be paid directly to a former foster child. This is a good bill, Mr. Speaker, which is strongly supported by the Hawaii Youth Services Network and many others. It will help deserving young people to join their peers in enjoying the privilege of driving - an accepted part of 'coming of age' in our society."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Sonson rose to speak in support of the measure, stating:

"Mr. Speaker, I'm in support of this measure. Mr. Speaker, we heard testimony on this and how great a need it is for the foster children to be able to drive. These are special kids with special needs, and a lot of times they need to be able to get where they have to go.

"They are already handicapped pretty much and the testimony points out that if they don't get this drivers' license privilege, there's no one that can help them aside from DHS. DHS is authorized to do this.

"And as far as the concern of the Representative regarding who's going to pay for it, it's only if they are able to. If they're not able to do it, there's a provision in this bill that under 587, they will be able to be subsidized. We already subsidize welfare recipients through 431.

"So I think that the good that will come about is really understated in this bill, but if the Representatives will trust the testimonies that were presented, it is something that foster kids and the foster parents actually support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2162, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN," passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Cabanilla, Evans and Finnegan voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 34-06 and S.B. No. 2188, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2188, SD 1, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so

ordered."

Representative Cabanilla's written remarks are as follows:

"I rise in support of this measure, Mr. Speaker.

"Having the Director of Public Safety serve on the Commission of Fatherhood will bring a perspective to the Commission that relates to the criminal justice system.

"We have a war going on with graffiti in our State and statistics reflect that the average age of the offender is between the ages of fourteen to sixteen. This type of community blight needs to be discouraged and the Director of Public Safety may have a positive impact on deterring youth from this activity.

"The link in which to accomplish this would be to replace the Director of the Office of Children and Youth as a member of the Commission on Fatherhood with the Director of Public Safety.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2188, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 35-06 and S.B. No. 2327, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2327, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 36-06 and S.B. No. 2328, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2328, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 37-06 and S.B. No. 2248, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2248, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

At 2:32 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 743, SD 2, HD 2, CD 1
S.B. No. 826, HD 2, CD 1
S.B. No. 2162, SD 2, HD 1, CD 1
S.B. No. 2188, SD 1, HD 2, CD 1
S.B. No. 2327, SD 2, HD 1, CD 1
S.B. No. 2328, SD 2, HD 2, CD 1

S.B. No. 2248, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 38-06 and S.B. No. 2360, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2360, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 39-06 and S.B. No. 2485, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2485, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm in favor, but with reservations for the same reasons noted on Conference Committee Report number 1-06, and these are the same concerns expressed by Earthjustice."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Mr. Speaker. In support, but with reservations for the same reasons that the previous speaker gave."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2485, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 40-06 and S.B. No. 2487, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2487, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support, but I would like to enter some very strong comments and encouragements. The HCDA has created quite a stir here at the Legislature, and I think this Legislature has responded to the call of the community that was very much impacted by various decisions relating to Kakaako Makai.

"I feel that expanding the membership of the Authority Board may perhaps not be the correct mechanism to keep the Authority in control. But with that being said, the fact that we are now looking at this measure, it is my hope, and it was my hope, that it would reflect in the Committee Report, but as it is not, I would like to reflect it in the Journal that as very much a strong citizen activist in that area, that the Speaker of the House and the President will now have the ability to appoint to a list to send to the Governor, two new members to the Authority. Please look to the community for that list. Don't let these appointments become political. Make them the voice of the people.

"There's an active working group being developed at the HCDA. Look to those people for guidance on who should be sitting on the Authority from here forward so that we don't get into another mess as we have seen in Kakaako Makai where we had to take some very

radical rules, sweeping moves to accomplish what the community has asked for.

"So with that being said, let's pass this out and let's hope that the appointment from the Senate and the House will really help bring the people to the Authority. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm rising in opposition to this bill. I know that the people that have come here to testify on the Kakaako issue, what they really want is representation by community members. And the whole problem with this bill is there is no guarantee whatsoever that that will happen.

"This bill is like many we have seen in the last two years. It changes how people are selected and it limits the Governor's choice of people that she can appoint by making it exclusive to the list that are provided to her by Senate President and yourself. There is no language in this bill, which says that these folks should be community members within a radius or anything. People were appointed from Kalaheo, they were from Kalaheo. But there's nothing that guarantees that in this bill, and for that reason I think this is just sort of a sham and gives hope to people when it doesn't represent a hopeful move. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2487, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Final Reading by a vote of 48 ayes to 2 noes, with Representatives Marumoto and Meyer voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 41-06 and S.B. No. 2909, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2909, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Marumoto voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 42-06 and S.B. No. 3262, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3262, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, in strong support. Mr. Speaker, I'm proud to say the Legislature is about to pass one of the most sweeping protections in public health for Hawaii and Hawaii's citizens. I especially think that this is going to benefit our children and our future. I just want to read an excerpt from two testimonies that illustrate that.

"One is from a Matthew James Hanley, who's a junior at Kapaa High School and he says, and I quote:

I personally come from a family where a majority of the people smoke cigarettes. I'm exposed to smoke on a daily basis, whether I'm with my dad, cousins, grandparents, or aunts and uncles. So I know how it feels to be exposed to secondhand smoke. It is not a very nice experience.

I can feel the smoke get into my lungs which causes me to breathe heavily. As an athlete, it is hindering. It stings to have chemicals from cigarettes in my lungs, especially when I'm not the person who put them there. I personally choose to make myself scarce when my family members are smoking, but people don't have that choice at work.

"Also from Arnessa Iranon from Hilo and I quote:

My parents both smoked and did not think twice about the harmful effects of second hand smoke. They did not know smoking in the house and in the car would affect our lungs and expose us to increased risk of a heart attack. That it causes respiratory illnesses. I suffer bronchitis all my childbearing years and my sister still suffers from asthma. Today science demands that we strengthen our statewide law to protect our most vulnerable citizens, workers and children.

We know second-hand smoke causes cancer and all types of illnesses and disorders. I'm writing because we need to educate and protect the children from a known health hazard.

"And that's from Arnessa Iranon from Hilo, Hawaii. I think these are the sentiments of people from across the State and I know that they're saying thank you to all of us for providing them with this protection. Even though it doesn't cover our children in our homes, I hope that they also get the message to protect their children who live in the home or the car or anyone else to not smoke in their presence. Thank you, Mr. Speaker."

Representative Evans rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition. This is a very difficult one, obviously following the speech from the previous speaker because in fact I do believe that smoke affects people who has asthma. I do think from a person like myself that's been around smokers, I don't like the smell. Personally, I don't have bronchitis or problems breathing because of smoke, but I don't like how my clothes smell and my eyes water and whatever. I don't like that either.

"But the reason I oppose this bill is because if people really read it, again like I said on Third Reading and when I opposed it then, is there is nothing in the bill that gives people who do smoke the ability to go to a place, away from everybody else and actually smoke. So if you really look at this, it says there is no smoking in airports, at public transportation facilities, at stadiums, at bars, at bowling alleys, at conventional centers, at hotels and motels, except there is a certain percentage of rooms, lobbies, hallways, common areas, night clubs, restaurants, retail stores, service line, shopping malls.

"I mean we're saying that we can't even designate a place for people to go smoke. So what is this bill really doing? It is forcing them out on the sidewalks. What's going to happen next year is we're going to come back and people are going to say, we find it disgusting that we walk down the street, people are smoking and we have to pass them on the sidewalk.

"So what we're doing is we're pushing people out and making them get more in our face, and I think with the intent that maybe what we're really headed for in this Body is to try to eliminate smoking all together in this State. I've heard it before from other speakers that that's what they'd really like to do. But I want to say to this Body, you want to talk about health, then why do we allow children to have a soda pop, which has caffeine, which is addictive. Caffeine is addictive. So why do we allow caffeine and sugar for our children? Because that affects their health, their teeth and they may have diabetes and problems at a young age.

"This is a very complicated issue. I don't like smoking in public places, but to not give people places, to treat people decent, and give them an area for designated smoking, I think is just gone way too far.

Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"In support. Just a correction. The most sweeping antismoking ordinance ever passed was in the County of Hawaii, 21 years ago. And we were way ahead of the rest of the State."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I just wanted to say that tobacco is a known killer of our citizens. It's the biggest problem we've got from a healthcare standpoint and anything that we can do to prevent secondhand smoke or primary smoking is going to be in the best interest of the people."

"They elected us to help protect their health and well-being, their economy, all sorts of things. But first and foremost, we need to look after the lives of our citizens so that's what we're doing."

"As to caffeine and sugar, its not causing cancer, its not killing children, it's not killing the adults. We really have to focus on, yes, decreasing tobacco in any way, shape or form. I do recognize the concerns about displacing people, but we also have to look at the concerns of the people that didn't have rights, that were having their own rights violated to breathe clean air if they were sitting next to someone smoking. So it's our job to protect the people's health and we're doing it. Thank you, Mr. Speaker."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I don't smoke. I don't like to smoke. I quit smoking. We can get that all out of way. I'm not talking about pro-smoking. What I'm talking about is hypocrisy. If it's so bad why do we still allow it in public residences? Why do we allow it in hotel and motel rooms that are rented to guests and are designated as smoking rooms. When we talked about this earlier, I said why don't we allow some bars or nightclubs that want to have smoking areas if the employees all agreed. Well that was no good, but we're going to allow it in hotel and motel rooms."

"What about retail tobacco stores? We're going to kill off the tobacco merchants I suppose. That's why we're allowing it there. How about private and semiprivate rooms in nursing homes and long term care facilities that are occupied by one or more persons? Boy, that's hypocritical. How about outdoor areas of places of employment? That's okay. All areas covered by this Chapter when smoking is a part of their production being filmed. So we don't care about our actors or filmmakers are being murdered, I suppose, is the term everybody is using here, by secondhand smoke."

"We also exclude State correctional facilities so our prisoners can smoke and our ACOs can be subjected to the smoke or smoke themselves. That's okay. Probably also our visitors will pass another bill that says we cannot restrict visitors from going into the correctional facilities so they can go in there when they're smoking too. That's all right."

"So why are we talking about everybody we're trying to protect but we're not protecting all these vast amounts of our society? I think this is a feel good bill. If we really want to stop smoking, ban it. But we can't ban it because we have another bill later on where we're taxing cigarettes to pay for medical care and cancer research. So we don't want to ban it, we want to collect off it and we want to feel good about saying we passed these smoking prohibition bills. Thank you."

Representative Lee rose to speak in support of the measure, stating:

"I rise in support. Mr. Speaker, this measure will greatly improve the health of everyone in Hawaii who is currently forced to endure secondhand smoke from tobacco users. Beyond the well-known deleterious health effects attached to smokers personally, numerous cancers and a myriad of other serious health problems can result from, and are exacerbated by, exposure to secondhand smoke. And much of the cost of healthcare is directed to afflictions caused by smoke."

"Members of the public who do not choose to smoke are subjected to the risk whenever smokers are present. The various counties have a hodgepodge of regulations on smoking in public places, but this bill will set a consistent and comprehensive standard for protecting the health of residents and visitors alike."

"As noted by the National Cancer Institute and contrary to many of arguments made by those who oppose the measure, there is a firmly established link between secondhand smoke and illness. Furthermore there is no right to smoke in a public place. Just because a product, cigarettes, are not illegal it does not automatically follow that it is improper to regulate where it may be consumed. Compare this to alcohol another legal substance, which may not be consumed openly in public."

"Mr. Speaker, this bill is not new, it is the product of more than 10 years of hard work by people like the American Cancer Society, the Hearth Association, the Coalition for a Tobacco Free Hawaii and by many members of this Body, especially including Representative Arakaki, Representative Mark Takai, Representative Cynthia Thielen, who stood on the Floor of this House time after time and recited the same thing I'm reciting. So I once again urge my colleagues to support this measure. It is certainly the most important health goal of this Session. Thank you."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in strong support. Thank you. Mr. Speaker, the bill comes too late for my son, Dave, who developed throat cancer. When Dave was growing up in Hawaii, there was no restriction on smoking and it was everywhere. In the schools, everywhere. Fortunately he is in remission, but this bill does come in time for the other youngsters that are growing up that aren't going to have to be subjected to secondhand smoke."

"Yes, it's a 'feel good' bill. It is a 'feel good' bill because those parents of those youngsters are going to feel good that they don't have to watch one of their children ravaged by the disease of cancer. Thank you."

Representative Caldwell rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Caldwell's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this bill. This legislation is historic. The State of Hawaii is again leading on health advocacy. I will keep my comments brief, but I want to point out why I believe this is such vital legislation."

"On a personal level, I am really pleased to see that this bill is moving. My father was a life-time smoker and died of cancer. He always smoked in front of my siblings and I. He smoked up until the day he could no longer hold the cigarette himself. Smoking is bad, bad, bad ..."

"As we all know, second hand smoke exposure can be just as detrimental to one's health as smoking itself. In addition to being linked with various forms of cancer, secondhand smoke is also associated with non-cancerous conditions, some of which include: stroke; severe and chronic heart disease; asthma, especially in children; and diabetes."

"Eliminating smoking in places such as public facilities, businesses, and restaurants will not only remove exposure to second hand smoke, but it will create a smoke-free and "health positive" environment. This will not only support and encourage smokers who have long-considered quitting, but it will change the 'normal' environment that our children grow up in.

"There was a time when it was 'normal' for us to see people throwing trash out of their windows. Policy changed that norm for the better. Our State has been consistently named in the top 5 of the nation's healthiest states in the annual America's health rankings. This past December, Hawaii was ranked number 5 by the United Health Foundation, the American Public Health Association, and the Partnership For Prevention. Let us live up to our 'Health State' motto.

"Smoking is an individual right, but this bill takes the serious and necessary steps of ensuring that smokers do not harm others in exercising their individual rights. SB 3262 is an opportunity for us to do something about the quality of our air and ensure that a 'health positive' environment is proactively cultivated here in Hawaii for us and our children."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3262, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Evans, Moses and Nakasone voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 43-06 and S.B. No. 3192, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3192, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 44-06 and S.B. No. 3105, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3105, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

At 2:50 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2360, SD 2, HD 1, CD 1
S.B. No. 2485, SD 2, HD 2, CD 1
S.B. No. 2487, HD 1, CD 1
S.B. No. 2909, SD 1, HD 2, CD 1
S.B. No. 3262, SD 1, HD 1, CD 1
S.B. No. 3192, SD 1, HD 2, CD 1
S.B. No. 3105, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 45-06 and S.B. No. 3185, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3185, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you. Mr. Speaker, I'm rising to vote in support but with reservations on Conference Committee Report 45, Relating to Energy. Mr. Speaker, we started off this Session with a real vision of energy reform for our State. Knowing that we are a state blessed with the most natural resources in all of the United States, we're looking at moving ahead aggressively a vision to move us toward a renewable energy present day. Not future, but present day. I don't think we've gotten there, Mr. Speaker. I think we maybe stumbled a bit on the road to doing this.

"One of the things that I felt was at the heart of moving us ahead was the Energy Cost Adjustment Clause. Let me just explain for the members that ECAC or Energy Cost Adjustment Clause is where Hawaiian Electric can pass through to the consumer 100% of the cost of the increase in the price of fossil fuel that Hawaiian Electric or Maui Electric or the other Neighbor Island utilities use to power homes and offices.

"So when the cost of fuel goes up, fossil fuel goes up, when they have to import it and pay more for it, no big deal. Then the utilities just sort of can look at it and go, 'Tough.' They pass that 100% on to the consumer. Well, as I said before on the island of Maui that means that 50% of those utility bills for the resident are due to the cost of fossil fuel. On our island it's about one-third, so if you take your utility bill, tear off one-third of the bill. Then if we weren't having to pay for the increase of the cost of fossil fuel, we would be paying a lot less on our utility bills.

"Mr. Speaker, the one thing that would bring Hawaiian Electric to the table and make them change their fossil fuel habits, their addition to fossil fuel is if we mandated change in the ECAC, mandate it. Now what this bill does, the present bill that we have before us is that it says that the ECAC, if a utility requests an adjustment in its ECAC then the Public Utilities Commission can do certain things. The public utility would be required to have an incentive to reasonably manage or lower its fuel costs, and it would be encouraged for the greater use of renewable energy. I mean in law these are sort of fuzzy words. You can really move your way around them. They are not a mandate.

"We should have and could have said that by December 31, 2007, to share the risks of the reliance on oil fire generation, the Public Utilities Commission "shall", that's a mandate, "shall" determine whether the fuel adjustment clause should be eliminated, or the Commission shall establish ratemaking provisions that amend the fuel adjustment clause to share oil cost increases and decreases between the utility shareholders and the utility customers.

"Let me just digress on that. In other words the utility has shareholders. When it passes through the 100% of the increase in fossil fuel cost to the consumers, the shareholders benefit. So what we should have done and could have done is said, 'Hey shareholders, you are going to have to share the risk with the consumers,' and we should have done this as a mandate.

"Now I know that others are going to stand up and say we couldn't have gotten such a bill through. I know that there are problems on the Senate side, that we have a big stumbling block over there, but we still should have taken the leadership in this Chamber."

Representative Stevens rose to yield her time, and the Chair, "so ordered."

Representative Thielen continued, stating:

"Thank you so much, Representative. We still should have taken the leadership in this Chamber, Mr. Speaker. We could have said, if the Public Utilities Commission determines that the fuel adjustment clause shall not be eliminated for whatever reason, the PUC would decide that it shall be amended. Now those are mandates that we

could have sent forward from this Chamber.

"This is the vision, Mr. Speaker. This is the vision of a renewable future. Now when this would happen if we had mandated changes to the ECAC, what happens to Hawaiian Electric? All of a sudden they go, 'Oh, all right. We no longer can just throw off all of our costs of increase cost in oil. We're going to have to be serious about looking for renewable energy,' and then they can stop just dancing around this stage with all of these different 'outs' that they have. They would have had to aggressively at that point look for renewable energy projects. They would have had to go into funding situations where they would cooperate with renewable energy products like it's being done all over Europe. It's being done on Rhode Island, but not being done in Hawaii because we let Hawaiian Electric have the 'outs', and what does that mean? 77% reliance on fossil fuel, and no other state in the nation is that heavily addicted to fossil fuel. The next closest is Florida with something like 17%.

"So Mr. Speaker, we could have been much more forward-sighted. We could have been more determined that we're going to change things now, not wait for the future, but we didn't do that. So those are my reservations on this, Mr. Speaker.

"There are some other energy bills we're going to be addressing, and I have very similar reservations on that. But the ECAC is the key to the whole thing, and without saying to Hawaiian Electric, 'You're going to have to cost share; we'll not let you off the hook anymore.' Without doing that, they're not going to go ahead with the renewables. And then the worst thing of all Mr. Speaker, they're before the Public Utilities Commission now asking to build another fossil-fuel-powered plant in the year 2009.

"If that happens, we've lost. The consumers have lost. And the only way we can stop their fossil fuel addiction at the cost to our consumers, the only way we can do that is to take definite leadership steps. Giving mandates, without any 'outs'. Thank you."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. I just wanted to point out to the members on page 17 of this bill, it lays out the fuel adjustment rate policy by this Body and it is a mandate. It says, 'Any automatic fuel adjustment clause requested by a public utility in an application filed with the commission shall be designed, as determined in the commission's discretion to: (1) fairly share the risk of fuel cost charges between the public utilities and its customers; (2) provide the public utility with sufficient incentive to reasonably manage or lower its fuel cost and encourage greater use of renewable energy.'

"The debate regarding the fuel adjustment charge rightfully belongs in the Public Utility Commission's arena. The best way to deal with a change in behavior regarding the utilities is to set the appropriate incentives and rate structure to incentivize their behavior towards less risk regarding fuel cost and the building of more renewable energy, using more renewable energy sources. So I believe that we did state a mandate for the public utilities in the policy that we laid out. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. And I think the previous speaker did a great job in developing our energy package this year. I do get a little tired of hearing the comparison of other states. We don't have the Tennessee Valley Authority providing power for many states. Our dams fall apart, so I'm glad we don't rely on hydro too much. We don't have natural gas. Perhaps the Representative from the other side suggests we should have nuclear power. That's another one that is not fossil fuel.

"So I think there are a whole lot of reasons that we have been

dependent on oil. We could let geothermal supply the rest of the State. I remember I was in the Senate when we permitted geothermal and the suggestion that we transport that power between islands was roundly defeated. I think that the Chair of EEP has done an excellent job of developing our energy plan for this year. Thank you."

Representative Ching rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. With reservations.

"I agree with the Sierra Club that it is crucial that an increasing percentage of our electricity come from clean, indigenous resources. We live in an era of human-induced climate change. The year 2005 was the hottest since modern recording began. Climate change threatens Hawaii in profound ways, urging us to provide global solutions to stopping the trend.

"It's imperative to improve Hawaii's Renewable Portfolio Standards law. I believe we must create an accurate definition of 'renewable energy' that includes displacement technologies in renewable electric energy and defines renewable energy."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3185, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 46-06 and S.B. No. 2339, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2339, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 47-06 and S.B. No. 2323, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2323, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 48-06 and S.B. No. 2941, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2941, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 49-06 and S.B. No. 2260, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee

be adopted and that S.B. No. 2260, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with strong reservations on this measure. Thank you. There are great many people in my district who believe that this measure will help them feel more secure and so I feel obliged to represent their voice. However, the conflict that I have and why I'm rising with reservations is that this bill provides for a sentence of 30 years or life in prison for what's called habitual violent felons, but which may actually be applied to someone with just three felony convictions apparently including convictions for offenses committed as juveniles.

"What disturbs me is this bill will remove the discretion of judges to be able to take into account unique or unusual mitigating circumstances when sentencing and it is a move, which has elsewhere lead to gross injustices.

"One would think that hearing the debate on this particular bill that our crime rate is soaring and the opposite really is true. So I'm very conflicted by this because according to the most recent annual statistics released by the Attorney General in December 2005, the violent crime rate fell 12.8% over the past decade, while the overall crime rate was down 30.4% in the same period. In 2001, Hawaii's violent crime rate ranked 44th lowest among the 50 states.

"So even if we did have more of a violent crime problem, there's no evidence really that such extended sentences have any impact on future crimes. And Hawaii already has laws providing extended sentences for certain violent or repeat offenders. So I would hope that the deeper question in the next Session will be addressed and I believe that is how do we create systems and processes, outcomes and relationships, that will enable all of us to feel more secure and not just address the crime issue as the one solution. Thank you."

Representative Takumi rose to speak in opposition to the measure, stating:

"Thank you very much, Mr. Speaker. I rise in opposition to this measure. There's no doubt that the community is alarmed about crime and with good reason. Our crime is relatively high compared to other nations in the world. There's no doubt that many of our residents feel like prisoners in their own home and worried about whether or not they're going to end up being a statistic.

"The question, Mr. Speaker, is: What do we do about it? The problem with this bill is that to avoid being accused of being soft on crime, we go soft in the head. Let me state briefly some of the conceptual specific reasons why this measure falls short of its intent.

"First, it doesn't work. California is always cited as a reason why we should do this. Let's look at the facts. New York during the 1990s, this is a period that California is always cited, that they had a dramatic decrease in crime. New York experienced a greater decrease in crime without this type of law.

"Furthermore, the California County Prosecutors have discretion whether or not to count a felony as a strike or not. Counties that aggressively enforced the law had no greater declines in crime than did counties that used it far more sparingly. And by the way Mr. Speaker, this measure does not allow county Prosecutors any discretion at all.

"Secondly, it's not new. Circuit judges in our State do have the ability to invoke enhanced sentencing that can impose stiffer sentences for repeat offenders. Are we saying this hasn't worked? I don't know, but it seems to be the inference.

"So who would be caught in this three strikes law? It will be people like James Allen in California who was convicted of petty

theft in 1998, walked into a drug store and stole hair oil worth \$2.74. And while Mr. Allen was trying to run away, the security guard caught up with him. Mr. Allen threw a couple of punches that missed, but that elevated that crime from theft to robbery. Combined with his previous two convictions for burglary, he is currently serving 35 years in the California penal system. Mr. Speaker, I firmly believe that if you do the crime, you do the time. But the time has to fit the crime.

"Third, it takes away the discretion of judges in the paroling authority to weigh each case on its merits. We will end up with a one-size fits all approach to criminal justice.

"Fourth, it ignores the existence of racism and classism in our society. And do we really believe the criminal justice system operates completely without bias as to the defendant's race? Look at California where African-Americans, while comprising 7% of the population, make up 44% of the inmates under the three strikes law. Look at Hawaii, where the Native Hawaiians are less than 10% of the population, but 34% of the inmate population. Do you really believe that the quality of legal representation in this country is equal irrespective of your ability to pay? I guarantee that the executives of Enron currently on trial are not being defended by an overworked, underpaid public defender.

"Fifth, the financial cost. The Lingle-Aiona Administration has asserted that they've been trying to push this through for the past three years. If so, why hasn't a study been done as we do on many other issues to show the potential impact, cost, and effectiveness of such a law? The measure assumes that there is no long-term cost relative to the short-term benefit.

"For example, how much of a threat to society is that 65 year old prisoner who committed a burglary 25 years ago? Less than 1% of violent crimes are committed by those over 60 years of age. What will be the eventual cost of the geriatric long-term care facility beyond bars? It will cost three times more to house an elderly offender."

Representative Waters rose to yield his time, and the Chair, "so ordered."

Representative Takumi continued, stating:

"Thank you very much, Representative. Sixth, and this is very troubling about this bill is the abrogation of states' rights. This measure counts as a strike, any felony conviction from any other state or the federal courts. This is basically the biggest conclusion that every conviction is valid and that we accept it on its face. This is why Louisiana modified their law so that any conviction outside the State does not automatically trigger the three strikes law.

"Let's take a hypothetical example, Mr. Speaker. An all-white jury convicts an African-American male of two felonies, 20 years ago in Mississippi. He moves to Hawaii and is convicted of burglary. How certain are we that the prior convictions were warranted and were free from bias? How does his attorney secure the records and transcripts of that long ago trial? More importantly why would we rely upon the criminal justice system of Mississippi to dictate what we should do in our State?

"Seventh, there is no provision for a mandatory release in this bill. Currently the Paroling Authority has the ability to release a long-term prisoner who's suffering from say, terminal cancer even though the term has not been served. This bill does not allow that to such a prisoner who poses no threat to society, cannot be released, ostensibly to show that we are tough on crime.

"Mr. Speaker, it's not about being tough on crime. It's about being smart on crime. We know that the typical offenders in our prisons are disproportionately males, Native Hawaiian, poor, unemployed, uneducated, and substance abusers. This by no means excuses the crimes that they committed, but it gives us an insight that explains

why so many are in prison. It compels us to realize that unless we get at the root causes of crime there is no solution in sight except building more and more prisons. As it is, we already imprison over a million people in this country, a rate far higher than any industrialized nation in the world.

"There should be experimental programs like the BEST program in Maui for using models like the Delancey Street Program in San Francisco that after staying an average of 4 years, not 30 years as this bill requires, 4 years, in an institutional setting, over 14,000 former felons and substance abusers are now successful tax paying citizens. Instead of 1.2 million tax dollars per prisoner for 30 years, they have done it at no cost to the taxpayer.

"Let me close with an exquisite irony, Mr. Speaker. Do we want to end up like California, once the envy of the nation for their higher education system, but now spends more on their prisons than they do on their universities and colleges? Instead of funding a schoolhouse, we end up funding a jailhouse. And the more we put into our prison system, the less we fund our schools, and therefore end up having to fund even more prisons. The measure before us merely move us further down this path, but it does little to move us to more effective ways of protecting the community. Thank you, Mr. Speaker."

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Yes, Mr. Speaker, this measure does reinforce the message that Hawaii is tough on crime and I think it's about time. We all know that a very small percentage of offenders commit the majority of crimes over and over again. I support rehabilitation programs and training programs and I co-sponsored a measure this Session which unfortunately didn't go through. But we should take care of the people that are incarcerated, try to get them off their problems and out of that way of life that they're in now.

"However, the speaker from Pearl City mentioned several cases and I'm thinking, yes, but those people were convicted. Yes, they were convicted more than once, and yet they went out and they did it again. It's not like this is first time and you're slapped away for 30 years. This measure requires three separate convictions, each one for a violent felony. That's not simple shoplifting. So these people would be affected have done this, have been caught, have been convicted by their peers, by a jury. They've done it again, and then they've done it again.

"Maybe some people never learn. Maybe it's partly our problem that we don't have the programs to help them learn and to rehabilitate them, but there comes a point when you have to protect the rest of the citizens. The vast majority of law-abiding citizens that are out there. These are people that have broken into homes, they've raped, they've killed, they've beat up. They're not simple shoplifters, Mr. Speaker. People have to understand that. It's different from the three strikes law in California. These are violent felons, repeat violent felons.

"Mr. Speaker, there has been experience in other states that have adopted this type of law and it has shown good results. Locking away the worst of the career criminals will reduce the number of violent crimes in our State. It's not turning our back on these people. Not the first time, the second time, third time. I have to keep repeating this. It's third time convictions for violent felonies. This is a measure, Mr. Speaker, we Republicans have supported for some years now. In fact, ever since I've been in this Legislature for ten years and I'm sure it was long before that. So I'm very, very glad that today we're passing this legislation out. It will give our law enforcement the needed tools to keep our streets safer.

"I got to say again, our Representative from Pearl City talked about Mr. Allen. Well I'm very, very happy that Mr. Allen is in jail now and maybe he won't attack my relatives that live in California. I'm very, very happy for him. We know where he is and I hope he stays

there, because he was caught stealing again. Not the first time. Thank you, Mr. Speaker."

Representative Cabanilla rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition on this matter for now. I'm in opposition because I think this bill is premature. There's a lot of prerequisite work that we need to do before passing this bill. I had to introduce a bill to build prisons in this Session, but that measure didn't even get a hearing.

"Our prisons are full now. By passing this bill and increasing more prisoners is just a feel-good measure. Until we build more prisons, we cannot pass this bill. Until we can accept there's a prison house in our own backyard, we cannot pass this bill. Until we as a group are able and willing to generate more funds so we can outsource our prisoners, we cannot pass this bill.

"Furthermore, Mr. Speaker, we added burglary in this violent crime. I do believe burglary is a crime and they should pay time in jail. However, I as a taxpayer am not willing to pay for their incarceration for the next 30 years.

"So in conclusion, Mr. Speaker, I think that we need to recommit this measure and build the proper infrastructure so we can talk the talk in this House. Thank you so much."

Representative Souki rose to speak in opposition to the measure, stating:

"Mr. Speaker, I strongly oppose this bill. Mr. Speaker, as a Democrat and a resident of Hawaii I feel relatively ashamed at this point that we're looking at a measure like this here.

"We led the nation in good legislation in abortion, and in women's rights. Years ago we took away capital punishment where those who were hanged were the minority, the Japanese, and the Hawaiians. They were the ones that were hanged. And we finally had the good sense to get rid of capital punishment, and now we have this 'three strikes and you're out.'

"How far have we regressed all these years? When we look at a bill like this that would put people in jail for their life. When we already have sentences that can double and triple what one can live, but I guess we need the perception that we're hard on crime, and that's all it is. Because I know in your heart, you know that this is a bad bill, but you still vote for it and this is what makes me ashamed. That you call yourself progressive, whatever Party you are.

"Mr. Speaker, the speaker from Pearl City was very eloquent and articulate in expressing his feelings and his concerns, and Mr. Speaker, I wish to adopt his remarks as my own.

"And Mr. Speaker, I'm hopeful that the articulate remarks, the actual remarks that were made by the speaker from Pearl City, would hopefully change your mind. I don't believe a vote with reservations will help in this measure here. If we want to continue to be the progressive State that we are, we will vote this bill down. There's only one way to vote Members, and that is to vote down. Thank you very much."

Representative Pine rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this measure. I wasn't planning to speak today because I didn't think there would be so much opposition. We heard about a fellow Allen from the mainland. Well I'm going to tell you the people in Ewa Beach and this is why I'm supporting this bill.

"There's a man named Derek Corraera who lives on Ewa Beach Road in my district, and there's many men like him in all of your

districts. He is a multiple felon. He's killed several people and he carries a gun. His victims who are terrorized by him everyday, are of different races. They're white, they're black, they're Hawaiian, and they're Filipino. He's lived there for about 20 years and he has been in and out of jail for 15 years. He has constantly terrorized my community, not just on Ewa Beach Road, but all the way up Fort Weaver Road. When he gets out of jail everybody gets on the phone to call each other to say, 'Protect your children. Don't walk along the roads because Derek Correra is back out of jail and he's speeding again. He's drunk again. He's high again. He has his gun again.'

"Let me tell you about victims of West Loch Fairways. They have been terrorized almost every other day for two years by the same criminal who has been arrested 66 times. Everyday they go home and they look to make sure everything's still there. They don't leave their teenage children alone. They don't leave their elderly parents alone, because they're worried what if that guy is high this time that he robs us.

"And I always had compassion for people who have been jailed and I work with a homeless shelter that's helped criminals. But when people in my district who are good law abiding citizens cannot feel safe and they're saying, 'Representative Pine, why is he out again? Why doesn't our courts protect us? Why don't you and the other legislators protect us? We're not doing any crimes. We just want to feel safe in our own homes and in our own communities.'

"So I have no compassion for anyone who makes the conscious decision to terrorize people three times because first and foremost my job as a Representative and I hoping everyone knows that Derek Correra is in your district too and there are many of them. It's to get those guys away from the good people and people like him in jail for as long as we can keep them because he's making a conscious choice to continue to terrorize all of us."

Representative Hale rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I would just like to rise with reservations. The only thing that's reservations that has changed my mind is there is a limit in 2011. I hope by that time we can prove whether that is good or not. Thank you."

Representative Sonson rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. Strong support. Mr. Speaker, I stood up many times here in this Body to support individual rights. It seems contradictory that I support mandatory sentencing to this extent. This measure provides for 30 years sentencing for imprisonment, which is mandatory, permanent terms of life imprisonment for habitual violent felons. But these are for habitual felons as described in the bill. And Mr. Speaker, let me read to you some of the felonies, convictions that are going to be the basis for these three strikes.

"Murder in any degree, any class A felony or class B felony, but is a crime of violence. If you look at these, class A felony, Mr. Speaker, is already 20 years to life. Advancing it to 30 years is not much more, but this in response to the weakness in our system to provide safety and to provide a stop to the circle of violence.

"This is how it will work. Normally now, if somebody is convicted of murder and is a class A felony, they would receive a 20 years to life. Because of the weakness in our penitentiary there's usually an opening where these individuals will come out and then they will return again, hopefully not for the same crime, but nevertheless a lot of them go back with the same violent crime. And then you need to think about what we're going to do as a society for these particular individuals who keep repeating and never learn. There has to be a stop somewhere and it seems to me that three times is three times too much.

"Three times we would allow an individual to commit a heinous crime of violence before we say enough is enough. Three is reasonable. Even as a Democrat, I think it's reasonable. I think that this is not a feel good bill. I don't think that it's enough that we have enhanced sentencing. I think this will add to it to show that we even if we are Democrats who also feel not only for the individual person's rights, but also for the individuals who are victims. Those are the public outcry that there must be balance and I think this is in response.

"It is hard for me as a Democrat and a protector of individual rights to vote, but I think that the person committing these serious violent crimes cannot learn from the experience. That they must be put away. And yes, this brings a concern that they will take away from our education budget. I think it's a wake up call. We do need to look at our priorities. Look at us now. We are not putting enough into our penitentiary, we're not building prisons because it's not a priority.

"We are going to be known as a State that will react when there is a consent decree placed upon us. Only then we should support. Maybe this will help to ensure that we build prisons. We need to no longer ignore the fact that we have an overflowing prison system. Maybe we can build more prisons and ensure that those who are violent will remain there, because right now they are being let out, Mr. Speaker. They are being let out because there is no room. We do have mandatory sentencing for lesser crimes and that's why this is not a new thing for Democrats. We have passed bills that I say are first strike. This bill is for three strikes and I think it is well balanced because it only allows the heinous crimes to be counted in the three strikes.

"The fact that there a lot of minorities in the mainland being put in prison, it is an unfortunate one and I will have to agree with the prior speaker on that, but that is a separate issue. I think that we must ensure that the public defenders who are responsible in making sure that these people's individual rights are protected, must be funded well. That's what I have always advocated. That we must ensure that individual rights are preserved, yet we do pass legislation that keeps them picking away at individual's rights. Mr. Speaker, this is a hard vote. It is a hard vote for everyone."

Representative Tsuji rose to yield his time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"But I think it is time for everyone to vote their conscience, and I hope that you will balance the need for public safety, the need to ensure that violent criminals who keep committing for the third time violent crimes be put away, to ensure that in the future we also think about preventing these individuals from getting there to begin with by ensuring that we provide treatment right at the outset, and that we must provide money for health and human services. We must provide for opportunities for those who are poor.

"If there is any excuse to say the reason why these individuals are there is because of their unfortunate upbringing because of circumstances, then I think Mr. Speaker, that we must also address those. But those are separate issues, Mr. Speaker. And I feel strongly in support of programs, funding for programs to ensure that everyone has an opportunity to succeed in our society. But these individuals have no excuse and we have to look at it and say, enough is enough. We mustn't combine these together and lump them together and say we cannot do this because we are not taking of this. We cannot say, we cannot legislate this and vote on it before we build prisons. I'm glad that we are having this discussion. This is a difficult time for all of us and I wish all of us luck. For me, I'm voting yes."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. Thank

you, Mr. Speaker. By putting this into place, this three violent strikes bill, Mr. Speaker, it does not mean that we don't have to do the drug rehabilitation. Mr. Speaker, we can still do those types of things after the first strike, after the second strike.

"But let us also realize that what this bill is, is it may be three violent strikes, but if we compare it to some of the other three strikes across the nation, this is more like, a little more strikes than three, because you have to have, there's language in here that says either the current conviction or at least one of the prior separate convictions is for an offense other than burglary in the first degree. Basically it's not just three strikes. It's three violent strikes. They have to be separate convictions and those types of things, so this is not only three strikes.

"Mr. Speaker, when I take a look at this, I look at the situations where a man comes home from work, someone in his house shoots him. Mr. Speaker, I look at the police officer that was shot and killed when that criminal had a long, long rap sheet. Mr. Speaker, the reason why we have to pass this bill is because I am so sadden when I see on the news that we are starting a fund for some child that is left without a father to provide for them, and so we have to come to their aid because their father is no longer living because they were killed.

"Those type of things and this measure is not the type of three strikes that some describe it to me. This has been softened and I understand why, Mr. Speaker, but we have to look at this for what it is. It's more than three strikes. It's three violent strikes. Thank you, Mr. Speaker."

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, first of all I'd like to incorporate the words of the speaker from Ewa Beach as my own, please. This is a very reasonable bill, in my opinion. Because the current situation that we have in terms of drugs is one that is demoralizing to all of our citizens, demoralizing especially to the police, demoralizing to the prosecutors. All those that are trying to make a difference in our situation in crime.

"I think a lot of our citizens are wondering when is the Legislature going to act? What are they going to do? I know a number of them have asked me that question. Why, why? And so their hands are thrown in the air. We need to respond. We need to let the residents know we hear their pleas. And in response to progression, unfortunately from what I understand or what my residents tell me, we progressed ourselves into a State with a reputation that crime pays in Hawaii and we cannot afford that reputation. Thank you."

Representative Evans rose to speak in opposition to the measure, stating:

"I rise in opposition. When I was in Conference and talking to some of my colleagues about this, I kept asking the question: Can't our judges currently give life sentences and 30 years mandatory? And they said, yes. So I'm kind of wondering if we're at a point that what we're really saying is that the Judicial Branch is broken.

"There's three branches of government, the Executive, the Judiciary, the Legislative. If there is something wrong with Judiciary, I'm kind of wondering why they're not getting the message to be tougher on crime. I believe they understand that.

"The previous speaker that talked about this person going in and out of jail 66 times. It makes me wonder if these crimes were crimes that terrorize people, but actually don't rise to violent crimes. And if that's the case, should we be putting our money and energy into supporting our police officers and giving them more techniques to stop this? More policemen in neighborhoods? Maybe there's not enough policemen to respond. I mean, what really is broken here? That's the question I'm asking. And I again I think this bill is a reaction to things that's going on, but I'm not convinced that the

Legislature should be passing the law this year. Thank you."

Representative Souki moved that the report of the Committee and S.B. No. 2260, SD 1, HD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Cabanilla.

At 3:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:51 o'clock p.m.

At this time, the Chair stated:

"Before this Body is a motion to recommit Senate Bill 2260, SD 1, HD 1, CD 1, which has been moved by Representative Souki and second by Representative Cabanilla. Any discussion, which is limited to the motion of the recommitment?"

Representative Pine rose to speak in opposition to the motion, stating:

"I'm in strong opposition of the recommitment of this bill. On behalf of all the victims in the State of Hawaii who cannot protect themselves from career criminals, I'm in opposition to this recommitment."

The motion was put to vote by the Chair and failed to carry. (Representatives Kahikina, Kanoho and Stonebraker were excused.)

(Main Motion)

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. I'd just like to touch on three items regarding this measure. I draw the Body's attention to page 2, lines 20, 21, 22. I believe the drafters of this measure purposefully and intentionally set forth this particular provision, subsection 5. And it states that, 'this section shall apply only if the prosecuting attorney brings before the court a motion to sentence under this section that allows the court to advise the defendant.' On page 3, 'of the defendant's eligibility for sentencing under this section in regard to the entry of verdict of guilty, whether by trial, plea of guilty, or plea of no contest,' period.

"The motion shall set forth a date and jurisdiction of occurrences of each prior conviction required under section 4, subsection c and shall specify whether the defendant is subject to the following,' and it sets forth a list of crimes.

"And my point, Mr. Speaker, is that before this mandatory three strikes sentencing scheme is imposed upon a defendant, they must first be brought and they can only be brought through a motion by the prosecuting attorney. Mr. Speaker, as a former prosecuting attorney, I know that prosecuting attorneys, deputy prosecuting attorneys, DPAs, have a unique code within our code of ethics as attorneys. And one of the them is, in our role as prosecuting attorneys on behalf of the State or the county in which we administer the laws, we are to seek justice in all cases. And that power and responsibility lies with the prosecuting attorney to seek justice in all cases, and therefore Mr. Speaker, I believe that only through that process will such a motion take place for this enhanced three strikes sentencing.

"But it also brings to mind, Mr. Speaker, that the defense counsel will have the opportunity to submit and should file a motion in opposition to a three strikes enhanced sentencing so that the court may have the ability to hear from both parties before rendering a decision.

"The second point I need make Mr. Speaker, is on page 1 of the

bill. I believe the crafters of this proposal intentionally and perhaps brilliantly drafted the following language. Section 1, subsection 3, line 13 reads, 'except for work furlough programs in the final year of the sentence, the required incarceration be in a time the inmate is not working or traveling to or from work. A habitual violent felon,' that's the affected class of defendants here, 'shall not be eligible for prerelease, furlough, or other modified terms of imprisonment without the written authorization of the Governor, which authorization shall not be delegable.'

"The way I interpret that Mr. Speaker, is that should this law even apply to defendant and one is imprisoned subject to these harsh terms, that the Governor by the powers set forth in this measure would have the ability to modify the terms of imprisonment. It gives me a little comfort because this language is in this measure.

"And then finally Mr. Speaker, in our State Constitution, Article V, Section 5, setting forth the powers of the Executive Branch provides that the Governor may grant reprieves, commutations, and pardons, after conviction for all offenses subject to regulation by law as to the manner of applying for the same.

"Finally Mr. Speaker, it gives me some degree of comfort that the Governor under our Constitution will have the ability to grant reprieve, commute, or pardon. For these reasons I'll be voting up on this measure."

Representative Arakaki rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I speak in opposition to this measure. Mr. Speaker, I think most of my sentiments were expressed by our Chair of Education Committee. And like him, I would prefer building brain cells than prison cells. But I want to express one particular concern as your Health Chair, Mr. Speaker, because about a month ago I did visit the Hawaii State Hospital. And we all know that the State Hospital is already overcrowded and we are told that over 80% of the patients there are forensic referrals. Already they have a hard time dealing with the violent offenders that come to them.

"So I'm just wondering, I know that with this new law that many of the mentally ill will be swept into, not only our prisons but also into our mental institutions. And I'm just wondering how we are going to handle it because the fact is, the mental health division and our public safety division have not come up with a solution to those who are prone to violent behavior, but are mentally ill and I think we need to address that before we start passing bills like this."

Representative Stevens rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support. Thank you. I noticed that the Conference Committee Report had reinserted the offense of sexual assault in a second degree, continuous sexual assault of a minor under the age of 14. And those provisions were especially helpful to me and made me feel more comfortable with this law, because I searched the Judiciary's website of registered sexual offenders and you can search by your zip code, Mr. Speaker. In my district there were a tremendous amount of repeat sexual offenders. And I just wonder what the elderly people and the young people who were possible targets of these people would feel if we did not pass this legislation. So I really appreciate that the Chair of the Conference Committee reinserted that language and I think that's very important. Thank you very much."

Representative Souki rose to respond, stating:

"Mr. Speaker, thank you very much. Again I speak in opposition to this bill. And I take little comfort as to what the Majority Leader has spoken in regard to the prosecutor and the defender in giving some options.

"Let me cite you a case. There was this person who was apprehended in Maui by the police, kept incarcerated for 15 months without a trial. And even after that, there was a letter given to the prosecuting office that in fact this person was innocent. He wasn't carrying any drugs, etc. He still wouldn't look at that letter until finally after 15 months, in presenting the case to the judge, the judge finally set him free. There was no evidence.

"So I take very little comfort in the judicial system that we have as being a very subjective system. Yes, there are times we may have someone who is very objective, ideal, paramount, but many times it's the opposite. It's a tired jurist, prosecutor who makes these decisions, not necessarily on the evidence, but on a particular feeling as a human being.

"So again Members, the vote will be taken and it seems right now more than likely we will have a distinctive reputation as one of the states that has a 'three strikes and you're out' bill. Members, you should feel proud of yourself. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'll just make it very brief. I'm in strong support of this bill. With the epidemic of ice in our community and the people that are affected by it, and how it affects each and every one of our communities, I think we have to do something. It's not just a saying, 'tough on crime'. We do have to be tougher on crime. We use to have a reputation for having a revolving door. They come in the front of a prison and within a few days they were out the back, and it was well deserved.

"Now we have overcrowded prisons. I've been in office for 12 years. And in those 12 years, we have done nothing to create more prison space. It's been said that you know in California they spend more money on prisons than they do on education, but here our budget that we just passed today, we're spending \$254 million in prisons, and for education both the lower elementary, K through 12 and the University, we spend \$3.5 billion dollars.

"So we're a long way from outspending for prisons over what we spend for education. But we cannot just turn a blind eye to the fact that we do have prisoners and we have to have a place to keep them. Maybe this bill will be the impetus to get us to get really take a look at that. Bring our prisoners home, those that are on the mainland, and incarcerate all our prisoners here. Thank you, Mr. Speaker."

At this time, the Chair stated:

"In closing the discussion, for those who like to submit written comments for or against, you are allowed to do so now."

Representative Lee rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I stand in strong support of this measure, which provides for a mandatory sentence of 30 years to life for habitual violent felons.

"Many of the words of opposition we have heard on the Floor today have merit. However, I will be voting in support because the time has come to take a strong stand in favor of the rights of victims of these violent crimes. The five-year sunset will give us an opportunity to re-evaluate this law, and the contents of the bill have been modified somewhat from the bill as originally written. The potential this bill has to act as a deterrent to those who would flaunt the system with repeated felonies is great. We will have the next five years to evaluate the results."

The motion was put to vote by the Chair and carried, and the report

of the Committee was adopted and S.B. No. 2260, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Final Reading by a vote of 34 ayes to 16 noes, with Representatives Arakaki, Cabanilla, Caldwell, Carroll, Evans, Harbin, Herkes, Kahikina, Morita, Saiki, Schatz, Shimabukuro, Souki, Takamine, Takumi and Tanaka voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 50-06 and S.B. No. 951, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 951, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 55-06 and H.B. No. 2639, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2639, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Standing in opposition to this first strike bill. It is a DUI enhanced sentencing bill, Mr. Speaker. What it says here, if you're convicted for the first time, a first offence, you'll be subjected to these sentencing provisions.

"The existing provision requires that there will be a 90-day suspension. However, Mr. Speaker, if a person proves that he or she is employed and that the job requires that he or she drives and the employer provides an affidavit that says, 'if you do not drive or not able to drive you will be fired.' In that case Mr. Speaker, there is a mitigating sentence, which is a 30 day suspension, and a 60 day limited or conditional permit to drive from home to work. In addition there is a conditional permit if you have to go to substance abuse treatment, that you'll be able to drive to.

"What we have done with this bill is to enhance sentencing so if a person drinks for the first time ever, that person may very well pass .15% blood alcohol content, but it doesn't really matter if this is a first time. There's really no learning process. Under our current statute, we intentionally put in this graduated type of punishment in order to see whether or not a person can learn.

"As we previously discussed in the other bill. There is a learning process and if you don't learn the third time you'll get an enhanced sentence and yet in this bill we are saying that even if you have a job, even if you have a family to support, even if you need your driver's license in order to make a living and to support your family, you cannot. This is your first offense, Mr. Speaker. We're doing the exact opposite.

"I think that we can incorporate the enhanced sentencing, but we can also incorporate a provision to ensure that it will take place at least on the second time. We're not asking for the third strike, Mr. Speaker. I'm asking that we should avoid the first strike. 90 days, 3 months is a long time and it is actually extending it to 6 months on page 10. It prompts suspension of a license for a period of a 6 months. Absolute prohibition, Mr. Speaker, and I think that is one good way to ensure that families will be homeless."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Just very briefly, I did want to

clarify. I agree with the prior speaker that yes, there is a mandatory revocation of your license, but I guess it's a philosophical difference as to whether driving is a right or a privilege. I think driving is actually a privilege. And when somebody has been convicted of being a highly intoxicated driver, meaning that their blood alcohol level is .15, twice the legal limit, twice the legal limit and that's when they're caught. At the first time I think it's appropriate that we take the proper sanctions to make sure that person is not on the road and being a danger to the public and to everyone else's safety. Thank you."

Representative Lee rose to speak in support of the measure, stating:

"I stand in strong support of this measure and I want my written remarks to be inserted in the Journal. But I see this bill as probably, next to the secondhand smoke bill, probably the second most important bill we passed this Session. And those who drink and drive are as much killers as the people we talked about in the three strikes bill. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"This bill will apply many of the existing penalties faced by repeat DUI offenders to drivers highly intoxicated by alcohol – penalties such as administrative revocation of drivers' licenses and temporary revocation of vehicle registration. This measure comes into effect only for the most impaired drivers. A driver with 0.15 percent blood alcohol level is 380 times more likely to be involved in a fatal crash than a non-drinking driver. A driver so intoxicated cannot reasonably claim that he or she had "only a few drinks." Our crowded roadways are inherently dangerous to both drivers and pedestrians; legislation such as this, which will discourage people from choosing to operate a vehicle while highly intoxicated, can only improve safety on our roads.

"The strict penalties imposed by this bill may have a small deterrent effect, but, even more importantly, this measure will go far to remove from our roadways and to severely penalize highly intoxicated drivers who ignore the deterrent. These offenders pose a deadly threat to our citizens and show a blatant disregard for the common good. At this point nobody can honestly argue that DUI is a little-known offense; we have all seen the tragic consequences of this problem.

"I urge my colleagues to support this measure. Thank you very much, Mr. Speaker."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Very briefly, this weekend at 6:00 in the morning, a person came in the hospital with the paramedics because he was driving under the influence. At 110 miles per hour he hit an innocent victim, the back end of their car. Amazingly they weren't hurt. He had more than 30 fractures in his face including most of his face being gone, and then he had about 15 other major injuries. He could have killed a whole family. I see that too often so anything we can do to really punish people who are driving impaired I think is a really good idea. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure, stating:

"Mr. Speaker, short comments in strong support. Aside from keeping other people safe, this is a measure that keeps the driver safe as well. If there are sanctions like we're talking about, it would hopefully help to make that decision, not to drive highly intoxicated and possibly save their own lives. Thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.B. 2639, which increases the penalties for driving with a high blood alcohol concentration (BAC) of .15 or more.

"Over the past 5 years in Hawaii, approximately 48% of alcohol related crashes have involved a driver with a BAC of .15 or higher. A recent Attorney General report in Hawaii showed that nearly half of DUI arrests in Honolulu involved a driver who had a BAC of .136 and nearly one quarter had a BAC above .174. Drivers at these levels are extremely intoxicated and impaired. They exhibit a decrease in performance in virtually every driving measure.

"There are no excuses for drinking and driving. As legislators, it's imperative that we take action to ensure stricter and harsher penalties for those who choose to drink while highly intoxicated and risk the lives of our children and community members."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2639, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Sonson voting no, and with Representative Stonebraker being excused.

At 4:10 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 4:11 o'clock p.m.

At 4:11 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3185, SD 2, HD 2, CD 1
S.B. No. 2339, SD 2, HD 1, CD 1
S.B. No. 2323, SD 2, HD 1, CD 1
S.B. No. 2941, SD 1, HD 1, CD 1
S.B. No. 2260, SD 1, HD 1, CD 1
S.B. No. 951, SD 2, HD 1, CD 1
H.B. No. 2639, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 58-06 and H.B. No. 2422, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and H.B. No. 2422, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," were recommitted to the Committee on Conference, with Representative Stonebraker being excused.

Conf. Com. Rep. No. 56-06 and H.B. No. 1861, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1861, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 57-06 and H.B. No. 862, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 862, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Caldwell rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Caldwell's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this bill. This is not a new problem in the State, and finally the Legislature is taking decisive action to bring safety back to our roads.

"This bill addresses an issue that is not unique to Hawaii, but it is no less a problem. I hope something like this has never touched our lives directly, but allow me to tell you about some people whose lives have been impacted.

"On August 26, 2001, Wally Kekoa was driving on H-1 with his mother-in-law, Rose Davis, and his wife, Elizabeth Kekoa, a school teacher at Holy Trinity School. Their van was struck by a racing Honda Prelude which was traveling at more than 100 miles an hour. Wally and Rose were injured, and tragically, Elizabeth was killed. Not only was this an emotional loss, but a financial one as well. Elizabeth was the breadwinner for their family of five.

"On February 14, 2004 at 3:11 am, a Safety Systems Hawaii flatbed truck was making its regular morning inspection. Until two speeding Eclipse cars crashed into its rear and ignited a three vehicle fire. This was one of the most deadly collisions on Oahu.

"Safety worker Carl Koonce III, was seriously injured. Tragically, safety worker Mariano Salangdron was killed. He was 49 years old. The two people in the first Eclipse were burned beyond recognition. The driver of the second Eclipse was killed. The passenger was also seriously injured. A total of four deaths and two serious injuries because of excessive speeding.

"According to recent annual report statistics from the State of Hawaii Department of Transportation. There were, on average, from 1998-2003: 40 fatal crashes and 550 injury crashes each year, because of excessive speeding.

"This is too many. Mr. Speaker, this bill will effectively clamp down on highway speeding and racing, and will be a monumental step toward creating greater safety on our roads throughout our State."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 59-06 and H.B. No. 386, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 386, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COURTS," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 60-06 and H.B. No. 2199, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2199, HD 2, SD 1, CD 1 pass Final

Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. On Conference Committee Report 60. I rise in opposition, Mr. Speaker. Mr. Speaker, I'm not a constitutional lawyer, but I believe this bill may be unconstitutional. The State of Hawaii does not have the constitutional authority to establish laws and rules that would oppose those established by the U.S. government in the conduct of international trade. I don't believe the State Legislature has the right to void any federal, international trade agreements.

"That's why the citizens of this State vote for U.S. Representatives, and Senators to represent us in DC. It's their job to speak with interested parties and congressional leaders to make sure our international trade agreements are fair to Hawaii businesses and workers.

"I believe if we opt out of the rules regarding international trade agreements we will be opted out of the benefits of those agreements. Thank you, Mr. Speaker."

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. The purpose of this bill is to prohibit future binding of the State to government procurement rules contained in an international trade agreement without legislative action. This bill provides that only the Legislature can through a Concurrent Resolution, bind the State to government procurement rules contained in an international trade agreement.

"I introduced this bill because without State law outlining proper procedure, our governors have unilaterally allowed the United States Trade Representative to bind our procurement system to the rules of international trade agreements without full consideration of how those rules affect our State laws and sovereignty over our own procurement system.

"Mr. Speaker, the right to consent will not bind our State procurement system to an international trade agreement. It is solely the right of the State. I'm not a lawyer, but if it were not so the United States Trade Representative would not deem it fit to ask our Governor's permission before moving to bind us to international trade agreements. And I don't have the figures before me to show you, but many states have not agreed to their Trade Representative.

"As for the worry that we are not in Session all year long, I ask my colleagues to rest assured that international trade agreements take several years to negotiate and finalize, therefore allowing ample time to consider our consent to their procurement rules.

"Furthermore, the United States Trade Representative never places a time limit on our consent. We can do a consent at any time, but once negotiated into the trade agreement we can never take our consent back unless the other country takes the extraordinary step of agreeing to open negotiations and further agree to carve us out of the agreement.

"With this bill, we have set a proper procedure for dealing from now on with international trade agreements. We are not trying to prevent what has happened in the past, but in the future. This is a job for this State Legislature. I urge my colleagues to vote for this bill. Thank you very much, Mr. Speaker."

Representative Takumi rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I stand in support of the measure. Perhaps the Representative from Waikiki has a misunderstanding of what the purpose and the intent of this measure

is. As you know, Mr. Speaker, this bill merely, on a go-forward basis says, that the people of this State ought to have a say, ought to have some input, as to how international trade agreements affect our State, specifically only as it relates to procurement. Every other single section of the international trade agreement is clearly under the purview of the federal government. That's point 1.

"Point 2, as the Representative from Puna indicated, previously governors unilaterally decided to sign the State on to an international trade agreement with no public input. Even the United States President does not have the authority to bind the nation to a trade agreement. That has to be ratified by the Congress and sent up for his signature. Like other states we have many laws in our books. Like local laws that prevent off-shoring, laws that try to promote small businesses.

"When any governor signs our State on to an international trade agreement as it relates specifically to procurement, it binds our State to that part of the agreement and therefore renders moot, null, and void whatever sections we have in our laws as it relates to procurement. This leaves us open to a challenge to those member nations about our procurement policies. And I think it goes without saying from anyone, whether this is the Executive Branch or the Legislative Branch, that historically and traditionally procurement laws fall completely and totally under the purview of the Legislature. Thank you very much, Mr. Speaker."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, strong support. Mr. Speaker, the purpose of this bill is to prevent the Governor from binding the State to procurement rules under any future international trade agreements. And just for the Members' edification, currently the United States is involved in about ten proposed bilateral international trade agreements. The United States with Panama, the United Arab Emirates, Kuwait, Ecuador, Thailand, Malaysia, Indonesia, Southern African Customs Union, South Korea, and Kirabati.

"Mr. Speaker, even the federal government through our U.S. Trade Representative Ambassador, Robert Zoellick, who solicited the input of governors, did note that it was the sole purpose of having governors relinquish their authority over their own procurement rules to support these trade agreements. So when Governor Lingle signed the agreement that bound the State to the Central American Free Trade Agreement on March 8th of 2004, she essentially allowed our laws to take second seat and play second fiddle to the international trade agreements.

"Mr. Speaker, only 18 other states consented to the restrictive procurement provisions of these international trade agreements. And subsequent to that time, a bipartisan group of governors from eight states, Pennsylvania, Iowa, Missouri, Maine, Minnesota, New Hampshire, Oregon, and Kansas, actually withdrew their initial agreements to bind their states to comply with the procurements rules in CAFTA.

"This legislation is necessary to clarify and reaffirm the Legislature's sole and exclusively authority regarding procurement under all future trade agreements. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2199, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENT," passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Finnegan, Marumoto, Meyer, Moses and Stevens voting no, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 61-06 and H.B. No. 1955, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1955, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 62-06 and H.B. No. 2367, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2367, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 4:22 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1861, SD 1, CD 1
H.B. No. 862, HD 2, SD 2, CD 1
H.B. No. 386, HD 1, SD 1, CD 1
H.B. No. 2199, HD 2, SD 1, CD 1
H.B. No. 1955, HD 1, SD 1, CD 1
H.B. No. 2367, HD 1, SD 1, CD 1

Conf. Com. Rep. No. 63-06 and H.B. No. 1809, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1809, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 64-06 and H.B. No. 2343, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2343, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 65-06 and H.B. No. 3121, HD 2, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3121, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 66-06 and H.B. No. 2974, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2974, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. Mr. Speaker, I rise with strong support of Conference Committee Report 66-06. It extends the length of time allowed to acquire the lands that will be designated as part of the South Kona Wilderness Area on Hawaii preserves. This measure is important because it will protect our important cultural resources.

"With increasing development, native dry land forest covers are becoming rarer throughout the State. And the South Kona Wilderness Preserve will perpetuate Native Hawaiian culture tradition, and archaeological sites. It will preserve the special place in Hawaii's history for generations to come.

"It is in accordance with this Administration's goal to preserve and protect Hawaii's unique natural resources because we are at a time when the health of many oceans worldwide are being threatened by oil spills, fishery depletion and coral bleaching. Just this year the Northwestern Hawaiian Islands were designated under rural refuge by our Governor. Encompassing 135,000 square miles of the Pacific, an area larger than all the US National Parks combined, the Northwestern Hawaiian Islands Coral Reef Ecosystem Reserve is now the largest conservation area under our nation's flag.

"Also earlier this year in January, the Energy for Tomorrow bill was introduced to reposition Hawaii from the most oil dependent state in the nation with the highest energy costs, into a state that leads the nation with low cost sustainable, locally produced and secure energy systems.

"So with House Bill 2974, the Legislature's efforts to protect the South Kona Wilderness Area are now consistent and they add to the actions to preserve the Northwestern Hawaiian Islands and implement renewable energy technology. It is evident that resource management, and land conservation are necessary tools in assuring a clean and energy independent Hawaii for this and our future generations. Thank you for this opportunity to speak."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, the reason that we need a one-year extension of the South Kona Wilderness Lands is that the Administration has yet to provide us with an independent appraisal of that land so that we can take that appraisal to Senator Inouye who's made a commitment to provide the funds to purchase this.

"In the original bill, when we passed this, we put in \$500,000 to provide for some of these chores, and some of the things that are necessary in order to acquire the land. So it is my hope that with this one-year extension that the Administration will finally do an independent appraisal that we can then take to Senator Inouye. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2974, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 67-06 and H.B. No. 2899, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 68-06 and H.B. No. 3217, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3217, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support. Mr. Speaker, House Bill 3217 calls for an annual holiday to commemorate the significant role that our *kupuna* play in Hawaii's culture, history, and traditions. Though this is not a paid State holiday, the fourth Saturday of July each year would serve as Kupuna Recognition Day.

"Here in Hawaii, *kupuna* tradition has long been responsible for the passage of knowledge from our elders. Whether it was teaching the hula, canoe building, or la'au lapa'au, watching and learning from the *kupuna* can be very educational and of great value in our life. These teaching methods were responsible for maintaining a rich oral tradition and carrying centuries-old wisdom forward.

"Furthermore, our *kupuna* have acquired lifetimes of skill and understanding. My hope is that this holiday will acknowledge and recognize our *kupuna* for all that they have contributed to our families, friends, colleagues, and community.

"Mr. Speaker, I was raised by my *kupuna* and have and still do surround myself with *kupuna* because I enjoy their stories, lessons, and bits of unique wisdom I've gathered from them which are invaluable. They are life's living experts with scores of first-hand knowledge to share and pass on. This is why I feel it is necessary to give our *kupuna* wider attention and praise. In addition, Kupuna Recognition Day isn't just for them, it's also for our younger generations who are responsible for perpetuating tradition.

"Again, this measure will provide for a statewide recognition of our *kupuna* that is long overdue. Therefore, I ask my colleagues to please support HB 3217 and honor our *kupuna* by passing this bill."

Representative Ching rose in support of the measure and asked that the remarks of Representative Carroll be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3217, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 69-06 and H.B. No. 2039, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2039, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Many of the chemicals used in the production of crystal methamphetamine are toxic, especially to children. And these chemicals include volatile organic chemicals like toluene, acetone, methanol, petroleum distillates, ethers, lead, and mercury. And when illegal labs are discovered subsequent human habitation of the premises is likely to be very unsafe. To determine whether living in the building is safe and to guide any necessary cleanup it's important to adopt regulations for the testing and decontamination of property used for the production of illegal drugs.

"I wanted to tell you about what one of my constituents experienced. He related this story to me and it became the impetus for this bill. Without his knowledge, he had been renting to methamphetamine traffickers. After eight months, the tenants were arrested for an illegal methamphetamine laboratory in the unit.

"The landowner was given a classic bureaucratic run around. The federal, State, and county officials were unable to provide him guidance in making the unit fit for habitation. However, he was told, that if the cleanup was inadequate, he would be liable, but he was not told what an adequate cleanup would entail. Only after six months and significant expense, was he finally able to find a contractor willing to tackle the expensive job of returning his property to habitable condition.

"Hopefully, the rules established by DOH pursuant to this Act, will prevent any repeat of this frustration. I would also like to mention that this is part of the package of legislation that was sponsored by the Mililani Town Anti-drug Committee. Thank you very much."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this bill. The bill before us mandates that the Department of Health to establish procedures for emergency and long-term decontamination of illegal methamphetamine labs. A key reason for the growing epidemic is that meth can be easily made with over the counter drugs and common household ingredients and manufactured in homes.

"Due to the rising number of homes being used to make meth, a growing problem is that of unsuspecting homebuyers, when they purchase what were once meth labs and now suffer the same effects as ingesting meth.

"This bill implements the necessary steps in ensuring long-term decontamination and owner's health and safety. According to the US Attorney, Edward Kubo, Hawaii today, leads the nation in the number of arrestees testing positive for ice at approximately 45%. That's 45% of anybody picked up for some kind of a charge, they find that they have ice in their system.

"We need to be mindful that as we pass measures such as these, we must remain committed to providing our law enforcement with the necessary tools to stop the spread of illicit drug use in our State. We need tougher sentences and we heard a lot of debate about that on the Floor. The passage of these enforcement initiatives assures the hope, one day, we won't have to discuss the merits of bills like these because we would have wiped illegal drug manufacturing Statewide. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2039, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 4:31 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1809, HD 2, SD 2, CD 1
H.B. No. 2343, HD 1, SD 2, CD 1
H.B. No. 3121, HD 2, SD 1, CD 1
H.B. No. 2974, SD 1, CD 1
H.B. No. 2899, HD 1, SD 1, CD 1
H.B. No. 3217, HD 1, SD 1, CD 1
H.B. No. 2039, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 70-06 and H.B. No. 2503, HD 2, SD 1,

CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2503, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 71-06 and H.B. No. 1935, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1935, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 72-06 and H.B. No. 2555, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2555, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. And thank you everyone for supporting this particular measure. This measure will statutorily require that there be no residential development in Kakaako Makai, and that public lands that we value so dearly cannot be sold in Kakaako Makai.

"I think this bill is very indicative of what the community, the real people of Hawaii can do to move a legislative body such as ours as quickly as it did to respond to the potential loss of a very valuable asset of Hawaii. I really want to thank them and I hope that all those that were involved with this process, and for many of them, it was a first time event, that you go back and go home and know that you do have the power here.

"This bill has one more stop and it's upstairs. I would like to really request that the Governor, respect her words to the public, when she said, if the Legislature so mandates it, she will so respect it. I hope that this message will be carried to her.

"And as a sidebar, it was brought to my attention very, very recently that in 2002, as a citizen participant, I was quoted as saying, 'Over my dead body, there will be residential in Makai.' I want to thank you all for allowing me to live on. Thank you."

Representative Souki rose to speak in opposition to the measure, stating:

"Mr. Speaker, I wish to speak against this bill. And the former speaker doesn't have to thank me because I didn't support it. Let me go on and say that I believe the wisdom of the Legislature in adopting this measure, in my estimation is suspect. And I do respect this Body here and the decisions that you make and live by them.

"However, my concerns have been and are that we had an opportunity to provide for an extensive park, a walkway, a marketplace, a beautiful setting there, and to rid ourselves of all of the toxins in the area, in the ground, fix the buildings that need to be replaced. We had an opportunity to do all of that to make a very scenic and beautiful area, where it would be safe for the surfers, as well as anyone who wishes to walk through the area. Also it would have provided additional low-income housing.

"Now Mr. Speaker, if we are going to improve that area similar to what it was planned to be, we're going to have to put in over \$150 million – between \$150 and \$200 million. I would prefer to see that \$200 million go for school and college buildings, the arts, hospitals, etc., rather than we, ourselves putting that money in that area. Because Mr. Speaker and Members, eventually we are going to have to improve that area. But the next time we'll have to do it all by ourselves.

"If I recall, we passed a measure, Act 231. The Legislature passed it last year, to build a public cultural market. Ironically, we instructed the HCDA to look at a public-private partnership. They did so. And of course this bill means that we rejected that partnership that we requested HCDA to do.

"Now we need to understand that when we pass this bill and the decision not to build any more residences, residential property, that it is not only the State that owns land there. Bishop Estate also owns land in that particular area. So this is something that we need to look at, at some point. Suddenly, land that they have has now been downgraded. And we know what happens to land that is downgraded. They come back and make an appeal for the original zoning that they had, because suddenly they lost their zoning.

"I have no idea what they plan, but I do know this. Low-income residences and those who may have had an opportunity to get a home, will not be able to because of the decision that we made. We will not be having the open space, the park, the halau. All of that, we will not have.

"What we will have is, we will continue to have old buildings. The land filled with toxins that we cannot use unless it is cleaned. An area that we don't walk around there at night alone because it is unsafe. This is what we will have this by the action of this Body here.

"So Members, I hope that in the future as we look at future legislation for the area, maybe we can find a partner for a public-private partnership who is willing to go there. He won't be able to build any residences, but maybe, maybe he can build a park and we get his money back by vending and selling. Selling merchandise there. They can put up stores, but they cannot put any residences. I doubt if we'll have a park there in the near future, Mr. Speaker and Members. And I feel that it's going to be like that for years to come. Thank you very much."

Representative Stevens rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support. Thank you. We had a lot of bills this Session regarding what to do with Kakaako Makai. And I believe that this bill gets to the heart of the public policy question that really needed to be answered, and that was whether or not to sell public land in fee simple for residences to a developer, and the public outcry against this was pretty strong.

"I believe you Mr. Speaker and our colleagues heard that very loud and clear, and I think this bill gets to the heart of that and answers that question and says, no, we shouldn't be selling public land. Especially waterfront land in the last waterfront area that's open and in fee because once it's sold, it can never be reclaimed for park or public use. So I appreciate the support of colleagues and I appreciate the public that has been so diligent in coming and testifying at these different hearings, and coming to give rallies and show us where their feelings were on this issue. So I urge my colleagues to support this measure. Thank you, Mr. Speaker."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, I think this Body has taken a sensible step by saying, let's step back, let's look at what's occurred,

and let's not have the residential development go forward on the Kakaako Makai lands. In doing so, Mr. Speaker, I don't think it's the intent of this Body to state that the HCDA is somehow a bad organization, or hasn't been doing wonderful work in the Kakaako area. They have really transformed that area into a place where so many people can come and enjoy themselves in so many different ways.

"And I wanted to mention that Dan Dinell, a constituent of mine, who lives in the very back of Manoa Valley, who's up in the audience and I'd like to recognize him for all the hard work he does, I want to thank him for his attempts at compromising. Can we just give him a round of applause, if that would be okay?"

"Mr. Speaker, as we know, Mr. Dinell, has worked with many of us on various issue regarding Kakaako and that his heart is in the right place. The same can be stated for Alexander and Baldwin. They rose to the occasion and asked to propose a bid based on our RFP that was outlined. They met the conditions and people like Stan Kuriyama and Meredith Ching, have worked hard on the initial proposal and then trying to craft a compromise and they too are not bad people. They were just trying to respond to what they were asked to do. And of course we have the grassroots organization who did come forward and expressed the needs that they were concerned about and that we all listened to, which resulted in the bill that we have today.

"I think HCDA did not try to sneak this issue by. Part of the problem is all of us including the people of our State and the people of our City, weren't paying attention in the initial stages of this. As back as early as 2002, HCDA announced its intention to pursue a residential development and to work on an RFP. It really wasn't until 2005, Mr. Speaker, when the plan was actually proposed, as we all remembered in the paper, that people realized what this was going to do. And in a way, we all need to accept responsibility for this and look back and see how it can be done better to get people to participate in the problem a lot earlier. And I hope that with the Resolutions that have moved forward in that process will be looked at so we can help the HCDA do its job in the future, and avoid some of the wasted effort.

"Mr. Speaker, I do take offense from of the articles in the paper and letters to the editor, saying that this is just a small minority of people who oppose this project. Maybe 10 or 20 or 30. Some people said, mostly from Manoa Valley. Mr. Speaker, I have a box here of petitions, letters, signatures, it goes on and on, Mr. Speaker. Almost 3,500 of them are here. So this is not something that just a few people expressed concern with. It's many, many people and I think we can be proud of the fact that we listened to those voices as we well should, as the Representatives for the people of the State of Hawaii. So I think it's an absolute wrong that somebody can stand up and just say that it's 10 people and nothing more than that.

"Mr. Speaker, when you think about it, we want to see a Kakaako that's comfortable for the families of the City and County of Honolulu to go to. And we see so many developments in parts of our State now and based on the poll that was recently taken, where the people of our communities feel locked out. Maybe not physically, but in terms of their comfort level, whether it be Waikiki, Kahala, or even certain areas of the Waterfront. I just think back when as kid, growing up in Hilo, we'd go to Hapuna because it rained so much in Hilo, and now there is a hotel on the one end of the beach, Hapuna Prince. Most local people don't go down to that area even though it's a public park unless the *o'ama* are running, to go fish, but otherwise they just don't feel comfortable.

"What we want to see, Mr. Speaker, is a development in Kakaako that addresses those concerns. To say that somehow residential development would fit the needs. If you think about it, if someone were to propose that Kapiolani Park should have a residential development, and the money gained from that development could be used, maybe improve the zoo and that's a justified need. I think there be an outcry heard across the State, saying, 'No way, we don't want

that.'

"But now that we have decided, Mr. Speaker, by this bill, and we heard the Speaker Emeritus talk about it. We do owe it, to come forward, and talk about how we're going to help HCDA take the next step and that is to improve that area with the bus barns, and the warehouses, and the broken down buildings, to make it safe, to make it open for everyone so that your mother, and my mother-in-law, along with their grandchildren, can go down there, sit at a table, eat a *bento*, and enjoy the sunset along with the surfers and others who like to go there. We need to work on that and I hope that we all commit to it because in the end, Mr. Speaker, we have that responsibility. It'd be a shame to see that after this bill passes, nothing happens and that Kakaako stays the way it is. Thank you very much, Mr. Speaker."

Representative Berg rose to speak in support of the measure, stating:

"Thank you Mr. Speaker, I rise in strong support. I basically want to commend the folks who worked on this bill, all of us, because it shows that the democratic process, the citizen engagement actually works.

"Secondly, what it also shows is that we have an intention to move Hawaii towards sustainability in a coherent way so this pause, I hope will be an invitation for us to look at other development areas and for HCDA, as well to ask the hard questions, in terms of what sustainability means for the quality of life of all of us. And if we look at this opportunity as talking about more than a park or not having condominiums, but rather what does the energy needs and the wellness of our environment mean to us. I believe it will cause us to pause on all islands and look at all of the studies and support the community's voice in all decisions that are made. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2555, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Final Reading by a vote of 45 ayes to 1 no, with Representative Souki voting no, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 73-06 and H.B. No. 2991, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2991, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of H.B. No. 2991, HD 2, SD 2, CD 1, entitled: 'A Bill for an Act Relating to Special Purpose Revenue Bonds.'

"The purpose of this bill is to promote the development of affordable housing through enabling legislation that establishes the manner and procedure for the issuance of special purpose revenue bonds (SPRBs) to public instrumentalities and their qualified affiliates to develop low- and moderate-income housing.

"The measure also:

Authorizes not-for-profit private organizations and for-profit private organizations, in addition to public instrumentalities and their qualified affiliates, to be eligible for SPRBs for the development of low- and moderate-income housing;

Includes projects qualifying for federal tax exempt status under 26 U.S.C. § 142 (a)(7) and (d) as projects that may qualify for SPRBs under this measure; and

Specifies that the State shall not operate a project on behalf of an entity qualifying for SPRBs.

"It is our hope that in the event that competing requests for the authorization of SPRBs occur during the same legislative session, that the Legislature would give first consideration to authorizing bonds for the low- and moderate-income housing projects that will provide housing to the lowest income families.

"With approval, this measure would become effective July, 1, 2006. I ask that H.B. No. 2991, HD 2, SD 2, CD 1 pass Final Reading. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2991, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 74-06 and H.B. No. 2772, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2772, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

Conf. Com. Rep. No. 75-06 and H.B. No. 2145, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2145, HD 2, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Yamashita rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 2145, HD2, SD1, CD1.

"Hawaii's agricultural industry is in a time of transition and this measure will assist farmers in diversifying their operations, by permitting agricultural tourism on existing farms.

"Long recognized as a prime destination for tourists, it is now the time to showcase Hawaii's agricultural industry.

"This measure specifies that tourism operations must be accessory and secondary to existing farm operations, and ag. tourism ventures permitted under this measure cannot interfere with surrounding farms.

"In addition, HB 2145 directs counties to adopt ordinances regulating ag. tourism. Thus, passage of this measure shall clarify land use codes regarding agriculture lands.

"Support of HB2145 will aid the diversification of agriculture, and will give farmers an opportunity to present Hawaii's agricultural

industry to the world. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2145, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM," passed Final Reading by a vote of 45 ayes to 1 no, with Representative Waters voting no, and with Representatives Abinsay, Cabanilla, Nishimoto, Pine and Stonebraker being excused.

At 4:49 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2503, HD 2, SD 1, CD 1
H.B. No. 1935, HD 1, SD 1, CD 1
H.B. No. 2555, HD 2, SD 2, CD 1
H.B. No. 2991, HD 2, SD 2, CD 1
H.B. No. 2772, HD 1, SD 2, CD 1
H.B. No. 2145, HD 2, SD 1, CD 1

At 4:49 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:12 o'clock p.m. with Vice Speaker Takai presiding.

The Chair then announced:

"Members, we're on page 11 but before we continue, I just wanted to remind you that I believe we have 23 more pages. In addition to that we have two Supplemental Calendars. In addition to that we have the yellow Action Sheets. And in addition to that we have the white Action Sheets. We have a little more than 6 hours to go with much to do."

Conf. Com. Rep. No. 76-06 and H.B. No. 2848, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2848, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of House Bill 2848. Since its inception in 2002, the Hawaii Energy Policy Forum has developed an organization framework for addressing and raising public policy issues in Hawaii's energy arena. The Forum's partnership represents the input from 41 major stakeholders, elected officials, recognized industry leaders and scientists Statewide."

"This Session, we're fortunate to see some of the Forum's energy policy recommendations in many of the bills before us today. Mr. Speaker, your Minority Caucus, under the leadership of our Senior Ranking, Assistant Minority Leader from Kailua, energy champion, are long time proponents of increasing implementation of alternative energy through credits and incentives to consumers and we're encouraged to see this concept being expanded in the omnibus alternative energy bill that will be discussed later in today's OD.

"The passage of this bill reminds me of the accomplishment last Session in establishing an alternative energy standards mandate. This bipartisan effort demonstrates our success in making energy a top priority in our State, furthering Hawaii's nationally recognized leadership in renewable energy initiatives.

"Increasing global demands on natural energy resources will continue to raise the price of electricity, and vehicle fuel cost. Current economic trends force us to forge ahead with solutions to our

longstanding dependency on imported oil. The \$200,000 appropriation to the Hawaii Energy Policy Forum is just the beginning of our State's long journey towards energy independence. And your Minority Caucus looks forward to supporting future bipartisan efforts like this bill that will secure Hawaii's renewable energy future. Mr. Speaker, thank you for this opportunity to speak."

Representative Morita rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. And this is the only time I'll get up to speak on energy issues so I ask for your indulgence. Today besides House Bill 2848, CD 1, we will move four other energy measures. Usually when we open up the new legislative Session, many think we have the one magic bullet, or the one big idea that will transform into a policy or solve a problem. Unfortunately, for most of the time this is not the case as many difficult issues we deal with, take a long-term vision and a sustained effort to keep us on track. Energy policy is one of those issues, and today I'd like to speak on energy issues, on each of these bills we pass today, and how it fits in this larger more cohesive plan outlined in this bill.

"Mr. Speaker, House Bill 2848 is a vehicle that continues the discussion and calls for action on Hawaii's big energy picture through a \$200,000 appropriation to support the Hawaii Energy Policy Forum. Each action we take today falls into the desired actions of the Hawaii 10-point energy plan adopted by the Hawaii Energy Policy Forum. By talking and acting upon these measures within the framework of a 10-point plan, we can begin to understand how small changes can make a big difference.

"The Hawaii 10-point Energy Plan was adopted by the Forum as a result of its discussion on how to help Hawaii's citizens visualize the big energy picture and gauge our progress toward our desired energy vision. Originally convened in 2002 by the University of Hawaii, the Forum continues to be a unique experiment in collaborative energy policy making. The 45 members of the Forum, includes representatives of the electric utilities, oil and gas companies, environmental groups, the renewable energy industry, your Chair of the Energy and Environmental Protection Committee, federal, State and county agencies, the business community, and other major energy users. We also put the forum's preferred energy vision of achieving smart energy solutions to sustain a healthy, prosperous, and secure Hawaii.

"In Malcolm Gladwell's book, The Tipping Point, he describes how a well-placed vehicle, with a profound message, can seize an opportunity to chart and engineer the course for a social epidemic. A good historical example is President John F. Kennedy's announcement of the Apollo Project at Rice University in Houston on September 12, 1962. In setting the stage for America's ambitions in space explorations, President Kennedy said and I quote, "We set sail on this new sea because there is new knowledge to be gained and new rights to be won and they must be won and used for the progress of all people," and then he goes on to say, "whether it will become a force for good or ill, depends on man and only if the United States occupies a position of preeminence, can we help decide whether this new ocean will be a sea of peace or a new terrifying theater of war."

"Currently there is no doubt that energy issues drag us into a terrifying theatre of war with our involvement in the Middle East.

"President Kennedy rallied the citizens of the United States behind his proposed space program, committing American ingenuity and resources. Unfortunately, the essence of this important speech, to commit American ingenuity and resources is not in the vernacular or the soul of our Nation's leadership for bold and visionary ideas to guide America's energy policy. However, despite the lack of this national leadership, many states, municipalities, labor organizations, businesses and community groups are partnering with a national initiative called the Apollo Alliance to use Kennedy's inspired Apollo project as a model to launch bold grassroots energy agendas.

"The Apollo Alliance is an ambitious, 10 year, 10-point plan that promotes the advancement of renewable energy and energy efficiency ..."

Representative Luke rose to yield her time, and the Chair, "so ordered."

Representative Morita continued, stating:

"Thank you. The plan is an advancement of renewable energy and energy initiatives to drive investments into modern energy technologies and public infrastructure. It is anticipated that this initiative's highly focused program for sustained energy independence can create 3 million high quality jobs, free the nation from imported oil, revitalize underserved communities, reduce dependency on foreign oil, and enhance energy security and promote a healthier environment.

"Using the Apollo Alliance's 10-point model, the Hawaii Energy Policy Forum's 10-point energy plan was developed in the spirit of President Kennedy's speech to make a commitment towards action. Hawaii now needs to bring a social, economic and environmental epidemic to create a tipping point for a sustainable energy future. The Hawaii 10-point Energy Plan pulls into a framework the smart solutions that we need to accomplish as a community to sustain a healthy, prosperous and secure Hawaii. And this is the 10-point energy plan.

"First of all, expand renewable energy opportunities and this means to increase development and use of Hawaii's indigenous renewable energy sources.

"Senate Bill 3185 amends the Renewable Portfolio Standards, authorizes the PUC to establish a public benefit fund and clarifies policy directives to the PUC to promote and remove the regulatory barriers hindering renewable energy and energy efficiency efforts.

"Senate Bill 2957 removes the sunset date for the Renewable Energy Income Tax Credit and raises the tax credit for solar hot water heaters from \$1,750 to \$2,250 and photovoltaic systems from \$1,750 to \$5,000 for single-family residences. This measure also raises the tax credit for photovoltaic and wind systems for commercial properties from \$250,000 to \$500,000.

"House Bill 2175 appropriates \$5 million for the development and implementation for photovoltaic, net metering pilot projects in our public schools, to begin with at least one pilot project in each county.

"Almost \$5 million was requested in emergency appropriations for the DOE deficit for electricity costs in this Session. The potential of these PV projects should be viewed as an income generator for our public schools, not only to offset electricity costs, but also to free up additional money for school programs.

"House Bill 2848 directs the Hawaii Energy Policy Forum to investigate and assess the State's participation in the Chicago Climate Exchange, a market based approach to emissions reduction, in terms of advancing Hawaii's development and use of renewable energy especially in selling our renewable energy resources as off-set credits out-of-state, as an export product.

"The second point in the plan is to increase energy efficiency in public buildings. For fiscal year 2006, the total estimated cost for electricity statewide in public buildings is over \$90 million. This Session alone, the Governor has requested more than \$12.5 million to cover deficits in electricity payments.

"House Bill 2175 updates the State's energy policy and appropriates funds and staff positions in the DOE and DBEDT to promote State use of green building practices for the construction or substantial renovation of State-funded buildings, energy and water efficiency practices, life cycle cost-benefit analysis ..."

Representative Caldwell rose to yield his time, and the Chair, "so ordered."

Representative Morita continued, stating:

"Fuel-efficient vehicles ..."

Representative Meyer rose, stating:

"Mr. Speaker. I'm a little confused, aren't we on House Bill 2848?"

The Chair then stated:

"Yes, I've given the Representative from Kauai the opportunity to talk about the comprehensive energy package that this House, this Legislature is passing."

Representative Meyer: "It's just that this bill is very narrow."

Vice Speaker Takai: "I realize that. She said that she will only speak once on all of the bills and I'm assuming that when the other bills come forward she won't have to speak on those other ones."

Representative Meyer: "Well that's your prerogative. Thank you, Mr. Speaker."

Representative Morita continued, stating:

"Thank you. All of these measures, as I mentioned before, fit into an energy 10-point plan and this is the work of the Energy Policy Forum, which was outlined in House Bill 2848.

"The third point increases the use of solar water heating and energy efficient appliances.

"Senate Bill 2957 helps to remove the cost barriers for many Hawaii families that can benefit from solar water heaters through the establishment of a pilot "Pay As You Save" program, where electricity savings from using a solar hot water heater pays for the system through their electricity bill.

"Senate Bill 3185 authorizes the PUC to establish the public benefit fund to help electric customers, both residential and commercial, to reduce their electricity costs through energy efficiency and conservation.

"The fourth point, maintains policies and regulations to encourage energy efficiency and renewable resources. As I mentioned before, Senate Bill 3185 helps to give a clear policy directive to the PUC to remove the regulatory barriers hindering the use of energy efficiency and renewable resources.

"Number 5, we preserve regulatory protections. House Bill 1021 requires both the PUC and the Division of the Consumer Advocate to report back to the Legislature with an in-depth review of their respective operations to develop a restructuring plan to more effectively and efficiently address changing regulatory conditions, duties, and requirements and advances in technology.

"Number 6, invest in planning for sustainable communities. The efforts to improve Hawaii's energy big picture is not the sole responsibility of government and this bill, House Bill 2848, utilizing the Hawaii Energy Policy Forum, will contribute to on-going public discussions and community, both residents and businesses, involvement in planning and meeting Hawaii's energy goals.

"Number 7, improve energy efficiencies and options in transportation. Having the State lead the example, House Bill 2175 accelerates the timetable to phase-in energy efficient vehicles into the State's motor vehicle fleet operations.

"Number 8. Support research and development of alternative fuels. Senate Bill 2957 codifies the Hawaii Renewable Hydrogen Program, appropriates \$10 million into the Hydrogen Investment Capital Special Fund, funds the hydrogen system program manager position at the Hawaii Natural Energy Institute. And this particular position can be used to match various federal programs as much as 4 to 1. In the past, legislative appropriations have been match as much as 20 to 1 through public-private partnerships to advance Hawaii's renewable hydrogen program and efforts.

"Number 9, encourage development, production, and use of biofuels. Senate Bill 2957 appropriates \$150,000 to provide assistance to the agricultural community interested in developing energy projects, especially for the production of biodiesel from energy crops and cellulosic ethanol from agricultural waste to maximize funding available from USDA and US Department of Energy or other external sources.

"Senate Bill 2957 also appropriates \$200,000 to allow DBEDT to conduct a Statewide multi-fuel production assessment ... "

Representative Chong rose to yield his time, and the Chair, "so ordered."

Representative Morita continued, stating:

"I'm almost done. So the \$200,000 will be used to conduct a Statewide multi-fuel biofuels production assessment of potential feedstock and technologies and economies of various renewable fuels pathways to contribute to Hawaii's near-, mid- and long-term energy needs.

"And the bill also establishes a statewide alternative fuel standard of 10% of highway fuel demand to be provided by alternative fuels by 2010, 15% by 2015 and 20% by 2020.

"And number 10, to ensure a secure system for fuels and an electric utility grid. As we build new or renovate our infrastructure, we need to embed these multiple uses and concerns in our planning efforts. While we do not have any specific energy legislation to address this issue, various discussions in other bills have included this philosophy of securing our fuel and utility grid infrastructure.

"So Mr. Speaker these are just some of the many aspects of these energy bills. Many which I did not cover, fit into this comprehensive 10-point plan. Your Committee on Energy & Environmental Protection, your Committee on Consumer Protection & Commerce and your Committee on Finance did its best to deliver an energy package that this Body should be proud of to achieve our goal of smart energy solutions to sustain a healthy, prosperous and a secure Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2848, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 77-06 and H.B. No. 1706, HD 3, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1706, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 78-06 and H.B. No. 439, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 439, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to Conference Committee Report No. 78, House Bill 439. This is a bill that the original purpose of this bill was to enable the Office of the Ombudsman to access State tax returns and tax return information relating to its official duties including the investigation of the administrative acts of various agencies.

"As the bill was amended in Conference Committee, it was limited, limiting the Ombudsman access to tax returns and return information of any taxpayer who files a complaint with the Ombudsman about an administrative act of the Department of Taxation. So it's very much more narrow than it was going to be originally.

"But the question comes up, for me anyway, if somebody comes and files a complaint with the Ombudsman, they can just give the Ombudsman their tax returns if that's their choice. I'm not sure that that limitation is what it looks like at first glance. It's when you read the bill further in, it talks about the Ombudsman shall have access to the complainant's tax returns and return information required to be filed pursuant to Title 14.

"In this investigation, it sounds to me like he would be able to get other return information. Again, if it's just information having to do with this complainant, he doesn't need this bill. That person can simply provide him with any information he needs.

"My concern is that this gives the Ombudsman a great deal of latitude where he could then in connection, with this person's complaint, get other tax returns from the Tax Department.

"The bill goes on to amend, at least three other parts of the HRS statutes that have to do with tax returns. I'm concerned that, while this is very narrow, once we make these changes in the law, giving the Ombudsman the right to get this information, people's personal tax returns, it will take very little to broaden it in the future. I don't know exactly who or what parties are interested in giving this power to the Ombudsman, but I think it has the effect, it could create a lot of mischief in getting people's tax returns in the hands of a much larger group than is now allowed in our laws. So for those reasons, I'll be voting no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 439, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF THE OMBUDSMAN," passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Ching, Finnegan, Meyer, Moses, Pine and Thielen voting no, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 79-06 and H.B. No. 2271, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2271, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 80-06 and H.B. No. 1878, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 1878, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 81-06 and H.B. No. 2265, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2265, HD 2, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Stevens rose to speak in opposition to the measure, stating:

"Mr. Speaker, I rise in opposition to 81-06. Thank you. This bill transfers the supervisory and counseling functions, positions, and employees of the field service branch from the Hawaii Paroling Authority to the Department of Public Safety. The bill also requires HPA to meet to discuss the effect of transfer of these functions.

"The Hawaii Paroling Authority testified that this bill will drastically undermine the historical authority that has been vested in the Hawaii Paroling Authority. The measure eliminates the Parole Board's ability to render decisions without outside interference and will delay the timely rendering of parole revocation decisions, which directly affects the public's safety, Mr. Speaker.

"The Hawaii Paroling Authority was not consulted by the sponsors of this measure prior to its introduction. I believe this measure represents a complete change to current law, parole policy, and practices and was introduced without the input of the agency with the most knowledge about all matters involving parole. So for those reasons, Mr. Speaker, I'm going to vote no on this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2265, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Final Reading by a vote of 40 ayes to 8 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 82-06 and H.B. No. 3242, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3242, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose to speak in opposition to the measure, stating:

"In opposition. I think this bill would go too far as it would give both those under the age of 21 who consume alcohol a criminal penalty. I think a penalty of a fine would suffice. But making it criminal, it is a little too harsh. So for those reasons I'm going no."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3242, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Final Reading by a vote of 42 ayes to 6 noes, with Representatives Cabanilla, Halford, Karamatsu, Meyer, Sonson and Tsuji voting no, and with Representatives Abinsay, Souki and Stonebraker being excused.

At 5:39 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2848, HD 2, SD 2, CD 1
 H.B. No. 1706, HD 3, SD 1, CD 1
 H.B. No. 439, HD 1, SD 2, CD 1
 H.B. No. 2271, HD 1, SD 2, CD 1
 H.B. No. 1878, SD 1, CD 1
 H.B. No. 2265, HD 2, SD 1, CD 1
 H.B. No. 3242, SD 1, CD 1

Conf. Com. Rep. No. 83-06 and H.B. No. 2410, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2410, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 84-06 and H.B. No. 1995, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1995, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 85-06 and H.B. No. 2146, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2146, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Yamashita rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of HB2146, HD1, SD1, CD1. Passage of this measure will aid the agricultural industry in Hawaii. HB 2146 will allow certain agricultural lands to be subdivided without county subdivision practices. Large landowners will be able to easily divide and lease land to small farmers.

"Currently, infrastructure improvements mandated by county law often make land too expensive for farmers to lease at reasonable rates. In addition, farmers are unable to secure financial loans for long-term leases. Lastly, today's farmers are unable to secure long-term leases on land divided by Hawaii's big land owners, and must lease under uncertain month to month conditions.

"Passage of this measure will allow agricultural lots to be leased at affordable rates, and will greatly aid small farmers in Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2146, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 86-06 and H.B. No. 237, HD 3, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 237, HD 3, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise to speak in favor of this measure. Aside from the increase in the standard deduction and widening the income tax brackets and other tax relief measures, this bill before us ..."

Representative Say rose, stating:

"Mr. Speaker, I believe she's on the wrong bill."

The Chair then stated:

"Yes. Representative, we're on Conference Committee Report 86-06."

Representative Marumoto continued, stating:

"Aside from those bills, yes, Mr. Speaker, I think the bill before us is the best news taxpayers will get this year. I am speaking to House Bill 237, HD 3, SD 1, CD 1, Relating to Torts. Given the large volume of lawsuits against the government, both State and county, the abolition of joint and civil liability will save the State and counties significant amounts of money, and that's taxpayer's money.

"Government has always been the deep pocket. The one that ends up paying the bill. This bill will button that pocket up. If enacted, this measure will no longer leave the State stuck with paying 100% of the cost, if determined, let's say only 5% liable or negligent. Government will now pay its fair share.

"Everyday we hear that we live in a litigious society. We are sue happy. The State and counties are often the target and this change in the law will serve to discourage people and lawyers from taking us to court. Now what we need is a law to extend it to the private sector as well. It is an excellent bill and would recommend a yes vote. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 237, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 87-06 and H.B. No. 2805, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2805, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 88-06 and H.B. No. 2708, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2708, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Caldwell rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Caldwell's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this bill. This bill was

introduced to prevent what is known as 'billboard creep'.

"Back in the 1920s a group of innovative women formed the Outdoor Circle. In 1927, this group was able to get legislation passed eliminating all billboards from the Territory of Hawaii. It is up to us to preserve this legacy and keep Hawaii's natural beauty unscathed by hideous and obtrusive billboards.

"Marketers and advertisers have found a loop-hole in our laws by using mobile billboards instead of stationary ones.

"Mr. Speaker, it says in the State Constitution: 'For the benefit of present and future generations, the State and its political subdivisions shall conserve and protect Hawaii's natural beauty.'

"We don't want our cities to look like other cities. Our cities are beautiful exactly because the beautiful vistas are not obscured by ads for light beer or fast food restaurants.

"Can you imagine the Hana Highway lined with billboard ads, blocking the picturesque mountains and ocean views? Huge trucks plastered with ads, parked all over our cities, distracting drivers and increasing the chances of an accident. Billboards of all types; traditional, mobile, mechanical, aerial, etc., would create a visual pollution against Hawaii's scenic backdrop.

"Hawaii is rightly proud to be one of four states that has a total ban on billboards. As Bob Loy from the Outdoor Circle said, 'It's an important part of our culture, the absence of billboards.'

"Fellow legislators, let's do everything we can to take care of this beautiful *aina* for generations to come."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2708, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 89-06 and H.B. No. 1968, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1968, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Luke rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Luke's written remarks are as follows:

"In order to clarify in advance, any possible ambiguity that might arise from the language of the Committee Report and the language of HB 1968, HD 1, I would like to make the following comment. The bill states clearly, and it is the intent of the Legislature, that the limitation on purchase by a single household from a single wine shipper is a maximum of 6 nine-liter cases of wine, annually. Nothing in the bill restricts a household from purchasing wine directly from more than one wine shipper during a one-year period, provided of course that the wine shipper meets all of the other statutory requirements specified in HB 1968, CD 1."

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. The purpose of this bill is to establish a permit system for direct shipment of wine to Hawaii's residents.

"I would like to clarify the following language found in the Conference Committee Report Number 89-06: "As such, your Committee on Conference would like to emphasize that this bill specifically provides that households can receive no more than six nine-liter cases of wine annually."

"This statement is broader than the language of our intent stated in the bill found on page 1, section 1, line 17 through page 2, section 1, line 3: "(b) The holder of a direct wine shipper permit may sell and annually ship to any person twenty-one years of age or older in the country that issued the permit, no more than six nine-liter cases of wine per household for personal use only and not for resale, and shall:"

"Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1968, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

At 5:42 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2410, HD 1, SD 2, CD 1
H.B. No. 1995, HD 1, SD 2, CD 1
H.B. No. 2146, HD 1, SD 1, CD 1
H.B. No. 237, HD 3, SD 1, CD 1
H.B. No. 2805, SD 1, CD 1
H.B. No. 2708, HD 2, SD 2, CD 1
H.B. No. 1968, HD 1, SD 1, CD 1

Conf. Com. Rep. No. 90-06 and H.B. No. 3225, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3225, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"I rise in support of this measure, Mr. Speaker.

"The condominium industry is a governing entity within itself that impacts association members' ability to maintain their investment - that being their home.

"Over the years, it has become apparent that there are inequalities within the relationship between management and the individual owner within condominium associations. This disparity impedes the condominium owners' mobility to change and amend its own governing documents and thus ensure that their investment is preserved.

"This bill was crafted in part with the intentions of lessening the inequalities between individual owners and management by clarifying and codifying the means and methods in which to remedy these inequalities with a level of self-governance that promotes greater participation in association affairs for all members.

"Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3225, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

CONDOMINIUMS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 91-06 and H.B. No. 1871, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1871, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 92-06 and H.B. No. 3016, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3016, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNSERVED ARREST WARRANTS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 93-06 and H.B. No. 2299, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2299, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 803," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 94-06 and H.B. No. 3256, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3256, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 95-06 and H.B. No. 1021, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1021, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 96-06 and H.B. No. 2211, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2211, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Souki and Stonebraker being excused.

At 5:44 o'clock p.m., the Chair noted that the following bills

passed Final Reading:

H.B. No. 3225, HD 1, SD 1, CD 1
H.B. No. 1871, HD 1, SD 2, CD 1
H.B. No. 3016, HD 1, SD 1, CD 1
H.B. No. 2299, HD 1, SD 1, CD 1
H.B. No. 3256, HD 1, SD 1, CD 1
H.B. No. 1021, HD 2, SD 2, CD 1
H.B. No. 2211, HD 1, SD 1, CD 1

At 5:44 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:50 o'clock p.m.

Conf. Com. Rep. No. 100-06 and H.B. No. 2950, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and H.B. No. 2950, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOLUNTARY EMPLOYEES' BENEFICIARY ASSOCIATION TRUSTS," were recommitted to the Committee on Conference, with Representatives Abinsay, Souki and Stonebraker being excused.

Conf. Com. Rep. No. 97-06 and H.B. No. 2691, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2691, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. The purpose of this bill is to establish a joint labor management committee to institute an action for injunctive and other relief against an employer that fails to pay its employees a prevailing wage. The bill has several problems, Mr. Speaker.

"The Department of Labor and Industrial Relations testified that the bill may not serve the best interest of local businesses because the power given to the labor management committee, to bring injunctive action or any relief against any employer who fails to pay prevailing wages is overbroad and gives standing to individuals who would otherwise have no connection to any investigation under Chapter 104.

"This presents a potential conflict for abuse. Since DLNR, is forced to examine even more businesses to see if they paid a prevailing wage, the Department will lack the resources to carry out the provisions of the bill because they are already understaffed and lack the appropriate funds to carry out the measures proposed under this bill.

"And from the Associated Builder's and Contractor's Incorporated and other construction companies all across the State, they testify that within most businesses, there are often clerical errors. Under this bill, businesses will face harsh penalties for violating provisions of this proposed act. This bill leaves little room for honest mistakes.

"The purpose of Chapter 104 is to protect workers on government jobs to ensure they are paid a prevailing wage. It is not a union-organizing tool or a means to eliminate competition."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. What I'd like to do is maybe share some real life experiences of what

it's like really down there in the trenches and signatory versus non-signatory companies, which I believe this is what this is an attempt to do. I believe this is an attempt to do what I have coined as 'unionization through legislation'.

"What truly happens and will happen with this measure is that we find labor management committees embedded in the labor trade unions, we find them in a very upstanding organizations like the Pacific Resource Partners. What happens is if a member of the committee gets a little excited about wanting to look at non-signatory companies to see whether or not they are in fact following the prevailing wage.

"Through this particular measure, they will have the ability to go into the books, take a look, and see whether or not there are any clerical, other errors, or other prevailing wage errors. This is like allowing Hawaiian Airlines to look at the books of Aloha Airlines, or allowing McDonald's to look at the books of Burger King, and then having the ability to bring a civil action for injunctive relief and perhaps penalties.

"In the real life, what happens is these labor management committees are able to get the information on certified payrolls and if they find a \$50 error or a \$100 error in the payroll, what they can do is go to the home of the employees of the non-signatory companies. This is public information. Home addresses are in the hands, can be in the hands of this labor management committee.

"Now what employee with someone knocking at their door saying, 'You've been ripped off by your employer. Come join us, we'll help you sue. We'll help you get your \$50 back or your \$100 back. Not only that, we'll bring charges and then maybe after 3 strikes, 2 strikes, your boss will be out of business.'

"This is not a good way to manage. This is not a good way by switching authority to a organization, a labor management organization, which has a hidden agenda and which could make competition in this State very difficult and will also drive many private, non-signatory, hard working, local businesses, employers, people that have their homes, their families on the line to be able to bid for contracts to do the very work that we in the State need in affordable housing, agricultural infrastructure. You name it, all those wonderful things and important things that we need to do for our people, we are going to damage our own hard working small business owners by setting this labor management group loose, loose on our people. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, brief comments in support. I just wanted to correct some misstatements. If you read the HRS on prevailing wages, right now they have the access to the certified payroll. It's by statute. It's not changing anything in that regard. They don't have the right to come in and look at everything in the books, but they do have a right to the certified payroll under existing HRS statutes.

"So what we're doing here, Mr. Speaker, is as we heard from previous speakers is that the DLIR is understaffed and unable to do the job they're supposed to do with that 30,000 contractors in our State and to make sure in those cases where prevailing wage is to be paid, that in fact it is paid. And this provides the assistance to do that by having in those cases where it's a labor management agreement, to take action before a court. You have the protection of the courts here. It's not unilateral action by the labor management committee.

"For that reason, this is a good provision. It's trying to apply the law, to get it more applied more often, and to make sure that workers of our State that should be paid a prevailing wage are paid a prevailing wage. Thank you."

At 5:57 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 5:58 o'clock p.m.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. This bill creates a scenario for some serious mischief. As a short description of the bill says, it allows a joint labor management committee to institute an action for injunctive and other relief against any employer who fails to pay its employees the prevailing wage, regardless of whether there is a collective bargaining agreement in place or not.

"The joint labor management committee could be the carpenter's union, or the Pacific Resources Partnership. With this bill, we are giving the power to march into the jobsite of a union or non-union contractor and make demands that the contractor pay a particular employee what they believe the contractor owes. They can get a court order requiring specific action from the employer.

"Why would we want to encourage this kind of a confrontational situation? You have people that are competitors working in the same business. Under the present law, the aggrieved laborer can file a request with the Director of Labor who will get an investigator to remedy the situation and invoke requisite penalties.

"I got some information, I think we all got some information from the Director of the Department of Labor. These are some of the things he said, I sort of paraphrase them, but over a 5-year period the Department of Labor received 175 complaints. The Department investigates every complaint. In addition to responding to direct complaints from workers, the Department makes random payroll reviews to see if contractors are complying with prevailing wages.

"In 2005, the Department conducted 118 random compliance reviews. 66 were union companies. 52 were nonunion companies. Those reviews revealed monetary violations by 4 union companies and 2 nonunion companies. The Department of Labor uses discretion to determine *de minimis* violations. They are not trying to nickel and dime businesses. They are looking for major violations.

"Mr. Speaker, my fear is that the joint labor management committee, which could be as I said the Carpenter's Union, would use the power given to them under this bill to harass nonunion contractors. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2691, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PREVAILING WAGES," passed Final Reading by a vote of 40 ayes to 9 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay and Stonebraker being excused.

Representative M. Oshiro rose, stating:

"Mr. Speaker, just to clarify, a point of information, that the motion I made was for the passage of Final Reading of all House Bills and Senate Bills on page 14."

The Chair then stated:

"Except for Conference Report 100-06."

Conf. Com. Rep. No. 98-06 and H.B. No. 2412, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 2412, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 99-06 and H.B. No. 2678, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2678, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, just brief comments in support. On 99-06. This is an example, Mr. Speaker, of a Representative learning of a problem and trying to do something about it. In this case it was the Representative who represents Kapahulu, Kaimuki, Waikiki, Ala Moana, and Diamond Head. Quite a conglomeration of districts.

"It deals with the case where if you have a State employee who is very sick and faced with life and death kind of conditions and then be faced with whether they're going to take their ordinary disability or not. There's strict timelines where they must do that and of course, they don't know exactly when they're going to be stepping off and not working anymore. And what this legislation does is it tries to address that in these extreme situations to make these people have an easier time of deciding when to do it. I just think it's a good example of doing the right thing and hearing from a constituent and then correcting the problem. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2678, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 101-06 and S.B. No. 2948, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2948, SD 1, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Very, very briefly, this bill reflects the good faith effort on the part of the State to fulfill its trust obligations to the Hawaiian people. Thank you."

Representative Carroll rose in support of the measure, asked that her written remarks be inserted in the Journal, and asked that the remarks of Representative Kanoho be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Carroll's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support. It is a fact that the State's obligation to Native Hawaiians is firmly established in the State Constitution (See Haw. Const. Art. XII). Today, I ask my colleagues to please support SB 2948, CD 1.

"If enacted, this measure would mark a historic step toward honoring the State's obligation under Article XII, Section 6 of the State Constitution. It would establish \$15 million annually, beginning in fiscal year 2005-2006, as the income and proceeds from the pro rata portion of the public land trust under Article XII, Section

6 for expenditure by the Office of Hawaiian Affairs (OHA). It would also appropriate \$17.5 million for fiscal year 2005-2006 to pay OHA certain amounts received from the use of lands in the public land trust that were underpaid between July 1, 2001 through June 30, 2005. More importantly, it will improve the betterment of conditions of Native Hawaiians.

"Furthermore, this bill would require the Department of Land and Natural Resources to provide by January 1 of each year, an accounting of all receipts from lands described in section 5(f) of the Admissions Act for the prior fiscal year. Information of this nature is important to decision makers seeking to determine what is owed and what has been paid to OHA.

"While this measure represents an interim resolution of sorts, it does not resolve or settle all of OHA's claims to public land trust proceeds.

"Further negotiations and future legislation will likely be needed. However, the measure will result in a degree of stability of OHA's land trust revenues.

"Mr. Speaker, it is not often that we can play a role in truly historic events. This is one such occasion.

"For these reasons, I strongly support the bill and urge all Members to support it too. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2948, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 102-06 and S.B. No. 3119, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3119, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. I will also request permission to insert comments. And very basically, while this bill provides greater autonomy for the Hawaiian Homes Commission, it does so in a manner that poses financial risks to the Commission's beneficiaries and my page-long comments will be inserted. Again, I have great concerns because it appears that the responsibility that we would have to the Native Hawaiian beneficiaries are not suitably discharged by the passage of this bill. Thank you."

Representative Berg's written remarks are as follows:

"Mr. Speaker, I rise to speak in opposition to Senate Bill 3119, SD 2, HD 1, CD 1.

"I oppose this measure primarily because I believe strongly in government accountability and responsibility. While this bill provides greater autonomy for the Hawaiian Homes Commission, it does so in a manner which poses financial risks to the Commission's Native Hawaiian beneficiaries. Furthermore, no other Executive department has the independence and ability to invest allocated funds in such a proposed manner. I am concerned about the precedent being established for Executive departments and also the constitutionality of allowing the Department of Hawaiian Homelands, in particular, to invest trust monies.

"This bill would allow the Department of Hawaiian Home Lands

to sidestep the statutory procedures that provide financial safeguards, oversight and accountability for the rest of the State's financial resources.

"This proposal in being made in the hopes that increased autonomy will translate into higher returns on invested funds, however I have grave concerns about the new responsibilities – and accountability -- that such legislation would impose upon the DHHL.

"Our laws generally treat State funds conservatively, requiring investment in government bonds, notes, and related securities that have a maximum degree of safety and security. This conservative bias is the result of long and at times difficult experience. We have seen what can happen when oversight is lacking or not adequately monitored. Removing these requirements will potentially expose the trust funds of the Department of Hawaiian Homes to increased risk and potential losses.

"Along with more autonomy, the bill would exempt the Hawaiian Homes Commission from the responsibilities spelled out in Chapter 36 and 38, Hawaii Revised Statutes. Among other things, Chapter 36 makes the Director of Finance responsible for the safekeeping of all moneys paid into the State treasury, and establishes the requirement for keeping "a clear, distinct, and full record of all transactions and business". This bill, while exempting the Hawaiian Homes Commission from Chapter 36, would not provide for similar responsibilities to be shouldered by the Director of DHHL.

"Similarly, while exempting DHHL from Chapter 38, relating to deposits of public funds, this bill does not provide comparable restrictions on risk. For example, Chapter 38 provides that no more than 60 percent of all funds may be invested in one place, and requires that the beneficial effects of local investment be considered when selecting where to invest. Chapter 38 defines suitable investments that meet the fiduciary responsibilities of public officials. This bill, while exempting DHHL from Chapter 38, does not incorporate comparable safeguards. It is from this perspective and reasoning that I am compelled to vote against this proposed measure.

"I believe, Mr. Speaker, that the bottom line is that we, as a Legislature, have a fiduciary and moral responsibility to the Native Hawaiian beneficiaries of the Hawaiian Homes Commission which will not be suitably discharged by passage of this bill. Thank you."

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3119, SD 2, HD 1, CD 1, 'A Bill for an Act Relating to Hawaiian Home Lands.'

"The purpose of this measure is to allow the Hawaiian Homes Commission to deposit moneys in depositories other than the State treasury.

"This measure provides the Hawaiian Homes Commission with the necessary flexibility and authority to manage, invest, and reinvest funds to earn a higher return in the Hawaiian Home Lands Trust Fund. This measure is consistent with the intent of Act 302, Session Laws of Hawaii 2001, and is also a step in moving towards greater autonomy and self-determination for the Hawaiian Homes Commission. This measure has reinserted language specifying that the moneys from the trust that are deposited into depositories other than the State treasury are exempt from the requirements of Chapters 36 and 38.

"I ask that S.B. No. 3119, SD 2, HD 1, CD 1 pass Final Reading. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3119, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Berg voting no, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 103-06 and S.B. No. 895, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 895, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 6:05 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2691, SD 2, CD 1
H.B. No. 2412, HD 1, SD 1, CD 1
H.B. No. 2678, HD 2, SD 2, CD 1
S.B. No. 2948, SD 1, HD 2, CD 1
S.B. No. 3119, SD 2, HD 1, CD 1
S.B. No. 895, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 110-06 and S.B. No. 2158, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and S.B. No. 2158, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," were recommitted to the Committee on Conference, with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 104-06 and S.B. No. 2901, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2901, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 105-06 and S.B. No. 2929, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2929, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 106-06 and S.B. No. 2065, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 107-06 and S.B. No. 2283, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 108-06 and S.B. No. 696, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 696, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 109-06 and S.B. No. 2922, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2922, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to Senate Bill 2992. Mr. Speaker, this bill contains several good administrative and housekeeping provisions and I support all of these measures in this bill.

"However, bill does one thing, that after reviewing it, I find so radical that I must oppose the entire bill. If we pass Senate Bill 2992, it will repeal the current law that limits corporations from making more than a \$1,000 in campaign contributions in any election period.

"Federal law provides for a complete ban on corporate contributions to congressional candidates, but Hawaii law allows corporations to allocate no more than a \$1,000 among corporations, among candidates and Political Action Committees. Without the \$1,000 corporate donation limit, a single corporation could donate over \$100,000 to a dozen candidates all within the per candidate contribution limits of \$2,000, \$4,000, or \$6,000. This would increase the aggregate corporate contributions over a 1,000%, from \$1,000 to a \$100,000.

"I believe this change in this law is too drastic and I cannot support it. Instead of decreasing the influence of money in the legislative process, I believe this bill will greatly enhance corporate influence in election campaigns and the legislative process. If this bill passes, it will not only take effect immediately, but would reach back to January 1st, and have all corporate contributions not count towards any aggregate donation limit. This is as if no corporation, no corporate limit ever existed.

"I believe the voting public has had a very cynical view of this Legislature. Many often wonder in whose interest we sometimes act. Very recently, until I was privileged to be a part of this Chamber, I too had the same attitude. The majority of our Legislators usually hold campaign fundraisers during the legislative session in the very period that bills are being decided upon.

"As I look out to the skies, I'm anticipating Lear jets coming in from Texas. Why? Because the oil companies are coming to town with their big pockets. As I look at the faces walking the streets of Honolulu, the employees of the small business community that will soon be without health care insurance because of the lack of rate regulation, I know that campaign contributions from corporations must have some semblance of control so that we can get back to the

business of the people. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I was very pleased to see the limits this Body placed last year on campaign contributions. Since I run my campaigns with relatively little money and believe that all of us should do likewise. I stood on this Floor at that time that I believe this measure was intended to limit contributions to our Governor. And I also stated that I thought that this Body would be back this year after it was realized that that bill would hamper entities from legally donating to us. Well here we are.

"I believe if we deemed it necessary to change the law, we should not put those changes in effect for the current election cycle. In any case we should not put an artificial cap on the statute of limitations on actions of the Campaign Spending Commission. I think you all need to look at that. It'll not only be becoming retroactive with our contribution receipts, but we're saying Campaign Spending can only go back five years. Thank you."

Representative Luke rose to speak in support of the measure, stating:

"Thank you, in support. I wanted to address some of the concerns raised. First of all, there was no limitation on corporate contributions before January 1st, '06, Mr. Speaker. This was a law that we put into effect last year and as a result of us passing this law, there has been a lot of confusion.

"In fact, the Attorney General came out and specifically stated that as a result of the unintended consequences of the law, Campaign Finance Reform Law, that we passed, there has been lot of confusion. In fact, the interpretation by the Attorney General is not only that the corporation can only put in \$1,000 into the PAC. It can only expend \$1,000 out of its PAC. What that does is it creates a 'first come, first serve' mentality, so whoever can reach the corporate PAC first, they'll get the benefit of the amount and the rest of the candidates after the \$1,000 runs out is pretty much out of luck. I think the 'first come, first serve' mentality has never been our intent.

"In fact, in the *Advertiser*, even Sam Aiona, the Republican Party Chair, has admitted that as a result of this portion of the law, it has created a lot of confusion even within the party structure itself and there has been lot of urging for us to relook at this law.

"The Campaign Spending Commission actually supports this bill. It was a lot of compromise and we put a lot of their input into this bill and when we looked at the retroactivity of especially the corporate contribution portion, it was at the suggestion of the Campaign Spending Commission. I believe the House Conferees were a little hesitant in doing that because of the comments by the Representative from Kapolei urging us not to do a retro, but it was actually the Campaign Spending Commission who came in and asked that it be retroactive because she has said that she doesn't want unclarity in law just to survive for four months.

"As far as the statute of limitations for the Campaign Spending Commission, there is a statute of limitations that applies for criminal proceedings. So for instance if someone is caught with a campaign violation, the criminal proceeding portion is a five year statute of limitations so it is pretty much mirroring that portion to the Campaign Spending Commission. So that the Campaign Spending Commission out of fairness to both the parties doesn't go back 20 years and catch people off guard. Thank you."

Representative Thielen rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising to speak against the measure. Thank you. Mr. Speaker, I actually would like to request that three short paragraphs from the Sierra Club be inserted

in the Journal."

The Chair then stated:

"Why don't you read it."

Representative Thielen: You want me to read it?"

Vice Speaker Takai: "Yes."

Representative Thielen continued, stating:

"I'm quoting from the Sierra Club:

Couched as a "housekeeping" amendment to last year's campaign finance measure, SB 2922 CD 1, would allow corporations and organizations to donate an unlimited amount of money to a non-candidate political action committee. The key language in the bill reads, "Each...corporation, limited liability company, partnership, association, or organization, may transfer an unlimited amount of money from its own funds to its respective non-candidate committee in an election period..."

While the bill would allow unlimited funding by corporations and organizations, it would cap the amount an individual could donate. By passing this measure you are, in essence, elevating the interest of corporations above residents.

You can address the technical fixes to the campaign spending law next year, but the Sierra Club, Hawaii Chapter strongly urges you not to pass SB 2922 CD 1. It gives corporations the ability to unduly influence our democratic political process.

"And the letter is signed by Jeff Mikulina, the Executive Director of Sierra Club, Hawaii Chapter. These are very persuasive arguments, Mr. Speaker. And I would say that I've received probably over 200 e-mails from throughout the State. It's not been focused just in one area, but in 200 or more, e-mails all resoundingly against this bill, and I am voting no on the bill."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Thank you Mr. Speaker. In regards to this bill, one thing that is very correct is that this bill from last year's campaign spending reform did cause a lot of confusion. And let me just state that I did speak with the AG, the Attorney General, in regards to his opinion and it is correct that he believes that the campaign spending reform that was passed last year, did not have the intention of restricting those corporation campaign contributions.

"However, he did say also that he did not support one way or the other what we do with that policy. He just said that he didn't think that that was the intention. So this gives us the opportunity at this point and time, instead of loosening it up, according to the decision of the Campaign Spending Commission, instead of loosening it up, we actually have the opportunity to tighten up the language. To say that we want to restrict corporate donations.

"So what the AG's opinion was, was not based on policy. It was based on the fact that he agreed that he didn't think that that was the intention of the Legislature. That's two different things, Mr. Speaker.

"The other thing is in regards to the Campaign Spending Commission, I believe that what had happened in regards to the retroactive date, it was basically the retroactive date occurred or they were supportive of the retroactive date because they didn't want two different policies from January to July 1st. And what they said was, 'If you're going to move in this direction, we agree that it should be retroactive.' But I do not think and we can check, but I do not think that they were okay with the policy direction of going with the opening it up to unlimited campaign donations from corporations.

Those are two very different things, Mr. Speaker.

"If we have the ability to change the policy, to say we're going to restrict corporate contributions and we did not do that. Mr. Speaker, the other thing is some of us did play fair. We went, and in regards to the Republican Party, took the opinion of the Campaign Spending Commission and as we were asking for contributions for our fundraisers, looked through the opinion and collected money on the opinions of the Campaign Spending Commission. This was tens of thousands of dollars that was turned away by the Hawaii Republican Party and on top of that, after going through due diligence and making sure that all the checks and balances were in place. After the fundraiser, the Hawaii Republican Party returned around \$15,700. I had it on a piece of paper and I can't find it amongst all my material. However, I believe it was about \$15,700 that was returned in checks because they went upon this particular Campaign Spending Commission decision.

"Mr. Speaker, if we're going to be talking about fairness, if we're going to be talking about trust in government, then we should be looking at this measure to actually, even if it wasn't the intent of the Legislature last year, we should really be looking at limiting the corporate donations. To not influence the decisions, heavily influence the decisions here at the State Capitol. Thank you very much."

At 6:20 o'clock p.m., Representative Luke requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:24 o'clock p.m.

On motion by Representative Luke, seconded by Representative B. Oshiro and carried, the report of the Committee and S.B. No. 2922, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," were recommitted to the Committee on Conference, with Representatives Abinsay, Saiki and Stonebraker being excused.

At 6:25 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2901, HD 1, CD 1
S.B. No. 2929, HD 1, CD 1
S.B. No. 2065, SD 2, HD 1, CD 1
S.B. No. 2283, SD 1, HD 1, CD 1
S.B. No. 696, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 111-06 and S.B. No. 2159, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2159, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 112-06 and S.B. No. 2193, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2193, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla written remarks are as follows:

"I rise in support of this measure, Mr. Speaker, with reservations.

"This bill was crafted to provide members within a Planned Community Association unfettered access to their association documents.

"This was accomplished in the bill by permitting the membership to access their association's financial statements for the duration the member is paying the association to store the materials. This is a sound, good business practice to employ.

"However, the bill has been drastically watered down. I want to go on record to state that I do not agree with two particular amendments that were made that were never of party to the original intent of the bill and not in any draft prior to the Conference Draft.

"First, the bill now removes the membership's ability to know how the board of directors voted on expenditures. Prior to this bill, the board was required to document and record in the meeting minutes how each board member voted on motions. To take away this form of transparency perplexes me.

"Secondly, in addition to taking the right away of the membership to know how the board voted on expenditures, it also permits a board member with a conflict of interest to vote on expenditures that the board member may profit from.

"Thank you, Mr. Speaker."

Representative Yamane rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Lee rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cabanilla rose, stating:

"My apologies, Mr. Speaker, what I meant to say is that I'm in support with reservations. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2193, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Morita voting no, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 113-06 and S.B. No. 2290, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2290, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 114-06 and S.B. No. 2292, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2292, SD 2, HD 1, CD 1, entitled: "A

BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 115-06 and S.B. No. 2293, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2293, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 116-06 and S.B. No. 2887, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2887, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Ito rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ito's written remarks are as follows:

"Mr. Speaker, I rise in support of Conf. Com. Report 116-06, SB2887, S.D. 1, H.D. 1, CD. 1

"Mr. Speaker, vocational, technical, and career pathway education classes provide students with opportunities to apply knowledge and skills to real-life work experiences. These classes also help students to develop the technical, academic, employability, and life skills needed for a career or post-secondary education.

"Mr. Speaker, as a former Vocational Education teacher and the former President of the Hawaii Vocational Association and Hawaii Industrial Arts Association, I understand the plight vocational education in the secondary schools have in recruiting qualified teachers. The purpose of this measure is to increase the number of vocational, technical, and career pathway education teachers by directing the Hawaii Teachers Standards Board to set alternative criteria and establish other measures of qualification necessary for these types of teachers to meet licensing standards. In the end, this measure will help the Department of Education to mitigate the shortage of vocational, technical, and career pathway education teachers. Additionally, this measure will authorize the Superintendent of Education to issue teaching permits to highly qualified individuals with pertinent trade or industry experience. These individuals will not, I state will not, be issued teaching certificates.

"Mr. Speaker, in the future these individuals should be certified upon completion of their probationary period and recommendation from their principal.

"Mr. Speaker, this is a measure that will help the Vocational Education programs in the secondary schools in the State of Hawaii and I ask my colleagues to support this measure."

Representative Yamashita rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in strong support of Senate Bill 2887, SD1, HD1, CD1. This measure will provide greatly needed vocational

education teachers in Hawaii's schools. Currently, there is a severe shortage of teachers in career pathway courses. Also, many highly qualified individuals with real-world experience who wish to teach are being turned away due to existing teacher licensing practices. In 2004 alone, there were forty thousand public school students enrolled in vocational education classes in Hawaii. We cannot abandon these students.

"Granted, we cannot simply allow anyone to teach in our schools, but by directing the Hawaii Teachers Standards Board to create alternative standards for vocational educators, we will ensure the future of vocational education in Hawaii's public schools. Passage of this measure will greatly aid our *keiki* in the job market of tomorrow. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2887, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 117-06 and S.B. No. 2090, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2090, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"In strong support, Mr. Speaker. Just strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Saiki and Stonebraker being excused.

At 6:28 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2159, SD 2, HD 1, CD 1
S.B. No. 2193, SD 1, HD 1, CD 1
S.B. No. 2290, SD 2, HD 1, CD 1
S.B. No. 2292, SD 2, HD 1, CD 1
S.B. No. 2293, SD 2, HD 1, CD 1
S.B. No. 2887, SD 1, HD 1, CD 1
S.B. No. 2090, SD 2, HD 1, CD 1

At 6:28 o'clock p.m., Representative Souki requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:29 o'clock p.m.

Conf. Com. Rep. No. 118-06 and S.B. No. 3077, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3077, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. It seems like they're always at the top of the page. This is Relating to Conservation. I rise in opposition. Thank you."

"I have concerns about the constitutionality of this bill. Separation of power between our Executive and Legislative branches provide the necessary checks and balances that maintain our democracy and uphold the people's trust in our elected offices. It is in the best interest of the people of Hawaii for our part-time legislative body to focus on passing laws and abstaining from assuming authority in the year-round management of departments.

"The potential of legislative disapproval of State acquisitions will have a distressing effect on the willingness of landowners and outside funders like the federal government. The required consultation provision of the bill of land and natural resources where the Senate President and the Speaker of the House prior to selling, leasing, or convey lands will hamper the timely process, which will be important to acquiring sensitive properties such as agricultural lands in the path of development.

"I'm very concerned with the overreaching authority this measure presents and ask for your no vote to ensure our Constitution's separation of power."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3077, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 119-06 and S.B. No. 3000, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3000, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3003, SD 2, HD 1, CD 1, entitled: 'A Bill for an Act Relating to Housing.'

"The purpose of the measure is to implement recommendations of the Joint Legislative Housing and Homeless Task Force with regard to streamlining government approvals and permitting for affordable housing.

"One of the findings addressed the need to expedite the permitting process for affordable housing authorized under Section 201G-118, Hawaii Revised Statutes, has had only limited success, because applications for affordable housing projects must be negotiated with reviewing agencies before they can be deemed complete, and there is no time limit for this process. Shortening the length of the approvals process will assist in reducing the overall development costs of affordable housing projects.

"This measure seeks to facilitate these specific recommendations of the taskforce for government approvals and permitting for affordable housing by:

Requiring that State agencies, in the permit review process, give affordable housing projects priority processing;

Amending Chapter 46, Hawaii Revised Statutes relating to the general jurisdiction and powers of the counties, to provide greater flexibility in approving affordable housing projects by waiving certain requirements for infrastructure; and

Amending section 201G-118, Hawaii Revised statutes, to improve

and further streamline the fast-track permitting process for affordable housing projects.

"This measure facilitates the recommendations by requiring reviewing agencies to respond within forty-five days of receipt of an application, or the application will be deemed acceptable as submitted for review; and

"Allowing county councils and the Land Use Commission to approve projects with modifications, as well as approve or deny. The effective date is July, 1, 2006.

"I recommend that S.B. No. 3000, SD 2, HD 1, CD 1 pass Final Reading. Thank you, Mr. Speaker."

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. Mr. Speaker, I stand in support of Senate Bill 3000 S.D.2. Mr. Speaker, this bill will expedite approval and permitting process for affordable housing projects. This bill addresses the shortage of affordable housing units that affect all our citizens, not just people with low income. This piece of legislation would require agencies in the land use permit review process to expedite the review of applications for affordable housing projects. This piece of legislation would also authorize the counties to waive certain infrastructure requirements for affordable housing projects and amend the process for approved housing projects exempt from planning, zoning and construction standards.

"In section two of this bill, it would amend Section 46-14.5 of the Hawaii Revised Statutes by providing the counties flexibility in land use density provisions and public facility infrastructure requirements for low-income rental projects. Section three would amend section 91-13.5 of the HRS requiring any agency that reviews and comments upon an application for a business or development-related permit, license, or approval for a housing project under section 201G-118 shall respond within 45 days of receipt of the application, or the application shall be deemed approved as submitted to the agency. Finally in section 4, this bill proposes to amend section 201G-118 to clarify that the County legislative body has 45 days to approve, approve with modifications or disapprove an application made under this section of 201G-118.

"Under the 201G process it will provide four key points. First this will allow developers to access government housing programs funds earmarked for low-income federal tax credits. Next, housing project for rental or for sale must provide at least 50% of the units to families in the 120% or 140% HUD median income groups, depending on the County. In this particular section of the 201G process, homebuyers are subject to buy-back, income requirements to qualify, and shared appreciation for resale of units. Third, the developer may choose to go through either the State HCDCH or county for the 201G process. Finally, once the application has been "deemed complete" by the reviewing agencies, it is submitted to the Council, which has 45 days to approve or disapprove the project.

"Aside from the 201G process, currently, there is no formal government permitting process to assist affordable housing projects. Counties require affordable housing through inclusionary zoning conditions placed on developers during the land use entitlement process either at zoning or through other unilateral agreements. This is where the county requires a certain percentage of the 15% to 30% must be provided to people in identified HUD median income categories for each county.

"In general, local government has set up a standard process that applies to all housing projects/developments. The 201G process was an attempt to provide an alternative, expedited process for those projects that provided at least 50% of the units as affordable. More

recently, many of the counties have had limited success with providing an expedited review by committee for certain affordable housing.

"Mr. Speaker, I strongly support this bill as it attempts to improve the 201G process and clarify the county council's decision-making authority. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3000, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 120-06 and S.B. No. 2774, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2774, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support of Senate bill 2774 S.D.2. Mr. Speaker, the purpose of this bill is to assist families who may lose their homes due to the closure of plantations such as Del Monte Fresh Produce by making plantation community subdivisions a permitted use under agricultural land use district classification and zoning.

"Mr. Speaker, Senate bill 2774 will assist plantation communities such as Kunia and Poamoho by allowing current nonconforming use on land zoned agricultural. The bill will also facilitate a proposed City resolution to legitimize plantation community subdivisions. Less than a handful of communities would fall into the definition of plantation community subdivisions. Kunia and Poamoho Camps have been operating as an employee and retiree housing for the pineapple plantation for more than seventy years.

"The current process in gaining government approval for existing plantation camps is long. The ILWU has been working with Del Monte workers and retirees at Poamoho Camp for City approval of existing use. However, despite tremendous support, cooperation and effort by the City Administration and the City Council, the process has gone on for more than ten months. In the meantime, costs have been incurred by the current Poamoho landowner for attorneys and planners – costs that will later be passed on to the residents whose limited resources will be needed to take on the struggle of operating the plantation camps themselves."

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 2774, SD 2, HD 1, CD 1, entitled: 'A Bill for an Act Relating to Housing.'

"The closure of Del Monte Fresh Produce will result in significant negative impacts to Kunia pineapple workers. Housing ranks among their primary concerns. Currently, many employees and their families live in plantation homes owned by the company at Kunia Camp. With the closure of Del Monte Fresh Produce, many of these families face the possibility of losing their homes. Housing is a fundamental need, to which every person should have access.

"With the loss of their jobs, many employees will undergo a

transition period as they seek new employment, participate in job training programs, or seek other opportunities. During this stressful period of transition, these employees must be assured that their homes are secured and protected from any action that might declare them to be an impermissible or illegal land use, in the event that those units may require permits for renovation or reconstruction at some time in the future.

"The purpose of this Act is to make plantation community subdivisions such as Kunia Camp a permitted rather than nonconforming use within the State agricultural land use district.

"This measure assures that the employees and former employees who live in plantation communities must be assured that their homes are secure and protected from any action that might declare them to be an impermissible or illegal land use, in the event that those units may require permits for renovation or reconstruction at some time in the future.

"Additionally this measure address the concern of the Department of Planning and Permitting of the City and County of Honolulu that as drafted, plantation dwellings could be demolished, rebuilt, and sold or rented to others, thus erasing all elements of plantation camp or rural living without providing the current residents a means to address the existing substandard infrastructure, however, these concerns can be addressed in the county planning and permitting process, and by the residents' plan to establish cooperative ownership under a restrictive covenant that would restrict sale or even rental of the homes. It addresses the concern that the residents will have major difficulties seeking funds to upgrade substandard plantation camp infrastructure if these itself remain nonconforming under State law.

"I recommend that S.B. No. 2774, SD 2, HD 1, CD 1 pass Final Reading. Thank you, Mr. Speaker."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 2774, Conference Draft 1, Relating To Housing.

"This bill would help address the housing needs of the displaced Del Monte workers who reside in Kunia Camp and Poamoho Camp by placing a 'grandfather' provision for the homes to become permitted uses on agricultural land.

"The residents of Poamoho Camp are currently facing the crisis of living in homes that do not fall under permitted uses. Although a private individual purchased the land, the homes do not have the required permits from the county. Under the State land use law, agricultural/farm housing is a permitted use on agricultural land. After the departure of Del Monte Fresh from operations in Hawaii, the camp's farm housing no longer fits the definition of a permitted use. The residents of Kunia Camp will face the same problem even if the land is purchased for them.

"House Bill 2774, Conference Draft 1, is a positive step in protecting the community and hence culture of the traditional plantation camp community. The residents of these camps have lived there for generations and dedicated their lives to the production and cultivation of Hawaii's agricultural crops. Allowing these citizens to continue the traditional plantation lifestyle perpetuates the history of Hawaii's agricultural industry.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the

Chair "so ordered."

Representative Karamatsu written remarks are as follows:

"I rise in support. The purpose of this measure is to assist families who may lose their homes due to the closure of plantations such as Del Monte Fresh Produce by making plantation community subdivisions a permitted use in the state agricultural land use district.

"This measure will help many workers adjust from the loss of their livelihood on plantations that closed production. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2774, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 121-06 and S.B. No. 3111, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3111, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"The purpose of this measure is to establish a commission to recognize and honor Congresswoman Patsy T. Mink and appropriate funds for the commission.

"Mr. Speaker it is only appropriate that we acknowledge and honor the late Patsy T. Mink and all she has done in her public service life in improving Hawaii, America and most of all ... equity for women.

"Her legacy and accomplishments will live forever now that we have establish this commission commemorating Patsy T. Mink."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3111, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 122-06 and S.B. No. 2727, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2727, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEUROTRAUMA," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 123-06 and S.B. No. 439, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 439, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 124-06 and S.B. No. 467, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 467, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I'd like to just stand in strong support on 124-06. I will insert written comments in the Journal. But I would like to say that after so many years of trying, it's really a pleasure to see this bill pass. I don't know whether Kat Brady is up in the gallery because I can't see. Kirk tried to get applause for somebody before so I don't know if you'll approve it Mr. Speaker. But Kat has been working on this bill for eight years. It's been a measure that the Women's Caucus has supported over the years. And it really is a great day for incarcerated women, and I think it would only help to bring them out of their cycle of poverty, substance abuse and help them with their literally finding jobs and becoming better parents. So I'm going to insert the written comments, but I would just like to say that I'm very, very happy for women today. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"The pathways to criminality for female offenders are not the same as those for male offenders. Very often female offenders have existing problems with sexual abuse, poverty, substance abuse, single-parenthood and un- or under-employment. Yet once women and girls who are convicted of crimes reach prison, there is not enough being done to address the issues that lead them to commit crimes. Men also could use more assistance with these issues, but inside the correctional facilities there are a wide array of programs for males. For females the options are much more limited.

"After so many years of trying, this bill would help to remedy that inequity. For too long the Department of Public Safety has been failing to address the needs of female offenders to the same extent as the needs of males. It has only been by luck that to date no females have sued to address the situation. Why wait for a lawsuit, Mr. Speaker? This bill demonstrates our intent that the Department of Public Safety must begin to take the needs of female offenders, and gender equity in general, more seriously. With the appropriations in the bill the Department may take the first steps in that direction.

"I urge my colleagues to support this Women's Caucus measure. Thank you."

Representative Thielen rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm also rising in supporting of this measure. Mr. Speaker, I would like adopt the spoken words of the Representative from Mililani and just add that I believe that we should call this bill the Kat Brady Bill, and my thanks to her."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 467, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 6:34 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3077, SD 2, HD 2, CD 1
S.B. No. 3000, SD 2, HD 1, CD 1

S.B. No. 2774, SD 2, HD 1, CD 1
S.B. No. 3111, SD 1, HD 1, CD 1
S.B. No. 2727, SD 1, HD 2, CD 1
S.B. No. 439, HD 2, CD 1
S.B. No. 467, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 125-06 and S.B. No. 1294, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1294, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 126-06 and S.B. No. 2898, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2898, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I like to ask for a ruling on a potential conflict of interest. Similar to the other times that we addressed this bill, at my law firm, I represent the HHSC on procurement matters," and the Chair ruled "you are excused from this vote."

Representative Green rose to disclose a potential conflict of interest, stating:

"Thank you. Mr. Speaker, I also would like to request a decision on a potential conflict of interest. I believe that when I work in emergency departments, the HHSC is my employer and they probably have to go through the procurement process for my contract," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2898, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Herkes voting no, and with Representatives Abinsay, Nakasone, B. Oshiro and Stonebraker being excused.

Conf. Com. Rep. No. 127-06 and S.B. No. 2720, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2720, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 128-06 and S.B. No. 3072, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3072, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 129-06 and S.B. No. 2343, SD 2, HD 2,

CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2343, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 130-06 and S.B. No. 2145, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2145, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 131-06 and S.B. No. 2957, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2957, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 6:36 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1294, SD 2, HD 1, CD 1
S.B. No. 2898, SD 2, HD 2, CD 1
S.B. No. 2720, SD 2, HD 1, CD 1
S.B. No. 3072, SD 1, HD 2, CD 1
S.B. No. 2343, SD 2, HD 2, CD 1
S.B. No. 2145, SD 2, HD 2, CD 1
S.B. No. 2957, SD 2, HD 2, CD 1

At 6:36 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 6:38 o'clock p.m.

The Chair then announced:

"Members, before going on to page 19, I just wanted to remind all of you that we need to listen to our Minority and Majority Floor Leaders for the vote. If you have any discrepancy, please make note of it before I rule on the Final passage of all the bills on the page."

Conf. Com. Rep. No. 132-06 and S.B. No. 3181, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3181, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. It's at the top of the page again and I rise once again in opposition to Senate Bill 3181, Relating to Solid Waste. This bill seeks to expand the existing bottle bill to allow redemption of 68-ounce bottles. I see this as another tax on the

already tax-burdened citizens of Hawaii.

"Many people legally try to avoid the tax and save some money by purchasing the larger 68-ounce bottles. Again, I must ask, are we finding new ways to recycle more or to tax more? Despite provisions in Senate Bill 3181 that requires redemption center dealers to operate for more than 30 hours a week, including 5 hours on a Saturday or Sunday, the reverse vending machines do not accept the oversize 68-ounce bottles.

"Hawaii's hard working taxpayers who continue to haul their oversized containers and wait in long lines to redeem their 5-cent share. Of course they're paying 6, it seems that they pay 6 and a half cents to get back their 5. The penalties for dealers as proposed are harsh and draconian. Particularly considering the nature of the offence, penalties should be applied to criminals, not the business people trying to comply with this increasingly onerous statute. Further, Mr. Speaker, do we find that purchasing of these bulk containers to be so sinful that we punish those trying to save money when they try to feed their families? Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Meyer rose in opposition to the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am strongly opposed to SB 3181, CD1. It is amazing to me that this Legislature continues to burden the citizens of our State with a program that wastes their money and time, is ineffective, and amounts to nothing more than a new fee that consumers must pay. It is embarrassing to see all the resources that are being spent in the name of recycling. Millions of dollars spent to pay for staff at the Department of Health and subsidizing recyclers. This bill will add 68 oz. containers to the list of beverage containers that the Hi5 deposit must be paid on. Many large families buy beverages in the larger containers so they don't have to invest their cash in nickel deposits. Four large containers equal a little less than a case of 12 oz servings. Up until now these families could save themselves \$1.20 by purchasing these large volume containers, but now they will not have that option. I can also foresee problems at recycling sites because the large containers will not fit in the reverse recycling machines. If we attributed a dollar amount for all the time our citizens spend trying to get their nickels back it would double the cost of the program. All this money and time to reduce the flow of garbage into our landfills by a mere 3%, it just doesn't make sense. Mr. Speaker, we should have passed a comprehensive recycling program years ago rather than this outdated bottle bill. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3181, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Final Reading by a vote of 44 ayes to 5 noes, with Representatives Finnegan, Marumoto, Meyer, Moses and Pine voting no, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 133-06 and S.B. No. 486, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 486, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of this measure. This bill provides a valued service to our children and to their parents. As

the bill states, nationally nearly two-thirds of school age children are in homes with both parents working, yet very few communities have a comprehensive system of before and after school care for children.

"This bill appropriates about \$2 million for non-school hour programs that will give our kids structure and fun activities to do when they're not in school and give our parents peace of mind knowing that their kids are in a safe and supervised environment when the parents are not available to watch over them. This is a good measure and I urge my colleagues to vote yes. Thank you."

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 134-06 and S.B. No. 3003, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3003, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3003, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 135-06 and S.B. No. 3215, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3215, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 136-06 and S.B. No. 3247, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3247, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. On this measure, I'm standing in strong support. This is a treat for the mentally ill, elders, person with disabilities who are currently confined in institutions, to be able to be placed into the living hands of the community providers. Thank you very much."

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1 as it would ensure the continuation of care homes and the availability of care homes to Medicaid recipients. I support the increase in the maximum capacity for adult family boarding homes and care homes from five to six non-family members and the increase in the authorized number of non-family member residents who may be incapable of self-preservation from two to three.

"I also support the provision that would give the Department of Health discretion to allow an additional resident in certain Adult Residential Care Homes. We also support an increase in nursing facility level residents from 2 to 3 for type I and 20 percent for Type II ARCHs. I support increased residents for adult foster homes from 2 to 3 as well.

"For Type I homes, I support authorizing the Department of Health to allow up to six residents at its discretion, provided that the primary caregiver or home operator is a certified nurse aide who has completed a state-approved training program and other training required by the Department.

"For Community Care Foster Family Homes, I am in support of the Department to certify the home for a third adult at its discretion, provided that the resident is at the nursing level of care and a Medicaid recipient, and provided further that the primary and substitute caregivers are certified nurse aides who have completed a state-approved training program and other training required by the Department. I feel that the Department of Health should include "Critical Thinking and Judgment" and the "Behavior Management" training modules as part of the training required by the Department for the Adult Residential Care Homes expansion.

"The current level of residents for Type I and II Adult Residential Care Homes, hereafter referred to as "ARCH's" has not kept up with the steady increase in demand for community based care homes in the community in the State of Hawaii. Care homes or community based assisted living provide a valuable service to elderly and their families as it provides an economical alternative to institutionalization of patients which costs thousands of dollars more.

"The relevant federal and State rules and regulations are very stringent, calling for strict requirements which ensure residents health, safety and welfare, as well as utilizing an increased economy of scale to help provide more community based opportunities, as well as helping to ensure the survival and prolific continuance of the care homes themselves. Care homes provide society a great service and must be supported. With the rapidly rising real estate sales prices, it is virtually impossible to establish a new care home by purchasing a new home as the costs are exorbitant.

"The majority of ARCH residents in Hawaii are Medicaid clients. Without an increase in the number of residents, many of our residents would not be provided an opportunity for community based care and ARCH operators will no longer be able to afford to care for our beloved elderly without increased economy of scale. This would truly be a tragedy not only for our elderly, but for their family members as well, who rely upon the compassion and loving care provided by our Adult Residential Care Home administrators/caregivers.

"Please support this important bill as the survival of the care home industry saves the State millions of dollars compared to its alternatives. With the provision for more community based care for Hawaii elderly and their families and the Care Homes who are the unsung hero's who unselfishly open their hearts and homes to Hawaii's frail elderly and physically challenged people.

"Mr. Speaker, I urge my colleagues to support this important bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3247, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE

HOMES," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 137-06 and S.B. No. 3252, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3252, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support of Senate Bill 3252, SD 2, HD 2, CD 1. Thank you, Mr. Speaker. I'm wondering how many of us can imagine a world where improvements in medical technology, genetics, and pharmacy enable our people to live past 100 as the norm, rather than exception. Does anybody here believe that's a farfetched reality?

"Well if you consider this: between 1970 and 2000, the 60 plus population in Hawaii increased 207% from 67,000 to 207,000. Between 1970 and 2000, individuals over 75 increased by 415%; and individuals over 85 increased by 482%. In 2000, individuals 60 plus represented 17% of the total population of Hawaii. And by 2020, it is estimated that individuals 60 and over will compromise 25% of Hawaii's total population.

"Now imagine a world where there is just as many people retired as working. Is that possible? Consider a recent Federal Reserve report that says that in 1990 there were 5 workers for every retiree. By 2030, forecasters expect 2.5 workers for every retiree. With the blessings of long life comes the added cost and responsibility of caring for those who are elderly and frail, and unless we plan now, we can also envision the warehousing of our elderly.

"Two questions that we need to face immediately. Question 1, who will provide the care for that burgeoning population? And question 2, who will pay for the cost of care? For example, nursing home care cost is currently over \$68,000 a year. And that cost is predicted to rise to \$200,000 per year by the year 2020. And given current population trends of fewer people in the workforce, we will face greater shortages in caregiving.

"The current nursing shortage is just an indication of things to come. An estimated one-third of adults are engaged in providing informal care for a disabled person. And the average age of the caregivers is 46 and 75% of them are women. When caring for our frail elderly or disabled family member or members become too difficult at home, the caregiver is faced with the problem of paying for institutional care.

"According to the coalition for affordable long-term care, 85% of long-term care is provided at home by family members and close friends who pay for most of the expense out of their own pockets.

"But I know for some of you who are listening, maybe they're just numbers but I'm just making it clear right now that we need to start planning, seriously planning for a system of care for our elderly and disabled otherwise we're going to be reaching a real crisis position and we need to do that with compassion and most of all with aloha for those who did so much for us. Thank you, Mr. Speaker."

Representative Stevens rose in support of the measure and asked that the remarks of Representative Arakaki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 3252, S.D. 2, H.D. 1, C.D. 1 as it would appropriate funds to the Executive Office on Aging to coordinate a statewide system of family caregiver support.

"This measure will help the Executive Office on Aging maintain the quality of life of Hawaii's older adults and their families through the expansion of its Kupuna Care Services Program.

"Please support this important bill to aid in the coordination and development of family caregiver support services. Mr. Speaker, I urge my colleagues to support this important bill."

Representative Lee rose in support of the measure and asked that the remarks of Representative Arakaki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching rose in support of the measure, asked that her written remarks be inserted in the Journal, and asked that the remarks of Representative Arakaki be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure.

"As the number of seniors increases significantly with the first of the baby boomer generation turning 60 this year, we are in need of expanding the services available to seniors. An estimated 18,600 seniors on Oahu need long-term care services. Almost one third are provided care in residential facilities such as nursing, care, and foster homes and assisted living facilities. As many as 10% of income eligible seniors received home and community based services provided by the Department of Human Services Adult and Community Care Services Branch. Potentially, another 5% may have long term care insurance to help pay for long term care expenses. This leaves a gap of 10,000 seniors on Oahu who need long term care assistance.

"As our population ages it becomes more and more imperative that we find ways to assure that our older adults live independently, in a safe environment and remain healthy for as long as possible. These older residents cannot live on their own without some level of assistance from family members or assistance programs. Caregivers are the pivotal link in the service continuum and we need to provide for a well-planned and managed system of caregiver support services."

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3252, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 138-06 and S.B. No. 2570, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2570, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Schatz rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with reservations on this measure. And this may be the first time that I ever voted with reservations on Final Reading and I think this is the time to be either yes or no. But the reason I have reservations is because my understanding of the

reading of this legislation is that it provides either a 20% or a 15% investment tax credit for the production of what they're calling digital media. Either a commercial or film or video games or other kinds of digital media and that's fine.

"My concern is that the definition of digital media may be too broad and the result could be very consequential because if what is already happening in the State of Hawaii. Commercials that are already being taped by ad agencies, websites that are already being built, flash animation that's already being done, all of that is already happening and already being paid for. And it's hundreds of millions of dollars depending on how you define whether the money actually passes through an ad agency or if we're just talking about the production cost. But no matter what, if what's already happening ends up qualifying for a 20% subsidy then we're not actually adding to the digital media industry, but we are providing a 15% to 20% subsidy for an existing industry and I don't think that's the intent of this legislation. I wanted to flag that concern for the Governor and the Governor's Office because if my reading of the legislation is correct, it could be very, very expensive. Thank you."

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. It is a goal of mine to see Hawaii's film industry grow more prosperous. There has been a lot of competition from other states and countries offering more favorable tax incentives that have taken film productions away from Hawaii.

"This bill will make Hawaii more attractive for film production by increasing the tax credit from four percent to fifteen percent for qualified production costs incurred in a county with a population over seven hundred thousand and twenty percent for qualified production costs incurred in a county with a population of seven hundred thousand or less. The measure provides a maximum amount of \$8,000,000 per qualified productions for the tax credit. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2570, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 6:50 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3181, SD 2, HD 2, CD 1
S.B. No. 486, SD 2, HD 1, CD 1
S.B. No. 3003, SD 2, HD 2, CD 1
S.B. No. 3215, SD 1, HD 2, CD 1
S.B. No. 3247, SD 2, HD 2, CD 1
S.B. No. 3252, SD 2, HD 1, CD 1
S.B. No. 2570, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 139-06 and S.B. No. 3078, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3078, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 140-06 and S.B. No. 2997, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2997, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. CCR 140-06, Senate Bill 2997, SD 1, HD 1, CD 1, exempts NELHA, HSDC, HTDC, as well as contracted services with a legislative agency for the purpose of preparing studies or reports for submission to the Legislature from the State Procurement Code.

"In 2003, the Legislature passed and the Governor signed into law Act 52, which was designed to make State contracting more transparent, merit based, and accountable. Essentially it required impartial independent committees of professionals to award government contracts based on relevant, written and published selection criteria provided for a debriefing process from non-selected offerors.

"This law follows a number of investigations by Honolulu Prosecutors and the State Campaign Spending Commission into the relationship between the awarding of contracts and campaign contributions made by various architects, engineers, and building contractors. According to the Governor at the bill signing, Act 52 put to rest the appearance of impropriety relative to non-bid contracts and provided for openness, transparency, confidence, and integrity to the State's procurement process.

"It has been this Body's intent to provide a uniform process that is both transparent and fair to the State to professional seeking government contracts and to the public. Why are we now recommending procurement exemptions for these agencies and services? In its testimony, HSDC cited an AG's opinion providing clarification that its investments are not considered purchases and are therefore are not subject to the Procurement Code. Likewise, HTDC received an AG's opinion stating that HTDC enabling legislation did not subject it to any requirement of law for comparative bidding, therefore it too was exempt from the Procurement Code. While these opinions may be valid and must provide an appropriate exemption from the Code for these agencies, the perception they create especially to the public may be confusing.

"We have a process in place, however, some agencies are not required to play by its rules. Likewise, LRB testified in support of this bill's provision providing a procurement exemption for contracted services with a legislative agency for preparation for the legislative submittal. So I think the time constraints experienced under the code and the proposed benefits to the Legislature for the receipt of studies and reports in an expeditious manner.

"However, DAGS testified that all agencies from which legislative submittal is required do not have trouble meeting legislative deadlines under current procurement provisions. This category of procurement does not need an exemption. According to the State Procurement Officer's testimony, the procurement code should not be regarded as an obstacle or hindrance to a purchasing agency's mission, but rather as a uniform policy or standard if you will for the State. It is fair, it is transparent, it is consistent and it maintains a respectable level of integrity and propriety that contributes to the public's confidence in government.

"In recent months, Mr. Speaker, much misplaced attention had been made to alleged circumventions of the Procurement Code by DBEDT in regards to its Asian trade mission. While an investigation by the State Procurement Office has determined that there was no violation of the Code by the Administration with respect to its trade mission, the situation generated much discussion and debate for the need for transparency and accountability that the procurement law provides. Does it not seem in a sense hypocritical or at least a little fishy that we are here today proposing to make the process a little

less transparent and accountable for a few agencies?

"If we determined before that it is good government and good policy to have fair and consistent processes and to hold an agency responsible for its actions, are the exemptions before us today in keeping with the spirit of trust in government and good fiscal management? Thank you, Mr. Speaker."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm in opposition. The reason for having the Procurement Code in the first place is to provide a fair and transparent process whereby the State obtains the best possible goods and services and construction at the best possible price. Enforcing the Code safeguards against negative public opinion of government procurement procedures and protects against any public perceptions of governmental waste, fraud or abuse.

"This being true, why are we providing exemptions for these agencies and services? Why adopt a Procurement Code and then fail to follow it? The State Procurement Office testified in Committee that the Code already allows a purchasing agency to request an exemption when procurement by competitive means is not practicable or advantageous. There is flexibility within the requirements of the Code.

"Simply having a specific mission or having to deal with development issues does not warrant exemptions for these agencies according to DAGS. For these reasons, I'm voting no. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"In support and let's talk about hypocrisy. Let's look at the Administration's record after we passed the Procurement Code and the Governor said, 'Now it's not who you know, but what you know.' Then we learn that the head of DAGS has overturned the recommendation twice, recommendation of the independent selection committee concerning selection of an A&E firm. When we called them on it a week later, they reversed that decision.

"And then let's take a look at the HHSC expansion of the clinical labs contract. They were exempt under 103D. The State Procurement Officer of the State ruled that they were not exempt under 103F and that's where that exemption should have taken place. And so that was referred to the Attorney General. Based on the State Procurement Officer's decision that they were not exempt from 103F and therefore the exemption to that was illegal. It's been three months and the Administration and the Attorney General have done absolutely nothing about it."

Representative M. Oshiro rose to speak in support of the measure, stating:

"I'm rising in strong support. A couple of things. I think a previous speaker mentioned that the State Procurement Officer found that there was no violation of the State Procurement Code. While that may be true in Mr. Fujioka's memorandum to the Director of the Department of Business, Economic Development, and Tourism, I believe it was a strange ruling and opinion.

"First of all it was based merely upon the sole representations of the Director ..."

Representative Thielen rose, stating:

"Excuse me, Mr. Speaker. I'm asking if the Member is addressing the bill? It seems to me that he's straying rather far a field."

The Chair then stated:

"I believe he's addressing the comments made by a Member of the

House as it relates to this bill so I'll let him speak."

Representative M. Oshiro continued, stating:

"Yes, these comments are germane to the remarks made by the Assistant Minority Floor Leader, and let me continue. The opinion of Mr. Fujioka from the Procurement Office was based upon a couple of things.

"First of all, it was based upon the representations of the DBEDT Director. That DBEDT had no direct involvement in the selection or contracting or procurement of any services other than from the District Export Council or the Pacific Asian Affairs Council.

"Furthermore, that there was no signed contract despite the fact that there are numerous documents in my office showing that there was communication between DBEDT, which clearly shows in my humble opinion that DBEDT was directing the receipt of, solicitation of, and payment of a numerous amount of contracts.

"Third, it is true that the Procurement Officer also made the findings upon the fact ..."

Representative Thielen rose, stating:

"Mr. Speaker, excuse me. Mr. Speaker, point of information. I'm looking at the description of the bill. If I'm on the correct one, it provides a procurement exemption for the National ..."

The Chair then stated:

"Representative Thielen, for what purpose do you rise?"

Representative Thielen: "To say what the description of the bill is and to see ..."

Vice Speaker Takai: "That is an out of order request."

Representative Thielen: "To see what is relevant about what the present speaker is discussing."

Vice Speaker Takai: "Yes, I have ruled that Representative Marcus Oshiro can continue with his discussion, but I'm going to ask him to wrap it up shortly."

Representative Thielen: "It seems to be extremely far a field, Mr. Speaker. I mean I don't see it even relating at all to what the bill is before us."

Vice Speaker Takai: "Representative Thielen, I think the Assistant Minority Leader mentioned a few things and I let him go and speak on those, so I think we'll let the Majority Leader speak as well, but Majority Leader if you could wrap it up shortly."

Representative Moses rose, stating:

"Mr. Speaker, point of personal privilege. I'm sorry. I know where you're going. I don't mind the Floor Leader continuing in a moment, but I just want to point out, I was pointing out exemptions. This measure deals with exemptions. I was pointing out different agencies that are exempted."

The Chair then ruled, stating:

"Representative Moses, you are out of order. That is not a point of information. Representative Oshiro, please proceed."

Representative M. Oshiro continued, stating:

"Well again, Mr. Speaker, I believe that procurement rules are important and they should be followed in all instances and I believe this is the proper course. If one wants to have a different interpretation of the Procurement Code, the best way is to go and

change the law. But as long as the law stands, why don't you follow it? Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2997, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 46 ayes to 2 noes, with Representatives Meyer and Moses voting no, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 141-06 and S.B. No. 845, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 845, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 142-06 and S.B. No. 1899, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 1899, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Tsuji rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support of SB 1899. Thank you. The purpose of this measure is twofold. To provide detailed researched information to allow the transgenic Rainbow papaya to be accepted by the Japanese government, and also provide a marketing plan for both the transgenic and non-transgenic Hawaiian papaya into the Japanese market and also other markets.

"Historically speaking, the Kapoho papaya was 'king' until the early 1990s when the production level was about 58 million in marketable pounds. Then in 1997, it was devastated by the ring-spot virus. The pride of the Kapoho industry plummeted down to about 25 million marketable pounds and continued to rapidly free-fall. This virus, needless to say, nearly wiped out the industry.

"But thanks to modern-day scientific technology, a team of researchers headed by USDA Chief researcher, Dr. Dennis Gonsalves, armed with research funding both from the federal government and also our State government and in collaboration with Cornell University, the University of Hawaii, and the US Department of Agriculture successfully developed the transgenic Rainbow papaya and in 1998 was successful and provided these papaya seeds free.

"The US Government has determined the Rainbow safe for consumption and also not harmful to the environment. The Rainbow is exported to the continental United States and also to Canada. Our visitors from Japan, visitors from Japan to here in Hawaii consume the Rainbow papaya.

"Today the Kapoho papaya in particular is exported to Japan after undergoing a heat treatment process to rid the presence of fruit fly infestation. The industry has been working with the Japanese Ministry of Agricultural, also the Ministry of Health. And I'm confident deregulation for the Rainbow papaya will soon become a reality.

"This supportive measure is necessary for the viability for the consumer-friendly, environmentally approved papaya in the agricultural industry; especially, Mr. Speaker, during this period

when other local once-thriving agricultural production markets are becoming extinct. Thank you very much."

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. Thank you. I'm very disappointed looking at the CD 1 that the only change is the amount to be appropriated. There are no substantive changes to this bill as it left the House the last time we spoke. I appreciate the perspectives of my colleague, the Representative from the Hamakua Coast, and the fact that the papayas are not labeled as GMOs is a major issue.

"That notwithstanding, the long-term question, the bigger question for which I am concerned about still exists as to whether industry linked research would change the minds of consumers and customers in other parts of the world who are both generally leery of potential dangers of genetically modified fruits and vegetables and also supportive of organically produced natural products.

"I think in the long run this is a huge mistake for Hawaii's export agricultural products to be associated with genetic modification especially unlabeled and when the public finds out, it will be even a bigger mistake as that association could rebound the detriment of other island products in the face of consumer resistance.

"I realize that this bill is specifically about the papayas and that is an income generating aspect of the Big Island in particular and for Hawaii, but it's a bigger conversation and the bigger image of Hawaii for which I am concerned. Thank you."

Representative Hale rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support of Conference Committee Report No. 142. This affects my district more than any other major industry in the area. Our papayas are known all over the United States and in most places. People that come here enjoy their papayas from Hawaii, most of which had been raised in the Puna district. I would like to add written comments," and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"Mr. Speaker, I am in strong support of SB 1899 and urge my colleagues to vote for this bill that will really help the papaya industry, one of my Puna District's products. A few years ago a ringspot virus destroyed the papaya crop. Today our industry was saved by the discovery of a genetically engineered, but a major market that was exported to Japan called Rainbow was not accepted. Engineers have been working with the Japanese government to answer their concerns about this genetically modified product. This appropriation will enable them to finish their studies and I believe that their results will give this the necessary boost to finish their work. This money will also help their marketing efforts to open these and other countries. People visiting Hawaii are eating these Rainbow papayas and love them. I also eat them regularly and find them delicious and healthy.

"Please pass SB1899 for our important papaya industry. Thank you, Mr. Speaker."

Representative Karamatsu rose in support of the measure and asked that the remarks of Representative Tsuji be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Sonson rose in support of the measure and asked that the remarks of Representative Tsuji be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1899, SD 1, HD 1,

CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 43 ayes to 5 noes, with Representatives Berg, Carroll, Morita, Schatz and Thielen voting no, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 143-06 and S.B. No. 2984, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2984, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Hale rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"Mr. Speaker, I stand in very strong support of SB 2984. Ever since I came to the Legislature in 2001, I have been trying to get the promise fulfilled given to the people of Kalapana for rebuilding their community. They lost an unique Hawaiian village that was overrun by lava in 1983. In 2001 we got the housing that had been appropriated in 1991 to be redirected for the necessary infrastructure. Finally the roads are about to be finished and now they again need loan and self-build help. This money of \$200,000 is necessary for this purpose. With this appropriation this long promised project can finally get finished.

"Thank you my colleagues for your support and Mr. Speaker, I appreciate your help."

Representative Kahikina rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 2984, S.D. 1, H.D. 1, C.D. 1, entitled: 'A Bill For An Act Making An Appropriation To The Kikala-Keokea Housing Revolving Fund'

"The purpose of this measure is to appropriate funds to the Kikala-Keokea house revolving fund.

"Beginning in 1983, and continuing into the following decade, lava erupting from Kilauea volcano repeatedly invaded communities along the southern coast of the island of Hawaii, destroying more than one hundred eighty homes. The lava invasion culminated with the destruction of Kalapana in 1990 and 1991.

"The lava flow is one of the last native Hawaiian settlements on the Island of Hawaii, a tightly knit community whose rights to occupy the land under homestead leases and to fish in surrounding waters have been recognized by the federal government since 1938 under the Kalapana Extension Act.

"In recognition of this tragedy, the Legislature enacted Act 314, Session Laws of Hawaii 1991, as amended, authorizing the Department of Land And Natural Resources to negotiate long-term leases with qualified, displaced Kalapana families to allow them to maintain their heritage on ceded lands in the Kikala-Keokea homestead area adjacent to the Kalapana-Kapoho Beach road. This site allows the Kalapana families to maintain their traditional cultural practices.

"In 2001, the Legislature enacted Act 144, Session Laws of Hawaii 2001, which established the Infrastructure Development Fund to finance the construction of roads, water lines, and other infrastructure, and the Kikala-Keokea Housing Revolving Fund to provide low-interest loans to Kikala-Keokea lessees for home

construction.

"This measure appropriates out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2006-2007 for deposit into the Kikala-Keokea Housing Revolving Fund established under section 201G-170.5, Hawaii Revised Statutes, to provide low-interest home construction loans for Kikala-Keokea leaseholders and to fund related activities. The sum appropriated shall be expended by the Hawaii Housing Finance and Development Administration for the purposes of this Act. This Act shall take effect on July 1, 2006. I recommend that S.B. No. 2984, S.D. 1, H.D. 1, C.D. 1 pass Final Reading. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2984, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALA-KEOKEA HOUSING REVOLVING FUND," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 144-06 and S.B. No. 2036, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2036, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu written remarks are as follows:

"I rise in support. The purpose of this measure is to extend business and technology-based incubation services to foreign technology companies seeking to do business in the State by making an appropriation for the High Technology Development Corporation to establish an international business and technology incubator program in Hawaii.

"Hawaii is an attractive alternative to other technology incubator programs on the mainland United States due to its closer proximity to Asia and the State's culturally diverse population. An international expansion of the incubator program is expected to create more business and technology-based jobs, economic diversity, and a new external source of tax revenue for the State. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2036, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

At 7:10 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3078, SD 2, HD 1, CD 1
S.B. No. 2997, SD 1, HD 1, CD 1
S.B. No. 845, SD 2, HD 2, CD 1
S.B. No. 1899, SD 1, HD 1, CD 1
S.B. No. 2984, SD 1, HD 1, CD 1
S.B. No. 2036, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 145-06 and S.B. No. 2753, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2753, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 146-06 and S.B. No. 2486, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 147-06 and S.B. No. 2879, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2879, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 148-06 and S.B. No. 2575, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2575, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A BASELINE ENVIRONMENTAL STUDY OF THE WAIANAE COAST OCEAN AREA," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 149-06 and S.B. No. 2348, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2348, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 150-06 and S.B. No. 1648, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1648, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

At 7:11 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2753, SD 1, HD 2, CD 1
S.B. No. 2486, SD 2, HD 1, CD 1
S.B. No. 2879, SD 1, HD 1, CD 1
S.B. No. 2575, SD 2, HD 1, CD 1
S.B. No. 2348, SD 1, HD 1, CD 1
S.B. No. 1648, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 151-06 and H.B. No. 1862, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 152-06 and H.B. No. 1891, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1891, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 46 ayes to 1 no, with Representative Finnegan voting no, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 153-06 and H.B. No. 1800, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1800, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Mr. Speaker, in opposition. This raises the amount of withholding placed on real estate transactions for out-of-state purchasers from 5% of the gross to 8.25% of the gross. Now it's only withholding, they'll get their money back, but I can see instances where the person involved in the transaction won't have that much capital because it's the gross, not the net amount. A large property, a very valuable property, this is a lot of money that is withheld. So you know, it's a tax increase, Mr. Speaker. I'm in opposition."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1800, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF REAL PROPERTY," passed Final Reading by a vote of 41 ayes to 6 noes, with Representatives Green, Halford, Meyer, Moses, Pine and Stevens voting no, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 154-06 and H.B. No. 1923, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1923, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. This measure, CCR 154-06, House Bill 1923, among other things allows the Hawaii Tourism Authority to retain attorneys independent of the Attorney General's Office and exempts the Tourism Authority, their accounts from

supervision by the Comptroller by extending the sunset date on these provisions to June 30, 2010. This bill essentially allows the HTA to exist and operate as its own fiefdom. Remaining outside of the purview of the Department of the Attorney General and DAGS, there is no financial accountability for HTA.

"The Attorney General testified in opposition to this bill during its hearings to its referred committees. Starting with the provision granting the HTA authority to hire attorneys for specialized purposes independent of the AG's Office is legally and fiscally unnecessary.

"Under existing law, the HTA can already hire outside counsel when additional expertise is required as long as they have the Attorney General's approval. Allowing HTA to hire counsel, outside counsel without the AG's approval could lead to instances where the independent counsel advises the authority in a manner that is contrary to the Attorney General's opinion.

"Also the Deputy Attorney Generals have the experience and knowledge of unique State laws that are applicable to and required by the HTA and other State entities. Outside counsel will have to familiarize themselves with these laws and procedures at an added expense to the HTA. According to the Attorney General, a small group of in-house attorneys for the HTA could not duplicate the AG's services.

"This measure also provides for no financial accountability for the HTA. Especially given the fact that its accounts are not subject to supervision by the Comptroller. How do we know that the Authority's finances are being managed responsibly?

"Mr. Speaker, I believe the HTA does a fine job within its area of expertise. This bill provides an unwarranted degree of freedom to its agency without the commensurate required accountability. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1923, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII TOURISM AUTHORITY," passed Final Reading by a vote of 41 ayes to 6 noes, with Representatives Finnegan, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 155-06 and H.B. No. 2669, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2669, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 156-06 and H.B. No. 2239, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2239, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Pine rose to speak in support of the measure, stating:

"Mr. Speaker, in support. As you know, Mr. Speaker, I spoke against this bill earlier in the legislative Session. As a freshman you come in with your set beliefs. For example, I've been against eminent domain for such a long time in my lifetime, but being on the Housing Committee and seeing the state of crisis we are in Hawaii

for affordable housing and I realize that there really is no other way to definitely ensure to save this property for the people of Hawaii, who may be left behind in this great economy. And so I now stand in strong support and stand corrected on how to handle this issue, and I thank the Chair of Housing for convincing me that this is a good bill. Thank you."

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support of this measure and it actually created a little bit of internal discussion on my part, but I came to deal with it philosophically by looking at in three different ways.

"One, this particular issue I believe represents a huge social problem that we're now faced with here on the State of Hawaii, which is the creation of affordable housing. What this has done is raise the bar of discussion of the loss of already developed affordable housing.

"We have here probably about three or four different levels of issues that I think we need to look at, but the people of Kukui Gardens, I give them a lot of credit because they're basically a very bashful group, they're not aggressive like some of us here in this Chamber. But they had the guts and the wherewithal to come here and to explain what the loss of this particular property could do to them, their families, and to our community. And when you do research on this you realize that we have had instances like this throughout our history when we have an economic growth, it seems like our people are the ones that are always being left behind and then when it's too late, we run around and we try to figure out how can we once again help them.

"I believe that what this Kukui Gardens has done is it has made us realize that we can't go back and help them after the deed has been done. And the deed that could be done here is this property being sold to someone that does not have a vested interest or really a concern for the people of Hawaii, and that would be unfortunately a foreign corporation or a mainland corporation. I believe that we need to send a message that we want to be a business friendly state, but we're a state of limited resources, limited lands and we need to take care of our people.

"There is a philosophy that I hope that the purchasers that are looking at the property will entertain, which is a 'triple bottom line theory', which is if you're going to do business in Hawaii or own land in Hawaii, it's more than just about profits. But with that being said, we also have issues because the landowners themselves are in a position to help with this issue. The landowners have been receiving a fairly good amount of income for the last 36 years, and I believe it's nonprofit income.

"In the 60s and 70s, we stepped forward as a policy body and we enacted the Maryland Land Act and through that, through some very hard times, I think we were able to take a lot of lands and convert them into fee simple. This is what has happened here and I really, really thank the people of Kukui Gardens for stepping forward and for educating someone like me that sometimes is uneducable at my age. But they did a good thing and I hope that with this piece of legislation that as we go forward, that Kukui Gardens will lay the foundation for what we need to do to protect what we have because we can't go back and get it again. Thank you."

Representative Kahikina rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support, Mr. Speaker. Mr. Speaker, Kukui Gardens is a unique affordable housing resource on 22 acres in Central Honolulu that provides housing for 2,500 working residents and senior citizens and 857 low-income housing units of which over 50% of the units are rented to families with incomes under 50% of the median family income and over 20% of

the units are rented to families with incomes over 110% of the median family income.

"Kukui Gardens supports the character of the neighborhood by being the primary source of workforce housing for all of historic Chinatown. The 857 affordable rental units in Kukui Gardens are irreplaceable in the current Honolulu housing market. However, it is currently for sale and at risk of becoming a market-rate rental project or condominium after 2011 when the project's affordable housing commitment period with the United States Department of Housing and Urban Development expires.

"The residents, surrounding community, and the island of Oahu would benefit from the active intervention of the State in this transaction to ensure that there is no negative impact on current and future residents. And for these reasons and other written remarks I would like to insert into the Journal, I stand in strong support."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker I rise in support of H.B. 2239, H.D.1, S.D.2, C.D.1, entitled Kukui Gardens Acquisition:

"In its final report dated January 2006, the Joint Legislative Housing and Homeless Task Force expressed concern that the inventory of affordable housing rental units may be reduced. Affordable rental housing projects built in part with government subsidies have been offered for sale at market prices as a result of the expiration of income and conveyance restrictions encumbering the property. The Task Force is committed to ensuring that such units remain affordable to persons at certain income levels.

"In recent months, media reports have announced that several affordable housing projects may be offered for sale, such as the Kukui Gardens affordable rental housing projects. Kukui Gardens was built in part with federal funds and its affordability restrictions will expire in five years.

"The purpose of this Act is to preserve Kukui Gardens as an affordable housing project.

Kukui Gardens is a unique affordable housing resource on twenty-two acres in central Honolulu that provides housing for two thousand five hundred working residents and senior citizens in eight hundred fifty-seven low-income housing units, of which over fifty percent of the units are rented to families with incomes under fifty percent of the median family income, and over twenty percent of the units are rented to families with incomes over one hundred ten percent of the median family income;

Kukui Gardens supports the character of the neighborhood by being the primary source of workforce housing for all of historic Chinatown;

The eight hundred fifty-seven affordable rental units in Kukui Gardens are irreplaceable in the current Honolulu housing market however it is currently for sale. And at risk of becoming a market rate rental project or condominium after 2011, when the project's affordable housing commitment period with the United States Department of Housing and Urban Development expires; and

The residents, surrounding community, and the island of Oahu would benefit from the active intervention of the State in this transaction to ensure that there is no negative impact on current and future residents.

"The Hawaii Housing Finance and Development Administration or any appropriate entity of the State shall immediately initiate negotiations with Kukui Gardens Corporation, or its successor in interest, to either:

- (1) Make available, without competitive award, public financing resources to extend affordable rents at Kukui Gardens through

at least 2016; provided that at least fifty percent of the rental units at Kukui Gardens are retained at affordable rents to households whose incomes do not exceed eighty percent of the median family income, of which five percent of the units are set aside for households whose incomes do not exceed thirty percent of the median family income; or

- (2) Acquire the property known as Kukui Gardens, tax map key (1) 1-7-26: 07, and may partner with private for-profit or nonprofit developers for acquisition of the property; provided that eighty percent of the housing units on the property shall be retained in perpetuity as affordable housing for households at or below one hundred forty percent of the median family income as determined by the United States Department of Housing and Urban Development.

"The Hawaii Housing Finance and Development Administration or the appropriate entity of the State shall submit a report to the legislature not later than twenty days prior to the convening of the Regular Session of 2007 regarding its efforts to acquire Kukui Gardens and its recommendations for financing the purchase of the property.

"It extends affordable rents to at least 2016 or acquire the property is not reached within a reasonable time as determined by the Hawaii Housing Finance and Development Administration or any other appropriate entity of the State, the state agency shall exercise its power of eminent domain to acquire the property. For the purposes of this Act, and notwithstanding any provision of section 201G-16, Hawaii Revised Statutes, to the contrary, condemnation of the Kukui Gardens property shall not be subject to legislative disapproval.

"And this measure appropriates out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2006-2007 for the purpose of negotiating with the owner of Kukui Gardens to either extend the period of affordable rents to at least 2016, acquire Kukui Gardens, or to commence the condemnation process. This Act shall take effect on July 1, 2006.

"I recommend that H.B. 2239 H.D. 1, S.D. 2, C.D. 1 pass final reading. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 2239.

"The State's Housing Task Force has acknowledged that Hawaii has an affordable housing crisis, particularly as it applies to the availability of rental housing that serves those making 80% and below the area median income.

"It's important that the State appropriate funds through private developers to acquire the property currently known as Kukui Gardens from the Kukui Gardens Corporation. The acquisition of Kukui Gardens will help maintain an inventory of affordable rentals on Oahu.

"The State can provide private developers with financing assistance through various financing programs, such as tax-exempt revenue bonds coupled with non-competitive low income housing tax credits.

"Time is of the essence to preserve existing affordable rental properties and to protect those who benefiting from them."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2239, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND

ACQUISITION," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

Conf. Com. Rep. No. 157-06 and H.B. No. 2399, HD 2, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2399, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Shimabukuro, Stonebraker and Takamine being excused.

At 7:22 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1862, HD 2, SD 2, CD 1
H.B. No. 1891, HD 2, SD 2, CD 1
H.B. No. 1800, HD 1, SD 1, CD 1
H.B. No. 1923, HD 1, SD 2, CD 1
H.B. No. 2669, HD 1, SD 2, CD 1
H.B. No. 2239, HD 1, SD 2, CD 1
H.B. No. 2399, HD 2, SD 1, CD 1

Conf. Com. Rep. No. 158-06 and H.B. No. 2075, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2075, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Thielen rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 2075.

"I drafted this bill to expand our bikeway system in Hawaii. A recent survey conducted of 401 UH graduate students, when asked, 'How important are safe bike routes accessing campus?' 61% said, 'Crucial,' and 26% said, 'Quite important.' Mr. Speaker, the measure before us addresses the lack of funding for addressing safety issues for bicyclists.

"In our State's search for solutions to ease traffic congestion, lower road maintenance, improve air quality, improve health and reduce health care costs – there's a simple solution, bicycle riding.

"Oregon is recognized as the most bicycle-friendly state by the League of American Wheelmen, has been a aggressive promoter of bicycle facilities, dedicating funding each year for their construction. In 1971, the Oregon State Legislature passed the first bicycle bill requiring at least 1.0% of the State Highway Fund distributed to the Oregon Highway Division and city and county governments to be spent on bicycle and pedestrian facilities.

"Eugene, Oregon adopted a comprehensive Bikeways Master Plan in 1974, which provides bike parking at transit stops, 38 miles of bike lanes, 24 miles of off-street paths, and 18 miles of designated bike routes. These efforts have encouraged 8.5% - 10% of the adult workforce to commute by bike.

"With rising gas prices, congested roadways, and our great weather, Hawaii is poised to be the next leader in promoting bicycle transportation as a safe, healthy, alternative and non-polluting transportation that can be used for recreational or business use.

Using Oregon as a role model, the appropriations in this measure will improve safety for our bikers and get people out of their cars and onto their bikes.

"Thank you for the opportunity to support this bill."

Representative Cabanilla rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support of this transportation bikeways. I would like to speak about this. The State Department of Transportation goes out and studies where it would be nice to have bikeways or bike routes over 10 years, and then states a lack of funding to do anything about it. Over the last two decades nothing substantial has been executed by the Department of Transportation to increase bikeways that link our communities.

"Take for instance the Leeward Bikeway. Federal funding has been available to complete it since 1998. The EIS was completed in 2000 and construction was once reported to be completed by 2003. Now here we are in 2006, not an inch of the Leeward Bikeway has been paved and this is with a right of way that has already been owned by the State since the 1970s. If we do not take the lead and press for this transportation need, we will be left with bike routes still defined by weeds. I pray that this measure will be actually funded by the State Highway Fund as is stated by this draft. Thank you, Mr. Speaker."

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support of the measure. I have written comments but I'd just like to say that bicycling is something we should encourage as an alternative form of transportation and also to encourage physical fitness. The present draft of the bill unfortunately has a little glitch in it and I know that advocates were really worried about it, but I personally would like to say we'll come back next year and try to fix that. And so I will stop now and insert my written comments."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I stand in strong support.

"Earlier this Session we passed House Resolution 89 calling for "Heart Healthy Communities." Bikeways would be an absolutely essential part of such a community. This bill earmarks two percent of federally "eligible" moneys from the State Highway Fund for bikeways. Unfortunately, there was to be inserted into the bill the following change in Section 2, which was left out in the final drafting.

"... provided that at least two percent of federally eligible moneys shall be expended for the establishment of bike paths and bike lanes in the State's master bicycling plan; provided that the department of transportation shall include the bicycling community in a public involvement process to determine when and where a bikeway should be established; provided that a reasonable and proportional share of highway maintenance funds shall be allocated towards bikeways maintenance to ensure safe conditions prevail."

"I will work to amend the law next Session and, hopefully, to further encourage the safe and increased incidence of bicycling on our island."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2075, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 159-06 and H.B. No. 1880, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1880, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Stevens rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Stevens' written remarks are as follows:

"I am in strong and unqualified support of the recommendation to remove Honolulu Harbor Piers 1 and 2 from Kaka'ako Community development district and grant jurisdiction to and administrative authority of these facilities to the Department of Transportation, Harbors Division.

"The Harbors Division is the most qualified to administer the operations and infrastructure of the maritime cargo and cruise facilities located on the pier.

"This will restore these two key maritime cargo portals to the control and supervision by those most qualified and equipped to do so."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1880, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 160-06 and H.B. No. 2214, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2214, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 161-06 and H.B. No. 2637, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2637, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 162-06 and H.B. No. 2500, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2500, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, in support. And I would like to personally thank the Chair of Finance, and the Chair of Ways and Means and their staff and also the hard work of CIP Subcommittee Chair, the Representative from Maui, for their diligent work on this. And

because of their dedication and cohesive work, it really made my job easier, so I really appreciate their efforts. Thank you."

Representative Moses rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Very briefly in support and I am especially grateful for the \$6 million to proceed with the Kapolei Judiciary Complex."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2500, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 164-06 and H.B. No. 1280, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1280, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support of House Bill 1280 H.D.1, S.D.2, C.D.1. Mr. Speaker, the purpose of this bill is to require the Center for Conservation Research and Training of the University of Hawaii to develop and coordinate implementation of watershed management strategies for flood control for at least two of Hawaii's most severely flood-impacted watersheds. Floods caused by heavy rainstorms have become increasingly detrimental to the health, safety, and general welfare of the people of this State. Floods endanger lives, destroy property, result in adverse effects to the ecosystem, and disrupt commerce, transportation, and communications.

"It is in the best interests of the State to identify, design, and implement effective, integrated flood-control solutions consistent with comprehensive watershed management strategies to prevent property damage, loss of life, or environmental damage that results from severe flooding. Flood prevention through comprehensive watershed management is many times more cost-effective than flood mitigation through traditional reactive and piecemeal approaches to flood control.

"This piece of legislation would appropriate a comprehensive watershed management pilot project to develop comprehensive strategies that establish broad water management goals and targets for entire catchments consistent with a comprehensive watershed management to control storm water runoff to levels that can be safely and economically carried downstream by drainage systems in at least two of Hawaii's most severely flood-impacted watersheds. Mr. Speaker, passage of this bill would mean more than the protection of property and environmental damage, it would mean the saving of lives. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1280, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOOD CONTROL," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

Conf. Com. Rep. No. 165-06 and H.B. No. 1889, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1889, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Hale rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Hale's written remarks are as follows:

"Mr. Speaker, I have long been an advocate for international understanding and world peace. When you gave me a chance to Chair the International Affairs, a new committee, I was thrilled. This has given me the chance to fulfill a dream to lead Hawaii to an international player on the world scene where we could try to convince the world that our Hawaiian culture of Aloha, peace and tolerance is a model to other people that is the only way we are going to save our self-destructive tendencies that may sooner than we believe destroy the whole earth.

"Mr. Speaker, I believe that our mission is only begun and it will take a long time, but we have to keep trying. However, a legislative Committee cannot do it alone in our short 4 months' sessions. The state must revive the Office of International Relations that so aptly lead this original department under present Mayor Hannemann. It took two Sessions to get the cooperation of Director Ted Liu of DBEDT, the most logical department to lead at present.

"Hawaii has a long tradition of international interest starting with King Kamehameha I and followed up with King Kalakaua, the first reigning monarch to travel around the earth and gave Hawaii world recognition. I believe that the new division in DBEDT is only a first step and eventually that Hawaii will believe in its destiny as a peace advocate and will become a separate department. In our global economy Hawaii cannot stand alone looking within its own borders. We must become effective world leaders.

"Please support HB1889. Thank you, Mr. Speaker."

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu written remarks are as follows:

"I rise in support. This bill establishes within the Department of Business, Economic Development, and Tourism, an Office of International Affairs. The Office of International Affairs will promote economic, social, cultural, and scientific relations with other countries. Further, the Office will reinforce Hawaii's strong international relations with many countries. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1889, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Pine, Stonebraker and Thielen being excused.

At 7:27 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 7:31 o'clock p.m.

At 7:32 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2075, HD 1, SD 2, CD 1
H.B. No. 1880, HD 2, SD 2, CD 1
H.B. No. 2214, HD 1, SD 2, CD 1
H.B. No. 2637, HD 1, SD 2, CD 1
H.B. No. 2500, HD 2, SD 2, CD 1

H.B. No. 1280, HD 1, SD 2, CD 1
H.B. No. 1889, HD 1, SD 2, CD 1

Conf. Com. Rep. No. 166-06 and H.B. No. 1879, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1879, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Yamane rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamane's written remarks are as follows:

"Veterans are our national heroes and deserve to be kept informed about changes that affect their healthcare and well-being. This newsletter will be a valuable tool to reach all our veterans, to let them know about upcoming events and about changes in their benefits. The veterans have been waiting a long time for a tool that would reach every one on every island with important news. Supporting this important legislation lets our veterans know that they matter, and that we appreciate their sacrifices for our country."

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"I rise in support of this measure, Mr. Speaker.

"The continuation of the Hawaii Veterans' Newsletter is paramount to the veteran who is in need of services and the information in which to know the who, what, where, when, and how to accomplish it.

"The appropriation is more than justified, it is our duty. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of H.B. 1879 – Relating to Veterans.

"There are over 107,310 veterans who reside in Hawaii with their families. Thousands of veterans are uninformed about their health benefits, and this measure would appropriate \$50,000 to allow the Office of Veteran Services to maintain a website and produce newsletters that would bring and offer pertinent medical and compensation benefit information to our veteran community in a timely fashion.

"In 2004, the State received \$321,000,000 in revenues from the Department of Veterans Affairs. I believe it's imperative that while we continue to benefit from those who served in our military and risked their lives for the future of our country and freedom, that we support the Office of Veterans Services in keeping veterans updated and apprised of their benefits through newsletters and the internet."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1879, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 167-06 and H.B. No. 3259, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3259, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 168-06 and H.B. No. 3235, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3235, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 3235, Conference Draft 1, Relating To The State Of Hawaii Endowment Fund.

"This bill would address the needs of the Honolulu Symphony as it progresses into the 21st Century. The Honolulu Symphony was founded in 1900, and lays claim to one of the oldest symphonies in the West Coast. The Honolulu Symphony's benefactors – besides the audience – are the children of Hawaii. It has performed across the country and in its home --The Neal Blaisdell Concert Hall -- with marquee virtuosos with international reputations. The Symphony provides youth concerts and reaches out to schools with chamber ensemble performances.

"Music is a vanishing art. As music programs across the country take a backseat to the core education programs of English, Math, and Science, our youth lose out on expanding creative expression. The Honolulu Symphony provides an opportunity for children to listen and appreciate timeless melodies still found in today's world. Each year, the symphony reaches out to more than 30,000 children.

"The Honolulu Symphony is one of the most prominent and recognizable cultural, educational, and entertainment organizations in the State of Hawaii. Its mission is to enhance the quality of life of the people of Hawaii by sustaining a symphony orchestra of the highest artistic quality.

"House Bill 3235 CD1 provides a matching fund for the Honolulu Symphony, which encourages donors to pledge. Through this endowment, the Honolulu Symphony will have the ability to sustain its concerts and programs for another 100 years.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3235, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 169-06 and H.B. No. 1918, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.B. No. 1918, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMISSION ON SALARIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 170-06 and H.B. No. 2626, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2626, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 171-06 and H.B. No. 2540, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2540, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 172-06 and H.B. No. 2051, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2051, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"On 172-06, I stand in strong support and I would like to insert written comments into the Journal. I would also like to thank Chair Luke for her help on this measure."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of this measure.

"Mr. Speaker, it is hard to believe 140 years after the Emancipation Proclamation that trafficking in humans still occurs in the United States, but it does and it does routinely. While not formally 'slaves' victims of trafficking are often held in appalling conditions and are for all practical purposes slaves. They are not allowed to leave their employers and are often forced to engage in sexual activity against their wills.

"The most common victims of trafficking crimes are women and girls. Often the victims are immigrants or others in economically vulnerable positions.

"There are, of course, laws that pertain to aspects of human trafficking, but they do not cover the full range of immoral and exploitive activities involved. This bill will establish a taskforce to study the best ways to curtail human trafficking and to make Hawaii law consistent with the federal Victims of Trafficking and Violence Protection Act.

"The taskforce will include representatives from State and county government including law enforcement agencies. Private sector participants include the Salvation Army, Sisters Offering Support, the Sex Abuse Treatment Center, Na Loio Immigrant Rights and Public Interest Legal Center, the Domestic Violence Clearinghouse and Legal Hotline, GirlFest, and the Hawaii State Coalition Against Sexual Assault.

"The bill provides \$5,000 to support the activities of the taskforce created by the bill. I respectfully urge my colleagues to support this important measure. Mahalo."

Representative Meyer rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker I stand in strong support of HB 2051 CD1 and would like to commend this Body for moving this bill forward. It is a sad state of affairs when we have people kidnapping and selling others into a life of slavery and getting away with it. The problem crosses state lines and involves international criminals. I am optimistic that the formation of the taskforce called for in this legislation will be productive and that our State will soon be able to implement policies and procedures that will begin to deal with this horrific situation. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2051, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 7:34 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1879, HD 1, SD 1, CD 1
H.B. No. 3259, HD 1, SD 2, CD 1
H.B. No. 3235, HD 1, SD 1, CD 1
H.B. No. 1918, HD 1, SD 2, CD 1
H.B. No. 2626, SD 1, CD 1
H.B. No. 2540, HD 2, SD 2, CD 1
H.B. No. 2051, HD 1, SD 2, CD 1

At 7:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:34 o'clock p.m. with the Speaker presiding.

Conf. Com. Rep. No. 179-06 and S.B. No. 2961, SD 1, HD 1, CD 1:

By unanimous consent, action was deferred to May 4, 2006

Conf. Com. Rep. No. 173-06 and H.B. No. 2277, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2277, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Luke rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I would like to ask for a ruling on a potential conflict. The firm that I work with, I believe they represent some of the claims in this bill, but I do not work on any of them," and the Chair ruled "no conflict."

Representative Moses rose to speak in support of the measure, stating:

"Mr. Speaker, I'm rising in opposition. Mr. Speaker, we passed out

a measure like this every single year and I'm bothered by it. I'm not in opposition, I'm just making comments on it. I'm in support.

"We looked at a measure earlier on the OD. It's CCR 86-06 and that bill has a direct relationship to this one. How? Take a look at part 2 of this bill. CCR 86-06 specifically retained joint and several liability for claims relating to the maintenance and design of highways. That aspect of CCR 86-06 comes with a price and the price is expressed within this bill.

"Joint and several liability means that if the Department of Transportation is found even a little bit liable, like say 25% from an accident because of road design and maintenance, DOT is on the hook for 100% of the award. Of the claims listed in part 2 of this bill, 8 of them arise because the Department of Transportation is named as a result of a road or design maintenance and there's specific items listed and I won't go through them. Pulling moneys out of the highway fund to pay for this is \$1,800,941.81. I mean this money could have been appropriated to repair and maintain our roads with a 4 to 1 federal match.

"We shoot ourselves in the foot and keep working up our legs by allowing the situation to continue. We see this claims bill every year. Yet we have in our power a measure to reform our tort system such that the State is only liable in proportion to the amount of wrongdoing committed and we did not. We will keep losing resources to repair and maintain our roads."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2277, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 174-06 and H.B. No. 2045, HD 2, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2045, HD 2, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support. Each of us is familiar with the plight of infants borne by mothers who abuse drugs or alcohol. These keiki often face a very difficult childhood and are at higher risk of long-term health and social problems. The money appropriated in this bill to establish a pilot perinatal care clinic will be a ray of sunshine into this depressing reality. The earlier we can find the expectant or new mothers with substance abuse problems, the sooner we can intervene and improve the health of both mother and baby. I have additional written comments that I'd like to insert. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"I am very excited to see this bill before us for Final Reading. Each of us is familiar with the plight of infants borne by mothers who abuse drugs or alcohol. These keiki often face a very difficult childhood and are at much higher risk of long-term health and social problems. The money appropriated in this bill to establish a pilot perinatal care clinic will hopefully be a rare ray of sunshine into this depressing reality. The earlier we can find the expectant or new mothers with substance abuse problems, the sooner we can intervene and improve the health of both mother and baby.

"In 2000, Child Welfare Services received reports of 208 drug-

exposed infants. Most of them had been exposed to methamphetamine. In addition, about 20% of pregnant women in Hawaii drink and about the same percentage smoke. All of these practices can have serious consequences for the keiki's health.

"Unfortunately, women who use illegal drugs are the least likely to seek perinatal care. These women fear that if they come forward to get help then their children will be taken from them. This measure would establish a pilot perinatal clinic at the John A. Burns School of Medicine. The clinic will care for women with a history of substance abuse and provide them substance use counseling and psychiatric care. The clinic will also provide case management coordinating its efforts with CWS and other social service providers. The coordination and centralized location should make a big difference in the likelihood that the mothers will get as much help as is available, and that they will get help promptly.

"We must do what we can to protect the innocent victims of maternal drug, alcohol and tobacco abuse. This pilot program is an important step in protecting the next generation for, as we all know, the children are our future. This pilot program is also a perfect example of a relatively modest investment that can reap great returns in reducing future social costs.

"I urge my colleagues to support this Women's Caucus measure. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2045, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 175-06 and H.B. No. 1821, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1821, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Sonson rose to speak in support of the measure, stating:

"Thank you very much, Mr. Speaker. I am so happy to stand in support of this landmark bill. This measure appropriates an additional \$100 more per month for our Medicaid elderly, those who are mentally ill and those with disabilities that are currently in institutions. The last time an increase has been given to these individuals was in 1994 at the tune of \$50 a month.

"As the Chair of Health stated earlier, when discussing the caregiver bill, 3252, the cost of caring from year to year is now about \$60,000 a year. That's \$5,000 a month in our institutions. If we look at and compare the \$621.90 versus \$60,000, that's about \$5,000 a month. That's a huge difference. The difference, Mr. Speaker, is that these individuals will be removed from institutions and be placed in community settings which are more personable. It is like a family setting where they can have personal care, 24 hours per day. The cost to the State with the appropriation in this bill will be increased to \$621.90. This is in addition to the social security benefits and that would total approximately \$1,200 a month.

"I was talking to a friend of mine, last Saturday. I was in Hilo in a care home, and she is an elderly Japanese lady who came from Hamakua. She was first a schoolteacher and became an executive secretary for the big boss at the Hamakua Sugar Company. She now lives in the care home of my relative in Hilo. I was speaking to her and she said she thought it was interesting that she kept seeing my name in the papers in Hilo. She asked me what I do and I told them that I'm a legislator and that I am actually working on behalf of people like herself and people that are living in a care home and

advocating on their behalf.

"We found Mr. Speaker, on Saturday, because we had a speaker who was a case manager, these case managers have a job of placing individuals from institutions into community settings. She said that there is a huge shortage of homes on the Big Island. The reason for that is it's very expensive to build homes and make them conform with the regulations of the State to make sure it's safe and accessible to wheelchairs, if that's the kind of home it is. And they are actually being edged out of the market by product providers.

"Mr. Speaker, the homes are usually grabbed first by private individuals who have money. Individuals with money will pay \$5,000 a month for these beds out in the community. Also according to the Representative from Kauai, she knows of a facility in Kauai that charges \$30,000 a month for a bed in these community settings.

"So, Mr. Speaker, if we don't help and subsidize these Medicaid patients, they will never be able to compete in the market for these community homes. It has been proven that our system, our industry that we have built in our communities are better and more able to take care of them. They are happier. They have better care. They have individual supervision. Think about this, an individual who has 24-hour supervision, they have food, they have shelter, they transportation to the doctors, they have someone to help them with their medication, they have someone to take them to the bathroom, wipe them afterwards, you know what I mean, Mr. Speaker. That's a lot of work and not all of us are lucky to have families that will take care of us.

"So if, as the Chair of Health indicated, we're going to have a whole lot of people in this category in the near future, we better ensure that these individuals in Medicaid will have a fighting chance for these particular homes out in the community. I am proud to say that this is a bill that is landmark. It is for the benefit of those people on Medicaid, the poor, the elderly, and the mentally disabled. To give them an opportunity to acquire homes in the community. Thank you very much, Mr. Speaker."

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in strong support of this measure, however, I do have a reservation about it. The last raise for the care homes was in 1994. And as stated by the previous speaker, these care homes really provide a lot of help to the State of Hawaii. They're saving the State a lot of money. Millions of dollars. As he stated, the cost of care homes in the private community is about \$3,000 to \$6,000 dollars, and we're sparing these care homes a little over \$1,000.

"And the inflation of the cost of housing is so tremendous that it almost doubled. Giving them a \$100 raise a month, I'm grateful to this Body for that \$100 amount, but again, it's just a minuscule amount. And I'm raising this up because I feel that next legislative Session we should visit this matter again to give justice to these people. Thank you everyone, and thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'll make my comments short, but in strong support. Mr. Speaker, I think I would like to take the opportunity to really thank the Chair of Finance and Chair of Human Services for adding money and additional amounts for these care home providers. I just would also would like to take the opportunity to thank those care home operators that do leave these beds open for Medicaid patients as we know that they are paid at a lot lower level than they can get with private paid clients.

"Mr. Speaker, so when you see a care home operator, I know that there is a lot of issues in regards to having care homes in people's district, but also we should be looking at it as a very positive thing for community care and the care of our grandparents and parents and

our elderly. And so at this point and time, Mr. Speaker, just strong thanks to those care home operators who do this when they could making more money. Aloha."

Representative Sonson rose to respond, stating:

"Again, in support. I'd like to thank the Leadership and also the Chair of Finance for his understanding for their understanding in support of this bill going forward. Thank you very much."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong. I just want to say publicly that this increase is long overdue and probably a little less than what they deserve, but I think in given the situation, we're thankful for the increases. Thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of this measure.

"Patients, as well as families rely upon the compassion and loving care provided by care homes. H.B. 1821 – Relating to Care Homes will adjust the levels of care payments for adult residential care homes, adult foster homes, developmental disabilities domiciliary homes, and developmental disabilities apartment complexes. An increase in pay for employees of Type 1 and Type 2 homes will address the great need to insure quality care. Based on current levels, care homes have no incentive to provide these kinds of services because the money is just not there.

"Each passing year the cost of operating care homes has increased, without a corresponding increase in payments to employees. We must make sure these facilities remain viable options for those in need."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1821, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 176-06 and S.B. No. 475, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 475, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in very strong support. Mr. Speaker, this is a measure that's been long awaited and pushed for for over 13 years now. This is a measure that's going to finally give people on welfare a raise that they haven't had since 1993. And I want to applaud my colleagues for supporting this landmark legislation. And I would just urge though that right now, it's a budget neutral item, which is great and the start date is delayed to 2007 to give DHS time to give us a projection as to the cost. And I urge my colleagues to support future amounts, appropriations if necessary to make sure that the most needy in our society, the people that depend on welfare, deserve the raise that they've been waiting for for over 13 years. Thank you. I have further written comments in support."

Representative Shimabukuro's written remarks are as follows:

"I, along with a consortium of social service providers known as the Welfare and Employment Rights Coalition (WERC), strongly support this Women's Caucus measure and have urged its passage for the past several years.

"Simply put, welfare recipients have not received an adjustment to their assistance amount since 1993. This bill would finally correct this injustice, and raise the Standard of Need to the 2006 Federal Poverty Level.

"At long last, this year the Department of Human Services joined the call to finally increase the Standard of Need, and supported this measure. According to DHS' cost analysis submitted to the Finance Committee, this measure has varying costs, including possible cost savings. The variation in cost is due to the bill's granting of latitude to DHS in adjusting the percentage of the Federal Poverty Level in determining the assistance amount.

"Another very important note is that this bill could provide much needed relief to elderly or disabled Medicaid recipients on the "Cost Share" or "Spend Down" program, by decreasing their monthly co-payment.

"Mr. Speaker, the way this bill is drafted allows it to pass as a budget neutral item. Further, the start date is delayed until 2007 to permit DHS to provide the Legislature with a budget proposal that includes a projected increase in the Standard of Need.

"The advocates for this landmark legislation urge that this Body ensure that this measure provide real relief to those who need it most in the near future. Please support future appropriations, if necessary, to support this raise that welfare recipients have waited over 13 years to receive."

Representative Finnegan rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. This is a measure that I am very supportive of. This is in regards to welfare payments and the standard of need and increasing that. That's correct in regards to the budget neutral part of it. I think that if there was any year and I know that we have to prepare. We have to prepare for this and we have accurate numbers to know what we're getting into, but if there was any year that we would be able to implement this and have it as an expenditure in our budget, it would be this year with our large surplus.

"Mr. Speaker, one of the things that I am concerned about though is that we did not have a financial plan to see if there is room for this in the future. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 475, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 177-06 and S.B. No. 2334, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2334, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

Conf. Com. Rep. No. 178-06 and S.B. No. 3253, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3253, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Final Reading by a vote of 47 ayes, and with Representatives Abinsay, Nakasone, Saiki and Stonebraker being excused.

At 7:48 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2277, HD 2, SD 2, CD 1
 H.B. No. 2045, HD 2, SD 1, CD 1
 H.B. No. 1821, HD 2, SD 2, CD 1
 S.B. No. 475, SD 2, HD 1, CD 1
 S.B. No. 2334, SD 2, HD 2, CD 1
 S.B. No. 3253, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 180-06 and S.B. No. 2545, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2545, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 181-06 and S.B. No. 2150, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2150, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 182-06 and S.B. No. 2897, SD 2, HD 3, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2897, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 183-06 and S.B. No. 2273, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2273, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 184-06 and S.B. No. 965, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 965, SD 2, HD 1, CD 1 pass Final

Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in strong support of this measure. Senate Bill No. 965. This bill conforms our State law on electronic surveillance to the federal wiretap law. Use of current law has posed safety problems for law enforcement, therefore electronic surveillance has rarely been used as a tool in combating crime.

"However, the passage of this bill will enable law enforcement officials to make better use of our law and help them fight crimes like the manufacture and distribution of ice. As a result, our neighborhoods across the State should be safer. Hawaii is one of about 28 states that has a federally funded office, the High Intensity Drug Trafficking Office. And they have done a lot of work and are actually responsible, working with our police and DEA, of bringing down some big drug busts. But because we have not amended our law, much of the evidence that they had and collected through their surveillance, electronic surveillance, was unable to be used so it's really going to help a lot, the passage of this bill.

"This is an issue that your House Republicans and the Governor have long been pushing for and I'm glad to see that today we can all come together to help fight ice in this State through this measure. Thank you Mr. Speaker."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, standing in support. Would like to just state that, I want to thank the Chairs of the Senate and House Judiciary Committees for their hard work and dedication in resolving this matter and working in negotiations. Thank you."

Representative Ching rose in support of the measure and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Pine rose in support of the measure and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Luke rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. And I just wanted to clarify that the current wiretap bill, and why law enforcement has not used it was not so much the hampering of the process, but really a cost issue. So by allowing this law to mirror a little bit of what the federal law allows, State law enforcement would not have to spend the money to do the wiretaps. So it's always been a cost issue and not so much the hampering process.

"But I would like to thank the good Representative from Mililani, he has really helped in the negotiations and understanding the wiretap law to its fullest, and he has done a great job in Conference. Thank you."

Representative Finnegan rose in support of the measure and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 965, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 185-06 and S.B. No. 2958, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2958, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Mr. Speaker, in strong support. Mr. Speaker, I want to thank you first and the leadership in this House for the fine leadership that you have provided me as your Chair in Housing in shepherding this omnibus bill. We should be celebrating tonight as a result of this omnibus bill, and it is really a Minority and Majority effort. And Mr. Speaker, the purpose of this bill is to alleviate the burden of Hawaii's affordable housing and homelessness crisis.

"As you are aware that the report of the Joint Legislative Housing and Homeless Task Force of the Hawaii State Legislature pursuant to Act 196, Session Law of Hawaii 2005, made recommendations as to what is needed to aid the housing crisis for the estimated 44,000 new housing units we would need by the year 2009. 33,000 of these units are needed on the island of Oahu alone.

"The recommendations were: one, to leverage more sources of financing for affordable housing; two, make available more public land for the development of affordable housing; three, streamline government approvals and permitting of affordable housing project; four, build more offsite infrastructure to serve affordable housing; five, appropriate additional funds for transitional housing, shelters, and services for homeless population; and six, preserve and maintain the existing public housing stock.

"As a result, this measure acts upon these findings by extending the use of the Rental Housing Trust Fund Program by authorizing the agency to provide funds for project-based operation subsidy. It also increases the conveyance tax to the Rental Housing Trust Fund from 30% to 50%, which would realize a little over \$14 million more for these purposes. It also promotes the development of self-help housing by allowing the agency to lease parcels of land for \$1 per year. It also requires the agency to identify public lands suitable for these purposes and that the lands be transferred to the agency no later than December 1st, 2006.

"It also appropriates \$20 million for grants-in-aid for homeless services and transitional housing. Appropriates \$10 million to repair and modernize vacant units on federal and State public housing. It appropriates \$400,000 for interim construction loans for up to 10 homes to be developed as self-help ownership homes. This measure also provides ..."

Representative Magaoay rose to yield his time, and the Chair, "so ordered."

Representative Kahikina continued, stating:

"Thank you, Sir. This measure in conjunction with Senate Bill 2958, SD 2, HD 1, CD 1, provides meaningful relief for Hawaii residents struggling with skyrocketing home prices and homelessness.

"This bill also notes that an additional \$5 million will be awarded through grants-in-aid, but recognizes that a number of worthy nonprofit organizations did not submit request for grants-in-aid, including agencies such as the Institute for Human Services, Steadfast Housing, Gregory Housing, and Housing Solutions to mention a few.

"Also, Mr. Speaker, it appropriates funding to the counties, to all the counties, and some grants-in-aid appropriations. It also continues grants-in-aid in the tune of \$700,000 to Hawaii Habitat for Humanity Association, \$350,000 to the Nanakuli Housing Corporation, \$225,000 to Hawaii Homeownership Center, and \$490,000 to Lokahi

Pacific. And lastly Mr. Speaker, it appropriates \$1.5 million for land acquisition for the Kulana Nani property in Kaneohe in preserving its rental stock.

"However, Mr. Speaker, it was brought to your Chair of Housing by the Executive Director of HCDCH, Stephanie Aveiro, that although item 6 of the Committee Report of our omnibus bill clearly states that we are appropriating \$10 million to repair and modernize vacant units in federal and state public housing projects, that the bill itself in section 4 reads as such, "there is appropriated out of general revenues of the State of Hawaii the sum of \$10 million or so much there as may be necessary for fiscal year 2006 and 2007 to repair and modernize existing federal and state buildings for transitional shelters and emergency shelters as defined under section 201g-451, HRS."

"Therefore, Mr. Speaker, I want to make the point very clear that the intent of the legislation was to expand the use of repairs and therefore the appropriate reading should be that "there is appropriated out of the general revenues of the State of Hawaii the sum of \$10 million or so much there of as may be necessary for fiscal 2006 and 2007 for the repair and modernization of vacant units in federal and State public housing projects or buildings of transitional shelters and emergency shelters as defined under section 201g."

"Finally, Mr. Speaker, I want to thank my Vice Chair, my Co-Chair in the Conference, also the Chair of Finance and more so for all of my colleagues for this wonderful *loka*hi effort in addressing the homelessness and housing crisis in the State of Hawaii. Thank you, Mr. Speaker."

Representative Pine rose to speak in support of the measure, stating:

"Yes, Mr. Speaker, in strong support. Many years ago I observed a conversation with a statesman and another person working here at the Capitol and they said there's really nothing wrong with politics here at the Capitol, it's really the best and worst of human behavior intensified ten times. I have to tell you, Mr. Speaker, this has been the best I've seen of us in a very long time and I'm so proud to have been involved in the Conference Committees on both housing omnibus bills. And I truly am thankful that we have given so much hope to people who have lost hope. There's no better gift that we can give a family than a roof over their head and a warm meal and some extra help to find a job. So I thank all of you for all of your support in this endeavor, especially the Housing Chair and Vice Chair. Thank you."

At 7:59 o'clock p.m., Representative Kanoho requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 8:07 o'clock p.m.

Representative Kahikina rose, stating:

"Thank you, Mr. Speaker. Mr. Speaker, in my great haste and excitement over the omnibus bill and the late hour sitting in this Body, Mr. Speaker, I was referring to Senate Bill 2958 and House Bill 2176. Both are sort of like a double-hulled canoe in addressing our homeless and housing crisis. So Mr. Speaker, I was corrected that the Senate Bill 2958, SD 2, HD 1, CD 1, addresses the non-fiscal appropriations or policy and procedures that deal with the whole effort to deal with homeless and housing.

"So at the point where we get to House Bill 2176, I would request that my remarks be enter in the Journal and further written comments be also. Thank you."

Representative Pine rose to speak in support of the measure, stating:

"Yes, I was taking the lead of our Housing Chair and I'll have the same request."

Representative Thielen rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"'Lucky we live Hawaii'. For my living in Hawaii, this statement is very true, but for a growing number of Hawaii residents, every day is a struggle to make ends meet and to keep a roof over their families' heads. Thousands of individuals and families find themselves living outside, with no protection from the rain and the sun, with no privacy and their dignity slipping away. We live in an age where we can send people to the moon and far beyond, yet there are thousands of families living in unsafe conditions right here in our own State. It is estimated that there are more than 6,000 individuals homeless on any given night here in Hawaii, and more than 14,000 experienced homelessness at some time throughout the year. More than 35,000 affordable units are needed to address the needs of those who are homeless and those who are considered to be the 'hidden homeless.'"

"Affordable housing has become a top priority for Hawaii's policy makers over the last few years, and we are making strides towards ending chronic homelessness and increasing the number of affordable housing units available. But we have much more work to do. It is imperative that we look for long term solutions to homelessness while still providing short term care and shelter for those living out on the streets and on our beaches today. Key initiatives that are being proposed include allocating a larger percentage of the dedicated conveyance tax to the development of affordable housing, appropriating funds to repair vacant public housing units, and providing incentives for developers to create new affordable housing units. These initiatives, along with the assistance of the community will help us to crawl out of our housing crisis. No longer can we say, 'Not in my backyard,' for the issue of homelessness and the need for affordable housing has affected every community throughout the Hawaiian Islands."

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2958, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 186-06 and S.B. No. 819, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 819, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Ching rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this measure. And I would first of all like to thank the Committee members and individuals who helped with this measure. In particular, I would like to thank our esteemed Chair of Water, Land, Ocean for his vision and help.

"Mr. Speaker, this bill allows for civil, criminal, and administrative penalties, fines, and other charges collected under Chapter 6E of the Hawaii Revised Statutes to be deposited into the Hawaii Historic Preservation Fund. The money deposited into the fund may be used to fund permanent and temporary staff positions and cover administrative and operational costs of the historic preservation program.

"I have spoken many times on how important historic preservation is to Hawaii because I believe it is a critical issue that needs immediate attention considering the unstable condition of some of our favorite local historical sites and because of the pressure to demolish intact buildings in Hawaii.

"Hawaii's history is worth preserving. This bill clarifies how the Historic Preservation Fund will receive resources so it may offset the cost for enforcement of historic preservation laws. In addition, this measure will ensure that the Department of Land and Natural Resources may maintain sufficient staff to conduct development reviews.

"Mr. Speaker, I am very glad that this legislative body feels that historic preservation is important to our future generations. On behalf of the Heritage Caucus, thank you very much."

Representative Evans rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support and it's really nice to see that we've passed out some pieces of legislation this Session on historical preservation. Since I was elected four years ago, I've always looked for opportunities for historic preservation and I even approached the Chair of Water, Land, and Ocean Resources and had lengthy discussions about possibly even looking at historic preservation division within DLNR and look again at what is its overall mission and what we want to do with it in the future.

"So I think this is a step in the right direction. As you know, I'm Co-Chair of the Heritage Caucus and I believe this year was extremely important to bring it to the attention of our Body because we're going through so much economic development and land development with roads and all the infrastructure that we're building, that I want to make sure that we remember our history and our culture and protect some very important sites. Thank you."

Representative Cabanilla rose in support of the measure and asked that the remarks of Representative Ching be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 819, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

At 8:12 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2545, SD 2, HD 2, CD 1
S.B. No. 2150, SD 1, HD 1, CD 1
S.B. No. 2897, SD 2, HD 3, CD 1
S.B. No. 2273, SD 2, HD 1, CD 1
S.B. No. 965, SD 2, HD 1, CD 1
S.B. No. 2958, SD 2, HD 1, CD 1
S.B. No. 819, SD 1, HD 1, CD 1

Conf. Com. Rep. No. 187-06 and S.B. No. 2133, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2133, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. This measure, Mr. Speaker, creates a Hawaii Health Commission and appropriates \$200,000 to continue the work of the Governor's Hawaii Healthcare

Task Force. The Governor's Task Force has not even come back with its recommendations yet. They will not be ready until June. If they come back with a recommendation stating that universal health care is not the best medical option for Hawaii, then this Commission would be pointless. I think we owe it to our taxpayers to wait at least for the results before we use their hard earned tax dollars.

"Additionally Mr. Speaker, the makeup of this Hawaii Health Commission is nothing like the Governor's Task Force. The Governor's Task Force has 13 members, this committee will only have 5. Out of the 5, Mr. Speaker, the Governor must pick 2 members submitted by you and 2 members submitted by the President of the Senate. To me this seems like a very political agenda to have 80% of the members come from those that you and the President of the Senate have selected. What this is saying to the public is that we do not want a nonpartisan review on something as controversial as universal health care. It appears that the Majority of this Legislative Body wants the result to come out a preconceived way.

"Another disturbing aspect of this bill is the provision relating to thimerosal containing vaccines. This bill is another attempt by this Legislature to disturb the doctor-patient relationship. By banning vaccines containing thimerosal, we're telling our doctors in this State that we know better than them what vaccines are safe for their patients.

"We have a doctor in the House and he may stand up in a moment, but I want to say there is no proof that thimerosal increases the chance of autism. This is according to the American Academy of Pediatrics and they say that the claim that thimerosal's ill effect on the neurological development of infants is based on studies of methyl mercury. Thimerosal does not contain methyl mercury, therefore the fear this bill states on page 4 is unwarranted.

"On page 5 and 6 of this bill, it states that the Department of Health may seek an exemption from using mercury-free vaccines if it determines there is a shortage of a mercury-free vaccine. However, it does not state in the bill who the Department of Health has to receive approval from to use the alternative vaccine. If there is an influenza outbreak and there is a shortage of mercury-free vaccines, who legally determines it is okay for the Department of Health to make exemptions? This could put our citizens at risk. I for one am not willing to take that risk, Mr. Speaker."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support of Senate Bill 2133. Thank you, Mr. Speaker. I think most of us are aware of the escalating growth and cost of healthcare over the past 30 to 40 years. And like the weather, it seems like we're unable or unwilling to do anything about it. How many of us realize that the healthcare industry is the second largest private industry in Hawaii with \$2.2 billion or 7% of the State's gross domestic product and \$1.44 billion or 11.5% of the private industries total wages for those employed in the industry. Current trend shows increase in healthcare costs and personnel that will be borne by the providers or government.

"Without any rational and progressive planning we can expect problems of rising premiums, deductibles and co-payments, reduced benefits, failure of employers to provide health coverage to retired employees, Medicare and Medicaid cuts and in Hawaii's case, manipulation of work schedules to avoid mandatory coverage.

"To put a face on the problem, let me read an excerpt of a testimony from small businesspeople, Steven and Barbara Tanaka, operating a business called Tanaka's Fresh Fish in Waipahu and he says, I quote,

In the year 1976, I started my commercial fishing business and in 1988, I married and together we now operate our business, Tanaka's Fresh Fish. Our business was successful until a few years

ago due to high expenses. Very hard times now for us. When I first started my business, my healthcare was less than \$200 a month. It is now climbed to over \$1,000 per month for a family of three. That's more than \$12,000 a year. That is if we don't get sick. If we get sick, add on all the high co-payments. This is more than our house mortgage, property tax, and house insurance all together.

Ten years ago, my wife, Barbara, was caught without health insurance and ended up in the hospital. This cost us over \$10,000 and we're still paying for it. When we asked the State for help, their reply was, too much assets and we didn't meet their guidelines. Once again, just a couple months ago we asked QUEST for help due to our decline in income and expenses. Same answer. Too much assets and possible income. I guess you have to sell your assets, you have worked so hard for through the years, then you qualify.

It will really help our business as well as the State of Hawaii to have universal healthcare for everyone. Please consider our request for a better healthcare system that we all would benefit from.

"Seven years ago, our healthcare costs under Medicaid was ballooning out of sight with the Department of Human Services annually requesting emergency appropriations for the QUEST program to meet shortfalls in the budget. And it was your vision at that time, Mr. Speaker, as a Finance Chair, as well as that of Speaker Emeritus Souki, to direct the Department of Human Services to contain the spiraling cost of Medicaid, while maintaining the quality of care. Out of that mandate the Hawaii QUEST program was formulated with a federal 11-15 waiver.

"And Mr. Speaker, we need that same kind of bold leadership to achieve that vision of quality healthcare for all, while keeping cost in check through the most prudent use of current healthcare expenditures. House Bill 2133, if enacted would give us the opportunity to investigate and assist alternative means to provide coverage for all residents. Especially the uninsured, which now represents about 15% of our population. It would continue the good work of our healthcare task force led by the Vice Chair of Health and the House Minority Leader.

"And finally Mr. Speaker, I would like to have my remarks and this bill dedicated in honor of Ah Quon McElrath or AQ as many of us know her. She's a retired social worker of ILWU Local 142. A social activist who worked on health needs of working people and their families for 25 years, and a fearless and outspoken advocate of the poor and underprivileged.

"Senate Bill 2133 will help the State of Hawaii to move towards universal health coverage for all Hawaii's citizens and I urge my colleagues to support this measure. Thank you, Mr. Speaker."

Representative Moses rose to a point of information, stating:

"Thank you. Point of information. I let the previous speaker go on, but are we debating universal healthcare or we debating this Committee which is supposed to decide whether we need it or not?"

The Chair responded, stating:

"We are debating universal healthcare tied to this particular Committee."

Representative Moses continued, stating:

"Excuse me, Mr. Speaker, then I have some more to say. Thank you, Mr. Speaker. Over and over again on this House Floor I talked about universal health care and the downfall of it. I did not bring all my data with me because I didn't think we were debating it tonight, but universal health care has been tried. Canada is privatizing their healthcare system because people come across the border to try to get

doctors. I talked about hip replacements. A person, a human waits 4 months for a hip replacement. A dog gets it in 2 weeks in Canada.

"And over and over again, I brought up the fact that what happens when people are trying to have an obstetrician, a pediatrician, whatever it is, there are shortages of all those doctors and the people are waiting months and months and months. I don't think that's what we want to do to the people that live here in Hawaii. We don't want to make them wait for healthcare like they do in Canada, England, and all the other countries I talked about on this House Floor for months. Thank you."

Representative Arakaki rose to respond, stating:

"Mr. Speaker, just a rebuttal. I believe the speaker is being critical of the single payer system and this measure does not specify a single payer system. Universal healthcare is evident in all the industrialized nations, and I think the United States is one of the few countries that doesn't have access to healthcare for all its citizens so there is a difference. And I know in some countries, in fact many countries it does work and I can point to Germany and Japan as examples. Thank you, Mr. Speaker."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. Very briefly in support. I would just say that if a single payer system does come into effect in Hawaii, it would be uniquely American. I think that we could quibble at this late hour. I'm not going to take up the entire debate on universal healthcare.

"I would just say this, an investment in planning and investigating solutions needs to be done. We have an \$8 billion annual industry in healthcare in the State. \$8 billion a year. That's the numbers. That's how money is going in and out of healthcare. If we want to be loose with that, if we want to kind of abrogate our responsibilities, shame on us. I do think we have to have real answers, real solutions, to get healthcare for everyone.

"I don't really care at the end of the day what we call it, but the rhetoric about my dog getting his hip replaced doesn't do anyone any service. And I love my dog, but I'll tell you, we really have some real issues. We've got a 100,000 people that need healthcare. We're doing great things for kids. But play partisan games with this, boy, there's going to be heck to pay. Thank you."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 2133, Conference Draft 1.

"Part I of the bill would appropriate \$200,000 for the creation of a Hawaii Health Commission to continue the work of the Governor's Hawaii Healthcare Task Force of 2005. More specifically, the Commission would be responsible for determining future capacity needs of health providers, facilities, equipment, and support service providers, and developing a comprehensive health plan that would include:

- Establishment of eligibility for inclusion in a health plan;
- Establishment of all reimbursable services to be paid by the Commission;
- Establishment of all approved providers of service in a health plan;

- Evaluation of health care and cost effectiveness of all aspects of a health plan; and

- Establishment of a budget for a health plan.

"By way of background, this Legislature enacted Act 223, Session Laws of Hawaii 2005. Part I of this law established a Temporary Healthcare Task Force to develop a plan for universal health care in the State of Hawaii. Pursuant to this law, the temporary healthcare task force contracted with The Lewin Group -- a premier national healthcare and human services consulting firm with more than 35 years of experience in creating strategies for institutions, communities, governments and people to make healthcare and human services systems more effective -- to provide a detailed actuarial analysis of the feasibility of a single-payer health insurance system in Hawaii.

"In March of this year, The Lewin Group released its discussion draft of "Analysis of the Impact of an Illustrative Single-Payer System for Hawaii". In it, The Lewin Group found that the single-payer model held significant potential to reduce the cost of health care in our State. By reducing administrative costs for insurers and providers, eliminating market costs and the contract negotiating process, establishing uniform billing processes and covered services, and utilizing bulk purchasing of drugs and medical equipment, The Lewin Group estimated that a single-payer system could potentially save everyone approximately fifteen percent (15%) in healthcare costs each year.

"To put this into perspective, nearly 8 billion dollars will be spent on healthcare in Hawaii in 2006. While most of these costs are paid for by employers and consumers pursuant to the Prepaid Health Care Act, a considerable amount is also paid by the State and federal governments through the QUEST program, Medicare, Medicaid and other programs.

"Furthermore, the State also provides grants to our community hospitals for indigent care to offset the burden our growing uninsured population places on the system. As the number of uninsured grows each year, so do the grant-in-aid requests grow from our hospitals and community health centers.

"According to The Lewin Group, the 15% reduction in total healthcare costs that would result from implementing a single-payer system would equate to \$678.8 million in cost savings each year with the added benefit that everyone in our State would be provided with quality healthcare.

"As evidenced by the contentious debate on universal healthcare in recent years, much still must be done to gain consensus among businesses, labor, insurers, health care providers, hospitals, and our government to make such an ambitious scheme work.

"That is why I strongly support Part I of Senate Bill No. 2133, Conference Draft 1. Part I of this bill will ensure that the work of the temporary healthcare task force will continue with specific emphasis on the logistics needed to be worked out before a single-payer system in our State can be effectively implemented. Among other things, the Healthcare Commission will determine the eligibility requirements for coverage, reimbursement rates for healthcare providers, the services that would be offered under the healthcare plan, and the cost effectiveness of procedures. With this information, the Legislature would be in a better position to enact legislation that would establish the single-payer system in our State.

"For these reasons, I respectfully urge your favorable consideration of Senate Bill No. 2133, Conference Draft 1.

"Lastly, I would like to join my colleague from Kalihi in demonstrating my sincere appreciation to Ms. Ah Quon McElrath. Her passion, and unceasing drive on this issue has truly been a blessing to the people of this State."

Representative Marumoto rose to speak in opposition to the measure, stating:

"On Conference Committee Report 187, I will be in opposition because of the mercury vaccine, and I will submit some remarks in the Journal with your permission," and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"I am in opposition to SB 2133, SD 2, HD 2, CD 1 because of the section that may prevent public health officials from dealing with a possible pandemic. I submit a communication from Dr. Jeffrey Lim on this measure.

Please vote NO on Bill SB 2133 limiting then banning Thimerosal-containing products (i.e. inactivated influenza vaccine) this fall 2006.

The State of Hawaii legislature will have no reasonable control over the availability of Thimerosal-free influenza vaccine and cannot ensure an adequate supply for the children of Hawaii at risk for this potentially life-threatening disease. Please do not rush into creating a law that will mandate its use, without offering very specific, practical alternatives in the likely event of a Thimerosal-free influenza vaccine shortage."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2133, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 41 ayes to 7 noes, with Representatives Ching, Evans, Finnegan, Marumoto, Meyer, Moses and Stevens voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 188-06 and S.B. No. 2502, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2502, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 189-06 and S.B. No. 2143, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2143, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 190-06 and S.B. No. 2484, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2484, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 191-06 and S.B. No. 2480, SD 1, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2480, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 192-06 and S.B. No. 2504, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2504, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 193-06 and S.B. No. 3090, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3090, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in very strong support of this measure. I am quite ecstatic to see that the Labor Chairs, and I commend them, that they have finally realized that the work comp system in Hawaii is inefficient, lacks clarity and uniformity. While this mandate is unfortunately unfunded, perhaps maybe next Session we can step up to the plate, and now that we have acknowledged it is broken, that maybe we can fund the system and be able to deliver prompt, efficient, clear, service to our workers. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 8:26 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2133, SD 2, HD 2, CD 1
S.B. No. 2502, SD 2, HD 1, CD 1
S.B. No. 2143, SD 2, HD 1, CD 1
S.B. No. 2484, SD 1, HD 1, CD 1
S.B. No. 2480, SD 1, HD 1, CD 1
S.B. No. 2504, SD 2, HD 2, CD 1
S.B. No. 3090, SD 2, HD 1, CD 1

Conf. Com. Rep. No. 194-06 and S.B. No. 3270, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3270, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 195-06 and S.B. No. 2214, SD 2, HD 3,

CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2214, SD 2, HD 3, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Herkes rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to SB 2214 and the Conference Draft. In opposition. Mr. Speaker, there are two ways to deal with natural disasters: pay for them to after they happen or be prepared before they happen to mitigate loss of life, damage to property, and provide adequate supplies and shelters for all of our people.

"When SB 2214 passed out of the Floor of the House as an HD 3 on April 11, the vote was 49 in favor, 2 excused. An unanimous vote. The makeup of the bill was to prepare for the future and to plan to mitigate the loss of people and property.

"When we got into Conference with the Senate, we hoped to arrive at a good consensus between the House and the Senate. The House proposed CD 1 provided for the following: a civil defense preparedness special fund to be spent by the Department of Defense without any prior approval for a wide variety of purposes to prepare this State for a wide variety of natural disasters.

"It provided for a comprehensive natural disaster emergency shelter plan. It provided for a disaster preparedness plan for health care facilities and nursing homes to avoid the problems experienced by Hurricane Katrina. It provided for the establishment of a Hazard Mitigation and Planning Commission. To quote, 'develop and maintain an accurate database of maps with information.' It would have been publicly accessible information on all natural disaster zones with frequency, with expected losses and so on and so forth. We felt that this section of the bill was the most valuable so that everyone in this State, businesses, private citizens alike, would have a good idea of risk from natural disasters, where the most likely hazards are located, and how to plan for them. The database would also provide the central source of information based on scientific evidence so that building hardening, development of shelters and emergency planning would be run in a manner to minimize the destructive effects of all natural disasters, not just hurricanes.

"We agreed to the Senate proposed statewide building code and design standards and felt that they should be in concert with the expected type of natural disaster. We provided for an emergency cache of food, water, generators, medical supplies to sustain disaster victims. The Senate wants supplies for 5,000 people. 5,000 people is a small neighborhood. It's simply not enough. We felt that emergency supplies for 50,000 was a more appropriate number. The House proposed that the cache be spread out in locations all over the State. Not just here and there, so that supplies could be distributed quickly in any area where a disaster may strike.

"We agreed that hospitals should be hardened for hurricanes, but we want them to be hardened to prepare for other types of natural disasters as well. We agreed to the amount of the appropriations that are now on this bill. I didn't have a problem with that.

"Mr. Speaker, we felt that this proposed CD that we had met with the Senate, we met them more than halfway. We took out a number of proposals that the Senate objected to such as the creation of the PERP Committee. The Senate's response was to about-face and run. It appeared that the only natural disasters that they recognized as a danger were hurricanes. Perhaps they had already forgotten the flooding last month or the dam break on Kauai.

"In fact, when I asked if the Senate recognized that there were more natural disaster than just hurricanes, a Senate staffer responded to that, and I quote, 'Hurricanes cover all natural disasters.' I knew then that it made no sense for me to argue any further.

"Mr. Speaker, earlier last week I talked to the experts that the Chair of Public Safety and I had been dealing with for about three months in developing our bill. UH professors with an expertise on natural disasters, representatives from the financial, real estate, and insurance industry. They advised me that if the Senate did not recognize the importance of an overall approach to dealing with natural disasters, that I should walk away from the bill. After the Senate's response to our proposed CD, they were shocked and I walked away.

"Mr. Speaker, there are times here when we must just take a stand on principle and for me, this is one of those times. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2214, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Herkes voting no, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 197-06 and S.B. No. 3120, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3120, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 198-06 and S.B. No. 3035, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3035, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'll be voting no on this measure. I spent a lot of my time following the Conference Committee on this measure and I don't know whether I lost something in the communications, but I read the bill and I read the Committee Report and it looks like there's no way of reimbursement should temporary disability payments be paid to an employee when it should not have been.

"If that is the case and if I'm missing something in the Committee Report, the ramifications for our work comp premiums and the impact on the cost of doing business is going to be rather crucial if this bill were to pass.

"I think it's interesting that in a couple of measures earlier we had the Labor Chairs admitting that we do have a problem with our work comp system and it lacks clarity and uniformity. I have seen employees deprived of their temporary disability payments because there is such a lapse in time between when their disability is denied before the Director can step in and mitigate the issue.

"However, we haven't addressed the core problem here which is whose bottomline is going to pay for these additional expenses? Is it the system? The system needs to be fixed. If it needs to be fixed, then there needs to be a way that we can expedite these hearings so that we can deal with this issue. I kept waiting for our Labor Chairs to give us a resolution on how do we get our credit back. How do we take care of the fact that the experience rating through no fault of the employer could be raised? I still haven't got an answer. It's not in the Committee Report and if I'm missing something, I sure would like to stand to be corrected. Until I'm corrected, unfortunately I'm

going to have to vote no against this and my apologies to the employees of the State. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, just brief comments in support to clarify the misrepresentation stated to this Body and also to state that I have not admitted to anything. If you read the Committee Report on page 2, Mr. Speaker, it says, 'Your Committee on Conference finds that concerns on the employee obtaining a credit for voluntary payments made in the form of TTD benefits were already addressed under section 386-52, HRS.'"

"If you turn to that section, Mr. Speaker, it talks about people who paid TTD and did not have to. That would be employers or insurers. That they can claim a credit and supply it to any future payments that go to partial permanent disability. This means that that injured worker would get less payments under partial permanent payments. So it does address that concern. Statements made to the contrary are absolutely wrong. Thank you very much, Mr. Speaker."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with just some reservations. Thank you. This bill, I believe is important for the employees to be able to continue their medical care, but I just had some concerns that it might possibly result in some abuse of the system. For perhaps from the doctors who continue to treat patients who are already cured and just continue to treat them and collect payments for it, and also from the employees who may want to stay out of work. But I think the overriding concern is for the employee's health and to make sure that their treatments do not stop."

"One positive note that I would like to note is that the Director of DLIR did say that if this bill does pass, he will do everything in his power to speed up the hearing process and make sure that a decision is made on the applicability of the employee's claims as soon as possible, so I think that may result in a good thing all around. Thank you."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support. I do have some reservations on this. I think it's correct that the workers' compensation carriers of insurance have something to worry about in certain cases. In an instance where they cannot recover their money is when the final resolution will determine that the case is not compensable so there is no TTD. There's no future benefits at that point."

"There may or may not be any other recourse for them. But this bill is also very helpful in such cases as when a worker is injured and doctors are obtained by the insurance carriers and usually they have a list of doctors that are preferred. And what's been noticed by consumer lawyers such as myself, Mr. Speaker, is that these doctors tend to have opinions that tend to always say that the claim is not compensable. This leaves the injured worker no recourse, no treatment and it is a burden on the worker and also their families."

"What tends to happen after that is that a decision has to be made by the attorney representing the injured worker. And the decision has to be made whether or not they also would like to spend \$2,000 or more to obtain their own doctor's opinion. It can be purchased, opinions can be purchased from these lists of doctors out there from both sides. The opinions tend to say that it is compensable. And then the process does get longer because now you have one doctor saying, it's not compensable, and another doctor saying, it's compensable."

"So the worker is trapped between these competing doctors that are paid for. And then a decision has to be made by the Director. And if

it is in favor of the claimant at this point, the worker will get his or her benefit. The delay is really indeed a very difficult one for the workers. Because I see mostly their side, maybe I tend to side with the claimants who are the injured workers at this point, and perhaps maybe I could ask for a ruling whether or not I'm in conflict because I do represent claimants, Mr. Speaker."

"My opinion on this particular measure going forward is mixed. I see things that could go wrong for both sides. But I'd like to point out for this Body that we attorneys working in this area have now become entrapped in this system where we rely on doctors who have no liability whatsoever for their opinions. Doctors who can say that this person is not suffering from injuries at work, who may provide opinions that may be biased. We are trapped in this system and actually it's not that the attorneys who will suffer. It is the workers."

"So the net result, I guess with passing this bill is that we do have a safety net. If we care for workers and say that they do have less resources than the employer and the insurance carriers, then it is a very compassionate bill. We are looking at the worker who has given up his or her right under the workers' compensation statute to sue the employer. And giving up that venue, this legislative Body has decided long ago that in return of that, the workers will be provided medical care through our workers' compensation system. Thank you very much, Mr. Speaker."

The Chair then stated:

"Representative Sonson, before I move on to Representative Moses, there is no conflict."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I'm reading the bill over and over again and I'm confused. It says, when the employer is of the opinion that temporary total disability benefits should be terminated because the injured employee is able to resume work ... So the determination is already made. The employee can resume work. The employer shall notify the employee and the Director in writing of an intent to terminate the benefits at least two weeks prior to the date when the last payment is to be made. So there's two weeks notice. Provided that if the injured employee has not actually resumed work, temporary total disability benefits shall continue to be paid until a decision by the Director to terminate the benefits."

"So the employee can determine when he goes back to work. It's not just my interpretation of this. From the Department of Human Resources Development, they say, 'The bill would require payment of temporary total disability benefits to continue even if an injured employee was able to resume work. Passage of this bill will be tantamount to allowing an injured employee to determine when he or she should return to work even if their own health care provider has certified that the employee is capable of doing so.'"

"So this is the employee's own healthcare provider saying you can go back to work and the employee doesn't and we still have to pay TTD? I don't understand that. I understand paying TTD for an injured employee. I'm all for that, but this looks like the employee just says, 'No, I'm not going back to work,' and you have to keep paying them. Thank you."

Representative Halford rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Mr. Speaker, this bill, an imperfect bill I believe, but good bill, addresses an important problem that there are some employees that are prematurely terminated. And for them or for anyone that's terminated, they can appeal. But the concern on my part is for those that should not have been terminated, that were prematurely terminated. They go through the appeal process, and it might take a few months before it's decided. Well under the current circumstance they are without

benefits until it's decided, in which case, then it's unfortunate for those employees that go without benefits when they should have had them.

"So what this bill allows is that as soon as the person gets the two weeks notice that was mentioned earlier, they can appeal and during the appeal process they will continue benefits until it's adjudicated, if you will, until it's decided. Well I think Mr. Speaker, one of the things that will come of this is that almost all employees that are terminated will appeal. They will assure that they have benefits until it's decided and that will put pressure. That will then, I believe cause the decision making process to speed up. It will have to speed up.

"A good feature of this bill, Mr. Speaker, which was developed in Conference, is the start date. The effective date of this bill, January 1. It's not going to start this summer. It's going to start in January. That gives HR departments, Human Resources Departments time to discern what impacts this might have for the insurance companies to figure out how this is going to impact their workers' comp cost and it will impact workers' comp cost under this current law. So that's a good thing.

"Another good thing is that this starts in January right before we go into Session. And we, I think are experienced with this, it will be immediate, and we can make corrections to this before this law actually is implemented for 6 months. We will have had the opportunity to modify this.

"So bottomline, even though I don't believe this bill is perfected yet, it generally serves a very good purpose in that it serves those people that were prematurely terminated. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I don't think there's any doubt, I'm in opposition, that this bill will increase the cost of workers' comp dramatically. My good colleague from Maui says he thinks that people will automatically, everybody will appeal as soon as their medical provider says, 'You're good to go. You're fine. You can go back to work.' Let's appeal. Why not? You can continue to collect disability benefits for maybe two months, three months. Take a vacation, visit your friends on the Neighbor Island, go to the beach everyday.

"This bill is really set up for a lot of abuse. As it is now, under the law that is on the books now, Hawaii's workers stay out longer than workers in any other state. Why is that? They're already staying out longer than anybody else. Now we legalize this bill to a point where we're almost asking people, 'Appeal. Don't go back to work. You don't have to.' So we're really moving in the wrong direction. Businesses have been asking us for years to do something about the cost of workers' comp and we simply turn our backs on them and move down the road in the opposite direction. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3035, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," passed Final Reading by a vote of 40 ayes to 8 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 199-06 and S.B. No. 2505, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2505, SD 2, HD 1, CD 1, entitled: "A

BILL FOR AN ACT MAKING APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

Conf. Com. Rep. No. 200-06 and S.B. No. 2274, SD 1, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2274, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Shimabukuro and Stonebraker being excused.

At 8:49 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 3270, SD 2, HD 1, CD 1
S.B. No. 2214, SD 2, HD 3, CD 1
S.B. No. 3120, SD 2, HD 1, CD 1
S.B. No. 3035, SD 1, HD 1, CD 1
S.B. No. 2505, SD 2, HD 1, CD 1
S.B. No. 2274, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 201-06 and H.B. No. 2778, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2778, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Luke rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. And it is really unfortunate that the Chair of Agriculture is not here because it was because of his foresight and his strength that we have this bill in front of us. And on behalf of Labor Chair and myself, we've really been educated on this issue and we saw the inequities in State and county government due to inability of language access. And at this point and time, we would just like to recognize people in the gallery who have worked so hard on this issue."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support of 2778. I also want to join the Chair of Judiciary in providing accolades to my *compadre* from Kalihi, although he's not here, for shepherding this important measure. Thank you."

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I stand in support of House Bill 2778, HD2, SD2, CD1.

"Mr. Speaker, I believe that the passage of this bill regarding language access provides for effective and timely communication between all levels of government and individuals who are precluded from using public services due to language proficiency barriers.

"The importance of passing this bill is that it will ensure and improve access to State and county government agencies to people

who may experience difficulties communicating with these agencies due to the fact that English is not their first language. The effective development and maintenance of a free and democratic society depends on the ability of our government to be able to properly communicate with all of the people of our State. We have found that a substantial number of Hawaii's population are unable to communicate efficiently or effectively with our government agencies because their primary language is not English. Therefore this population is being denied the benefits and the rights that they are entitled to.

"The Language Access Bill will provide for the effective communication of individuals between all levels of government who would otherwise be precluded from accessing these services due to a language barrier. This bill will ensure that all of the people of Hawaii will be entitled to the same rights when dealing with our government and county agencies. Thank you Mr. Speaker, and I ask that my fellow legislators join me in supporting this bill. Thank you Mr. Speaker."

Representative Sonson rose to speak in support of the measure, stating:

"In strong support and I request that the Chair of Agriculture's comments be allowed to be inserted in the Journal because I'm sure he would like to insert some comments."

The Chair then stated:

"He is not here presently."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, brief comments in support. I just want to echo the Judiciary Chair, and in fact without the Representative from Kalihi, and the Chair of Agriculture, talking to the Chair of Labor, we probably would not have heard this bill because we didn't really appreciate its significance. And once we heard it, and when we heard from the stakeholders who are sitting up in the gallery and many more and the compelling stories that they told, it was so obvious that this bill had to go. And I can't see why anyone would oppose this bill. Thank you."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 2778 HD2 SD2 CD1, Relating To Language Access.

"One of the things that make our island such a unique place is its diversity of people, cultures, and languages. According to the American Cancer Society, 17% of Hawaii's residents is foreign born and 27% speak a language other than English at home. This becomes problematic when these people have a limited proficiency in English. The purpose of this bill is to help the many citizens of Hawaii who are unable to access information or participate in government due to their limited knowledge of the English language.

"Imagine for a moment that you live in a foreign country where you don't know the native language. You become lost, hurt, or have some kind of emergency. Imagine even, that you are just trying to find enroll in a health plan, vote, or pay your taxes, but you can't communicate your needs with anyone. This is what life is like every day for thousands of people on our island.

"According to testimony of Attorney General Mark Bennett, this measure puts the state of Hawaii in compliance with President Bill Clinton's Presidential Executive Order 13166, dated August 11, 2000, which requires federal agencies to develop and implement a

system of enabling limited English proficiency persons to meaningfully access public services. In turn, federal agencies, through specifically tailored guidance for state administration of programs relating to federal financial assistance, must ensure that recipient states provide meaningful access to population of persons with limited English proficiency. States are required to "take reasonable steps to ensure reasonable access to their programs and activities by limited English proficiency persons."

"While federal Executive Order No. 13166 affirmed that Title VI of the Civil Rights Act of 1964 required federally funded programs to provide language-accessible services, many departments and state agencies are not in compliance with Presidential Executive Order 13166.

"This bill is necessary for our diverse population to be able to participate in our society. It is their right as American citizens to have access to the same and equal services as everyone else.

"Last, if we might record a small but important measure of a man's work in this Body, let me proclaim my personal regard to Representative Jun Abinsay for his insight and leadership in this bill's passage. Representative Abinsay's good work will bear fruit not only from his work as Chair of Agriculture, but for his passion for equal rights among Americans who speak a language other than English at home.

"For these reasons, I ask my colleagues to vote in support of House Bill 2778 HD2 SD2 CD1."

Representative Pine rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. When my family immigrated from the Philippines in the 1920s, they had a lot of difficulty in learning the English language, but they worked really hard to do so because they wanted so much to become American. But it was just in the beginning phases of when they first came here like so many of the immigrants that are coming here now that they need so much more help than we've been giving them now. Thank you."

Representative Ching rose to speak in support of the measure, stating:

"Thank you. In strong support. As a former teacher of English as a Second Language, I support this measure and I would like to add additional written comments."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support.

"This measure offers an opportunity to rectify the lack of access to public services currently experienced by immigrants, assist service providers in fulfilling their occupational and legal responsibilities, and generally provide an exemplary statewide program that will insure ongoing necessary services for the resident of Hawaii.

"Current census data shows that 17% of Hawaii's residents are foreign born and 27% of Hawaii's residents speak a language other than English at home. The lack of access to translators can create unnecessary suffering and even life-threatening situations such as those involving hospital emergency care, criminal activity, or natural disasters. Language barriers remain a critical factor for limited English-speaking communities to access public health and medical services. Language access is essential to the patients' bill of rights.

"I believe providing institutional support, as outlined in H.B. 2778, will foster a climate to safeguard language access measures in management practices for government agencies and their staff. Timely and effective communication will also lead to greater knowledge and competency to navigate and properly utilize government services for persons with limited English proficiency. It

is a win-win proposition for Filipinos who comprise the largest percentage of the service industry work force, and contribute more in taxes, than they use in government services."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2778, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 202-06 and H.B. No. 2595, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2595, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Tanaka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support. Family visits are an important aspect of the rehabilitation process. It is beneficial for inmates to have direct contact with their love ones. Although our Conference Committee had to eliminate the appropriations for non-contact visitation, I am very pleased with this bill. It is a step in the right direction and I hope that the Department of Public Safety and the State's correctional system will continue to improve. Finally, I'd like to thank the Public Safety Chair for his help on this bill. Thank you, Mr. Speaker."

Representative Schatz rose in support of the measure and asked that the remarks of Representative Tanaka be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2595, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY VISITS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 203-06 and H.B. No. 1865, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1865, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1865, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 204-06 and H.B. No. 1866, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1866, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 205-06 and H.B. No. 2692, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2692, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting no on this measure. I would like to ask this legislative Chamber to go back to one of the very first times I stood and held this microphone in my hand where I said these magic words: Watch out for the impact of Chapter 104 on the things that we need to do for the people of Hawaii. What we need to do for the people of Hawaii to put roofs over their heads. We need to fix our agriculture infrastructure. We need to fix our roadways, our City, our county governments. We need to work with contractors to fix their roads for access.

"This is Chapter 104. This particular measure is going to take us probably down a long road of education. Not just this Session. I tried, but it's not a matter of trying to educate us. I think it's a matter of raising the bar of understanding of what Chapter 104 does.

"I handed out different studies from California and from other states. It's been quite tragic what's happened to affordable housing and access to developers and contractors in many states because of the implication of Chapter 104 on SPRBs.

"This particular measure, because Chapter 104 is so full of contradictory language, this particular measure is attempting to see if we can't find some way to stealthily find a way to make the Department of Labor a governmental agency when in fact they're not. What this is going to do is create extreme expense for all contractors who want to step forward to do work for the people of Hawaii.

"No matter how much I say no, no, no, I know this measure is going to pass because we do not quite understand it. But I am looking forward to keep this bar of discussion at the forefront because we are not going to be able to accomplish the things that we need to do for our people as long as we allow the other side of this Chamber, the labor, to pass these types of measures that are not well thought through. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I'll try not to mention Chapter 104 too much. This measure places an enormous administrative burden on the Department of Labor and Industrial Relations because the Department will be the responsible agency for ensuring compliance of the State's prevailing wage law for all, and I repeat, all public works projects that are not implemented by a governmental contracting agency.

"Mr. Speaker, if you listen to that, that means private businesses and that means private contractors. Currently, there is no agency that oversees special revenue bonds, SPRBs, in considering the nature of the project it will be only natural according to this bill for DLIR to be the contracting agency. But given its available resources and staff the Department will not be able to absorb the additional administrative tasks without additional funding and personnel, which this bill, of course, fails to provide.

"But the bill really impacts the private sector. It increases the administrative task and the administrative costs making it even more difficult and expensive to carry out these public service projects. Mr. Speaker, we keep talking during the Session about affordable housing. We keep talking about some public housing. All these projects require people with hammers and nails, to build things. Now the Department of Labor has mechanisms in place to count the prevailing wage violations per investigation. This measure will

change the per project count for the Department, which also impairs the Department in the amount of work they need to have done.

"Again, why should we add enormous tasks to a Department without supporting it with appropriate resources? And each time I talk about the Department, I'm trying to assure that we're not burdening the Department down so much that they cannot administer the bill and that will bog down all the private business that is going on out there.

"Lastly, the additional oversight by a governmental agency like DLIR will discourage small contractors from bidding on governmental construction projects or using SPRBs because the increased oversight burden would place them at a distinct disadvantage due to the increased overhead cost and loss of flexibility for business. The small contractors will be at a tremendous disadvantage when compared to a large contractor bidding on a project. So we're driving the competition away. That in itself raises prices."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, in support. I want to bring some clarity to what we're talking about here, Mr. Speaker. We have an opinion that I've quoted before, dated September 8th of 2003 to former Senator Kawamoto from the Attorney General's Office answering the question of whether prevailing wages apply to SPRBs. The answer in summary is, 'Yes, no doubt about it.'

"Then in April 13 of 2005 the question was again asked by the Vice Chair of Labor, who sits to my left and again the Attorney General's Office responds, 'Yes, it applies not only SPRBs, but to any project where funds and resources are derived either directly or indirectly from public revenues of the State or any county.'

"Given that, the Director of Labor this past summer, Mr. Speaker, formed a working group, of which I participated, and there was much discussion about what do we about the fact that there are these opinions and it looks like the law applies. How do we make it work more effectively? And many suggestions were given by contractors, both union and nonunion, and by labor groups. There are a number of prevailing wage bills that came out of that meeting. Five to be exact. One has already been vetoed by the Governor.

"This is one of those bills. It tries to address the problem that we have. We have two opinions from the Attorney who is going to be writing by the way shortly about all these other bills and why they should be vetoed, and this Attorney General has said it applies. So now we're trying to make it clear and show how it does apply and that's what this bill does, Mr. Speaker.

"It's interesting to hear people mention, tonight and previous debates on this bill that somehow it's going to impact low cost housing. Mr. Speaker, I hold page after page after page of units that were built under Davis-Bacon going back to the 1950s for public housing. Low income housing built in this State under prevailing wages both Davis-Bacon when it's federal money, and Little Davis-Bacon when it's Hawaii money.

"These projects went forward, they were built, people are living in them, and they're benefiting from the work. And the people who worked on these projects were paid a prevailing wage. So perhaps they didn't have to live in this housing. So that they were paid a fair wage. So that they go on and buy a home themselves or pay the rent, feed their families. That's what we're talking about here tonight.

"So when I hear about these 'boogeymen' and somehow this is going to harm, and hurt, and what if, and in the future, these are the facts. If people want I can sit here and spend the next hour reading each of the projects. There's one on every island. That's what we're talking about. Thank you very much, Mr. Speaker."

Representative Harbin rose to respond, stating:

"Thank you, Mr. Speaker. In rebuttal. First of all, I think we need to be very clear that Chapter 104 is not about just prevailing wage and the blood, sweat, and tears of our workers. Prevailing wage is only part of Chapter 104. Chapter 104 deals with public works. What I'm talking about and I think what is missing and what has been discussed in the same interim meetings that I attended is this is public works and it's an additional administrative burden. Administrative burden. It is not about taking the blood off the sweat of our workers. It's about administrative burden. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to the measure. We have heard if an item about this decision by the Attorney General. The question is does this work have a public purpose? SPRBs do have a public purpose. I mean that's why they qualify for SPRBs. You have to. In Laie, the largest property owner out there, privately funded and built a sewer system, and they wanted to expand it. They were able to get special purpose revenue bonds because that sewer system served a public purpose. It was very vital to many, many people out in Laie.

"A few years ago we had a constitutional amendment, which expanded public purpose. We here in the Legislature determined that private schools served a public purpose. If all the kids that are in private schools and parochial schools suddenly shut down, we would have to build a lot of new schools, so we could expand that to schools.

"But besides having a public purpose to be public works, the other thing that's in the existing law is that there had to be a governmental contracting agency. Not just by itself, a public purpose, but the governmental contracting agency. Well, obviously, when Hanahauoli goes out for a SPRB, they're not a governmental contracting agency. And so I believe that that opinion should be challenged. I think that some in this Body are hanging their hats on that in a big way and I'd like to see some other lawyers weigh in on this because I think this is not an appropriate direction to move in. Thank you."

Representative Marumoto rose in opposition to the measure and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2692, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Final Reading by a vote of 39 ayes to 9 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 206-06 and H.B. No. 2153, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2153, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Tanaka rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in strong support of Conference Committee Report 206. West Maui is finally going to get urgent care service. No longer will West Maui residents be forced with the only option of driving 25 to 30 miles to Maui Memorial Medical Center and waiting long hours in the emergency room.

"As a person with a history of medical conditions, I am very thankful to everyone that helped to see this measure pass. Mahalo to Health Chair Arakaki, you Mr. Speaker, Representatives Magaoay and Nakasone. Thank you very much."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, standing in strong support. Mr. Speaker, this Body spent a lot of energy and time this year making emergency medical services an important factor and this bill does that again, giving \$300,000 to West Maui. Mr. Speaker, this is a proud time where we can say that our money is being well spent to save lives. Thank you."

Representative Souki rose to speak in support of the measure, stating:

"Mr. Speaker, I wish to speak in favor of this measure. And Mr. Speaker and Members, I want to congratulate the Representative, the author of this bill. I believe there have been many Representatives who represented the Lahaina area including myself, but he is the only one that was able to get this outpatient service. So congratulations for a job well done and for the Members who helped out, the Chairman of Health and etc. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2153, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 207-06 and H.B. No. 3116, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3116, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support of House Bill 3116. Mr. Speaker, this is a great day. Actually now, it's a great night for keiki of the State of Hawaii. With this legislation, Mr. Speaker and colleagues, we will have invested in the future of Hawaii by ensuring every child growing up and living in Hawaii access to quality, affordable healthcare. And Mr. Speaker, it is all made possible through the collaborative efforts of the Legislature, the Executive, the federal government and the private sector providers and health insurance plans, in particular, Hawaii Medical Service Association.

"In 1997, Congress enacted in Title 21 of the Social Security Act and the Federal Balance Budget Act, the Children's Health Insurance Program or CHIP, which provided states with an important opportunity to expand healthcare coverage to low income children who are uninsured. And since then, Mr. Speaker, your Chair of Health and also as the Co-Chair of the Keiki Caucus, it's been a long dream and vision to provide quality healthcare for all Hawaii's children and this bill will finally bring that vision to reality.

"When assessing our population of uninsured children, we found that the greatest number of uninsured children were those who are now disqualified because they are immigrants who arrived after Welfare Reform Act of 1996 and those who are now specifically barred by Congress such as those from the Trust territories. Unlike other states, with this bill, we will cover all children regardless of the country of origin.

"And this is not a single payer bill. Healthcare services will be delivered through regular Medicaid and QUEST provider networks. An important component to the success of the Children Health

Insurances Program will be the outreach and coordination efforts working with and through existing public, as well as private sector healthcare and social service network resources on a statewide basis.

"And colleagues, I hope you'll get the word out that all children will be covered, and all children should have health insurance. I believe that two essential policies we can adopt for the children of Hawaii is to assure that every child has access to quality, affordable, early childhood education; and to assure that every child is healthy, ready to learn, and succeed in school. Quality education and good health, we all know by now go hand in hand. For our future, a strong mind and a strong body is essential to a productive workforce. When it comes to healthcare for children, we cannot put it off for the future. They are the future so we need to do it now.

"I want to thank the Majority Leader, my Vice Chair, and my Senate counterpart on this measure, Senator Suzanne Chun Oakland, for helping to shepherd this bill. And once again, and perhaps for the last time, I will close with this quote from Gabriela Mistral, a Noble Prize winning poet from Chile and she says, and I quote: 'We are guilty of many errors, and many faults, but our worst crime is abandoning the children, neglecting the fountain of life. Many of the things that we need can wait. The child cannot. Right now is the time his bones are being formed, his blood is being made and his senses are being developed. To him we cannot answer 'Tomorrow.' His name is 'Today.'"

"House Bill 3116 makes the State of Hawaii one of the first in the country to provide universal coverage for healthcare for all the children of Hawaii and I urge all my colleagues to support the bill. Thank you, Mr. Speaker."

Representative Pine rose to speak in support of the measure, stating:

"Just in strong support and I want to thank the Representative from Kalihi for fighting so hard for the children. Thank you."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support, but I do have a little bit of reservations that I would like to share. And I do want to thank the Chair of Health. But however, the reservation that I do have with this happens to be from a conversation that was had between Kookie Moon-Ng, who is from the section where this will take place, DHS's head of that section.

"The concern that I have is that we received a call from UPW, one of the representatives of UPW and the conversation went like this. Basically it was, I heard that there's going to be this children healthcare program. Does that mean that it's free insurance for children? And the intent was to find out if they could move the children's coverage from UPW onto this new program. And the one thing that is in this bill is a six-month provision that says they cannot be insured because it's a crowd out provision in this particular bill.

"And the reason why I mention, usually I wouldn't mention information like this because it is third party information. However, I do want to mention it because I want to discourage any type of activity like that. That this is not the intent of the bill. The intent of the bill is not to get insurance paid by the State when there are other measures to insure a child. So that is my reservations, Mr. Speaker, and I do commend the Chair of the House for this particular measure."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support. Very briefly, just I'd like to ask that I have my Chair of Health's words incorporated as my own. And one last thing, when you go back to your districts, colleagues, specifically this is what to tell people. If a child is uninsured, and

they're not in one of the QUEST plans or don't qualify for the QUEST plans, ask for Keiki Care. It's that simple. It won't be complicated anymore. When they go to their doctors they'll be able to enter the Keiki Care Plan so they'll have those two options. If the families are slightly poor and they qualify for Medicaid, they will be entered into that plan. They'll get the insurance that way. Otherwise there will be no questions asked and they'll be able to enter the Keiki Care Plan. So it's really that straightforward. Every child will be insured. Thanks for reaching out to your people."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3116, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CHILDREN'S HEALTH CARE PROGRAM," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 9:15 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2778, HD 2, SD 2, CD 1
H.B. No. 2595, HD 1, SD 2, CD 1
H.B. No. 1865, HD 1, SD 2, CD 1
H.B. No. 1866, HD 1, SD 2, CD 1
H.B. No. 2692, HD 1, SD 1, CD 1
H.B. No. 2153, HD 2, SD 2, CD 1
H.B. No. 3116, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 208-06 and H.B. No. 3056, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3056, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Chong rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Chong's written remarks are as follows:

"Mr. Speaker I rise in strong support of HB 3056, HD2, SD2, CD1. For decades community organizations have worked hard to preserve and restore Kawai Nui Marsh as a nature preserve, and cultural and educational resource. However, such efforts have been hindered for nearly 15 years because of ownership and management discrepancies between the State and the City. I believe this bill presents a satisfactory solution to a long-standing problem by clarifying ownership issues and maintenance responsibilities of the flood zones, as mandated by Act 314.

"HB 3056, CD1 requires the City and County of Honolulu to transfer to the State specific parcels of Kawai Nui Marsh effective July 1, 2007. It also appropriates funds for the City and County of Honolulu to maintain the levee and \$40,000 to the community for ecological and cultural programs.

"The Marsh, encompassing approximately 830 acres of land in Kailua, Oahu, is one of the State's largest remaining wetland. It has been identified by the U.S. Fish and Wildlife Service as a primary habitat for endemic and endangered native Hawaiian birds. Last year, the Ramsar Convention on Wetlands designated the Marsh a wetland of international importance. Recognizing its ecological value, the federal government has appropriated funds for bird habitat restoration under the condition that the Marsh's ownership be clarified. Any further delay in the transfer of marshlands would jeopardize these funds, as well as the Marsh's native wildlife population.

"I ask that my colleagues support this measure that ensures the preservation and restoration of Kawai Nui Marsh for future

generations. Thank you."

Representative Thielen rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Thielen's written remarks are as follows:

"Mr. Speaker, I rise in support of HB 3056. Kawai Nui means 'the big water' in Hawaiian, and at over 800 acres it is the largest wetland in the Hawaiian Islands. My prior staff member, Christina Hoe and I worked with Muriel Seto and others to nominate Kawai Nui Marsh as a Ramsar wetlands site of international significance. We succeeded in obtaining this highest international designation.

"Now, HB 3056 initiates the much needed land transfer of Kawai Nui Marsh from the City and County of Honolulu to the State. The model airplane field and levee system remain under City jurisdiction. This measure puts to rest the 15-year unresolved dilemma between the State and City on the flood control responsibility.

"Clearly expressed in the Territorial Legislature 1949 Session, Joint Resolution 3 – the City was authorized to construct the flood control levee and maintain and operate all flood control works after completion of the project. This bill continues this responsibility for the City. The State is not required to maintain any flood control program relating to the Marsh.

"With the jurisdiction issue settled, the Army Corps of Engineers can proceed with their \$5 million project to dredge the thickening sediment in the Marsh. This will increase the habitat area for the indigenous wetland birds.

"The restoration project will:

Increase water capacity in the Marsh and prevent flooding in the Coconut Grove and Oneawa Canal;

Restore the native wetland bird habitat; and

Continue the efforts to build an interpretive education center for children, families and future generations to have a special place to go to learn about wetlands ecosystems and ancient Hawaiian practices.

"I am proud of this measure and look forward to seeing the full restoration of Kawai Nui Marsh in the near future. Mr. Speaker, thank you for the opportunity to rise in support of this important measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3056, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 209-06 and H.B. No. 2109, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2109, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 210-06 and H.B. No. 1867, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 1867, HD 1, SD 2, CD 1 pass Final

Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. This bill allows uninterrupted medical care to an injured employee even if the injured employee's employer denies further treatment until the Director of Labor and Industrial Relations renders a final decision on the matter. So what happens?

"Currently, medical insurance is able to recover the cost in case a medical service is not approved. Under the bill there is no provision to recover losses if the Director renders a final decision that denies this treatment. Doctors will take on the expense, I suppose. Throughout the entire process the employee still has medical insurance provided by the employer. Now I understand why this bill is written, or at least I think I do because in the past, decisions would take up to eight months to render. But under the current Administration, decision making has been cut by more than during an average of three months.

"Mr. Speaker, I support the entire providing medical coverage to injured workers, but I'm concerned about the consequences of expenses of unpaid medical treatment if the claim is denied. Are we going to find that doctors refuse to take these employees? I'm not sure. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'll be voting no on this measure. One of the biggest problems we have in the workers' comp system right now is the lack of adequate care. Workers are being turned away from the doors of hospitals, and are being turned away from the doors of providers.

"What this measure will do is force the providers to carry the paper. And what does paper mean? That means they have to carry payment on their books. For maybe up to six to eight months until a third-party provider can be found. Right now, in the Prepaid Healthcare Act there is a rule that says if a worker is injured, the prepaid healthcare shall immediately provide coverage. But we find that physicians are not being paid under the prepaid or the healthcare provisions. What they have to do is sit back and wait and wait and wait.

"And you have to remember that physicians, hospitals, massage therapist, chiropractors, you name it, they are all businesspeople. They have payrolls to pay. They have rents to pay. They have workers' comp insurance premiums to pay. But they can't pay it, if they don't get paid. And what this bill is trying to do is to get them to carry the paper until another provider can be found.

"We are damaging the system further by denying prompt, quick healthcare to our workers. This is what keeps them from becoming well. The longer they're not attended to, the longer they will be out of work. This does not make sense. Thank you."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with just some reservations. My reservations are similar to the ones I noted on Conference Committee Report 198-06. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, brief comments in support. Just to clarify a misstatement made by the Representative from Makakilo. I'd like point everyone to page 4 of the bill, starting with line 17 and I'll read, 'The employer or the employer's insurer may recover from the

claimant's personal healthcare provider or other appropriate occupation or non-occupational insurer all sums paid for medical services from that treatment plan rendered after the date designated by the director.'

"In other words there is reimbursement. It was misstatement to say there is no reimbursement. The Committee on Labor worked long and hard to find a way to make sure that there wasn't someone 'holding the bag.'

"But more importantly, Mr. Speaker, what this bill is all about is if you're an injured worker getting medical treatment and your employer or your insurer decides on their own, they're not physicians, they're not healthcare providers, disputes that you shouldn't be getting more treatment, treatment is stopped. So you're not getting better. And then you sit and wait and wait and wait and wait until the Director decides otherwise. If the Director decides you should have gotten treatment, you start to get treatment again, but your injury could be exasperated.

"That's a basic fairness issue, Mr. Speaker, that we're trying to address here. And so what we're saying is a non-healthcare provider doesn't have that right and we hope that the Director does render a decision more quickly. And if they find that the treatment should have been provided during that dispute, then they go to the third party provider which they'd be covered for by anyway, or by QUEST. So I think this is a good attempt to try to be fair to all parties. Thank you very much, Mr. Speaker."

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. Mr. Speaker, what I'm hearing from opponents to this measure is that we don't want to risk harm to employers and doctors. And Mr. Speaker, I would say if you're asking a question whether you want to risk harming an employer or a doctor or an injured worker, I think the answer is clear. You have to side with the injured worker.

"This bill mirrors what we have already in our welfare system. If you're cut off of welfare and you request an appeal, you have the right to continued benefits, while that appeal is pending and then of course if you lose, then it's an overpayment. And, I think that, Mr. Speaker, is the only fair way to go.

"I heard the Representative from Kapolei saying that, although decisions used to take eight months in workers' comp, they've cut that in half. So we're still taking about four months of waiting. For someone that's injured that needs critical medical care, I think to deny that person care on the question like the former speaker said, that a non-doctor felt they weren't disabled is unacceptable. And so I think this is a critical measure that we should all support. Thank you."

Representative Harbin rose to respond, stating:

"Thank you Mr. Speaker, as just as a further statement and as a rebuttal to the Representative from Manoa, we would probably not be having discussion if we had our medical algorithms in place. Thank you."

Representative Moses rose to respond, stating:

"Just a clarification, Mr. Speaker, though still with reservations. No opposition, just reservations pointing out what I think are some difficult areas with the measure. The claim process now is down to three months and I hope it goes a lot lower. However, if we keep passing bills out like we talked about tonight and keep piling things on to the DLIR Department, we have a lot of problems and it's going to increase the time that it takes. Thank you."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Halford rose to speak in support of the measure, stating:

"Thank you, real briefly. I'm in support. It's a matter of policy in this State that we provide, that employers provide healthcare for employees 24/7 and in prospective. So if they're hurt at work, their coverage is through workers' comp, and if they're hurt outside of work, then it's a prepaid health plan.

"It's not, in terms of our overall policy, we're not looking for gaps in service. And if there's a point, which apparently is happening now that a worker just does not have healthcare that needs resolution.

"The sooner that the DLIR can resolve any question about whether it's a workers' comp issue or a prepaid healthcare issue, the better. And frankly, I don't see how it increases the workload. They have to adjudicate as many cases and I don't see why the workload goes up. Just what's being asked for is that it be done more timely. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1867, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Harbin voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 212-06 and S.B. No. 2630, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2630, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 213-06 and S.B. No. 3009, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3009, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL SERVICE EXEMPT EMPLOYEES," passed Final Reading by a vote of 47 ayes to 1 no, with Representative Stevens voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 214-06 and S.B. No. 3101, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3101, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I stand in strong support of this. Thank you. I completely understand the enthusiasm and joy of the Chair of Housing when he spoke about the Housing Omnibus Bill, and the gratitude and appreciation of the Chair of Health in speaking about the Children's Health Care Fund Program. I too feel at this moment, this is the bill to celebrate. And we still have a few more pages of bills to go and I was hoping that we just take a moment to pause because this particular bill was a labor of love from both the House and the Senate side. It exemplifies the growing unity within the early learning community, the forthcoming collaboration and coherence of

Executive departments regarding sustainable funding and services, and the beginning of a comprehensive, integrated system of early learning for all children in Hawaii.

"This bill recognizes the power of public-private partnerships, the significance and impact of parent education programs, existing services, sensibility of planning coherently. And more importantly, if you'll allow me the metaphor, this legislation is vaccine for high achievement in schools and success in life. The antidote for poverty, welfare, prisons, and war. All the things we've been talking about today. They are vitamins for self-sufficiency and for sustainability of our democracy. And in the words of John Lennon, 'A dream dreamed alone is only a dream. A dream we dream together is reality,' and this legislation is where idealism meets reality. Thank you."

Representative Arakaki rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I'd like to have the words of the Vice Chair of Education adopted as my own, and just say kudos and accolades to the Vice Chair of Education for continuing to pursue a vision of universal access to quality, early childhood education. Thank you."

Representative Yamashita rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Yamashita's written remarks are as follows:

"Mr. Speaker, I rise in support of SB3101, SD2, HD2, CD1. This measure will aid early childhood education in the State of Hawaii, by appropriating funds for an early learning taskforce that will deliver a plan for our pre-kindergarten students as well as fund kindergarten programs. It is extraordinarily important that we provide a strong educational base for our children. Providing funds for kindergarten and pre-kindergarten programs will strengthen our *keiki*, and assist them along their educational journey. Thank you."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of S.B. 3101, which would build a comprehensive system of early childhood learning services by further developing and refining the recommendations of the temporary early childhood education taskforce. This measure would also establish and appropriate funds for an early learning educational taskforce and also build upon the existing framework and services for early childhood learning.

"S.B. 3101 outlines the steps that Hawaii needs to take in order to create a healthy and vibrant early learning system ensures that the care and education that a child receives, maximizes the child's ability to grow and learn and to ultimately thrive as a contributing member of our society."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3101, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 9:28 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 3056, HD 2, SD 2, CD 1
H.B. No. 2109, HD 1, SD 2, CD 1

H.B. No. 1867, HD 1, SD 2, CD 1
 S.B. No. 2630, SD 2, HD 1, CD 1
 S.B. No. 3009, SD 2, HD 2, CD 1
 S.B. No. 3101, SD 2, HD 2, CD 1

Conf. Com. Rep. No. 215-06 and S.B. No. 2980, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2980, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 216-06 and S.B. No. 3197, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3197, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict of interest. My firm is representing the substitute teachers in a class action lawsuit, but I don't work on that," and the Chair ruled "no conflict."

Representative Meyer rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I am very supportive of SB 3197 SD2 HD1. Substitute teaching is a difficult and often thankless job. Our substitute teachers take over for our full-time teachers at a moment's notice. They have to deal with children who do not respect them, who take advantage of their lack of knowledge about the class. They should not have to deal with being shortchanged by the DOE in their paychecks. I hope that this bill resolves the issues that have arisen in the past ten years, and that our substitute teachers will continue to get the compensation we have promised them for the difficult job they do. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3197, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 217-06 and S.B. No. 3059, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3059, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Shimabukuro rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Shimabukuro's written remarks are as follows:

"With Reservations. I would like to insert excerpts from an email I received from Margaret J Maaka, Associate Professor, UH-Manoa College of Education; and Chair, American Educational Research

Association Indigenous Peoples of the Pacific Special Interest Group:

SB 3059 requires the Department of Education to create a commission to establish, implement, and maintain a standardized statewide curriculum for each grade level, with adequate course content in order to meet the state performance standards for the No Child Left Behind Act of 2001.

The absence of the Native Hawaiian language and culture from Hawai'i public schools is already glaringly obvious despite the plethora of research indicating that children best learn when they are able to relate new learning to familiar experiences. This absence prevents Native Hawaiian children from gaining the personal and cultural identity necessary for a sense of positioning in time and space. In short, this denies their legitimacy as a people. It should not be surprising, then, that so many Native Hawaiian children find little purpose and meaning in school.

Since the Bush administration and others of that ilk are so keen on "scientifically-based research", I offer up the following—we know that schooling that is designed to assimilate Indigenous children into the dominant culture through the dominant language (English) does not work. We have a two hundred year longitudinal study to attest to this!! Like all colonized Indigenous children throughout the Pacific, Native Hawaiian children have rates of school absenteeism and referral for special education services that are far above average. Native Hawaiian teenagers are more likely to drop out of high school without qualifications and have the highest incidence of suicide. Native Hawaiians are overrepresented in prisons, have the poorest health records, and are underrepresented as students and faculty in higher education. Thus, it appears that upward mobility through learning the English language and culture (at the expense of learning the Hawaiian language and culture) is a myth for the Native Hawaiian people.

"I end with a statement from the National Organizing Committee of the World Indigenous Peoples' Conference in Education (1999): 'We, the Indigenous peoples of the world, assert our inherent right to self-determination in all matters. Self-determination is about making informed choices and decisions and creating appropriate structures for the transmission of culture, knowledge and wisdom for the benefit of each of our respective cultures. Education for our communities and each individual is central to the preservation of our cultures and for the development of the skills and expertise we need in order to be a vital part of the twenty-first century.'"

"The first step, then, in the reinvention of Indigenous schooling is the development a pedagogy of hope that emerges from and affirms the cultural experiences of the Hawaiian people. Defending this at all cost is the second step."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3059, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 218-06 and S.B. No. 3195, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3195, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3195, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker

being excused.

Conf. Com. Rep. No. 219-06 and S.B. No. 3273, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 3273, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Meyer rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I stand in strong support of SB 3273 CD1, or any bill, really that seeks to resolve the problems our State has with substance abuse by our youngsters. I am hopeful that by helping the young people who get involved with these destructive habits, we will make real progress towards eradicating these destructive influences from our society. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3273, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Final Reading by a vote of 49 ayes, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 220-06 and S.B. No. 2076, SD 2, HD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2076, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LEASEHOLD CONVERSION," passed Final Reading by a vote of 48 ayes to 1 no, with Representative Thielen voting no, and with Representatives Abinsay and Stonebraker being excused.

Conf. Com. Rep. No. 221-06 and S.B. No. 2190, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2190, SD 1, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm going to vote no on Conference Committee Report 221, Relating to Employment Security. This started out as a pro-business bill and we thought we might be able to help all businesses that have workers, but unfortunately it turned into a 'monster' and the business community had to come back and say, 'We've got to kill our own bill.' And it's a very sad commentary on the situation here in the Legislature. We're passing bill after bill that will help workers, which is fine, but we need a little balance also and would like to pass out some legislation that could be called pro-business. Thank you."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you. As the previous speaker said, this bill provides temporary tax relief for two years to employers by lowering the maximum taxable wage base for calendar years 2007 and '08. That is part of what the businesses wanted. Of course they wanted for a lot longer than that. The temporary tax relief that allows businesses to use the savings to pay more competitive wages, expand their employee base, or invest in

capital for business expenses by enabling businesses to have better resources to improve their resources and funds, we will essentially be improving our economy because there's a creation of better paying jobs and business opportunities for the State. And I am in support of that as are our businesses.

"However, another component of the bill permanently increases the amount of unemployment benefits that an unemployed worker can receive, as well as the duration of receiving them. Mr. Speaker, aren't we trying to get workers back into the workplace? That is why we are passing legislation that calls for things like vocational training and construction academies. Increasing unemployment benefits does nothing to provide incentives to return to the workplace.

"Finally, Mr. Speaker, this bill also allows for the possibility for wrongdoers to collect unemployment benefits since it allows all unemployed workers to collect benefits except for those that were terminated because of willful and wanton conduct. And since we have many lawyers in this Chamber right now, they can explain to you that that is a very, very high legal standard to meet. So although this bill temporarily strengthens the business opportunities across the State, the permanent damage done by other parts of the bill represent what appears to be a deliberate poison pill for businesses and I must vote no."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, rise in support. Mr. Speaker, I'd like us to step back just a minute to consider a real issue that we're considering here tonight. And Mr. Speaker, that is the unemployment compensation system of our country and our State. And before I became Chair of Labor, I didn't really know much about unemployment insurance. But I've learned that due to the massive unemployment problem from the Great Depression, President Roosevelt back in 1935 enacted the Social Security Act, which we all benefit from. But part of that dealt with unemployment insurance. It was first created by the Social Security Act. And it was a collaborative state-federal effort, Mr. Speaker.

"And it was at that time and it still remains the major public program for the alleviation of consequences of unemployment. It remains a federal-state partnership. Mr. Speaker, the primary objective of this program, known as the unemployment insurance system, is to supply a form of income maintenance through temporary and partial wage replacement for workers and involuntary unemployed. A noble cause that we all support. The objective is accomplished through a cash benefit program that is distinct from relief or welfare programs and is not means tested. In other words, it's payable as a matter of a right to workers who have enough qualifying wages and work experience.

"The beauty of this system, Mr. Speaker, is it is designed to automatically help stabilize the economy during periods of recession and depression by enabling workers to maintain some fraction of their previous consumption expenditures. Mr. Speaker, what is really brilliant about this system is that it also serves the interest of businesses by helping maintain the circulation of money during periods of national or local downturns because people who are laid off, continue to receive a wage. They can use that money to pay their rent, to buy food and so forth. So it helps the overall economy and we don't end up in the cyclical depression mode that we found in the 1930s.

"The other thing is it actually enables businesses in a downturn to retain a trained workforce so that when the economy turns around, they have people who are being paid unemployment that can come back to the workforce.

"So, Mr. Speaker, this really works for both employers and employees. And we're not talking here about stereotypical welfare moms, Mr. Speaker. We're talking about productive members of our society that are forced to transition between jobs and sometimes

between industries. We're seeing that right now in Kunia and we're seeing that at the Naniloa Hotel on the Big Island.

"Mr. Speaker, it's interesting the 12th Legislature for the territory of Hawaii 1939, implemented the unemployment insurance compensation system for Hawaii. At that time, Mr. Speaker, the Speaker of the House was a gentleman named Roy Vitousek. There's a Roy Vitousek, who's practicing law over on the Big Island. He must be of some relation. And much like the process we're going through today, Mr. Speaker, this Body back then in 1939, struggled with business. I went and read the Committee Reports and the entries into the Journal on the debate and they really debated trying to address the interest of business while leaving undisturbed the principal purpose of the federal unemployment compensation system and they accomplished the goal.

"So Mr. Speaker, that systems been in place ever since. It's interesting to point out that in 1976, remember when we had the oil embargo and we first woke up to the problems of our oil crisis, the unemployment rate in State rose to 7 percent and our trust fund was almost depleted or it was and we had to borrow \$22.5 million from the federal government to replenish it. As a result, in 1977 this Legislature enacted a flat tax of 3.5 percent on all employers to boost the solvency of the trust and by 1998 it was fully funded.

"It was significant, while I want to mention these dates is, Mr. Speaker, in 1988 the Unemployment Insurance Trust Fund was so healthy that for the first time they gave a tax holiday. Something we're talking about here today. Saving businesses in that year \$40 million.

"Now it happened again, Mr. Speaker, in 1991, we had the Gulf War and we all remember the Japanese 'bubble' burst, the Japanese tourists stopped coming to our State. There was an economic downturn. To help businesses this Legislature, Mr. Speaker, of which you were then a part of, provided a tax holiday again for the second time and this time it was another \$40 million savings for business.

"Then in 1992, so in the second consecutive year, they even took a bolder step. They provided an additional one-year holiday that resulted in a savings of \$50 million. So a total of ..."

Representative Ito rose to yield his time, and the Chair, "so ordered."

Representative Caldwell continued, stating:

"Thank you very much, Representative. Resulted in a \$90 million savings over a two year period, but it did something else. It enhanced benefits, Mr. Speaker. What it did is it increased the maximum weekly benefit for wages from 66 and 2/3% to 70% and it also increased the earnings disregard from \$2 to \$50 to create greater incentive for claimants who want to work part time.

"So they provided a tax holiday and they increased benefits. They did that also, Mr. Speaker, in 1988 with the enhanced benefits. So there's precedent for what we're talking about that we're going to be doing here today and hopefully passing.

"Most importantly, Mr. Speaker, this Body developed a schedule that we live under today. This A, B, C, D, E, F, G schedule that basically is self-adjusting depending on the rate of unemployment and the health of our economy so this Legislature doesn't have to come back every year and tweak it. And that still works to this day. And as a result, in fact right now we're currently at a C level and we'll be dropping to a B level because of the strong health of our economy and the low unemployment.

"And Mr. Speaker, for the fourth time in 2001, many of the members here were present, we had 9/11, huge economic downturn, and the Legislature came back and guess what, Mr. Speaker? They gave another tax holiday. They held a schedule to C, which resulted

in a savings of approximately \$40 million for businesses.

"So we've done this four times, and on two occasion in those four times we've enhanced benefits. So again there's precedent for what we're talking about. Now today we have another robust economy and this trust fund, Mr. Speaker, is funded almost to the tune of a half a billion dollars. Half a billion dollars.

"The Administration this year asked for a three year tax holiday and the House Labor Committee under the guidance of the Representative from Kahului our Vice Chair of the House Labor Committee recommended a two-year holiday and this Committee moved out the two-year holiday. How it would work is that right now every employer is taxed at \$34,000 per employee. It would be reduced at \$7,000. This bill has that, Mr. Speaker. And now what we're talking about through compromise we've agreed to a two year holiday.

"Mr. Speaker, that will result in a tax savings for Hawaii's employers of somewhere between a \$150 and \$165 million. This is not insignificant. This is an incredible tax savings for Hawaii's businesses. Greater than any other tax relief we're providing. So for someone to get up and say that business isn't benefiting, they are getting an incredible benefit. And I question whether they'll go to the Governor and say veto this bill because of some of the enhancement provisions that are in there, but we'll find out.

"There's no comparison in Hawaii's history in terms of this type of savings. And you have to remember now that benefits have been enhanced for the first time in 14 years. The last time was in 1992 and what we do here, Mr. Speaker, is we increased the maximum weekly benefits from 70% of your wages to 80%.

"Number 2, just step back for a minute in terms of the increase, Mr. Speaker. 70% of your wages, the maximum you'll get right now in weekly unemployment is \$457.80. If we increase it to 80, which I hope we do, it'll go up \$523.30. So there's small increase. The people who will be impacted by this increase is just that small margin. Everyone else remains unaffected. They benefit from the cap being increased. So the impact is not all that dramatic.

"Secondly, Mr. Speaker, what we do is we increase the benefits from 26 to 30 weeks. Right now its average is 14 weeks and we don't anticipate more than that being taken because of the strong economy. And then the earnings deduction for part-time work was increased from \$50 to \$150. Remember it used to be \$5 and it went up to \$50, and now \$150. Again this Body, under the House has voted on this measure in the past to encourage people to find part-time work as a first step back into full employment."

Representative Luke rose to yield her time, and the Chair, "so ordered."

Representative Caldwell continued, stating:

"Thank you very much, Representative. I'm almost finished, Mr. Speaker. The last time issue is 'willful and wanton' that we heard talked about. Yes, there is a provision for willful and wanton. It comes from a recent Supreme Court decision in which the dissenting opinion was that employees who were discharged should receive unemployment insurance unless their actions were willful and wanton. In the previous bill that came out of this Body just mentioned willful and wanton without much definition.

"This bill defines it and in my mind, somewhat narrows the application. What it describes willful and wanton to be is, it consists of actions which are willful or wanton disregard of the employer's interest, includes deliberate or intentional violations or deliberate desire for established standards of behavior which indicate a wrongful intent or evil design. Mere inefficiency, unsatisfactory conduct, poor performance, isolated incidences, or good faith errors in judgment, Mr. Speaker, that all of us make from time to time, or discretion shall not constitute or willful or wanton conduct. So it

gives direction.

"Now, Mr. Speaker, people will ask what are the costs of these enhanced benefits. The Director of Labor and Industrial Relations answered that question and said it's going to be approximately \$15 to \$18 million in the years 2007 and 2008, in exchange for a \$150 to \$165 million in tax savings. So business needs to work that out and see if they think that's an acceptable provision for them.

"Mr. Speaker, just to reemphasize. You can ask how much is enough in terms of enhanced benefits. But if you look at the policy behind unemployment insurance that I've mentioned, it's really to alleviate the consequences of unemployment for Hawaii's workers. To help them pay their rent, feed their families, and take care of their children's health needs. It is also a way to stabilize our economy during economic downturns by enabling unemployed workers to receive some fraction of their previous consumption expenditures and invest it back into our economy. So Mr. Speaker, I hope that the members of this Body will look at this, see where the balance is. We struggled long and hard on this to try and find some balance. I think we achieved that and that hopefully the members of this Body will support this legislation. Thank you, Mr. Speaker."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'd like to speak in favor of this measure and express reservations. Mr. Speaker, a decidedly good part of this measure is returning taxes essentially returning an overtax to the employers. They've been overcharged. It's good that we give that back. This isn't a tax break, it's a tax rebate, but in any case it's good to give the money back. That's a good feature of this bill.

"In my view of mixed value is this increase in benefit. While admittedly, Mr. Speaker, the increased benefits are good for those few workers that do collect unemployment. The minority of workers that do collect unemployment, it's good for them and I certainly don't begrudge them that. But Mr. Speaker, the problem with the unemployment benefits increase is that it has a tendency to suppress the stated wage of all workers. The majority of whom will never collect unemployment insurance. And the way that works Mr. Speaker, is that employers in the long run are looking at what is the total compensation to employees. They're tracking total compensation as the bottomline. They're not tracking the cost of any particular insurance.

"So say, for example the employer knows that he can afford \$30 an hour for a particular class of employees. From that \$30 the employer starts backing down saying, well, I have to pay so much for unemployment insurance, so much to social security match, so much for health insurance, so much for workers' comp, etc. There's a long laundry list of those. And by the time he backs all those out the employer may be down to \$16 or \$17 an hour and calls that the stated wage. The employer knows he's going to be paying \$30 an hour. The employee's worth \$30 an hour, but the stated wage is say in this instance \$16 an hour.

"Well, if you raise any one of those benefit costs then that has a tendency to suppress the stated wage. So really who's picking up the \$15 million and \$18 million? In the short run you can say, 'Oh, the employers paying for it,' but in the long run all the employees are paying for it because they would get that in a higher stated wage had the amount of benefits paid out to unemployment were last. So this unemployment insurance policy really is in the long run paid by employees for those few employee that will actually collect and that I believe is a serious reservation regarding giving too much unemployment insurance.

"I do agree with unemployment insurance. The question is striking a balance. And it's a myth for us to promote that somehow we are benefiting all workers because we increased unemployment insurance. We are actually suppressing stated wages for all employees when we do that."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. It's just that these benefits, we're increasing them by 18% in one full swoop and this is permanent. When these things go up, on some very rare occasions that they will come down because it's like taking benefits from workers. It's just not going to happen. And the benefit that this bill will give to businesses is just temporary. It's two years. It's not like they're not paying any unemployment insurance, but they're paying on a lesser base on the first \$7,000 of each employee's wage.

"Hawaii has probably the highest wage base. Right now it's \$34,000. It's formulated on a average wage so as the economy grows that amount goes up. But at least 50% of the State's base for unemployment payments is on the first \$7,000. So what we're giving is a straight benefit, is what the rest so many of the others states pay. The employers in those states pay.

"The figure from the Director of Department of Labor estimating these 18% higher benefits, he said that, total benefits payout for 2006 with these higher benefits would increase from a projected \$84 million to \$99 million. So that would be \$15 million in one year more. And then if you look at the experience from 1995, if the rate on unemployment insurance was 3%, that would go up from \$230 million to \$271 million. So that's an additional \$41 million. So for businesses, they can see that working out that way, out in the future with these increase benefits, they're going to be paying anywhere from \$40 to \$60 million more than they are now. So thank you very much for this benefit now, when we're really going to get socked down the road.

"So this is not a good bill. This is a compromise, but it's one of these horrible compromises where you get something in one hand and you get a knife in your back in the other, and it's just impossible to support. Thank you, Mr. Speaker."

Representative Harbin rose, stating:

"Mr. Speaker, I rise to move that we recommit this measure back to Labor. If not, Economic Development."

At 9:53 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:54 o'clock p.m.

At this time, Representative Harbin moved that the report of the Committee and S.B. No. 2260, SD 1, HD 1, CD 1, be recommitted to the Committee on Conference, seconded by Representative Meyer.

The motion was put to vote by the Chair and failed to carry. (Representatives Abinsay and Stonebraker were excused.)

Representative Meyer then called for a division of the House.

The Chair then stated:

"At this point, I believe the Chair's ruling is that we have the votes as far as having the bill not be recommitted, but denied on the Floor. So the motion has failed. We're back to the main motion."

Representative Meyer rose, stating:

"I thought a division of the House was just an automatic if someone asked for it."

Speaker Say: "No."

Representative Meyer: "There's no way of knowing on the voice

vote there."

Speaker Say: "Well the Chair has ruled. If you want to appeal the Chair's ruling you may."

At 9:56 o'clock p.m., Representative Luke requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 9:56 o'clock p.m.

The Chair then stated:

"The Chair stands corrected at this point. There has been a request by the Minority Floor Leader that there be a division of the House."

The motion that the report of the Committee and S.B. No. 2190, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," be recommitted to the Committee on Conference was put to vote by the Chair and upon a show of hands failed to carry. (Representatives Abinsay and Stonebraker were excused.)

(Main Motion)

Representative Ching rose, stating:

"I thought we were still on the main motion. I wanted to submit written comments."

The Chair then stated:

"Okay, the Chair will allow you but the Chair has already decided that we had enough of this discussion on this particular matter. It's been an hour and ten minutes on this particular matter, and I think you should have been aware that if you have written comments or you are opposed or in support, please stand up as quickly as possible. So Representative Ching you can submit written comments in support of this particular Conference Draft."

Representative Ching continued in opposition, stating:

"I was just trying to be polite. In opposition. Thank you. And I'd like to incorporate the words of the speaker from Maui and additional comments of my own."

Speaker Say: "The speaker from Maui was in support with reservations."

Representative Ching: "I would like to incorporate his words about the wage increase."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition.

"I support the original intent of S.B. 2190, which would have provided temporary tax relief to employers by lowering the maximum taxable wage base for calendar year 2006 and 2007. It would have afforded the wherewithal for businesses to pursue growth opportunities that would serve to sustain the current level of prosperity, including additional tax revenues to the State's coffers.

"However, I have grave concerns with this measure that would considerably increase the maximum potential benefit and the maximum weekly benefit of unemployment compensation. Hawaii's unemployment rate, currently the lowest in the nation, has had the net effect of driving wages to an all-time high. Increasing the percentage of the weekly benefit and the maximum potential benefit of these high wages undermines the initial intent of this measure.

"Of particular concern is the treble increase in the threshold for deducting wages earned while collecting benefits, which purportedly

will encourage employees to seek more permanent employment benefits and maximum pay for part time work has little or no motivation to seek a permanent full time job."

Representative Stevens rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Stevens' written remarks are as follows:

"Senate Bill 2190 began as an Administration measure designed to give a three year tax holiday to employers due a large surplus in the Unemployment Insurance fund. Unfortunately the bill was changed significantly to a generous unemployment benefit package for citizens out of work. A small amount of tax relief was attached. While the two years of tax holiday will assist employers, the permanent benefits for employees will cost a lot and tip the scale in workers' favor. It is my hope that with the current low rate of unemployment, and average of 14 weeks of collection, very few workers will need to stretch their benefit time to the full 30 weeks."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 2190, Senate Draft 1, House Draft 1, Relating To Employment Security.

"Mr. Speaker – In Director Befitel's written testimony on Senate Bill 2190 Senate Draft 1 House Draft 1 before the House Finance Committee on March 29, 2006, he testified in opposition to the proposed \$150 off-set of UI benefits from the current \$50 off-set – In particular, he argues that it would encourage eligible unemployed workers to intentionally remain on UI and not seek employment opportunities and full-time employment. Nothing could be further from the truth. So, let me walk you through his testimony and explain why I disagree with his opinion.

"In Director Befitel's example -- Joe works part time and earns \$300 per week while he collects \$450 a week in UI benefits. This means that Joe has been working for several months and may have had more than one job.

"If we assume the Director's example to be true and that Joe is entitled to \$450 of UI benefits per week that means Joe was earning about \$3,150 a month or \$788 per week. Joe working makes \$788 per week.

"So, knowing all the facts regarding the amount Joe earns while working full-time, working part-time, and what he could receive each week on unemployment lets examine the Director's argument. First under present law with a \$50 off-set. Next, with the proposed \$150 off-set.

"First under present law, Joe is subject to a \$50 off-set. \$50 is deducted from his part time wages of \$300 with the balance subtracted from his \$450 UI check. (\$300-\$50 = \$250) The result is (\$450-\$250 = \$200) a \$200 UI benefit per week. Since he also makes \$300 part time, his total weekly income is \$500. In other words, Joe working part-time -- with a \$50 off-set -- and \$200 UI benefit will make \$288 less a week or \$1152 less a month.

"Now we need to look at what Joe would make if he receives UI benefits with the proposed \$150 off-set. Joe earns \$300 a week working part-time and is entitled to \$450 a week in UI benefits. With the proposed \$150 off-set, all the money earned over \$150 is subtracted from his UI benefit. In this case -- Joe will have \$150 subtracted from his UI benefit (\$300-\$150=\$150).

"After subtracting \$150 from his \$450 UI benefit -- Joe's total UI benefit is \$300 per week. But, since Joe also earns \$300 a week from

his part time job, his total weekly income is \$600. In other words, Joe working part-time with a \$150 off-set and a \$300 UI benefit will make \$188 less a week or \$752 less a month.

"Now let's compare. Joe works full-time to earn \$788 a week -- or he works part-time and receives UI benefits (\$450-\$150 = \$300) for a total income of \$600 a week. Even if he keeps \$100 more (\$300 verses \$200 per week) of his UI benefit under the new proposal will not make more than he would earn working full-time. Director Befitel believes that the new \$150 off-set would discourage beneficiaries from finding full-time employment because they will keep more of their UI check. Now does that make sense? I think not. First, Mr. Speaker -- \$188 dollars a week more is a substantial amount to consider. It comes out to \$752 more a month. I cannot believe that Joe would stay on UI benefits for the entire duration of his claim knowing that he could make almost \$800 more -- per month -- working full-time. If Joe were to continue on UI benefits and forego a full-time position for the proposed duration of 30 weeks -- he would have missed \$5640 in earnings. This is a clear incentive to find full-time work.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2190, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Final Reading by a vote of 28 ayes to 21 noes, with Representatives Berg, Carroll, Ching, Chong, Evans, Finnegan, Harbin, Ito, Karamatsu, Marumoto, Meyer, Moses, Nakasone, B. Oshiro., Pine, Sonson, Tanaka, Thielen, Wakai, Yamane and Yamashita voting no, and with Representatives Abinsay and Stonebraker being excused.

At 10:02 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2980, SD 2, HD 1, CD 1
S.B. No. 3197, SD 2, HD 1, CD 1
S.B. No. 3059, SD 2, HD 1, CD 1
S.B. No. 3195, SD 2, HD 2, CD 1
S.B. No. 3273, SD 2, HD 2, CD 1
S.B. No. 2076, SD 2, HD 2, CD 1
S.B. No. 2190, SD 1, HD 2, CD 1

Conf. Com. Rep. No. 222-06 and S.B. No. 2708, SD 2, HD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2708, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL FACILITIES," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 223-06 and S.B. No. 2719, SD 2, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2719, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. And I want to commend the Education Committee for coming out with this excellent bill.

"I am especially am very pleased by the section that allows additional Charter Schools to be formed if a Charter School meets an accreditation, and then another Charter School can come forward. That's something that's been urged for many Sessions now by my constituents and many others. They want to see more Charter Schools.

"I am also very pleased by the section that talks about permitting funding for facilities. That's another thing that's been really, really needed by the Charter Schools. So I urge my colleagues to support this very important legislation."

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2719, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 224-06 and H.B. No. 3105, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3105, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 225-06 and H.B. No. 3142, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3142, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Thank you, Mr. Speaker. Earlier this year the Legislative Reference Bureau issued a report entitled: On-Call Crisis in Trauma Care: Government Responses, which included the finding that trauma centers across the nation have for many years been facing a crisis securing physician specialist for an emergency call.

"However, the on-call crisis faces not only trauma centers, but also hospital emergency departments. What are the causes of this crisis? According to the study, number 1, the cost of care has increased, while payments to physicians from health plans, Medicare, Medicaid, have dramatically decreased. Number 2, many physician specialists have reduced or eliminated emergency calls in favor of a more predictable lifestyle. Number 3, there's a national shortage of physician specialists in many areas critical for trauma coverage. And 4, malpractice liability insurance premiums are rising.

"In January the American College of Emergency Physicians issued a report card on the state of emergency medicine. ACEP classified Hawaii's support for its emergency medical care system as quote, 'insufficient,' citing below average access to emergency care. Hawaii ranked 34th overall and in the most heavily weighted category, access to emergency care, our State earned a C+ grade due to a shortage of emergency departments, trauma centers, and registered nurses.

"The ACEP report and the LRB study supports the critical need to

develop a statewide trauma care system. Mr. Speaker, I'm proud that this Legislature and the Health Committee in particular have responded to this crisis with three measures. Number 1 is this bill, HB 3142 that creates a special fund to support the continuing development and operation of a comprehensive State trauma system. This would include a subsidy of the cost of uncompensated and under compensated trauma care incurred by hospitals providing trauma care, and costs incurred by services provided by on-call physicians for trauma care.

"Number 2, Senate Bill 2961 provides a consistent source of funding for the trauma special fund. And finally, number 3, HCR 88, SD 1, requests the Director of Health to develop a trauma system plan for Hawaii.

"Mr. Speaker, as a state isolated in the middle of the Pacific Ocean, comprised of separate island entities, it is imperative that we develop a trauma system that provides accessibility to the finest trauma professionals available to all citizens to the greatest extent possible. And with these measure, we recognize a critical need and provide the appropriate response to those needs. Thank you, Mr. Speaker."

Representative Caldwell rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, just like to disclose a potential conflict. My wife sits on the Board of Queen's Health Systems and I think they're a beneficiary of this bill," and the Chair ruled "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3142, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAUMA CARE," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 226-06 and H.B. No. 2961, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2961, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 227-06 and H.B. No. 2558, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2558, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, I'm looking at the bill and there's a change here that occurred after it left the House and maybe our Members aren't aware of it. But this has to do with putting people or offering people vocational rehab that have been disabled. And I have no problem with that except that it looks to me like every single person that is temporarily disabled in this State will use this measure to go into vocation rehab. I mean, they could go to school until they get a PhD, I don't know. But it says, 'even if you suffered permanent disability as a result of work injuries or who have otherwise been deemed unable to return to their regular jobs after the injury may have been stabilized,' and we all understand that language, 'where the employer has made no offer of permanent suitable work that would restore the earnings capacity as near as possible to a level that the employee was earning at the time of injury.'

"In other words if the employer does not offer a permanent job and it doesn't say how permanent that is. I mean until they're a hundred or I don't know. But if you don't offer them a permanent job that restores their earning capacity, then off they go to vocational rehab. We didn't have the word permanent in this bill when it passed through here and I think that that is a very dangerous word. Thank you."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting no on this measure. Vocational rehab is a tool to attempt to take an employee that has been injured that cannot return to their normal employment and to give them the opportunity to rehabilitate themselves for another career. This is one of the provisions of the work comp system, which has become quite abused in the past three or four years. There have been some real horror stories on the abuse of vocational rehab for those that are unable to return to their regular employment.

"Where this bill runs us into a problem is back in the 90s, we attempted to enable the business community to have coordinated care where we would offer light duty so that we can get employees back to work. The problem is that most businesses that are 'mom and pop' businesses or businesses that are less than a hundred, we have a real problem trying to determine how they can accommodate light duty for a returning employee. What this will do is this would allow further abuse of a system that is supposed to be rehabilitating an employee. I could get into a whole trail of horror stories, but I believe that this is going to again so totally impact our work comp system that once again we're going to be in dire straights when it comes to providing coverage. Thank you."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Very briefly, Mr. Speaker, I rise in favor with reservations. And I also focus on the word, 'permanent' and I'm assuming that this permanent suitable work, did not refer to a lifetime job. If I'm wrong, I would like to be corrected. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2558, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Final Reading by a vote of 40 ayes to 6 noes, with Representatives Ching, Finnegan, Harbin, Meyer, Moses and Stevens voting no, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

Conf. Com. Rep. No. 228-06 and H.B. No. 2947, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2947, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Final Reading by a vote of 46 ayes, and with Representatives Abinsay, Berg, Nakasone, Stonebraker and Wakai being excused.

At 10:13 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2708, SD 2, HD 1, CD 1
S.B. No. 2719, SD 2, HD 1, CD 1
H.B. No. 3105, HD 2, SD 2, CD 1
H.B. No. 3142, HD 2, SD 2, CD 1
H.B. No. 2961, HD 1, SD 1, CD 1

H.B. No. 2558, HD 1, SD 2, CD 1
H.B. No. 2947, HD 2, SD 2, CD 1

Conf. Com. Rep. No. 229-06 and H.B. No. 3244, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3244, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 230-06 and H.B. No. 970, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 970, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 231-06 and H.B. No. 2175, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2175, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 232-06 and H.B. No. 266, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 266, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. The bill proposes to eliminate management's discretionary ability to direct its workforce by making such fundamental concepts as a determination of work methods and operations, the establishment of qualifications and standards for work, and establishing a nature of content examinations, all negotiable items.

"If these subjects are up for negotiations, who will be responsible for the outcome and where will the accountability fall? Ultimately these are all management's responsibilities. It is critical that management has sufficient latitude to respond to the multitude of demands of the employer from employees and the public. This measure would strip management's ability to conduct its business.

"In a decision by the Hawaii Supreme Court in the United Public Workers v. Mufi Hannemann, the court reaffirmed that parties are permitted and encouraged to negotiate all matters that affect wages, hours, and conditions of employment as long as the negotiation do not infringe upon the employers managements rights under Section 89-9d in the HRS.

"Management rights have been in existence since public sector collective bargaining was first implemented over 30 years ago. The existing law allows public employers and employees to resolve their differences through meaningful dialogue, discussions on matters

through a variety of forums, including collective bargaining, so there is no need for this drastic change. This change will unreasonably favor employees and will be to the detriment of the general public. Of those ideas we should have, Mr. Speaker, is it fair to allow the employer to conduct business without putting them out of business? We don't have any employees if we don't have business or government at least employing them. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm also in opposition. And very simply, I feel that this bill is a total erosion of management rights. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Let's begin by saying what this bill is not. This bill is not a repeal or a lessening of management rights as set forth in HRS 89-9(d).

"Mr. Speaker, what this bill is trying to accomplish and what we struggled with over the last two legislative Sessions is dealing with a decision that was cited earlier this evening or talked about UPW v. Hannemann. And the conclusion of the holding of the case as we discussed last year, we don't have a problem with. It basically says that the transfer of employees by UPW or the challenge to transfer of employees by UPW was not determined to be right.

"But what is bothersome and what has created real problems is the dicta right before the holding on this case. And dicta is something that lawyers cite to show the intent of the court. It may not have been the ruling in that particular case, but it's an indication of how the court would rule if they were presented with this question and it is cited by lawyers. And it states, 'In other words the right to negotiate wages, hours, and conditions in employment is subject to, not balanced against, management's rights.' That indication tips the balance. Up until this point, there was a balance between management's rights and the rights of labor to negotiate on some permissive issues, and with that dicta, it tipped it in favor of management. And what we're attempting to do and what we attempted to do last year, and what we attempted to do throughout this Session, is tip it back to a balanced position. And I think we accomplished that, Mr. Speaker.

"This bill is different than last year's bill. And what it tries to do is as this, Mr. Speaker. First, it clarifies that management's rights and the rights to engage in collective bargaining are equal to each other, and that management's rights do not preclude negotiations over mandatory subjects of bargaining, and it states that in the legislation that's drafted.

"Second, it clarifies that management's rights may not be used to preclude negotiations over mandatory subjects of bargaining. We wanted to make clear that there are certain provisions or rights that management has. And it preserves the rights of the public employer to manage its own operations. Therefore your Committee on Conference, Mr. Speaker, wants to make it really clear and it puts it in the Committee Report, that this bill is not intended to infringe upon or dilute management's rights in any way.

"And then finally Mr. Speaker, and probably most importantly, something that we've heard raised last year and again this year is this: we're going to make it absolutely certain that this does not pertain to negotiating individual transfers of employees-whether they be lifeguards from the North Shore to the South Shore in a summer swell, or a police from one substation to another. And so we put in the Committee Report that it only applies during the collective period when negotiations, Memorandum of Agreement, Memorandum of Understanding or Supplemental Agreement. Only in those periods, which is fair, Mr. Speaker, do they have a right to try to negotiate with the employer on issues regarding transfers during the collective bargaining period or other periods where they're discussing basic

conditions of transfer. Once that's settled and you transfer, you live with those conditions, Mr. Speaker.

"So as much as people try to argue that this somehow will infringe on the right of management to transfer workers, this legislation does not do this. It doesn't do it on the face of the language. But some people argue that maybe it's not clear enough and as we know, if you think there's some ambiguity in the legislation, you look at the Committee Report, statements on the Floor for legislative intent, and the legislative intent is clear, Mr. Speaker on all three of these points. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 266, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Final Reading by a vote of 41 ayes to 7 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 233-06 and H.B. No. 2179, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2179, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 234-06 and H.B. No. 2176, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2176, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. And I request that my comments on Senate Bill 2958 be reflected in this bill and also to add my written comments. And to make certain that in the Committee Report, that they intend to use the \$10 million for repairs was intended for the State and federal public housing."

Representative Kahikina's written remarks are as follows:

"Mr. Speaker, I rise in support of S.B. No. 2958, S.D. 2, H.D. 1, C.D. 1 entitled: 'A Bill For An Act Relating To Housing,'

"The purpose of the measure is to implement policy and procedures and many of the recommendations of the Joint Legislative Housing and Homeless Task Force established pursuant to Act 196, Session Laws of Hawaii 2005. Specifically, this measure:

Addresses the non-fiscal appropriations or policy and procedures of the Housing Omnibus Bill, HB No. 2176, H.D. 2, S.D. 2, C.D. 1.

It adds two new members to the Hawaii Public Housing Authority Board of Directors;

Deletes the requirement that there be intent to demolish public housing units before they may be decommissioned;

Authorizes State-owned parcels may be leased for the development of self-help housing;

Makes a requirement that public lands identified as suitable for

affordable residential development be transferred by the Department of Land and Natural Resources to the Hawaii Housing and Finance Development Administration; and

Stresses the intent that the Housing and Community Development Corporation of Hawaii, or its successor agency, provide by rule that minor children may reside in State housing for elders where a grandparent is the primary caregiver, with a five percent set-aside of units for that purpose.

"It is my recommendation that S.B. No. 2958, S.D. 2, H.D. 1, C.D. 1, pass Final Reading. Thank you, Mr. Speaker."

"Mr. Speaker, I would like to make a point of clarification that while item 6 on the Committee Report of the Omnibus Bill H.B. 2176, H.D. 2, S.D.2, C.D. 1 states that we are appropriating \$10,000,000 to "repair and modernize vacant units in federal and State public housing projects;" Section 4 of the bill needs clarification for purposes of legislative intent. Section 4 currently reads:

"SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2006-2007 to repair and modernize existing federal and state buildings for transitional shelters and emergency shelters, as defined under section 201G-451, Hawaii Revised Statutes."

"I would like to note for the purposes of legislative intent, a point of clarification that Section 4 of H.B. 2176, H.D. 2, S.D. 2, C.D. 1 should be interpreted as follows:

"SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of \$10,000,000 or so much thereof as may be necessary for fiscal year 2006-2007 to repair and modernization of vacant units in federal and state public housing projects or building for transitional shelters and emergency shelters, as defined under section 201G-451, Hawaii Revised Statutes. The sum appropriated shall be expended by the Hawaii public housing administration for the purposes of this section."

"Thank you, Mr. Speaker."

Representative Sonson rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. Strong support, and strong reservations as to Sections 9, 10, and 11, which appropriates, Section 9, \$300,000. Appropriates \$65,500 and appropriates in Section 10, \$68,920 to Victory Ohana.

"Mr. Speaker, let me explain why I'm strongly am opposed to these particular sections of this Majority Package Bill. Victory Ohana, Mr. Speaker, is a structured living facility that deals with parolees and probationers. They are operating in a Weed and Seed area in Waipahu. They have two facilities. One, a 180-bed facility, the other one, over 30-bed facility. The way they get around the City Ordinance that only five people who are unrelated can live in a residential or in a home in a residential area is that they count the apartment units as individual residences. So in Waipahu you now have an institution in the middle of a Weed and Seed area.

"This came to the attention of the Neighborhood Board way back in 2002 when Jim Dooley did an investigative report on the activities of Fresh Start, which is operating a facility in a 135-bed facility in Koolau, and Victory Ohana, operating a facility in Iwilei.

"In 2003, there's a follow-up story regarding Victory Ohana in Waipahu. In Waipahu the neighborhood tried to take action to try to clarify their purpose in the area and the Weed and Seed area. And they tried to remove that program from the area because it is a Weed and Seed area. If it's the Weed and Seed Program, Mr. Speaker, it's suppose to take out criminal elements out of the area and then put in

things that are good for the community like social services, etc.

"The big issue that we dealt with in '03, more specifically against this facility is that they were housing parolees that were sexual predators. And it is an area of low-income housing, right next to State housing. And there are children running around in that area. The community got involved in this. We also found that they were actually in violations of City Ordinances. I noticed a violation was entered against them, and I have it right here, in 2003. The violation is of Chapter 21. It says that the Victory Ohana is using apartment buildings at the sites, the two different addresses, to operate a special treatment facility. This special treatment facility is considered a group living facility and requires a conditional use permit from the Department of Planning and Permitting.

"This violation ended up with an order, a notice of order dated November 5, 2003, for both properties, in which the facility was fined \$500 on December 8, 2003, and \$100 for everyday that they will be assessed if they don't make the corrections, in other words, to stop their activities as a treatment facility.

"Now what worries me, Mr. Speaker, is that in Section 9 of this bill, they are operating to assist mentally ill individual and substance abusers who are homeless. As you know, we passed a bill that requires facilities, such as this, to be licensed last year. And it was the intention that, this facility was supposed to comply with this particular law that was passed so they can operate as a special treatment facility.

"Well according to VOHA today they confirmed that they have not even applied for this. And according to the City and County of Honolulu on May 2, '06, today ..."

Representative Ito rose to yield his time, and the Chair, "so ordered."

Representative Sonson continued, stating:

"Thank you very much, Representative. Today, these facilities have accumulated \$80,000 in fines that are not paid and now are liens on the property, both facilities. And they continue to accumulate \$100 a day as an assessment in fine.

"Now this facility is obviously breaking the law. First they skirted the City Ordinance that only allows for five people who are unrelated to live in a residential unit by the loophole that if it's an apartment complex we can put as many as possible as long as we don't have five in one room or in one apartment unit. And two, they are not complying with this Order. They're not paying for it. According to the Corporation Counsel, they're just sticking their head in the sand and wishing that it will go away. I'm afraid that this money, this \$300,000 is going to assist them to pay these fines in that they will continue to break the law.

"Moreover, we have priorities in this bill that will assist the true homeless. This section in Section 10, this \$68,920 is for a computer. In Section 11 the \$65,500 is for a solar energy system for this shelter. To me, Mr. Speaker, we have high priorities that are listed in this particular measure. I hope that the dispensing agency, which is the Department of Public Safety will ensure that they at least, I don't know, prove their worth. I don't know what to do at this point, Mr. Speaker. All I'm certain to know is that I really object to this money going to this facility for the reasons that I stated. And I hope that there's somewhere in the process there's a way that the State can hold them accountable before this money is dispensed to them. Because in effect, this money can very go to perpetuate the breaking of the law. To me, Mr. Speaker, that is not a worthy cause. No matter if we say that we want to provide a cure for homelessness at every section of our community. Thank you very much."

At 10:29 o'clock p.m., Representative Kahikina requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 10:29 o'clock p.m.

Representative Cabanilla rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise in support with reservation. My reservation is on page 3, that is the insertion of Victory Ohana Prison Fellowship with an appropriation of half a million dollars that was added in Conference Committee.

"Conference Committees, Mr. Speaker, the function of which is that I know of is to iron out the differences between the House and the Senate versions of the bill. Dropping in a questionable recipient at the eleventh hour wherein both Houses can no longer weigh in on the discussion is what I call deceptive. Although this matter is acceptable, Mr. Speaker, I consider it as an abuse of the Chair's prerogative. This is a Majority Package Bill, Mr. Speaker, and I'm one of the signatories of the original bill. Now I am voting with reservations. I would like to vote no, but that would affect the other worthwhile recipients of this bill.

"I just feel that Victory Ohana Prison Fellowship does not belong to the same groupings of emergency shelters that are indicated in this bill. It is alleged that this organization goes to the extent of accepting mainland ex-convicts to be transferred to Hawaii to become recipients of public assistance. How can this organization rise as an emergency shelter when they open their doors to mainland transfers? We are a benevolent State, Mr. Speaker, however, we are an island nation with very limited resources. We need our tax dollars for our own people.

"Furthermore, Mr. Speaker, ex-convicts are not the type of people that we welcome to come to Hawaii. Furthermore, Mr. Speaker, Victory Ohana Prison Fellowship is a halfway house. Dropping it in a bill on the eleventh hour did not allow the Committee on Public Safety to consider its merit. Mr. Speaker, for the sake of transparency and accountability, measures such as this should not be allowed to be entered on the eleventh hour of a Conference Committee. Thank you."

Representative Nishimoto rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. I do want to add that this bill, and also Senate Bill 2958 is the results of your joint House-Senate Taskforce. And I do want to commend the Chairman of Housing for his hard work and his leadership, not only this summer, but this Session. We made some real progress and I do want to commend his leadership. Thank you, Mr. Speaker."

Representative Shimabukuro rose to speak in support of the measure, stating:

"Mr. Speaker, in strong support. I don't think there was any evidence that there was any kind of abuse of discretion by the Chair of Housing. And I want to adopt the words of both the Chair and Vice Chair of the Housing Committee as my own," and the Chair "so ordered." (By reference only.)

Representative Sonson rose to respond, stating:

"Thank you very much, Mr. Speaker. There was a recess called and a document was handed to me, dated May 2, 2006, which confirms that there is now a cease and desist order coming from Department of Health dated April 18, 2006, which proves that there are therapeutic services and programs onsite that the Department of Health has found that are not licensed and have been ongoing since 2003 as indicated by the violation from City and County. This letter merely confirms that they are in violation and it is a way for them to correct it.

"The City and County says, stop having counseling and other services in onsite. Stop having drug treatment programs and drug testing and have those not onsite, but offsite. Meetings. There should be no other office used on this site other than an office for the resident manager, building manger, which will be permitted on a multifamily dwelling. And lastly, as I mentioned, all therapeutic services onsite as specified in the Department of Health are ordered to cease and desist. They must stop.

"This is information of the violations, Mr. Speaker, and they are continuing. They must comply with it. It does not say that they have complied and that they are no longer required to get a conditional use permit as required by City and County of Honolulu. And again, Mr. Speaker as I stated earlier, as of today they owe a lien, \$80,000 per facility."

Representative Kahikina rose to respond, stating:

"I'm compelled to stand, Mr. Speaker. This letter from the City and County of Honolulu... Thank you. This letter that I have given to a copy to Leadership and to the Representative from Waipahu merely indicates that Victory Ohana was given permission to continue to operate as a multifamily dwelling for the purpose under the Land Use Ordinance.

"However, the bullet points that the Representative cites further expresses the conditions that are not allowed under this multifamily dwelling which is the items that he had mentioned. That no therapeutic services are to be performed on this site. Thank you, Mr. Speaker."

Representative Kanoho rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I wish to speak in strong support of this measure. And in particular on behalf of Victory Ohana, I must admit that I don't know very much about the specifics of their operation, but I've always admired Pastor Gary Shields who heads that organization. And I just admire his dedication and his intent to serve the people who almost have no hope. And unless there are people like him and this program to address the needs of those who are just out of prison, they would just go back to where they came from and recommit crimes. These are the kinds of programs that really need our help. So whatever problems may exist, if they do indeed, we should come to their assistance and provide whatever help they may require so that we can help our brothers and sisters who really need our help. Thank you."

Representative Carroll rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in support, in strong support. I wasn't going to speak, but as I'm sitting here and I heard some of the comments from my colleagues, it breaks my heart. Because whether you're from the Mainland or you live in Hawaii, the bottom line is when you come out of prison and if you have never walked in those shoes and you come out of prison and not have a place to stay you are considered homeless.

"I have not only family, but friends similarly situated. In my district we have a residential program where a faith based organization doesn't accept money, but goes out and a family takes care of prisoners who actually need a place to stay. And they take them in as their own and through their program they help them to transition, as well as MEO. They help provide a great program for reintegration, and a transitional program for incarcerated people. So it's real when they come out and they have no home to live in because what happens is they do go on the streets. And it's because of the compassion that people have to help these people, that is why I strongly support this, the Chair and all of his efforts in providing programs. It may not be perfect, but they are serving a purpose in their community. Thank you."

Representative Kahikina rose, stating:

"Mr. Speaker. One last request. May I insert the letter dated May 2nd from City and County of Honolulu into the Journal," and the Chair "so ordered."

[This section left blank.]

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Representative Kahikina submitted the following letter from the City and County of Honolulu:

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
600 NORTH KENIA STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 527-4432 • FAX: (808) 527-6543
DEPT. WEB SITE: www.honolulu.gov/planning • CITY WEB SITE: www.honolulu.gov

MUST HANSEN
MAYOR



HENRY ENG, FAICP
DIRECTOR
DAVID K. TANIGUCHI
DEPUTY DIRECTOR

May 2, 2006

2006/ELOG-875(ec)

Mr. Gary W. W. Shields
Victory Ohana
94-104 Pupule Place
Waipahu, Hawaii 96797

Dear Mr. Shields

Re: Victory Ohana Facilities
4-104 Pupule Place - Tax Map Key 9-4-39: 15 to 18
94-951 Kahumoku Place - Tax Map Key 9-4-17: 33

This responds to your letter of April 20, 2006, requesting confirmation that a Conditional Use Permit (CUP) will not be required for the two (2) "facilities" at the above sites. Both sites are in the A-2 Medium Density Apartment District.

You indicate that the men's facility has thirty-nine (39) dwelling units and the women's facility has seven (7) units; and there will be no more than four (4) occupants in the two (2) bedroom units and two (2) occupants in the studio units. None of the dwelling units will be used as a meeting facility. One (1) unit in each apartment complex will be occupied by a resident manager.

Generally, the proposed use meets the definition of a multi-family dwelling for purposes of the Land Use Ordinance (LUO). However, please note that each unit may be occupied by no more than five (5) unrelated persons. Further, the following conditions would apply to the facilities for them to be considered multi-family dwellings:

- There are no programs, counseling or other special services provided to residents on the site, including the peer counseling activity you discussed with our staff on May 2; and
- All the above services, including drug treatment programs and drug testing, occur off-site; and
- There are no other office uses on the above sites, other than an office for the resident manager or building manager, which may be permitted as an accessory use to the multi-family dwelling (apartment building); and

Mr. Gary Shields
May 2, 2006
Page 2

- All therapeutic services and programs on-site as specified in the "Order to Cease and Desist Unlicensed Operation as Special Treatment Facility" issued by the State of Hawaii Department of Health, dated April 18, 2006, must be discontinued.

If any of the above activities commence or continue to be in place, then the facilities on the above sites would be considered "group living facilities" under the LUO and require a CUP, Major.

Please contact Elizabeth Chinn of our staff at 527-5754 if you have any questions.

Very truly yours,

Henry Eng, FAICP, Director
Department of Planning and Permitting

HE:bb:j

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The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2176, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 235-06 and H.B. No. 2966, HD 2, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2966, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Final Reading by a vote of 48 ayes, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 10:40 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 3244, HD 1, SD 2, CD 1
H.B. No. 970, HD 1, SD 1, CD 1
H.B. No. 2175, HD 2, SD 2, CD 1
H.B. No. 266, HD 1, SD 2, CD 1
H.B. No. 2179, HD 2, SD 2, CD 1
H.B. No. 2176, HD 2, SD 2, CD 1
H.B. No. 2966, HD 2, SD 2, CD 1

At this time, the Chair announced:

"Moving on, Members to Supplemental Calendar No. 1. You all realize that the Chair made a statement earlier this morning at 10:45, that these 10 bills have to meet the 48-hour notice and will be taken up on Thursday. Is everybody clear? 48-hour notice for Supplemental Calendar No. 1."

SUPPLEMENTAL CALENDAR #2 STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1872-06) recommending that S.C.R. No. 91, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 91, SD 1, entitled: "SENATE CONCURRENT RESOLUTION ESTABLISHING A TASK FORCE TO EXAMINE THE BACKLOG IN UNSERVED ARREST WARRANTS," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1873-06) recommending that S.C.R. No. 84, be adopted.

Representative M. Oshiro moved that the report of the Committee be adopted, and that S.C.R. No. 84, be adopted, seconded by Representative B. Oshiro.

Representative Carroll rose in support of the measure, stating:

"Mr. Speaker, in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 84, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE HA'IKU ELEMENTARY SCHOOL CAFETERIA BE KNOWN AS THE JEAN SUZUKI CAFETERIA IN HONOR OF FORMER HA'IKU ELEMENTARY SCHOOL CAFETERIA EMPLOYEE JEAN SUZUKI," was adopted, with Representatives

Abinsay, Nakasone and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1874-06) recommending that S.C.R. No. 104, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 104, entitled: "SENATE CONCURRENT RESOLUTION URGING THE PRESIDENT AND UNITED STATES CONGRESS TO PROVIDE STATES WITH THE NECESSARY FUNDING TO IMPLEMENT THE GOALS OF THE NO CHILD LEFT BEHIND ACT OF 2001 AND OTHER EDUCATION-RELATED PROGRAMS AND TO OFFER STATES WAIVERS OR EXEMPTIONS FROM RELATED REGULATIONS WHEN FEDERAL FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION IS DECREASED," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1875-06) recommending that S.C.R. No. 105, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 105, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT CHANGES TO THE NO CHILD LEFT BEHIND ACT OF 2001," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1876-06) recommending that S.C.R. No. 172, SD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 172, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION TO TAKE INTO ACCOUNT THE NEED TO RENOVATE AGING CLASSROOM SPACES AND OTHER CHANGING EDUCATIONAL NEEDS WHEN DETERMINING CAPITAL IMPROVEMENT PROJECT PRIORITIES," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1877-06) recommending that H.R. No. 112, as amended in HD 1, be adopted.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 112, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF TRANSPORTATION, WITH COOPERATION FROM THE DEPARTMENT OF LAND AND NATURAL RESOURCES, TO ASSIST IN THE STATE AND NATIONAL POLICIES TO REDUCE RELIANCE UPON FOSSIL FUELS AND TO PROMOTE THE DEVELOPMENT OF AN ETHANOL INDUSTRY IN THE STATE OF HAWAII," was adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

SUSPENSION OF RULES

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to the following House bills. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

H.B. No. 2278, H.D. 1, S.D. 2
H.B. No. 2313, S.D. 1
H.B. No. 2315, S.D. 2
H.B. No. 2319, H.D. 1, S.D. 1
H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 2535, S.D. 2;
H.B. No. 2641, H.D. 1, S.D. 2
H.B. No. 2713, H.D. 1, S.D. 1
H.B. No. 2964, H.D. 1, S.D. 2
H.B. No. 2987, H.D. 1, S.D. 2
H.B. No. 3100, H.D. 1, S.D. 1

RECONSIDERATION OF ACTION TAKEN

Representative M. Oshiro moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

H.B. No. 2278, H.D. 1, S.D. 2
H.B. No. 2313, S.D. 1
H.B. No. 2315, S.D. 2
H.B. No. 2319, H.D. 1, S.D. 1
H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 2535, S.D. 2;
H.B. No. 2641, H.D. 1, S.D. 2
H.B. No. 2713, H.D. 1, S.D. 1
H.B. No. 2964, H.D. 1, S.D. 2
H.B. No. 2987, H.D. 1, S.D. 2
H.B. No. 3100, H.D. 1, S.D. 1

Representative Moses rose, stating:

"Mr. Speaker. Can we discuss the measure now?"

The Chair responded, stating:

"No, not at this point. Representative Moses, at this point, all we are doing is first of all doing the reconsideration and the move to agree. When the motion is to pass Final Reading, that's when you'll have the opportunity to speak on each of these measures."

The Chair then addressed the Clerk who announced that with the exception of H.B. No. 2641, HD 1, SD 2 which was not assigned conferees, the record of vote forms for the aforementioned bills had been received.

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

H.B. No. 2278, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2278, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Luke, Takamine and Marumoto). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2278, H.D. 1 and

H.B. No. 2278, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2313, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2313, on the following showing of Ayes and Noes:

Ayes, 2 (Herkes and Stevens). Noes, none. Excused, 1 (Schatz).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2313 and H.B. No. 2313, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2315, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2315, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, Yamashita and Marumoto). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2315 and H.B. No. 2315, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2319, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2319, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, Yamashita and Stevens). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2319, H.D. 1 and H.B. No. 2319, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2423, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2423, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Souki, Lee and Moses). Noes, none. Excused, none.

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2423, H.D. 1 and H.B. No. 2423, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2535, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2535, on the following showing of Ayes and Noes:

Ayes, 3 (Herkes, Luke and Marumoto). Noes, none. Excused, 1 (Karamatsu).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2535 and H.B. No. 2535, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2641, H.D. 1, S.D. 2:

Representative M. Oshiro moved that H.B. No. 2641, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. Mr. Speaker, this measure defines public works projects to include construction contracts between private persons if more than 50% of the assignable square feet of the project is leased or signed for use by the State, county, or State-county agencies, whether or not the property is privately owned.

"Further, it refers to a new term, 'indirect public works', and it's very broad. This could be interpreted to include unintended results such as residential home remodeling or individual homeowners receiving governmental benefit such as a real estate tax exemption. It expands the scope of construction projects subject to Chapter 104, without the DLIR's power to enforce. It encourages contractors or project owners to avoid public acknowledgement prior to the completion of building a structure on private land where only a portion of the building will be leased to the State in order to avoid being subject to the administrative burden of Chapter 104.

"Further, it expands the scope of Chapter 104 to require prevailing wages be paid on projects that are not traditionally recognized as public works projects. And it will substantially increase costs which will be passed by the developer or owner to all lessees, not just the State or county occupants of the building thereby hindering economic development and expansion to the detriment of our residents. Thank you."

Representative Caldwell rose to speak in support of the measure, stating:

"Mr. Speaker, brief comments. I can't let one thing stand. In support. And that's somehow that this is going to apply to our individual residences. I guess it would if one of us here was going to rent 50% or more of our home to the government. But I don't see that happening. I think that's a 'boogeyman' that's being raised just to scare people. It is a valid concern. It was raised last year from the Representative from Kailua and we addressed that concern by requiring that it's 50% or more, so that's off the table, Mr. Speaker, and shouldn't even be considered.

"Again Mr. Speaker, what we're talking about here are large public works projects where the government dictates the construction of the building and takes back 50% or more of the space to use. And the idea that indirect public works are a new concept, again, I point to that Attorney General opinion letter that I cited to previously that talks specifically about that in the law. And this is our Attorney General. He is going to be advising the Governor on vetoing bills. He's advised us in Conference on what was legal and what wasn't. And I think if he is going to be relied upon on one side, he must be relied upon on the other side. Thank you very much, Mr. Speaker."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Mr. Speaker, I must agree with many of the arguments put forth by the Representative from Makakilo in opposition. I too am in opposition to this measure. In addition, I could foresee, let's say there are two buildings going up. One the owner-developer knows that they will be renting to the government or the county. Let's say the county. And the other one may just want to rent it out to commercial. Well one will have to undergo rigorous governmental controls. The other one will be privately built, still of course with a lot of controls, but the price will be different and the tenants will be maybe different initially. But maybe the second structure will be leased to government later because a government lessee comes by and leases it. So it's hard to foresee the future."

"I have another point that I was also going to bring up, but it seems to escape me now. Thank you, Mr. Speaker."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I believe I'm voting no. I know it's late and I'm confused, but I don't understand. If we have the infamous opinion from the Attorney General, why are we passing laws? If it's a law why do we need to have more laws? That tells me that somebody doesn't really believe the law is law. With that being said, again I have to use, coin my new phrase, which is unionization through legislation."

"I really feel bad for the outer islands. The outer islands rely on public private relationships to build roads. I believe that the Big Island delegation, when you go back to your contractors, be very wary of what they're going to say if you vote yes on this measure. The impact on the relationship between private contractors and the county on the Big Island on building roads, accessible roads, be prepared, be prepared for a backlash. We do not need a law if we have an AG's opinion that says it's law. Thank you."

Representative Marumoto rose to respond, stating:

"Thank you, Mr. Speaker. I rise again in opposition. The Chairman of the Labor Committee mentioned that this law is meant for large public works, and not having the bill in front of me, I don't know what a large public work is. Is it by dollar amount? Is it by square footage? If someone builds a parking lot to rent to government building, is that considered a large public work? I have no idea what it is, and I don't remember. Thank you very much."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2641, H.D. 1 and H.B. No. 2641, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," passed Final Reading by a vote of 39 ayes to 9 noes, with Representatives Ching, Finnegan, Harbin, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2713, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers

on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2713, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Takumi, Takamine and Ching). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 2713, HD 1, SD 1, pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Mr. Speaker, I'm going to vote yes on this, but I'd like to enter some comments. I'm in support of this because I feel this is a private school that is in dire need. Not in dire need, but I feel they're deserving of a special revenue bond. That being said I certainly hope someone tells this private school that they now have to comply with Chapter 104 public works requirements. And if they don't, they're going to be subject to fines and who knows what else. This is the type of measure that we are trying to do good to help the children of Hawaii, but what we giveth, we taketh away."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2713, H.D. 1 and H.B. No. 2713, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR KAWAIAHAO SCHOOL," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2964, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2964, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Kahikina, Nishimoto and Pine). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 2964, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'll be voting yes with comments. This would be a wonderful bill for affordable housing considering it's a funding mechanism for nonprofits. However, Chapter 201G-133, only allows these nonprofits to be exempt from Chapter 104 up to a half a million dollars. If we're going to enable nonprofits to enter into the marketplace and to do something that we desperately need in the State of Hawaii, it would make sense that this particular Body would give them an exemption up to at least a \$100 million so that they can do the deeds that we're asking them to do with this funding. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2964, H.D. 1 and H.B. No. 2964, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 2987, H.D. 1, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2987, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Takumi, Takamine and Finnegan). Noes, none. Excused, none.

Representative M. Oshiro moved that H.B. No. 2987, HD 1, SD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm in support and I certainly hope that someone here can carry the message to St. Louis that they now have to comply with Chapter 104. They are now a public works under the measures that are passing out of this Chamber. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 2987, H.D. 1 and H.B. No. 2987, H.D. 1, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.B. No. 3100, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 3100, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 2 (Herkes and Marumoto). Noes, none. Excused, 1 (Schatz).

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3100, H.D. 1 and H.B. No. 3100, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES," passed Final Reading by a vote of 48 ayes, with Representatives Abinsay, Nakasone and Stonebraker being excused.

At 11:00 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 2278, H.D. 1, S.D. 2
H.B. No. 2313, S.D. 1
H.B. No. 2315, S.D. 2
H.B. No. 2319, H.D. 1, S.D. 1
H.B. No. 2423, H.D. 1, S.D. 1
H.B. No. 2535, S.D. 2
H.B. No. 2641, H.D. 1, S.D. 2
H.B. No. 2713, H.D. 1, S.D. 1
H.B. No. 2964, H.D. 1, S.D. 2
H.B. No. 2987, H.D. 1, S.D. 2
H.B. No. 3100, H.D. 1, S.D. 1

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative M. Oshiro moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative B. Oshiro and carried. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

H.C.R. 145, HD 1 (SD 1)
H.C.R. 164 (SD 1)

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. 145, H.D. 1, S.D. 1:

Representative M. Oshiro moved that H.C.R. No. 145, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

Representative Meyer rose, stating:

"Thank you, Mr. Speaker. This House Concurrent Resolution 145 is urging the President of the United States and the United States Congress to legalize illegal immigrants and requesting the federal and state departments of Health to provide medical services to this population in medical emergencies. That's our House Draft.

"The Senate Draft is a little bit different. Requesting the State and the Federal Government to adequately reimburse healthcare providers so that they can continue to provide emergency medical treatment to the population. Just a point of inquiry, I guess. I believe what we're going to vote on now is the Senate Draft?"

The Chair then stated:

"Yes, that is before us. Senate Draft 1."

Representative Meyer: "Well then, I just want to register strong reservations on this measure."

Representative Pine rose to speak in support of the measure with reservations, stating:

"Yes, I'd like to also stand in support but with reservations. Mr. Speaker, when this Resolution first came before us, I voted no because it was a blanket request to make all illegal immigrants legal. I come from a family of various immigrants and so I really respect the process of becoming an American. And so I do support the new version that really encourages us to change the process that makes it so difficult. I do support this measure, but with the reservation that the contents still I find are disagreeable to the respect that I would place on the United States. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Just some reservations. Thank you and just some comments. Many illegal immigrants are turned away at health centers. Health centers always give everyone who comes through the door, health care."

Representative Stevens rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

Representative Cabanilla rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in support H.C.R. 145, H.D. 1, S.D. 1. As an immigrant myself, I stand in strong support of this Resolution that calls for comprehensive and humane immigration reform. I am the initiator of the HD1 and asked our leadership to insert the immigration reform language into this vehicle and set it for hearing. I am grateful for your support in passing this important measure.

"I call upon our federal policymakers to reexamine our immigration laws and enact legislative and administrative reforms which uphold the basic dignity and human rights of immigrants and preserves the unity of the immigrant family.

"Immigrants from lands across the globe have helped build our great nation and newcomers have contributed to our nation by

strengthening our cultural and social fabric and adding their energies and ideas to our economy.

"Their presence has enriched our local communities, rural areas, and cities, and their faith in God has enlightened our increasingly secularized culture and we celebrate and embrace newcomers and acknowledge the rich contributions they make to our nation.

"Hawaii has historically held a strong interest in immigration and how public policy impacts immigrants seeking a new life in the United States and believe that the current configuration of our immigration laws combined with immigration policies pursued by our government in the last several years have had the negative effects of undermining the human dignity of immigrants and dividing immigrant families.

"I call upon our federal policymakers to revise our nation's immigration laws and policies in a manner which includes the following elements:

1. Legalization for the maximum number of persons in an undocumented or irregular legal status, particularly those who have lived here for several years and built equities in and otherwise contributed to their communities.
2. Enforcement policies, most particularly along the United States-Mexico border, which respect the human dignity and human rights of all immigrants, regardless of their legal status.
3. Revision of the 1996 immigration laws, which undermine the procedural due process rights of immigrants in our country, limit protections for asylum seekers, and are retroactive in nature.
4. Revision of the 1996 welfare law, which severely restricts the eligibility of legal immigrants for public benefits.
5. Repeal of mandatory detention of immigrants and development of alternatives to detention, especially for women and children, as well as the release of immigrants who have completed their sentences, but are indefinitely detained because their country of origin will not accept their return.
6. Enforcement of and respect for the civil and workplace rights of immigrant workers, especially those in industries which rely heavily on foreign workers i.e., agriculture, meat and poultry processing, service.

"We need a more efficient legal immigration system which will reduce waiting times and is equitable, generous, and based upon family reunification.

"Our U.S. foreign and economic policies should address the conflict, poverty, and denial of human rights which pressure persons to come to this country.

"While I recognize the right and acknowledge the responsibility of the U.S. government to secure our national borders and do not condone or encourage undocumented migration into the United States, I nevertheless affirm the dignity of undocumented persons who live in our midst and make every effort to ensure that their human rights are respected and protected.

"Until such time as the global community effectively addresses the root causes of undocumented migration, individual nations must confront the presence of undocumented persons in a manner which upholds their basic dignity and human rights.

"It's high time to reevaluate our nation's immigration laws and policies. The American people must consider how to embrace the contributions of immigrants and, in the process, better our communities and nation.

"Our elected leaders must build an immigration system which acknowledges the increasing interdependence of our world and accounts for the migration streams which characterize the new globalization.

"I stand ready to work with our federal officials to fashion a new immigration model which prepares our nation for the 21st Century while also upholding and respecting the human rights and dignity of immigrants and their families.

"I do so as a citizen devoted to providing the full range of pastoral, legal, and social services to newcomers to our land. We offer, in particular, the experience of our nationwide refugee resettlement and legal immigration networks as a source of information on the needs and aspirations of newcomers in our country and on the reforms that are necessary in our nation's laws and policies.

"Mr. Speaker, I would like to submit to this Body a quote from two articles that I wrote and were published. The following article was published in the April 1, 2006 edition of the *Fil-Am Courier Newspaper*.

"Immigration Reform: Legalization, Not Criminalization

By: Rep. Rida Cabanilla

"Never forget that everything Hitler did in Germany was legal."
Dr. Martin Luther King, Jr.

The U.S. House of Representatives passed bill, HR 4437, which declares a large portion of U.S. residents who are unable to document themselves, as felonious criminals thus subjecting them to prison for many years. Over the years, Immigrants built America, the land of the free and home of the brave. This attack on immigrants, fueled by public hysteria and racism, is an attack on the rights of all Americans.

History has shown that attacks against immigrants and minorities are unconstitutional as they arbitrarily deprive a group of U.S. residents their basic constitutional rights. In our darkest hours as a civilized nation, immigrants and minorities in the U.S. have faced fear and hostility, especially during times of economic hardship, political turmoil, and war. In 1882, one of our nation's first, the Chinese Exclusion Act, was passed by Congress to bar Asians. In the 1920's during the "Red Scare," thousands of foreign-born people suspected of political radicalism were arrested, beaten and deported without a hearing.

In 1942, 120,000 Americans of Japanese descent were interned in concentration camps until the end of World War II. Public security was used as a pretext to wipe out all Japanese businesses and to confiscate all their property and to place innocent American citizens in concentration camps similar to the Jews in Nazi Germany; all done legally by executive order by Roosevelt and Hitler. This type of attack on immigrants is an attack on all Americans and must be stopped.

As we are a free society, we must speak out and stand up against this discriminatory treatment of immigrants and minorities. Any immigration reform should include more paths to legalized permanent residency, family reunification, and workplace and civil rights protection!

During recent natural disasters like Katrina, many houses were flooded and thousands were left homeless and lost everything they owned including all forms of identification and documents that could prove who they are. Under this law, FEMA and all State and local and non-profit and religious groups would not be permitted to assist these law abiding residents in anyway but instead turn them in to be sent to prisons as felons.

This is offensive to all religious groups and especially to the Catholic Church, which has set up thousands of charities to assist refugees and immigrants. Christians themselves were once arbitrarily declared as

"illegal residents" of Rome and were persecuted and fed to the lions. Good Samaritans should not be prosecuted for their humanitarian work to save lives and efforts to protect the basic human rights of all those on U.S. territory.

Our country was built on the backs of immigrants. Immigrants perform services other Americans would not do. They work hard and pay taxes. Legal immigrants are subject to the military draft and serve in our armed forces to protect our country. Many immigrants have lived in this country for generations, married U.S. citizens, and raised their U.S.-citizen children in this country.

Laws that punish them violate their fundamental right to fair and equal treatment. It is true that the Constitution does not give foreigners the right to enter the U.S. But once here, the Constitution protects them from discrimination based on race and national origin and from arbitrary treatment by the government.

The Congressional Hispanic Caucus (CHC) and the Congressional Asian Pacific American Caucus (CAPAC) urged the senate judiciary chair to craft a more balanced comprehensive reform of our immigration laws and expressed their unified opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005 urging that the most vicious provisions of that legislation not be included.

Congress should not criminalize undocumented immigrants, their family members or the samaritans and humanitarians who help the undocumented meet their material, educational or spiritual needs. Can we afford to remain apathetic and silent while our friends and families are persecuted and sent to prison? The use of stereotyping and racial profiling will result in the persecution and prosecution of immigrants of color.

Instead of criminalizing immigrants, we Americans ought to recognize the contributions immigrants have made to this country and afford them the opportunity to live in America without fear and oppression provided they have not committed terrorism or sabotage in the U.S. Please join the several thousand in Atlanta, 20,000 in Phoenix, 30,000 in Milwaukee, 100,000 in Chicago, over 1 million in Los Angeles, and stand up for immigrant rights."

My next article was published in the April 15, 2006 edition of the *Fil-Am Courier Newspaper*.

"WILL IMMIGRATION REFORM HELP THOUSANDS OF FILIPINOS WAITING TO COME INTO THE UNITED STATES LEGALLY?"

By: Rep. Rida Cabanilla

Imagine waiting in line all night at the main entrance of the Filipino Community Center auditorium to see an American Idol show. Suddenly, thousands of fans come in through a side entrance to rush forward and fill up all the seats. Then the center management comes out to give you the bad news. You have been patiently waiting in line all night to get inside, but you can't get in because the fans who came in from a side entrance took all the seats.

This is the situation of many legal immigrants from the Philippines who have been waiting as long as 20 years to come to the United States the legal way. There are fears that the proposed immigration reform will push them farther back in the line to give way to more than 11 million undocumented immigrants who are already in the United States. Such is the plight and fear of hundred of thousands of Filipino Americans.

Legal Immigration takes forever.

Like many other Asian Americans, Filipinos are relatively newcomers to the United States. Majority of the Filipinos immigrating to the U.S. does so through the family-sponsored immigration petitions. In 2004, 73% of immigrants from the Philippines came to the U.S. through family immigration. Like other

Asians, the Filipino American community is hurting from the discriminatory immigration system. Filipinos suffer from some of the worst immigration backlogs in the world. A U.S. citizen parent petitioning for an unmarried adult son or daughter from the Philippines must wait approximately 15 years. A U.S. citizen petitioning for a brother or sister from the Philippines must wait approximately 24 years.

Undocumented Immigration increases.

Consequently, more and more undocumented immigrants continue to enter the US through irregular channels as legal immigration takes time and is difficult.

Unless you have a qualifying U.S. citizen or permanent resident family member who can petition for you, or have highly specialized skills and a masters or doctorate degree, it is virtually impossible to legally immigrate to the U.S.

The estimates of the number of undocumented Filipino immigrants depends on who you ask and when. In 2000, the U.S. Immigration and Naturalization Service estimated that approximately 85,000 undocumented immigrants from the Philippines were living in the U.S. In December 2003, the Philippines Department of Foreign Affairs estimated that there were 185,000 undocumented Filipinos living in the eastern part of the U.S. alone. It is estimated that that number increased to about 300,000 to 400,000 currently.

According to the 2000 Census, approximately 68%, or 1.4 million of the 1.9 million Filipinos living in the U.S., had immigrated to the U.S. Percentages of native-born and foreign-born U.S. citizens and noncitizens in the Filipino American community are as follows: · 32.3% are native-born U.S. citizens; · 41.6% are foreign-born but naturalized U.S. citizens; and · 26.1% are foreign-born and not U.S. citizens.

Voting against criminalization, Hawaii's Congressman Neil Abercrombie said, "Any immigration bill must be informed by the spirit of fairness and respect for the millions of individuals it affects. A punitive approach animated by fear and prejudice will do nothing to resolve these complex issues, nor does it accord with American values. Immigrants have made, and continue to make, tremendous contributions to our country. I appreciate and honor those contributions."

Under the current immigration laws, no matter how long such immigrants live and work in the U.S. or how much they contribute to our economy and community, they are not afforded the opportunity to become a recognized resident of our country. The feds must allow hard working, law abiding, undocumented workers and residents to come out of the shadows and live [*sic*] their lives as free men and women. However, no comprehensive immigration reform would be fair and just without eliminating the backlogs of legal immigrants who have been waiting for family reunification for decades.

Without that provision, the immigration laws would be totally discriminatory against Filipinos and other Asians who do not share a contiguous border with the U.S. It would mean that other undocumented neighbors can enter the side door and then be allowed in ahead of those who have obeyed the law and have been patiently waiting for 20 years to get in.

Please urge your U.S. senator and congressman to support a truly comprehensive immigration reform that will: 1) Reduce the tremendous backlogs for family immigration petitions and facilitate timely reunification of families; · 2) Provide legal status and a path to permanent residence for undocumented immigrants who will work hard, pay taxes, undergo criminal and national security checks, and learn English and civics; · and 3) Promote the rule of law by treating fairly and justly legal immigrants waiting in line for family reunification fairly and preserve their priority rights over undocumented immigrants.

United we must stand. Together we can make a difference for so many legal immigrants patiently waiting to join their families in the U.S."

"April 10, 2006 was a national day for demonstrating support for humanitarian and humane policy for undocumented workers and residents. People from all walks of life are taking to the street across the nation to fight from [sic] comprehensive and humane immigration reform that will provide avenues to lawful permanent residency. Undocumented immigrants have made great contributions to our country and deserve to come out of the shadows and hold their heads high as free men and women in the land of the free and the home of the brave.

"I also want to express our uniform opposition to H.R. 4437, the Border Protection, Antiterrorism, and Illegal Immigration Control Act of 2005, and ask you urge our federal government to work to prevent the most vicious provisions of that legislation from being included in any Federal or State bill; and

"Specifically, I urge that federal and state immigration legislation or executive orders, department and agencies ruling do not include punitive provision that will:

1. Criminalize undocumented immigrants, their family members or the people who, because of their humanitarian roles in society, help the undocumented meet their material, educational or spiritual needs.
2. Impose the federal responsibility and unfounded mandate of the enforcement of immigration laws on our already overworked and undefended state and local police.
3. Require a wall or fence to be built around the perimeter of the United States, at the expense of all other laws and spending and policy priorities.
4. Further limit judicial review of immigration cases, thereby restricting immigrants' and Asylum seekers access to the courts.
5. Allow the indefinite detention of foreign-born people whose home countries will not take them back.
6. Revoke the constitutional right of citizenship from those born in the United States, or otherwise limit immigrants' access to citizenship by arbitrarily making the naturalization process more difficult.

"Such far-reaching and harsh provisions will do nothing to protect our borders or enhance national security, and would otherwise destroy any chance or hope of implementing a comprehensive policy.

"Rather, I urge our federal officials to support comprehensive immigration reform including the following vital elements:

1. A border security and interior enforcement policy that targets criminals, drug and human smugglers, potential terrorists and others who mean our nation harm. Such a policy cannot stand-alone--it must be part of a larger package that addresses the immigration system as a whole.
2. Collaboration with foreign governments, particularly those that share a border with the United States, to secure our shared borders and deter illegal entry into the United States.
3. A tamper-proof worker verification system that instantly checks whether a worker is eligible to work. Such checks should be phased in manageably and gradually, to minimize errors and protect civil liberties. Those who circumvent the new system should face stiffer penalties and fines.

4. A program to compel the estimated 11 million undocumented workers currently living in the United States to come forward and participate legally in our workforce. Most are here for a better life: they pay taxes and they do jobs no one else will do. Immigrants in the program must clear thorough background checks and pay appropriate fines and taxes before becoming eligible to work.

5. To be truly effective, the program must provide a way for workers to eventually earn legal permanent residence and citizenship. Implementing a program that only provides a work permit and ties the worker's legal status to the employer will relegate these individuals to permanent second-class status and place them in a precarious position should they need to find a new job or exert their workplace rights.

6. The reduction and eventual elimination of the backlog of people waiting, sometimes for decades, to be legally reunited with close family members. In addition, provisions of immigration law that address inadmissibility issues with regard to undocumented status, such as the three- and ten-year bars to reentry, must be waived to ensure that the reforms to the family immigration system are meaningful and effective.

7. A safe and legal means for future workers to come to the United States to fill jobs Americans will not do. To replace the illegal flow with a legal flow, visas must be made available to meet the current demand for legal immigration by employers and workers. To prevent worker exploitation, workers should have the same workplace rights as their U.S. counterparts, not be tied to any one employer, and have the option of becoming legal permanent residents and, eventually, citizens.

8. To urge the federal and state governments to pass the DREAM Act and enabling legislation to allow undocumented high school students who lived in the U.S. for three years and graduated from an IN-state high school to attend State colleges and university paying IN-state residents tuition (Dream Act). See Hawaii version introduced in 2002 by Rep. Romy Mindo, HB 1051.

"Minority children, their families and the nation would likely suffer tremendously if Congress decides that political expediency is more important than a realistic and effective comprehensive immigration policy.

"At the threshold of a new millennium, our nation must revisit its historic roots and reexamine attitudes, laws, and policies toward newcomers who come to our land in search of a better life. I call upon all our federal leaders and all citizens of good will to heed our call and challenge.

"Mr. Speaker, I urge my colleagues to support this important measure."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 145, HD 1, and H.C.R. 145, H.D. 1, S.D. 1, entitled: "URGING THE UNITED STATES PRESIDENT AND CONGRESS TO CREATE A PATHWAY FOR UNDOCUMENTED IMMIGRANTS TO LEGALIZE THEIR STATUS AND REQUESTING THE STATE AND THE FEDERAL GOVERNMENT TO ADEQUATELY REIMBURSE HEALTH CARE PROVIDERS SO THAT THEY CAN CONTINUE TO PROVIDE EMERGENCY MEDICAL TREATMENT TO THIS POPULATION," was Adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

H.C.R. 164, S.D. 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 164, and H.C.R. 164, S.D. 1, entitled: "REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONSULT WITH

HAWAIIAN CIVIC ORGANIZATIONS BEFORE SELECTING ANY COMMERCIAL VENDORS AT THE NU'UANU PALI LOOKOUT ON THE ISLAND OF OAHU," was Adopted, with Representatives Abinsay, Nakasone and Stonebraker being excused.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 319 through 330; and 333 through 335) were received and announced by the Clerk:

Gov. Msg. No. 319, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2747, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING." (ACT 061)

Gov. Msg. No. 320, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2508, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS." (ACT 062)

Gov. Msg. No. 321, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1899, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF SAFETY HELMETS BY MINORS." (ACT 063)

Gov. Msg. No. 322, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 3257, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS." (ACT 064)

Gov. Msg. No. 323, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2457, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PLAN." (ACT 065)

Gov. Msg. No. 324, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 877, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME." (ACT 066)

Gov. Msg. No. 325, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1982, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FISH." (ACT 067)

Gov. Msg. No. 326, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1984, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVICTION DATA." (ACT 068)

Gov. Msg. No. 327, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2192, HD 2, SD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES." (ACT 069)

Gov. Msg. No. 328, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1947, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY." (ACT 070)

Gov. Msg. No. 329, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2434, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 071)

Gov. Msg. No. 330, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2898, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARBITRATION." (ACT 072)

Gov. Msg. No. 333, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 3253, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE." (ACT 073)

Gov. Msg. No. 334, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 2050, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL MATCHMAKING." (ACT 074)

Gov. Msg. No. 335, informing the House that on May 2, 2006, the following bill was signed into law:

H.B. No. 1, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION." (ACT 075)

The following messages from the Governor (Gov. Msg. No. 331, 332, and 336) were announced by the Clerk and were received for possible consideration at a later date:

Gov. Msg. No. 331, transmitting H.B. No. 173, HD 1, SD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 173

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 173, entitled "A Bill for an Act Relating to the National Guard."

This bill would require that persons appointed in the future to be the Adjutant General possess at least five years of service as an active commissioned officer in the Hawaii National Guard.

This bill is objectionable because it severely restricts a Governor from selecting and appointing the best military leader from all branches of the military services to serve in this significant position. The importance of the position of Adjutant General is critical to the safety and protection of the public. Limiting the ability of the Governor to select the best and brightest for this cabinet level position is short-sighted and gravely misguided.

The best candidate for Adjutant General may very well be a candidate who is not a member of the National Guard. This is especially true as the United States Department of Defense moves to

increase cooperation between branches of the military and require close coordination in response to national defense and natural disasters. This bill would reject the logic that any candidate outside of the Guard could do an outstanding job as commanding general of the Hawaii National Guard.

The Adjutant General not only serves as the executive head of the Department of Defense and commanding general of the Hawaii National Guard, but also fulfills two other crucial roles not directly related to experience in the National Guard.

First, the Adjutant General serves as Director of State Civil Defense, with responsibilities covering homeland security, emergency preparedness, crisis management, and disaster cleanup. The Adjutant General is required to coordinate not only those activities involving the National Guard, but all civil defense or emergency management activities with private, county, state, and federal agencies and military branches. Second, the Adjutant General works with the Office of Veterans Services to assist and support our veterans of all of the armed services in the State of Hawaii. A requirement that the Adjutant General have served no less than five years in the Hawaii National Guard is not a clear and convincing criteria for being able to handle a broad scope of duties the Adjutant General role requires.

The qualifications and appointment as codified in Section 121-7, Hawaii Revised Statutes, have stood the test of time and should not be changed. Other than limiting the appointing power of the Governor, this bill serves no legitimate purpose in protecting the people of Hawaii. The State of Hawaii must not limit itself when it comes to ensuring the security and safety of our people, supporting our veterans, and working collaboratively with all branches of the military.

For the foregoing reasons, I am returning House Bill No. 173 without my approval.

Respectfully,
/s/Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 332, transmitting H.B. No. 2454, HD 1, SD 2, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2454

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2454, entitled "A Bill for an Act Relating to Legislative Vacancies."

The purpose of this bill is to require the Governor, in filling vacancies in the State Legislature and the United States Senate, to select a replacement from a list of three prospective appointees nominated by the political party of the prior incumbent.

The goal of the present law is to fill vacancies in the State Legislature and the United States Senate in a timely manner when such vacancies occur. These vacancies in elective office are appropriately filled by the Governor, who is elected by the public at large, and as such is accountable to them. The process for filling vacancies in the United States Senate and the Hawaii State

Legislature has been in place since 1970 and has not been shown to have compromised the integrity of the election process.

This bill places the ability for determining who may be appointed by the Governor with the political party leadership of the vacating office holder. This is in spite of the fact that these individuals are not elected by the public and, as such, are not accountable to them.

Additionally, the bill, without any stated rationale, narrows the field of qualified candidates that the political party can consider to those who have been registered members of that party for at least six months prior to the appointment. Such a provision fails to recognize that this may unreasonably restrict the pool of potential candidates as the majority of people who personally and philosophically associate themselves with a political party and vote along party lines may not meet this requirement.

The Governor's ability and responsibility to select the most qualified person to fill a vacancy should not be so narrowly restricted.

For the foregoing reasons, I am returning House Bill No. 2454 without my approval.

Respectfully,
/s/Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 336, transmitting H.B. No. 1155, HD 1, SD 2, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
May 2, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1155

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1155, entitled "A Bill for an Act Relating to Naturopathy."

The purpose of this bill is to require the Board of Examiners in Naturopathy to adopt a formulary and qualifications for administering natural medicines by injection and to grant to qualified naturopaths the authority to administer natural medicines by injection.

This bill is objectionable because it does not provide adequate protection for the health and safety of the public. While the practice of naturopathic medicine has a long history and the administration of "natural medicines" by injection is part of that history, this bill does not sufficiently define "natural medicine." Although naturopaths would not have access to substances controlled under chapter 329 (Uniform Controlled Substances Act), Hawaii Revised Statutes, or prescription drugs under the purview of chapter 328 (Food, Drugs, and Cosmetics), Hawaii Revised Statutes, there are many substances on the market that are not controlled by law or regulated by the United States Food and Drug Administration and that are touted as "natural." The injection of some of these substances may cause serious harm or death to recipients of such injections.

Additionally, this bill provides that a temporary advisory committee on the administration of natural medicines by injection be formed to recommend to the Board of Examiners in Naturopathy a formulary of natural medicines that naturopaths may administer by injection and the qualifications necessary for administering natural

medicines by injection. This committee would be composed of two persons licensed as naturopathic physicians under chapter 455 (Naturopathy), Hawaii Revised Statutes, and appointed by the Board of Examiners in Naturopathy; one person licensed in medicine under chapter 453 (Medicine and Surgery), Hawaii Revised Statutes, and appointed by the Board of Medical Examiners; and one person licensed as a pharmacist under chapter 461 (Pharmacists and Pharmacy), Hawaii Revised Statutes, and appointed by the Board of Pharmacy. The temporary committee's recommendations would be acted upon by the Board of Examiners in Naturopathy, composed of three naturopathic physicians and two public members. Thus, the determination of what constitutes a "natural medicine," as well as the qualifications necessary to inject those substances into patients, would be primarily the decision of naturopaths themselves.

It would be preferable that any formulary of injectable "natural medicines" and the qualifications to administer by injection be overseen by medical doctors, as is the case with nurses.

For the foregoing reasons, I am returning House Bill No. 1155 without my approval.

Respectfully,
/s/Linda Lingle
LINDA LINGLE
Governor of Hawaii"

ANNOUNCEMENTS

Representative Ching: "Thank you. I just wanted to announce that tomorrow is last day of the Historic Preservation Awareness Celebration. There will be exhibits from 11:00 to 3:00 around the Capitol, Third Floor corridors, specifically in Conference Rooms 325 and 329 with lunch for everyone invited sponsored by the participating organizations from 11:45 until 12:30. There will be speakers in Room 312 and Mary McGrath, author of Sense of Place in the State Auditorium from 2:00 to 2:45.

"Just to let you know, there is also a thank you reception for these organizations from 5:00 to 7:30 across the street at Washington Place. Some of the organizations that you might want to know from different parts of the State are the Battleship Missouri, USS Arizona, Bowfin, Bishop Museum in Kalihi, Contemporary Art Museum up in Makiki, Japanese Cultural Center, Japanese Temples in Hawaii, the Judicial Center, Kapiolani Park over near Diamond Head, Malama o Manoa, Nuuanu Pagoda, Plantation Villages, St. Andrew's Cathedral, and many more. They would love to have everyone stop by. Thank you."

The Chair announced:

"The Chair has a short announcement for all of you. You may leave your folders and your bills here this evening, but please take your laptops. The Sergeant-at-Arms will be watching your things since your staff has already gone home for today."

ADJOURNMENT

At 11:10 o'clock p.m. on motion by Representative B. Oshiro., seconded by Representative Meyer and carried, the House of Representatives adjourned until 10:00 o'clock a.m., Thursday, May 4, 2006. (Representatives Abinsay, Nakasone and Stonebraker were excused.)

HOUSE COMMUNICATIONS

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bills have this day passed Final Reading in

the House of Representatives:

H.B. No. 237, HD 3, SD 1, CD 1
H.B. No. 266, HD 1, SD 2, CD 1
H.B. No. 386, HD 1, SD 1, CD 1
H.B. No. 439, HD 1, SD 2, CD 1
H.B. No. 862, HD 2, SD 2, CD 1
H.B. No. 970, HD 1, SD 1, CD 1
H.B. No. 1021, HD 2, SD 2, CD 1
H.B. No. 1280, HD 1, SD 2, CD 1
H.B. No. 1706, HD 3, SD 1, CD 1
H.B. No. 1800, HD 1, SD 1, CD 1
H.B. No. 1809, HD 2, SD 2, CD 1
H.B. No. 1821, HD 2, SD 2, CD 1
H.B. No. 1861, SD 1, CD 1
H.B. No. 1862, HD 2, SD 2, CD 1
H.B. No. 1865, HD 1, SD 2, CD 1
H.B. No. 1866, HD 1, SD 2, CD 1
H.B. No. 1867, HD 1, SD 2, CD 1
H.B. No. 1871, HD 1, SD 2, CD 1
H.B. No. 1878, SD 1, CD 1
H.B. No. 1879, HD 1, SD 1, CD 1
H.B. No. 1880, HD 2, SD 2, CD 1
H.B. No. 1889, HD 1, SD 2, CD 1
H.B. No. 1891, HD 2, SD 2, CD 1
H.B. No. 1900, HD 1, SD 1, CD 1
H.B. No. 1917, HD 2, SD 2, CD 1
H.B. No. 1918, HD 1, SD 2, CD 1
H.B. No. 1923, HD 1, SD 2, CD 1
H.B. No. 1935, HD 1, SD 1, CD 1
H.B. No. 1955, HD 1, SD 1, CD 1
H.B. No. 1968, HD 1, SD 1, CD 1
H.B. No. 1995, HD 1, SD 2, CD 1
H.B. No. 2039, HD 2, SD 2, CD 1
H.B. No. 2045, HD 2, SD 1, CD 1
H.B. No. 2051, HD 1, SD 2, CD 1
H.B. No. 2075, HD 1, SD 2, CD 1
H.B. No. 2109, HD 1, SD 2, CD 1
H.B. No. 2145, HD 2, SD 1, CD 1
H.B. No. 2146, HD 1, SD 1, CD 1
H.B. No. 2153, HD 2, SD 2, CD 1
H.B. No. 2175, HD 2, SD 2, CD 1
H.B. No. 2176, HD 2, SD 2, CD 1
H.B. No. 2179, HD 2, SD 2, CD 1
H.B. No. 2199, HD 2, SD 1, CD 1
H.B. No. 2211, HD 1, SD 1, CD 1
H.B. No. 2214, HD 1, SD 2, CD 1
H.B. No. 2239, HD 1, SD 2, CD 1
H.B. No. 2265, HD 2, SD 1, CD 1
H.B. No. 2271, HD 1, SD 2, CD 1
H.B. No. 2277, HD 2, SD 2, CD 1
H.B. No. 2299, HD 1, SD 1, CD 1
H.B. No. 2343, HD 1, SD 2, CD 1
H.B. No. 2367, HD 1, SD 1, CD 1
H.B. No. 2399, HD 2, SD 1, CD 1
H.B. No. 2410, HD 1, SD 2, CD 1
H.B. No. 2412, HD 1, SD 1, CD 1
H.B. No. 2500, HD 2, SD 2, CD 1
H.B. No. 2503, HD 2, SD 1, CD 1
H.B. No. 2540, HD 2, SD 2, CD 1
H.B. No. 2555, HD 2, SD 2, CD 1
H.B. No. 2558, HD 1, SD 2, CD 1
H.B. No. 2595, HD 1, SD 2, CD 1
H.B. No. 2626, SD 1, CD 1
H.B. No. 2637, HD 1, SD 2, CD 1
H.B. No. 2639, HD 2, SD 2, CD 1
H.B. No. 2669, HD 1, SD 2, CD 1
H.B. No. 2678, HD 2, SD 2, CD 1
H.B. No. 2691, SD 2, CD 1
H.B. No. 2692, HD 1, SD 1, CD 1
H.B. No. 2708, HD 2, SD 2, CD 1
H.B. No. 2772, HD 1, SD 2, CD 1

H.B. No. 2778, HD 2, SD 2, CD 1
H.B. No. 2805, SD 1, CD 1
H.B. No. 2848, HD 2, SD 2, CD 1
H.B. No. 2899, HD 1, SD 1, CD 1
H.B. No. 2947, HD 2, SD 2, CD 1
H.B. No. 2961, HD 1, SD 1, CD 1
H.B. No. 2966, HD 2, SD 2, CD 1
H.B. No. 2974, SD 1, CD 1
H.B. No. 2991, HD 2, SD 2, CD 1
H.B. No. 3016, HD 1, SD 1, CD 1
H.B. No. 3056, HD 2, SD 2, CD 1
H.B. No. 3105, HD 2, SD 2, CD 1
H.B. No. 3116, HD 2, SD 2, CD 1
H.B. No. 3121, HD 2, SD 1, CD 1
H.B. No. 3142, HD 2, SD 2, CD 1
H.B. No. 3217, HD 1, SD 1, CD 1
H.B. No. 3225, HD 1, SD 1, CD 1
H.B. No. 3235, HD 1, SD 1, CD 1
H.B. No. 3242, SD 1, CD 1
H.B. No. 3244, HD 1, SD 2, CD 1
H.B. No. 3256, HD 1, SD 1, CD 1
H.B. No. 3259, HD 1, SD 2, CD 1
S.B. No. 427, SD 1, HD 1, CD 1
S.B. No. 439, HD 2, CD 1
S.B. No. 467, SD 2, HD 2, CD 1
S.B. No. 475, SD 2, HD 1, CD 1
S.B. No. 486, SD 2, HD 1, CD 1
S.B. No. 696, SD 1, HD 2, CD 1
S.B. No. 706, SD 2, HD 2, CD 1
S.B. No. 743, SD 2, HD 2, CD 1
S.B. No. 819, SD 1, HD 1, CD 1
S.B. No. 826, HD 2, CD 1
S.B. No. 845, SD 2, HD 2, CD 1
S.B. No. 895, SD 1, HD 2, CD 1
S.B. No. 951, SD 2, HD 1, CD 1
S.B. No. 965, SD 2, HD 1, CD 1
S.B. No. 995, SD 1, HD 1, CD 1
S.B. No. 1223, SD 2, HD 1, CD 1
S.B. No. 1294, SD 2, HD 1, CD 1
S.B. No. 1648, SD 1, HD 2, CD 1
S.B. No. 1899, SD 1, HD 1, CD 1
S.B. No. 2004, SD 1, HD 1, CD 1
S.B. No. 2021, SD 2, HD 2, CD 1
S.B. No. 2036, SD 1, HD 1, CD 1
S.B. No. 2065, SD 2, HD 1, CD 1
S.B. No. 2076, SD 2, HD 2, CD 1
S.B. No. 2090, SD 2, HD 1, CD 1
S.B. No. 2133, SD 2, HD 2, CD 1
S.B. No. 2143, SD 2, HD 1, CD 1
S.B. No. 2145, SD 2, HD 2, CD 1
S.B. No. 2150, SD 1, HD 1, CD 1
S.B. No. 2159, SD 2, HD 1, CD 1
S.B. No. 2162, SD 2, HD 1, CD 1
S.B. No. 2188, SD 1, HD 2, CD 1
S.B. No. 2190, SD 1, HD 2, CD 1
S.B. No. 2193, SD 1, HD 1, CD 1
S.B. No. 2214, SD 2, HD 3, CD 1
S.B. No. 2227, SD 2, HD 2, CD 1
S.B. No. 2237, SD 1, HD 1, CD 1
S.B. No. 2244, SD 1, HD 1, CD 1
S.B. No. 2246, SD 1, HD 2, CD 1
S.B. No. 2248, SD 2, HD 1, CD 1
S.B. No. 2260, SD 1, HD 1, CD 1
S.B. No. 2273, SD 2, HD 1, CD 1
S.B. No. 2274, SD 1, HD 2, CD 1
S.B. No. 2283, SD 1, HD 1, CD 1
S.B. No. 2290, SD 2, HD 1, CD 1
S.B. No. 2292, SD 2, HD 1, CD 1
S.B. No. 2293, SD 2, HD 1, CD 1
S.B. No. 2298, SD 1, HD 1, CD 1
S.B. No. 2323, SD 2, HD 1, CD 1
S.B. No. 2327, SD 2, HD 1, CD 1
S.B. No. 2328, SD 2, HD 2, CD 1

S.B. No. 2334, SD 2, HD 2, CD 1
S.B. No. 2339, SD 2, HD 1, CD 1
S.B. No. 2343, SD 2, HD 2, CD 1
S.B. No. 2348, SD 1, HD 1, CD 1
S.B. No. 2358, SD 2, HD 2, CD 1
S.B. No. 2360, SD 2, HD 1, CD 1
S.B. No. 2430, SD 2, HD 1, CD 1
S.B. No. 2479, HD 1, CD 1
S.B. No. 2480, SD 1, HD 1, CD 1
S.B. No. 2484, SD 1, HD 1, CD 1
S.B. No. 2485, SD 2, HD 2, CD 1
S.B. No. 2486, SD 2, HD 1, CD 1
S.B. No. 2487, HD 1, CD 1
S.B. No. 2501, SD 1, HD 1, CD 1
S.B. No. 2502, SD 2, HD 1, CD 1
S.B. No. 2504, SD 2, HD 2, CD 1
S.B. No. 2505, SD 2, HD 1, CD 1
S.B. No. 2545, SD 2, HD 2, CD 1
S.B. No. 2570, SD 2, HD 2, CD 1
S.B. No. 2575, SD 2, HD 1, CD 1
S.B. No. 2600, SD 1, HD 2, CD 1
S.B. No. 2630, SD 2, HD 1, CD 1
S.B. No. 2667, SD 2, HD 1, CD 1
S.B. No. 2708, SD 2, HD 1, CD 1
S.B. No. 2719, SD 2, HD 1, CD 1
S.B. No. 2720, SD 2, HD 1, CD 1
S.B. No. 2727, SD 1, HD 2, CD 1
S.B. No. 2753, SD 1, HD 2, CD 1
S.B. No. 2774, SD 2, HD 1, CD 1
S.B. No. 2879, SD 1, HD 1, CD 1
S.B. No. 2887, SD 1, HD 1, CD 1
S.B. No. 2897, SD 2, HD 3, CD 1
S.B. No. 2898, SD 2, HD 2, CD 1
S.B. No. 2901, HD 1, CD 1
S.B. No. 2909, SD 1, HD 2, CD 1
S.B. No. 2929, HD 1, CD 1
S.B. No. 2941, SD 1, HD 1, CD 1
S.B. No. 2948, SD 1, HD 2, CD 1
S.B. No. 2957, SD 2, HD 2, CD 1
S.B. No. 2958, SD 2, HD 1, CD 1
S.B. No. 2980, SD 2, HD 1, CD 1
S.B. No. 2984, SD 1, HD 1, CD 1
S.B. No. 2997, SD 1, HD 1, CD 1
S.B. No. 3000, SD 2, HD 1, CD 1
S.B. No. 3003, SD 2, HD 2, CD 1
S.B. No. 3009, SD 2, HD 2, CD 1
S.B. No. 3035, SD 1, HD 1, CD 1
S.B. No. 3059, SD 2, HD 1, CD 1
S.B. No. 3065, SD 1, HD 1, CD 1
S.B. No. 3072, SD 1, HD 2, CD 1
S.B. No. 3076, SD 1, HD 1, CD 1
S.B. No. 3077, SD 2, HD 2, CD 1
S.B. No. 3078, SD 2, HD 1, CD 1
S.B. No. 3090, SD 2, HD 1, CD 1
S.B. No. 3101, SD 2, HD 2, CD 1
S.B. No. 3105, SD 2, HD 2, CD 1
S.B. No. 3111, SD 1, HD 1, CD 1
S.B. No. 3119, SD 2, HD 1, CD 1
S.B. No. 3120, SD 2, HD 1, CD 1
S.B. No. 3180, SD 1, HD 2, CD 1
S.B. No. 3181, SD 2, HD 2, CD 1
S.B. No. 3185, SD 2, HD 2, CD 1
S.B. No. 3192, SD 1, HD 2, CD 1
S.B. No. 3195, SD 2, HD 2, CD 1
S.B. No. 3197, SD 2, HD 1, CD 1
S.B. No. 3215, SD 1, HD 2, CD 1
S.B. No. 3247, SD 2, HD 2, CD 1
S.B. No. 3252, SD 2, HD 1, CD 1
S.B. No. 3253, SD 1, HD 1, CD 1
S.B. No. 3254, SD 2, HD 2, CD 1
S.B. No. 3262, SD 1, HD 1, CD 1
S.B. No. 3270, SD 2, HD 1, CD 1
S.B. No. 3273, SD 2, HD 2, CD 1

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 7, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2313, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2278, HD 1, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2315, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2319, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2423, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2535, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2641, HD 1, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2713, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2964, HD 1, SD 2, and has this day, agreed to said

Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 2987, HD 1, SD 2, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House reconsidered its action taken on April 13, 2006, in disagreeing to the amendments made by the Senate, to House Bill No. 3100, HD 1, SD 1, and has this day, agreed to said Senate amendments and passed this Bill on Final Reading.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted House Concurrent Resolution 145, HD 1, SD 1.

House Communication dated May 2, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has agreed to the amendments made by the Senate and has this day adopted House Concurrent Resolution 164, SD 1.

LEGISLATIVE COMMUNICATIONS

"HAWAII STATE LEGISLATURE
STATE CAPITOL
HONOLULU, HAWAII 96813

Legislative Communication No. 1
from President Robert Bunda and Speaker Calvin K.Y. Say
dated April 29, 2006 12:03 a.m.
regarding the Extension of Conference Committee Deadlines

TO: All Members of the State Legislature

We hereby amend the Joint 2006 Legislative Calendar as follows:

The Final Decking deadline of April 28, 2006 12:00 midnight previously agreed upon notwithstanding, committees on conference shall be allowed to continue deliberations, and prepare and sign agreed upon conference committee reports between 12:03 a.m. and 12:30 a.m. on April 29, 2006. Agreed upon and signed conference committee reports shall be submitted to the Clerks of the respective Chambers by 12:30 a.m.

Said measures submitted to the Clerks of the respective Chambers by 12:30 a.m. shall be officially filed on Tuesday, May 02, 2006 at 8:00 a.m.

All other deadlines previously agreed upon on the 2006 Joint Legislative Calendar shall remain in effect.

/s/Robert Bunda
Robert Bunda
Senate President
12:03 a.m.
April 29, 2006

/s/Calvin K.Y. Say
Calvin K.Y. Say
House Speaker
12:03 a.m.
April 29, 2006"

"HAWAII STATE LEGISLATURE
STATE CAPITOL
HONOLULU, HAWAII 96813

Legislative Communication No. 2
from President Robert Bunda and Speaker Calvin K.Y. Say
dated April 29, 2006 12:35 a.m.
regarding the Extension of Conference Committee Deadlines

TO: All Members of the State Legislature

The Final decking deadline of April 28, 2006 12:00 midnight as revised by Legislative Communication No. 2 [April 29, 2006 12:03 a.m.] is further amended as follows:

Committees on conference shall be allowed to continue deliberations, and prepare and sign agreed upon conference committee reports between 12:35 a.m. and 1:00 a.m. on April 29, 2006. Agreed upon and signed conference committee reports shall be submitted to the Clerks of the respective Chambers by 1:00 a.m.

Said measures submitted to the Clerks of the respective Chambers by 1:00 a.m. shall be officially filed on Tuesday, May 02, 2006 at 8:00 a.m.

All other deadlines previously agreed upon on the 2006 Joint Legislative Calendar shall remain in effect.

/s/Robert Bunda
Robert Bunda
Senate President
12:35 a.m.
April 29, 2006

/s/Calvin K.Y. Say
Calvin K.Y. Say
House Speaker
12:35 a.m.
April 29, 2006"

SIXTIETH DAY

Thursday, May 4, 2006

The House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, convened at 10:11 o'clock a.m., with the Speaker presiding.

The invocation was delivered by Representative Colleen Rose Meyer, after which the Roll was called showing all members present with the exception of Representatives Abinsay, Arakaki, Kahikina and Stonebraker, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Forty-Seventh, Forty-Eighth, Forty-Ninth, Fiftieth, Fifty-First, Fifty-Second, Fifty-Third and Fifty-Fourth Days were approved. (Representative Stonebraker was excused.)

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 337) was received and announced by the Clerk:

Gov. Msg. No. 337, informing the House that on May 3, 2006, the following bill became law without her signature, pursuant to Section 16 of Article III of the State Constitution:

H.B. No. 1233, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL RIGHTS." (ACT 076)

"EXECUTIVE CHAMBERS
HONOLULU

May 3, 2006

The Honorable Calvin K.Y. Say, Speaker
and Members of the House of Representatives
Twenty-Third State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1233 HD1 SD1

On May 2, 2006, House Bill 1233, entitled "Relating to Civil Rights" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

The bill would prohibit discrimination based on sexual orientation in public accommodations. The measure would also prohibit discrimination in public accommodations based on gender identity or expression.

"Sexual orientation" has been defined to mean having a preference for heterosexuality, homosexuality, or bisexuality, having a history of any one or more of these preferences, or being identified with any one or more of these preferences. Hawaii law currently prohibits discrimination based on sexual orientation in the areas of housing (HRS 515-3) and employment (HRS 378-2).

Further, it should be noted that HRS Chapter 368 contains the following language in the purpose and intent: "The legislature finds and declares that the practice of discrimination because of race, color, religion, age, sex, sexual orientation, marital status, national origin, ancestry, or disability in employment, housing, public accommodations, or access to services receiving State financial assistance is against public policy." (underlines added) Thus, it

would appear that the Hawaii Civil Rights Commission already has a basis in law to enforce prohibitions against discrimination in public accommodations based on sexual orientation and this portion of HB 1233 restates what is already a protected class.

This bill further defines "gender identity or expression" to include a person's actual or perceived gender, gender identity, gender-related self-image, gender-related appearance or gender-related expression, regardless of whether that gender identity, gender-related self-image, gender-related appearance, or gender-related expression is different from that traditionally associated with the person's sex at birth.

This part of the bill is problematic. The definitions are broad, subjective, and contain no limiting terms or interpretational guidelines. The Hawaii Civil Rights Commission currently interprets "sex discrimination" to include the abuses related to the treatment of individuals who have a gender identity or expression that it [*sic*] different from their birth sex. This interpretation of prohibited sex discrimination is in line with recent court cases in our federal judiciary and sister states. However, the definition in this bill is broader than the current interpretation of sex discrimination. Undefined and overly broad language can lead to disputes and create the potential for escalating reasonable actions by the owners and operators of public accommodations into legal proceedings. Such broad and subjective definitions should not be allowed to become a proxy for socially unacceptable behavior in public places.

It is also unclear how the definitions of gender identity or expression found in section 2 of this bill impact section 489-4 of the Hawaii Revised Statutes. Section 489-4 allows a public accommodation to provide separate facilities for male and female patrons for the protection of personal rights of privacy. People have a legitimate right to privacy and it appears the broad language of this measure could interfere with these legitimate rights. This lack of clarity may result in unintended and unwanted confusions and litigation in public accommodations law that should be addressed promptly by the Legislature.

Because this bill restates an existing protection for the class "sexual orientation" and clarifies those protections extend to public accommodations in Section 489-2 and Section 489-3 of HRS, there is merit in these provisions of the measure.

For the foregoing reasons I allowed House Bill 1233 HD1 SD1 to become law as Act 76 effective May 2, 2006 without my signature.

Sincerely,
/s/Linda Lingle
LINDA LINGLE"

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 868 through 875) were received and announced by the Clerk:

Sen. Com. No. 868, transmitting H.C.R. No. 320, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO HONOR THE FIRST MONDAY IN MAY AS HAWAII HISTORIC PRESERVATION AWARENESS DAY," which was adopted by the Senate on May 2, 2006.

Sen. Com. No. 869, transmitting H.C.R. No. 218, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION, UNIVERSITY OF HAWAII JOHN A. BURNS SCHOOL OF MEDICINE, CANCER RESEARCH CENTER OF HAWAII, DEPARTMENT OF EDUCATION, DEPARTMENT OF LAND AND NATURAL RESOURCES, THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY, AND KAMEHAMEHA

SCHOOLS TO PLAN A TECHNOLOGY-BASED COLLABORATIVE PROJECT ON STATE LANDS, OR OTHER APPROPRIATE LANDS, IN KAKA'AKO," which was adopted by the Senate on May 2, 2006.

Sen. Com. No. 870, dated May 2, 2006, informing the House that the Senate has, on April 28, 2006, reconsidered its action taken on April 25, 2006, in disagreeing to the amendments proposed by the House and has this day adopted in final form the following Senate Concurrent Resolution:

S.C.R. No. 77,
SD 2, HD 1 "REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT TWO STUDIES OF RECOMMENDED PROCEDURES THAT WILL ENSURE THAT STATE-FUNDED HEALTH CARE PAYMENTS ADEQUATELY REIMBURSE PROVIDERS WHO PROVIDE SERVICES FOR, FIRST, MEDICAID OR QUEST RECIPIENTS AND, SECOND, FOR INJURED EMPLOYEES UNDER WORKERS COMPENSATION INSURANCE."

Sen. Com. No. 871, dated May 2, 2006, informing the House that the Senate has, on April 27, 2006, reconsidered its action taken on March 28, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 3066,
SD 1, HD 1 "RELATING TO INTEREST AND USURY."

Sen. Com. No. 872, dated May 2, 2006, informing the House that the Senate has, on April 27, 2006, reconsidered its action taken on April 6, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2704,
SD 2, HD 1 "RELATING TO EDUCATION."

Sen. Com. No. 873, dated May 2, 2006, informing the House that the Senate has, on April 27, 2006, reconsidered its action taken on April 11, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 2454,
SD 1, HD 2 "RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS."

Sen. Com. No. 874, dated May 2, 2006, informing the House that the Senate has, on April 27, 2006, reconsidered its action taken on April 13, 2006, in disagreeing to the amendments proposed by the House to the following Senate Bills and has moved to agree to the amendments, and that said bills have this day passed Final Reading:

S.B. No. 744,
SD 2, HD 1 "RELATING TO BUSINESS REGISTRATION."

S.B. No. 785,
SD 2, HD 2 "RELATING TO PUBLIC MEETINGS."

S.B. No. 2913,
SD 1, HD 1 "RELATING TO CONTRACTORS."

Sen. Com. No. 875, informing the House that the following bills have this day passed Final Reading in the Senate on May 2, 2006:

H.B. No. 237, H.D. 3, S.D. 1, C.D. 1
H.B. No. 266, H.D. 1, S.D. 2, C.D. 1
H.B. No. 386, H.D. 1, S.D. 1, C.D. 1
H.B. No. 439, H.D. 1, S.D. 2, C.D. 1

H.B. No. 862, H.D. 2, S.D. 2, C.D. 1
H.B. No. 970, H.D. 1, S.D. 1, C.D. 1
H.B. No. 1021, H.D. 2, S.D. 2, C.D. 1
H.B. No. 1280, H.D. 1, S.D. 2, C.D. 1
H.B. No. 1706, H.D. 3, S.D. 1, C.D. 1
H.B. No. 1800, H.D. 1, S.D. 1, C.D. 1
H.B. No. 1809, H.D. 2, S.D. 2, C.D. 1
H.B. No. 1821, H.D. 2, S.D. 2, C.D. 1
H.B. No. 1861, S.D. 1, C.D. 1
H.B. No. 1862, H.D. 2, S.D. 2, C.D. 1
H.B. No. 1865, H.D. 1, S.D. 2, C.D. 1
H.B. No. 1866, H.D. 1, S.D. 2, C.D. 1
H.B. No. 1867, H.D. 1, S.D. 2, C.D. 1
H.B. No. 1871, H.D. 1, S.D. 2, C.D. 1
H.B. No. 1878, S.D. 1, C.D. 1
H.B. No. 1879, H.D. 1, S.D. 1, C.D. 1
H.B. No. 1880, H.D. 2, S.D. 2, C.D. 1
H.B. No. 1889, H.D. 1, S.D. 2, C.D. 1
H.B. No. 1891, H.D. 2, S.D. 2, C.D. 1
H.B. No. 1917, H.D. 2, S.D. 2, C.D. 1
H.B. No. 1918, H.D. 1, S.D. 2, C.D. 1
H.B. No. 1923, H.D. 1, S.D. 2, C.D. 1
H.B. No. 1935, H.D. 1, S.D. 1, C.D. 1
H.B. No. 1955, H.D. 1, S.D. 1, C.D. 1
H.B. No. 1968, H.D. 1, S.D. 1, C.D. 1
H.B. No. 1995, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2039, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2045, H.D. 2, S.D. 1, C.D. 1
H.B. No. 2051, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2075, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2109, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2145, H.D. 2, S.D. 1, C.D. 1
H.B. No. 2146, H.D. 1, S.D. 1, C.D. 1
H.B. No. 2153, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2175, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2176, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2179, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2199, H.D. 2, S.D. 1, C.D. 1
H.B. No. 2211, H.D. 1, S.D. 1, C.D. 1
H.B. No. 2214, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2239, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2265, H.D. 2, S.D. 1, C.D. 1
H.B. No. 2271, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2277, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2299, H.D. 1, S.D. 1, C.D. 1
H.B. No. 2343, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2367, H.D. 1, S.D. 1, C.D. 1
H.B. No. 2399, H.D. 2, S.D. 1, C.D. 1
H.B. No. 2410, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2412, H.D. 1, S.D. 1, C.D. 1
H.B. No. 2500, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2503, H.D. 2, S.D. 1, C.D. 1
H.B. No. 2540, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2555, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2558, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2595, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2626, S.D. 1, C.D. 1
H.B. No. 2637, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2639, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2669, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2678, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2691, S.D. 2, C.D. 1
H.B. No. 2692, H.D. 1, S.D. 1, C.D. 1
H.B. No. 2708, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2772, H.D. 1, S.D. 2, C.D. 1
H.B. No. 2778, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2805, S.D. 1, C.D. 1
H.B. No. 2848, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2899, H.D. 1, S.D. 1, C.D. 1
H.B. No. 2947, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2961, H.D. 1, S.D. 1, C.D. 1
H.B. No. 2966, H.D. 2, S.D. 2, C.D. 1
H.B. No. 2974, S.D. 1, C.D. 1

H.B. No. 2991, H.D. 2, S.D. 2, C.D. 1
 H.B. No. 3016, H.D. 1, S.D. 1, C.D. 1
 H.B. No. 3105, H.D. 2, S.D. 2, C.D. 1
 H.B. No. 3115, H.D. 2, S.D. 2, C.D. 1
 H.B. No. 3116, H.D. 2, S.D. 2, C.D. 1
 H.B. No. 3121, H.D. 2, S.D. 1, C.D. 1
 H.B. No. 3142, H.D. 2, S.D. 2, C.D. 1
 H.B. No. 3217, H.D. 1, S.D. 1, C.D. 1
 H.B. No. 3225, H.D. 1, S.D. 1, C.D. 1
 H.B. No. 3235, H.D. 1, S.D. 1, C.D. 1
 H.B. No. 3242, S.D. 1, C.D. 1
 H.B. No. 3244, H.D. 1, S.D. 2, C.D. 1
 H.B. No. 3256, H.D. 1, S.D. 1, C.D. 1
 H.B. No. 3259, H.D. 1, S.D. 2, C.D. 1
 S.B. No. 427, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 439, H.D. 2, C.D. 1
 S.B. No. 467, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 475, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 486, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 696, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 706, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 743, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 819, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 826, H.D. 2, C.D. 1
 S.B. No. 845, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 895, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 951, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 965, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 995, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 1223, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 1294, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 1648, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 1899, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2004, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2021, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2036, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2065, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2076, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2090, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2143, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2145, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2150, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2158, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2159, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2162, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2188, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2190, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2193, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2214, S.D. 2, H.D. 3, C.D. 1
 S.B. No. 2227, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2237, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2244, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2246, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2248, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2260, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2273, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2274, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2283, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2290, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2292, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2293, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2298, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2323, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2327, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2328, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2334, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2339, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2343, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2348, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2358, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2360, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2430, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2479, H.D. 1, C.D. 1

S.B. No. 2480, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2484, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2485, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2486, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2487, H.D. 1, C.D. 1
 S.B. No. 2501, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2502, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2504, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2505, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2545, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2570, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2575, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2600, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2630, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2667, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2708, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2719, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2720, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2727, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2753, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2774, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2879, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2887, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2897, S.D. 2, H.D. 3, C.D. 1
 S.B. No. 2898, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2901, H.D. 1, C.D. 1
 S.B. No. 2909, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2922, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2929, H.D. 1, C.D. 1
 S.B. No. 2941, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2948, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 2957, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 2958, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2961, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2980, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 2984, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 2997, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 3000, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3003, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3009, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3035, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 3059, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3065, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 3072, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 3076, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 3077, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3078, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3090, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3101, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3105, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3111, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 3119, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3120, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3180, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 3181, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3185, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3192, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 3195, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3197, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3215, S.D. 1, H.D. 2, C.D. 1
 S.B. No. 3247, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3252, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3253, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 3254, S.D. 2, H.D. 2, C.D. 1
 S.B. No. 3262, S.D. 1, H.D. 1, C.D. 1
 S.B. No. 3270, S.D. 2, H.D. 1, C.D. 1
 S.B. No. 3273, S.D. 2, H.D. 2, C.D. 1

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 65 and 66) were received by the Clerk and were placed on file:

Dept. Com. No. 65, from the Division of Financial Institutions, Department of Commerce and Consumer Affairs, transmitting the 2005 Annual Report.

Dept. Com. No. 66, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting their report, Management Audit of the Hawai'i Youth Correctional Facility.

INTRODUCTIONS

The following introductions were made to the members of the House:

Representative Pine introduced her office manager, Ms. Leticia Acido-Mercado; and her legislative staff, Mr. Malcolm Giblin and Ms. Rebecca Erickson.

Representative M. Oshiro, on behalf of Representative Finnegan, acknowledged and thanked all the session staff of the House of Representatives and requested that their names be placed in the Journal in recognition of their service to the House, and the Chair "so ordered."

Representative Abinsay: Cesar Abinsay, Jacob Manegdeg and Sanford Sasaki.

Representative Arakaki: Michelle Arakaki, Sharon Faamata, Edgar Fernandez, Selwyn Morales, Alice Nakama, Leolani Oyama, Lia Pa'u, Harry Tagomori and Vasefania Timoteo Jr.

Representative Berg: Alexia Carvalho, Meleana Judd, Ian Lind, Lana Matsuoka and Jennifer Wilbur.

Representative Cabanilla: Jeffrey Alexander, Lance Arakawa, Reginald Dayoan, Debby Lee, Philmund Lee, Christopher Manabat, Dominador Ramos.

Representative Caldwell: Wayne Ichikawa, Rhalina Mizumoto, Cynthia Ramirez and Elena Yamane.

Representative Carroll: Jamie DeMello, Jhani Kahalehau, Kristin Kekahuna and Napali Souza.

Representative Chang: Liane Iaukea, Francine Kaneshige and Judy Tanouye.

Representative Ching: Roberta Aisaka, Justin Alexander, Katie Churchey, Justin Dilg, Beverly Ho, Robert Norton and Anna Powell.

Representative Chong: Lody Aisha Allen, Kalani Kaanaana, Jayna Shanefield, Janine Tully and Beverly Wong.

Representative Evans: Meryl Gormand, Lolan Lauvao, Ashley Malabey and Dean Shimamoto.

Representative Finnegan: Jaclyn Flores, Caherine Hoffman, Dewey Kim Jr., George Krueger, Peter Salbiejo and Tracilyn Waiamau.

Representative Green: Alexandra Malabey, Allen McCune and Felea'i Tau.

Representative Hale: Chad Ahia, Linda Asato-Kaichi and Christy Vargo.

Representative Halford: Nadine Kahapea and Keene Rees.

Representative Harbin: Susan Babcock, Oscar Belleza and Nancy Callahan.

Representative Herkes: Matthew Coke, Kathryn Matayoshi, Elisabeth Steele, Benjamin Wood and Brian Yamane.

Representative Ito: Collin Hiestand, George Okuda and Karen Suehiro.

Representative Kahikina: Vivian Ahmad, Kealoha Barros-Kahikina, Denise Hew Len, Isaac Liu and Debra Murray.

Representative Kanoho: Ray Adams, Chanel Williams and Mason Young.

Representative Karamatsu: Chelsea Akimoto, Melissa Miranda-Johnson and Kerri Richardson.

Representative Kawakami: Amy Maeda, Joyce Ohta and Florence Wakuya.

Representative Lee: David Gore, Lloyd Nakahara, Karl Rhoads and Douglas White.

Representative Luke: Shirley Batad-Labisores, Janice Farrant, Clarita Kamakura, Christopher Lee, James Miura and James Nelson.

Representative Magaoay: Deirdra Alo, RexAnn Dubiel, Judy Fomin and Walter Tonai.

Representative Marumoto: Stephanie Ishikawa, Gaye Miyasaki and Maureen Muraoka.

Representative Meyer: Roosevelt Freeman and Elizabeth Heiselt.

Representative Morita: Daniel Kalili, Lydi Morgan and Norma Quichiz.

Representative Moses: Shane Briones, Leilani Kawasaki and Michelle Schneider.

Representative Nakasone: Ronald Hedani, Marian Merce and Lani Nakamura.

Representative Nishimoto: Charity Espiritu, Dale Fujimoto, Jonathan Ono and Traci Toguchi.

Representative B. Oshiro: Melita Lani, Ariel Martinez, Sean Smith and Michael Thompson.

Representative M. Oshiro: Cory Chun and Erin Masui.

Representative Pine: Mariano Doctolero, Rebecca Erickson, Malcolm Giblin, Mary Jay and Lilia Lambinico.

Representative Saiki: Michael Gill, Liane Ikemoto and Daniel Park.

Representative Schatz: Malia Gibson and Amy Luke.

Representative Shimabukuro: Wallace Inglis, Erica Miles, Edmond Suka and Naomi Uehara.

Representative Sonson: Daniel De Gracia II, Felicitas Guillermo, Christopher Jurado and Melissa Takaaze.

Representative Souki: Peggy Collier, Nathan Kageyama and Vernon Souki.

Representative Stevens: Leslie Among, Sonya Lee and Anthony Moon.

Representative Stonebraker: Kathryn Sheffield and Carrie Taylor.

Representative Takai: Mamelli Joy Basilio, Cheryl Derby, Victoria Hallett, Sara Hoffman, Sandra Kim and Grace Kwan.

Representative Takamine: Deborah Adams, Apple Lynne Campollo, Annabel Donald, Daven Heen, Janet Iraha, Sarah Jagels, Michael Machado, Wendy Moranha, Hilary Stahl, Dayna Sweet, Robin Valentine-Kindred, Myles Yamamoto and Blake Yoshiura.

Representative Takumi: Aisha Arion, Sarah Love, Guy Nakashima and Reid Seino.

Representative Tanaka: Erika Moon and Franklin Tsuji.

Representative Thielen: Laurie Carmack, John Foster and Melody Heidel.

Representative Tsuji: Walter Igawa-Silva, Malina Iida and Lora Lapenia.

Representative Wakai: Janice Ching, Mark Ida, Ryan Oishi and Joan Ushijima.

Representative Waters: Mary Baker, Andrea Jepson, Paulette Nakamura and Laura Yoshida.

Representative Yamane: Brandon Lee, Lynn Miller and Marc Todoroki.

Representative Yamashita: Lloyd Ho, Tannya Kanei, Brian Okamura and Ian Ross.

Chief Clerk's Office: Anela Anne Apostadiro, Luke Artiaga, Jocelyn Ayson, Danielle Bass, Noel Bautista, Travis Choo, Royce Fukumoto, Ryan Kagimoto, Joshua Kaimikaua, Sharlene Kupukaa, Jimmy Lee, Thomas Maedo, Marco Emil Marcelo, Saori Mino, Brian Nii, Teoni Obrey, Janet Pascua, Kulu'ua Rapoza, Donna Marie Rosa, Ronald Seo, Jill Takamatsu, Charlene Wong and Diane Yukumoto.

Printshop: Joanne Burgo, Carol Cabebe, Kay DeMello, Kenneth Gibo, Bradley Haida, Roy Higa, Dorothy Horie, Lorrin Kaalekahi Jr., Summer Kaleo, Jean Kinoshita, Yoshi Kiyabu, Douglas Kuahulu, Elaine Miyamoto, Mitchell Osurman, Har Ping Pang, Mildred Phillips, Estelita Pumares, Eleanor Riney, Alice Sato, Amy Say, Linda Shishido, Shirley May Sing, Shirley Yong, Curtis Yoshida and Wesley Yoshitake.

Sergeant-at-Arms: Elsielyn Abad, Mathew Allard, Dorothy Alvarado, Douglas Arakaki, Dolores Baysa, Francis Baysa, Yolanda Bryant, Vernon Fernandez, Warren Higashi, Kate Hirayasu, Yolanda Inocelda, Gordon Kwok, Kenneth Lee, Marijayne Nicholas, Matthew Oamilda, Kevin Omori, Keanini Ramsey, Paul Reid, Alfonso Singson, Jeffrey Spencer, Richard Tamashiro, Wendy Tamashiro and Rothwell Uemoto.

Majority Research: Katy Chun, Aron Espinueva, Haylee Faustin, Leslie Goo, Charles McGirr, Sean McGirr, Avis Moriyama and Chan Yi.

Minority Research: Kristi Arakaki, Antonio Bacani, Anthony Davis, Krystie Davis, Minoo Elison, Yuet Ying Fong, Liana Funai and Anne Lu.

Representative Kanoho introduced from his long-time staff member, Mr. Ray Adams.

Representative Schatz introduced his office manager, Mr. Jacce Mikulanec; and legislative staff, Ms. Malia Gibson and Ms. Amy Luke.

Representative Carroll introduced her office manager, Ms. Malia Schneider; and her legislative staff, Ms. Kristin Kekahuna, Ms. Jamie DeMello and Mr. Napali Souza.

Representative Lee introduced her legislative staff, Mr. Karl Rhoads.

Representative Hale introduced her staff, Ms. Linda Asato-Kaichi, Ms. Jelyn Kaichi, Ms. Cody Vargo and Mr. Chad Ahia.

Representative Ching introduced her legislative aide, Mr. Justin Alexander; and office manager, Ms. Amanda Friend Shaw.

Representative Caldwell introduced fifth grade students from Punahou School, accompanied by teachers, Ms. Angela "Angie" Church and Ms. Cheryl Durso.

Representative Moses introduced from Makakilo, Mr. Franklin Souza and Mrs. Evelyn Souza.

Representative Shimabukuro introduced Mr. John Monis of the Hawaii Operating Engineers Industry; Mr. Henry Curtis of Life of the Land; Ms. Kat Brady of the Community Alliance on Prisons; and Mr. Neal Okabayashi of First Hawaiian Bank.

Representative Cabanilla introduced Democrat Party Chair, Mr. Brickwood Galuteria.

Representative Cabanilla also recognized a veteran retiree from the 100th Battalion.

Representative Evans introduced her office manager, Ms. Tommie Suganuma.

Representative Herkes recognized Representatives that are Punahou alumni.

Representative Hale introduced her constituent from Puna, Ms. Luana Jones.

Representative Luke, on behalf of Representative B. Oshiro, introduced his staff, Ms. Stefanie Sakamoto-Sato and Mr. Michael JordanThompson.

Representative Luke also introduced Ms. Joy Kobayashi of Pacific Law Institute.

Representative M. Oshiro introduced his office manager, Mr. Gerald Ellamar; and his legislative staff, Ms. Erin Masui, and Mr. Cory Chun.

At 10:20 o'clock a.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:04 o'clock p.m.

ORDER OF THE DAY

SUSPENSION OF RULES

Representative B. Oshiro moved that the rules be suspended for the purpose of considering bills on Final Reading on the basis of a modified consent calendar, seconded by Representative Meyer.

The Chair stated:

"Representative Stevens, what was the motion before this House?"

Representative Stevens rose to respond, stating:

"Mr. Speaker, the motion is to suspend the rules to consider certain bills for Final Reading."

The motion was put to vote by the Chair and carried, with Representatives Nakasone and Stonebraker being excused.

At 12:05 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:05 o'clock p.m.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 239-06 and H.B. No. 2043, HD 2, SD 3, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee and H.B. No. 2043, HD 2, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," were recommitted to the Committee on Conference, with Representatives Nakasone and Stonebraker being excused.

Conf. Com. Rep. No. 238-06 and S.B. No. 2546, SD 1, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2546, SD 1, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I would hope we would recommit this measure also. I rise in opposition. Thank you, Mr. Speaker. I hope everybody on the Floor takes a good close look at the measure before us, which was not what we basically negotiated in Conference. It had to be done hardly at the last moment so it got a little vague, but it also didn't do all the things we thought it would.

"Right now, there's no appropriation into the special fund that is established. It's the Innovations Special Fund. So if you note, there's no appropriation into it. It will feed the fund with about \$25 million, maybe \$30 million a year out of general fund revenues. It doesn't say when, so is it each month? Is it at the end of the year? Is it at then end of the fiscal year? When is it? I don't know. They probably don't know.

"It does not say how the fund will be used. It gives some general guidelines as to what it might be used for, but it does not say how at all. There are no mechanisms in the bill at all for expenditures out of the fund, so even if you know how it was supposed to be used, there's no way to take any money out of the special fund. It just sits there and grows. And it doesn't take effect until next year, which means we could always fix it next year.

"What does it do? Well conveniently it tucks away a lot of money that can't be used for other things such as tax relief. And I believe it's just a feel good, do nothing, phantom bill. Thank you, Mr. Speaker."

Representative Karamatsu rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, this bill will establish the Innovation Special Fund to support life sciences, advanced technology, and renewable energy. Half of 1% of general fund revenues will be deposited into this special fund in each fiscal year from 2006 to 2010. In the near future, this fund will provide grants and capital for investment for these companies and these industries. It shows that the State of Hawaii is committed to diversifying our

economy and we, I think, will go down in history by helping shape Hawaii's new economy. Thank you. And I'd like to also insert written comments," and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. The purpose of this bill is to establish the Innovation Special Fund, which will receive the sum of all general fund revenues realized by the State that equals one half of one percent of general fund revenues for each fiscal year beginning July 1, 2006, and ending on June 30, 2010. This fund will be used to support the advanced technology, renewable energy, and life sciences industries in the State.

"In the future, the Legislature will decide on what government agency will be in charge of the fund and how the fund will be invested in the advanced technology, renewable energy, and life sciences industries in the State such as research and development grants and capital investment. This measure shows the State's commitment to diversify Hawaii's economy by promoting the knowledge-based industries. Thank you."

Representative Marumoto rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I am in opposition to this measure. Although, I'm very much for economic development and helping some of these high tech industries, it's just that this bill is a little bit fuzzy for me. And I question whether we should bind future Legislatures, 24th and 25th Legislatures, to expend some unspecified expenditures. One half of 1% of general fund revenues is a questionable amount. It'll change from year to year. And I'm wondering whether this bill is flawed because there is no expending agency specified in the measure. Thank you very much."

Representative Yamashita rose in support of the measure and asked that his written remarks be inserted in the Journal, and asked that the remarks of Representative Karamatsu be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Yamashita's written remarks are as follows:

Mr. Speaker, I rise in strong support of SB2546, SD1, HD2, CD1. Passage of this measure established a special fund to support life sciences, advanced technology, and the renewable energy resource industry in Hawaii.

"We have invested so much in educating our children, we must do everything possible to keep a viable job market in Hawaii. Without keeping high technology industries, we force our children to leave the islands. It is time to show that Hawaii is serious in supporting the high tech industry. Thank you."

Representative Chong rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support and first ask that the Representative from Waikale's comments be inserted as my own," and the Chair "so ordered." (By reference only.)

Representative Chong continued, stating:

"And also I'd like to thank all of the people, both Chairs of Economic Development, both money Chairs, as well as people in the community like Miss Gibson, like Miss Mailer, as well as Admiral Fargo, who support diversifying our economy. And I think this Fund will be a huge first step towards moving Hawaii forward in that direction. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition with short comments. Thank you, Mr. Speaker. Like a previous speaker noted, this bill does tuck away money and it doesn't have any other rules, commission, nothing. It doesn't say how this is going to work, and in fact it basically to me has a sense like, just have faith. Vote blindly and just have faith. There's no oversight from the Legislature, that which we take pride in, of oversight of the way we spend funds. And this is a substantial amount of amount that goes directly from general revenues into a special fund.

"Mr. Speaker, for those reasons, I don't think that this is a good idea that we should have more say. We should at least know how we are going to accomplish this economic development because this bill is very skinny. It's about a page and a half and that doesn't tell us anything on how this money will be used. I think we need to be more careful than that. Thank you."

Representative Karamatsu rose to respond, stating:

"Mr. Speaker, in support. Just to clarify, this bill is skinny right now because there's disagreement between the House and Senate in how to administer the fund. So the industry, as well as members of the House and Senate will be looking in the interim as well as next year on the implementation of it.

"There are previous drafts showing there would be an Innovation Fund Board and a buffer to create this Board so that politics won't be involved in how the money would be implemented. For example a fund-to-fund manager, etc., and grant board, qualified individuals, nationally recognized.

"These things were taken out because in the compromise, we felt that at least we could set the money aside now and then we can work on the Board and implementation in the following year. Thank you."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you. Just really, unfortunately, in opposition because I really do support all efforts in diversifying our economy innovation, but I just cannot back the lack of details in this bill. So I ask that the words of the Minority Leader and the Representative from Makakilo be incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. The Representative from Royal Kunia, I think made my case for me. He said we'll come back and we'll look at this next year with the Senate and we'll take care of all the problems and flush it out. By the way that is my reason for let's do this next year, we don't need to pass it now. But he said that there's money in it now. We need to put this money aside. Well there isn't any money in it now and that was my point. There's no money in it. It doesn't do anything yet. Let's come back next year and look at it. Thank you."

Representative Meyer rose to speak in opposition to the measure, stating:

"Mr. Speaker, I'm rising in opposition to this measure. And for all the reasons that we've heard from those that are opposed. But it doesn't have any money in it now, but it already instructs that this Fund would be funded by taking one half of a percent of all general fund revenues and it starts July 1, 2006. So it will start funneling money out of the general fund then. And it also instructs that they will continue to do that until June 30th of 2010. So this will be a very fat Fund when we start to get into the details. But it's just I think it's premature and not good policy to move a bill that is so lacking in details, and at the same time just funneling off funds from the general fund. Thank you."

Representative B. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support. Very briefly, I did want to cite to one interesting statistic that I found, and it has to do with Enterprise Honolulu, A Turning Point For Capital Formation. Assessing Hawaii's Strategic Options, in August 2003 and what they estimated was in order for our high tech emerging science and technology companies to sustain themselves in the next 5 years, they will require \$223 million. And I think if we can put in at least 10% of that. An estimated \$25 million that's going to be taken up by this bill. That is the kind of investment that capital ventures out there want to see the State doing so that they can decide whether they're going to go forward with investing in our high tech companies.

"If we do nothing, if we wait until next year, that venture capital money could dissipate or disappear. And I think since we have the availability, since we have the momentum to do so, this is the right time. We can decide later how we are going to be implementing this law as the Chair of EDB already stated, but let's take the first step and start tucking the money away so we can show everyone out there that we are seriously committed to high tech. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. Still in opposition. Just a couple more comments in regards to this. I took a look and of course we have to be very careful of how we spend our tax money coming in. And I took a look at this and I look at all of the people who have paid into, our taxpayers, and what they're sacrificing in order to pay for the taxes that they owe. Many people are doing it by paycheck, by paycheck. Many people are sacrificing many things in order to pay for taxes and their budgets are getting skinnier and skinnier, and smaller and smaller.

"So I think it's responsible and it is our duty to make sure that if we are spending this money, that it is going to be handled correctly, that this commission is going to be in place with a good way to choose the members of this commission. I mean if the House and the Senate could not agree on how to do these things, then maybe we should take a look at it again before we start getting money. I understand that we should look at, while we have the money, we should put it away, and we should look at investing in this. But try and see it from the point of view that any money that we spend or sock away this point and time is money out of the taxpayer's pockets at this point and time.

"Our tax measure that we have coming up with is not in effect until 2008. That means they don't get any relief until 2008. Excuse me, 2007, which 2008 is when we do our tax returns.

"Mr. Speaker, we are seeing rising costs in all shapes and forms from rising taxes, rising electricity bills, rising gas prices."

The Chair then stated:

"Representative Finnegan, you are straying away from the ..."

Representative Finnegan continued, stating:

"And I apologize. This is a very passionate issue for me and so I think everyone got the point and why I am so hesitant at putting away money in a time when there is a big surplus and at a time when people are still living from paycheck to paycheck. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2546, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Final Reading by a vote of 45 ayes to 5 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses and Stevens voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 240-06 and H.B. No. 2258, HD 1, SD 2, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2258, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Final Reading by a vote of 50 ayes and, with Representative Stonebraker being excused.

Conf. Com. Rep. No. 241-06 and H.B. No. 2878, HD 1, SD 1, CD 1:

On motion by Representative M. Oshiro, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2878, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS TO ASSIST TRADEWINDS FOREST PRODUCTS, LLC," passed Final Reading by a vote of 49 ayes to 1 no, with Representative Chang voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 242-06 and H.B. No. 2806, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2806, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Berg rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition to this bill. I'm a little embarrassed because I am one of the introducers of this bill as it left the House and before it returned to us today. I'm in opposition because the appropriation of \$700,000 for this project is embarrassing, in light of the other projects that are so needy including early childhood education, my baby. Housing, all the other issues that we've been talking about.

"The intention of this bill, originally as Representative Yamane, myself, and Representative Chong served on the Sustainability Task Force that was formed by the Legislature last year, was to ask the Auditor to look at the Hawaii State Plan and the 12 functional plans from a perspective of sustainability and how we might have legislation then come out of the work of the taskforce to be coherent regarding all the plans.

"This has morphed into something that, I'm not sure how others on the taskforce feel, but I am certainly very uncomfortable with this. To allocate \$50,000 to a Hawaii brand, establishing a brand for Hawaii is very disconcerting to me, because the intent of sustainability and as it left the taskforce in the last meeting, was to engage the citizens of Hawaii in transforming their lifestyle. Not to inspire us to do it differently, but to really enable all of us to learn how the environment and how economic diversity can be integrated for the quality of life that we want.

"We heard in last couple days when we here, the comment that the number of people who were not born in Hawaii, residing here now, outnumbers the number of us who have, who were born here. That's fine, I guess, but my point is, Mr. Speaker, we are evolving into perhaps a place that none of us really recognize anymore. So with many more things to say, I'd like to add that into the Journal if it's possible. I will be voting no on this and urge my colleagues to rethink this. It's a very noble cause. I believe that this could be done for a lot less money and, in fact if we're all committed, we could hold meetings in our districts that would enable those dialogues to occur. Thank you."

Representative Berg's written remarks are as follows:

"Mr. Speaker, I rise in opposition to HB 2608, Relating to Sustainability. As an introducer of this measure, I believe it is my responsibility to clarify the intent of this bill and explain why I am in opposition of the proposed measure. I am a member of the Sustainability Task Force, for which this bill is appropriating \$700,000 in the next two years. As you know, I care deeply about the initiative for Hawaii's sustainability and the possibility of creating a deliberate approach to legislation which can more coherently guide us toward an enriched quality of life in our islands.

"My experiences on the Task Force have been wonderful. I found each meeting more meaningful than the previous, as I grew in my comprehension of the pressing need for deliberate, innovative actions to address Hawaii's sustainability. Our dependence on fossil fuels, imported goods, and the visitor industry is not universally understood or acknowledged. Coupled with the reality of increasing numbers of Hawaii-born citizens choosing to live away from Hawaii, compromised natural resources, a disenfranchised host culture, and the challenges of change, more creative alternatives as 'solutions' are needed to address sufficient housing, a diversified economy, adequate transportation, responsive education, contemporary health issues, and a clean, safe environment in which to raise our children.

"This legislation, Mr. Speaker, disappoints me and frankly, embarrasses me – not only because of the amount of money being requested for a 'branding' campaign, but also because the purpose has been altered from the original, noble intention. The Sustainability Task Force was created to develop a process in which we, as a legislative body, could revisit the Hawaii State Plan and make appropriate adjustments for coherent legislation that would enable Hawaii to move more systematically toward reaching the benchmarks and indicators of increasingly more self-sufficiency.

"During the course of last year's work, the Task Force discovered that a shift is needed in our institutional view of Hawaii and that input from the public would facilitate understanding, engagement, and subsequently, legislative – and public – action. As yet, there is no consensus across our State or among professional fields on the term 'sustainability,' and it is out of that need that I co-introduced the current legislation – to continue the work of the Sustainability Task Force for the next two years.

"The legislative responsibility, at the moment, is not to develop a 'branding' campaign or a public relations plan to generate 'buy-in' for sustainability from the citizenry. I don't believe that a 'branding' plan was every discussed at a Task Force meeting. Furthermore, I believe that it is inappropriate for the Legislature to spend public funds for such a purpose. The intention of the original legislation was to enable the Task Force to continue its work of obtaining input from communities, synthesize the findings, and propose a coherent plan to approach the emerging needs of our State. Utilizing a science-based model, the legislation would provide financial resources to solicit ideas from all islands, regarding measurable indicators and 'benchmarks' of sustainability. The process was intended to guide the decisions – and legislation – toward Hawaii's evolving realization of a sustainable quality of life.

"What is required to move Hawaii – its people, businesses, environment, natural resources, education system, and legislative choices – toward an integrated, sustainable problem-solving methodology of living is engagement and participation of its citizenry.

"This grand effort was the original vision of the Sustainability Task Force. I cannot support HB 2608 in the current form, Mr. Speaker, as it appears to divert attention from the real needs and processes of sustainable change and attributes an excessive amount of money for that effort. Thank you very much."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I had planned to rise with reservations in deference to my colleague from Aina Haina, but she has laid out the case so well. My problem was looking at that \$650,000 and thinking, my goodness, what are we doing, you know this huge 25 member taskforce going to be traveling to all the Neighbor Islands and advertising going on and I couldn't have said it better than she did and so I will be voting no."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be voting no also. I was going to actually stay quiet on this, in deference also to the Representative from Aina Haina. But this thing has morphed into something that I think is even worse when I was opposing it when I first got in here. So thank you very much for taking the lead and I am so happy to become a follower at last. Thank you."

Representative Yamane rose to speak in support of the measure, stating:

"Mr. Speaker, I'm standing in strong support. Mr. Speaker, several of us were named on to the Sustainability Task Force. And we've been participating in quite a few number of meetings. The number of meetings, in regards to that which required getting community feedback, was the fact that people are tired of having a certain small number of people making State plans, sustainability plans, on their behalf without input from the people.

"So this endeavor of the task force, its primary focus was to bring it to the people. We represent the people, however, we want them to be part of this process. And the duty of the task force, Mr. Speaker, was to devise a process that will enable citizens to participate in determining what kind of community, their home, that they would see in 50 years.

"This is no easy task, Mr. Speaker. This requires funds, it requires input, and availability to people who cannot come to the Capitol, or cannot come to a meeting 50 miles, 100 miles away. The goal of this plan, Mr. Speaker, was to allow those that couldn't speak an opportunity to speak.

"Mr. Speaker, people are wondering what's going on with this \$650,000 or \$700,000 with this plan, Mr. Speaker, and the goals are this, for those that haven't participated. That what they are going to do in '06 and '07 is do things like have meetings, have data gathering, begin research, do a kickoff event to get support from the different stakeholders.

"In addition, Mr. Speaker, through the participation of the people, they wanted to not just give information, but to get a plan back. Something in which they don't feel like the information was sucked from their body. They wanted to get something back. They wanted to see what their participation would bring to Hawaii in 50 years. And so part of the money will be used to get that information back to them to make them a participant. And also the goal of this planning was so that we have our departments, our State, all our different counties are represented on this taskforce to have one single path so that we are not doing things against each other.

"So, Mr. Speaker, people may rise in opposition to the funds of \$650,000, but we have over a million people. If you're going to stand up and we're saying let's look for the future, this is a first step. So either we support it, or we don't. Thank you."

Representative Berg rose to respond, stating:

"Thank you, Mr. Speaker. This is my second time on this. I was going to introduce some comments into the Journal and with all due

respect to my colleague who is sharing his perspective. I would like to offer another perspective.

"I'm a community developer. I go into communities, currently in my profession and work with people to get their *mana'o* and ideas. The intent of this task force at the very beginning was not for us to have a voice and go out to the community, but rather to have another process of which I am very deeply attached to, which is the democratic process of having people have a voice.

"And why I'm so moved is because we have tried to do that here in our hearings, when we go out to community meetings. And giving money to a process that replicates the kind of top-down decision-making that we have been doing for all of my lifetime is embarrassing. It is not only embarrassing, but I think what it does is it belies what we believe about the democratic process.

"This task force, for me was an experience unlike any other experience. There was an openness. There were people coming in to educate us, and it was really with the belief that we don't go out and tell people, but rather the communities have their conversations like the Big Island.

"The Big Island is already going out into communities and having conversations because they are wanting to understand how they can best, not go to government, but how the community and the citizens can best create the life that they want. The information then comes back to the government. We don't go out to them. So the difference in this task force and the intent of this is that so all of our legislation that we've been talking about for the last 2 days, 3 days, 60 days is that we can have coherence and congruence.

"We talk about whether or not the county, or the State, or DOT, or DLNR should have a harbor, or should have jurisdiction over a harbor. It should be from the perspective of what is that harbor going to be used for and how does it tie in to the whole plan of the coastline.

"When we talk about Keehi Lagoon, should it be commercial use? Should it be visitor use? Should it be personal use? It's the general conversation that we need to have.

"The concept of branding Hawaii is for me, personally despicable. We're branded enough. And if this is about an agenda to sell Hawaii in a way that belies what the community feels, I believe that we are really going down the wrong path and I will not use the word sustainability anymore. I believe what we're talking about is enriching the lives of people, and I hope as we talk about these next bills that we have a framework also about enriching lives.

"If we want to talk about sustainability, let's give \$700,000 to Kahoolawe. Let's see Kahoolawe use that money to bring back life and prove to us that it is possible to heal. I have a lot of respect for my colleagues in this House and particularly those in the taskforce and I hope that we will rethink for ourselves what the definition means. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2806, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY," passed Final Reading by a vote of 41 ayes to 9 noes, with Representatives Berg, Evans, Finnegan, Green, Harbin, Meyer, Moses, Stevens and Takumi voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 243-06 and H.B. No. 3036, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3036, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. Just real briefly, I just have some concerns. Reservations. Because I received a lot comments from general contractors. They have concerns with the measure. Thank you."

Representative Stevens rose to speak in support of the measure with reservations, stating:

"Just with reservations on this measure. Mr. Speaker, I believe that in some cases, of course it's good to get the subcontractors paid when they complete their work, but unfortunately sometimes the work is not up to standard and the main contractor may need to go in and do some revisions of the work that was done. So I believe this bill might take away a little of the control of the project. And for those reasons I just have some reservations. I don't think that we need to mandate when a subcontractor is paid. Especially, if in a case where there are some problems with the work that he's done. Thank you."

Representative Marumoto rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in favor of this measure. Very briefly, the contractors and subcontractors were very far apart when this bill was introduced. And thanks to the good offices of the Director of the Department of Accounting and General Services, Mr. Russ Saito, he was able to mediate a compromise, which both sides can live with. And I want just want to give him credit for that. Thank you."

Representative Herkes rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In support and the previous speaker is right. Early on we told the various parties that were involved with this bill to work it out, or else we would not take sides. And it came down to an agreement except for one sentence about two weeks ago and they finally agreed totally, all parties on this bill. And that's why we passed it out. Thank you."

Representative Magaoay rose to disclose a potential conflict of interest, stating:

"Thank you, Mr. Speaker. On this measure I may have a potential conflict. I work for a big electrical subcontractor who might benefit from this bill," and the Chair ruled "no conflict."

Representative Karamatsu rose to speak in support of the measure, stating:

"Mr. Speaker, in support. Mr. Speaker, this bill is a lot of work that brought the parties of the contractors and subcontractors together. Although they were a little in disagreement in the beginning, they moved towards this draft you see before us. So I'm very proud to say that the parties actually worked well together in the end. The only thing that is missing is a small technical amendment that was missed in the rush of things during Conference, so we're going to probably come back just for that one small amendment. But other than that this is the work of both the contractors and the subcontractors on prompt payment. Thank you."

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support for HB 3036, HD1, SD2, CD1. Mr. Speaker, this bill addresses the enduring issue of fair and equitable ties between prime and

particularly specialty contractors in public works funded by taxpayer dollars.

"Mr. Speaker, this bill will address a problem within the building industry. Materialmen and subcontractors often are at the mercy of general contractors when seeking payment due them upon completion of their work or providing materials for a government project. This problem is particularly serious for materialmen and subcontractors who are involved at the beginning of a project, where their work is completed or materials are furnished long before final completion of the project. In many instances, subcontractors must wait many months, even years, before receiving full payment for their completed work. Often, the subcontractors are small, family-owned and run businesses that lack financial resources to withstand a long delay in receiving payments owed to them for work completed.

"Mr. Speaker, dollar amounts retained from materialmen and subcontractors, especially those owned by families or partnerships suffer a tremendous financial strain in the event completed projects aren't paid on a timely basis. In one case, hundreds of thousands of dollars were held back for over three years where in fact, their portion of the contract was completed over two years earlier. Mr. Speaker, passage of this bill will relieve many subcontractors and materialmen of the financial burden in remaining in business. Thank you, Mr. Speaker."

Representative Ching rose in support of the measure and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support with reservations.

"H.B. 3036 addresses a well-known problem within the building industry. Delay in payment hurts subcontractors, who must advance funds from their own pockets for materials and labor to perform their work. Contractors cannot afford to wait until the project is completed to get paid, particularly if their work is completed early on in the project.

"However, prompt payment is already required by existing law and we must be mindful that this measure would create more bureaucracy and payments would not get to subcontractors any faster than they would under current law.

"My concerns are based on proposed language requiring posting of certificates of completion and the amount due making public all pricing. This requirement will reduce competition and drive up costs.

"The net result of this proposed legislation is that the bill interferes with the free market relationship between contracted parties, increases the State's influence in what has been a process responsive to market forces and will increase the cost of doing business in Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3036, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 244-06 and H.B. No. 3118, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3118, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I'll be as brief as I can. I believe most businesses are responsible. This is insinuating that they are not, so it's insulting. I also looked at some of the material written about this measure. Here's one that says the bill specifies at least 20% of the Board of Directors be nominated and elected by the employees to represent and advocate for the employees, and at least another 20% be elected by the other members of the board to represent and advocate for the public interest. The bill does not define public interest, but also insures that all stakeholder representatives on the board have full access to all of the corporation's records.

"I know it's very easy to understand, but there may be a problem with all of these conflicting interest when we look at how to make profits, which that's what businesses are supposed to be doing. There's also a caveat in the bill and it says it would exempt this board from the legal requirement of acting solely in the interest of shareholders by maximizing the corporation's short- and long-term profits. So I think there are some very conflicting internal problems. And this is creating a board that, I don't see how the board will function for the benefit of the business and the shareholders and therefore businesses will go out of business, and I don't see how that helps employees at all. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, rise in strong support. Mr. Speaker, I don't know about the prior speaker's remarks and any reference to a prior draft, but the current draft sets up a task force to weigh in on those very issues that were raised by the previous speaker. In fact, the task force will be convening soon after this Session closes and is being chaired and led by the Director of Commerce and Consumer Affairs, who I've spoken to on several occasions who supports this measure, who supports this process.

"I've also spoken to the Commissioner of Securities at the Department of Commerce and Consumer Affairs, and she too echoes the same sentiment that they would like to work on this during interim.

"I've also spoken to the Chair of the Business Law Section on the Hawaii State Bar Association and he has so graciously enlisted himself to work on this during interim. Also involved in this task force would be the Dean of the William S. Richardson School of Law, and the Dean of the School of Business at University of Hawaii. And the task force will report back to us next year, 20 days before the convening of the Session 2007, with its recommendations. I believe this is an important measure.

"It'll put Hawaii at the front of the pack of many other states who are looking at similar measures to address the problems of corporations, not only on the impact upon shareholders, but all stakeholders, communities, employees, and the environment. Thank you."

Representative Marumoto rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"This measure, though noble in purpose, calls upon corporations to behave in a manner that is already expected of them. Many corporations large and small pride themselves on caring for their employees and providing fair reimbursement including expensive fringe benefits. Corporate leaders are also cognizant of caring for the environment, for should they not observe laws and regulations, they would certainly be fined, taken to court and earn the animosity of the public.

"Corporations are aware that consumer interests are paramount - otherwise people will not purchase their goods or services. If they pursue monopolistic practices, produce dangerous or unhealthy products, or overprice goods, they will not prosper and face the ill will of the public, be taken to court and eventually pay the piper.

"It may be difficult for small corporations (such as mom 'n pop operations) to comply with many of the provisions of this measure. This measure will also create inequities between this and other types of corporations. If responsible corporations are given 'incentives', it will be unfair to its competitors.

"Further, it will be difficult for the Department of Commerce and Consumer Affairs to set up regulations and timelines to implement such unusual corporations with subjective value-driven requirements. I include the testimony of the DCCA to demonstrate that it will be difficult and impractical to fulfill the mandates of this bill."

Representative Marumoto also submitted the following testimony:



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TO THE HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS CONCERNS

THE TWENTY-THIRD LEGISLATURE
REGULAR SESSION OF 2006

Thursday, February 9, 2006
9:45 am

TESTIMONY ON HOUSE BILL NO. 3118
RELATING TO CORPORATIONS

TO THE HONORABLE JON RIKI KARAMATSU, CHAIR AND MEMBERS OF THE COMMITTEE

Thank you for giving me the opportunity to testify. My name is Corinna M. Wong, Commissioner of Securities of the Business Registration Division, Department of Commerce and Consumer Affairs. The Department appreciates the opportunity to testify on House Bill No. 3118, Relating to Corporations. We take no position on the substance of this bill but have comments on section § - 4(c) which provides that the Department maintain the incorporation records of Responsible Business Corporations in a manner that clearly distinguishes corporations incorporated under this new chapter.

The Business Registration Division is responsible for administering the state's business registry and this bill proposes a new entity type that will need to be registered in the state's business registry. The Division notes that the state's business registry has a completely paperless documents processing, archival and retrieval system. There are three main parts to the business registry's computer system: the web interface programs that collect filings online; the Registration Documents Process Management System (RDPMS), the documents routing and processing system; and the Business

HB No. 3118
 Testimony of Corinna M. Wong
 Page 2 of 3

Registration Information Management System, the main registry database. All filings with the business registry are either scanned into electronic format into the RDPMS system or filed electronically over the internet.

The Division is not able to instantaneously incorporate a new filing type with the business registry. Adding a new business entity filing type with the Division will require substantial modifications to the computer system for the business registry. The Division requires lead time to be able to modify the documents processing system and the registry's main database to accept a new special filing type. Internally test the new modified system before rolling out to live production, design the new filing form and train staff on the new special filing type.

The Division estimates the necessary lead time for the computer system modification to be at least 9 months and the cost of the project to be approximately \$50,000.00.

In addition, new comprehensive provisions, comparable to those in existing business statutes, also need to be added to address the administrative procedures associated with a new entity filing type, such as, among others:

- o what specific information is to be included in the articles of incorporation and annual report filings;
- o name clearance procedures for new corporations
- o procedures for administrative order of abatements for infringement of corporate names;
- o procedure for amendments to filed documents;
- o deemed effectiveness for various filing with the Department;
- o fee schedule showing fees to be paid for filing of documents, special handling fees for certification of documents, etc.;

HB No. 3118
 Testimony of Corinna M. Wong
 Page 3 of 3

- o appeal process for the Department's refusal to file a document, and penalties for signing false documents;
- o procedures for mergers and conversions into other business entity types; and
- o penalties for late filing of documents.

Thank you for the opportunity to testify.

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, when I first took a look at this bill and the previous drafts, I was a little bit hesitant. And now that I look at this draft, I'm less hesitant, but however, we are setting up this task force and I'd like to explain why I'm not for this bill.

"As we push to move forward and improve our business friendly reputation in Hawaii, I believe this bill only sets us back. Is a corporation irresponsible if they do not meet the standards that are set forth in this task force? I am bothered that we would want to move in this direction. The standard should be set by the customers that patronize these corporations. Customers and employees do have choices and many times their choices have closed down businesses that act irresponsibly.

"Being a quote, unquote, 'responsible business' is subjective and is defined by perception. Government has its place and it shouldn't be in micromanaging corporations. And then this goes into discussion about penalizing those who do not meet these standards, whether or not they can afford to do it. That's connected to jobs. You penalize people by whether it is through some penalty, or whatever. And what if they couldn't afford whatever it was to meet that standard? Then does that mean they close down and we don't have jobs? I don't know.

"But it does, it says here, some of the specifics says the incentives for corporation as a responsible corporation. Standards for determining whether, this is what the task force is suppose to do, standards for determining whether the corporation will meet and continues to meet the requirements for receiving the incentives, and procedures by which the standards can be enforced including penalties to be imposed.

"Mr. Speaker, I know that we've been trying over the years to be more business friendly. And I'm afraid that this, although it's called responsible business, I'm afraid that this would be just a 'black list' for people who, like I said by perception or for whatever reasons don't meet these standards and all of a sudden they are considered a irresponsible business. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure, stating:

"Mr. Speaker, thank you very much. I want to speak on this task force. While I must admit that the former speaker did provide some very relevant points as far as leaving business alone, the history of business and corporations over the last few years have not been a very envious one. Huge severance pay outs; employees losing their retirement benefits, and becoming paupers after working 30, 40 years for a corporation; and leaders of corporations going to jail for embezzlement.

"Mr. Speaker and Members, the history of United States corporations has not been good this last few years. Outsourcing. We're losing our employees. Our labor pool is becoming smaller and smaller because of the outsourcing, where profit is the only consideration for many corporations. I believe there should be a fiduciary relationship with the corporation and its employees.

"Some responsibility needs to be given to them. And I think we need to have a task force like this so we can examine all of these things. And it may come out where we won't come out with anything as draconian as one may think, but at least it should be examined. How can we make the corporations good corporate citizens with a fiduciary relationship to its employees? Thank you."

Representative Karamatsu rose to speak in support of the measure, stating:

"In support. Mr. Speaker, the original intent of this bill is not to mandate or punish companies. It's to put incentives, tax credits. That was the original intent, the original bill as stated. And now it's the task force to look into implementation. How it would work and

how it would be applied by DCCA. But it's not a punishment. Companies don't have to choose to be under this. If they want to they can, and they can get the tax credits. That was the original intent. Thank you."

Representative Moses rose to respond, stating:

"Thank you, Mr. Speaker. Second time, still in opposition. We heard many comments on the Floor about how this is going to be fixed again during interim. We are going to look at it. Everybody's going to get together. That's another reason to not pass at this point.

"I just want to say that, yeah, maybe you can choose whether or not you want to credit or not and be labeled 'responsible'. But if you don't choose the credit, then you are labeled irresponsible, and I think that's a way of blackmailing business. Thank you."

Representative M. Oshiro rose to respond, stating:

"Mr. Speaker, again in strong support. Just a couple of points. The Chair of the Economic Development and Business Concerns Committee made the point, but I think it needs to be made again. This is voluntary. There's no mandate for anyone to organize and set their business under this corporate structure.

"Secondly, there is no tax credit to this current draft. Again the task force is charged with crafting implementation language for us to consider next year. Thank you, Mr. Speaker."

Representative Ching rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. Just again, unfortunately in opposition and just my concerns rest on the micromanaging and the reality that if you had two businesses and one was classified as responsible and one was not, that's going to dictate the market. So you are really going to have to have everybody be in that responsible category. So it is in a way, forcing people to be in that. And I ask that the comments of the Minority Leader be incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Finnegan rose to respond, stating:

"Mr. Speaker, in opposition and just a short rebuttal. I'll be quick. Mr. Speaker, the Speaker Emeritus spoke about how these corporations on the United States level basically have done these not so good things. And what I would like to say, okay, then how does this do it because they probably wouldn't sign up to be a responsible business. So what are we left with? Not getting to the problem of these quote, unquote, 'irresponsible businesses.' Thank you, Mr. Speaker."

Representative M. Oshiro rose and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 3118, Conference Draft 1, Relating To Corporations. This bill would establish a task force to study and propose the statutory framework for a socially responsible corporation. Section 1 of the bill sets Hawaii apart from the rest of the states. The whole intent of the measure is to create a corporate structure that allows for a corporation to consider both profit and other interest in its business decisions. With the creation of this entity, the State of Hawaii will be taking a proactive step to promote corporate responsibility instead of maintaining the regulatory approach of punishing corporate malfeasance.

I. THE EFFECTS OF UNIQUE BUSINESS OPPORTUNITIES IN HAWAII

"I find this measure to be similar to the laws that established our captive insurance industry in 1987. Who could have imagined that twenty years later, Hawaii would be one of the captive insurance leaders in our country with \$741 million dollars deposited in our local banks, stimulating \$10.5 million in economic activity in this State every year. According to the Department of Commerce and Consumer Affairs, although captive insurance companies only employ around 50 positions, these companies create ancillary jobs for professionals who help manage the captive companies. An example of these businesses are KHM LLP for accounting and auditing purposes, Goodsill Anderson Quinn & Stifel from the legal sector, First Insurance Company of Hawaii, Ltd. providing business management services, as well as many other businesses prospering from captive insurance in Hawaii.

"The same affect could result from Hawaii becoming the first state in the nation to incorporate responsible business corporations and bring in related legal, financial, and investing expertise that will follow these corporations. Hawaii can become a leader by becoming the first state in the Nation to provide the legal framework for this corporate model to thrive and thus, set the example for the nation to follow.

II. SUCCESSFUL INNOVATION OF CORPORATE GOVERNANCE

"Mr. Speaker, the Responsible Corporation is a hybrid between a regular corporation and a non-profit corporation. It is a significant departure from the "internal affairs doctrine". While there may be apprehension toward creating such an entity, the same opposition arose from an idea to create a hybrid of a corporation and a partnership. That entity is now called the Limited Liability Company ("LLC") and it is a popular corporate vehicle for many new businesses. Imagine if the LLC idea was shelved because people considered it to be unworkable or detrimental to current corporate structures? We would have not had the opportunity to see an LLC.

"House Bill 3118, Conference Draft 1, is a positive step in the right direction. The task force will consist of talented and knowledgeable individuals and organizations that have a direct stake on our corporation statute, Chapter 414 of the Hawaii Revised Statutes. The task force will be comprised of seven members:

- The Director of Commerce and Consumer Affairs, or the director's designee, who shall serve as the Chair;
- The Commissioner of Securities of the Department of Commerce and Consumer Affairs, or the Commissioner's designee;
- The Chair of the Business Law Section of the Hawaii State Bar Association, or the Chair's designee, and another member of the business law section to be designated by the President of the Hawaii State Bar Association;
- The Dean of the William S. Richardson School of Law, or the Dean's designee; and
- The Dean of the School of Business of the University of Hawaii, or the Dean's designee, and a member of the faculty of the School of Business, as designated by the Dean.

"Together, the State of Hawaii can become the world leader in the promotion and support for socially responsible corporations and create the business environment where enlightened entrepreneurs can do business successfully while insuring their values and beliefs are not compromised but instead ingrained and imbedded into the day-to-day practices of a 21st century businesses. As Delaware is now the king of traditional business corporations, so too, can Hawaii become the queen of socially responsible corporations.

"For these reasons, I urge my esteemed colleagues to support this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3118, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS," passed Final Reading by a vote of 43 ayes to 7 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine and Thielen voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 245-06 and H.B. No. 3261, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3261, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. This bill, Relating to the Ingenuity Corporation Charter, seems like it's very much arm-in-arm related somewhat to the responsible corporation. The Majority Leader did spend some time trying to educate us on this. And the idea is they are going to set this charter, a group of employers, unions, to represent inventors, people to be really creative amongst us. I'm in opposition.

"Just on first glance there's just a lot of things they are trying to do here. In one of the hearings there was a flowchart that is just totally mind-boggling. I don't know if you came across this, but it's very hard to follow. You got the American Ingenuity Alliance and labor unions, inventors.

"Currently it shows the inventors have no rights, and you're going to lawsuits for infringement. The AFL-CIO is a big part of it. It is just, it's very, very, very complicated. When I read it, I felt that somehow the unions were going to get involved in representing these inventors and then perhaps get a piece of the action when somebody came up with a really good idea. I'm somewhat disturbed about the references to the International Labor Organization and a reference to the United Nations Environmental Standards.

"I'm just not sure what this is going to do. And this would just be at a State level, and somehow this is supposed to protect maybe somebody in Hawaii that comes up with a good idea that is being manufactured in foreign country, where on the strength of this charter, we could somehow strong arm them over in Saipan to pay wages that they pay in Hawaii. I mean it's just some kind of a huge idea, but yet we're going to establish it here in Hawaii just at the State level. I have to spend a lot more time getting clear about this before I want to put a stamp of approval on it. Thank you, Mr. Speaker."

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, thank you. I'll be submitting some written remarks. Just a few comments in support. First of all I think we should all understand that any corporation, nonprofit, for profit is a creature of statute, and basically operates as a person in our legal community. And as such it is a creation of the laws of the State, in this case the Legislature. So in this bill here what the Legislature is doing is issuing a special corporate charter for the Hawaii Ingenuity Corporation. And I believe the Minority Floor Leader did comment upon and touch upon some of the benefits. Now, Mr. Speaker, this is a big and bold, far-reaching idea.

"I'll give you a couple of examples very quickly, Mr. Speaker. The current situation with our United States Automobile Industry, which was once touted as the largest industry in the world, producing most of the vehicles today, is probably failing and will probably not be around the next couple of years given the crisis of it losing its ability

to keep jobs in America, keep technology in America and compete against construction and delivery of vehicles from the Far East.

"This bill addresses the situation going on right now with GM, Ford, Chevrolet, and Delphi. It also could help us regarding the situation at Del Monte if we had somehow been able to contain and control the patent regarding the CO2 or Del Monte Gold pineapple and retain it in America. We could probably influence the ability to have the pineapple company operate here with a profit and protect it from competing against itself from its overseas plantations in Brazil or Costa Rica or China or Thailand.

"And third, Mr. Speaker, I've been sharing with some of the people up at the University of Hawaii and some of the members of the Hawaiian community involved in the current conflict regarding the patent rights of *kalo* or taro. And not withstanding the fact that they have some legitimate claims to taro and truly have a link of soul and culture to it. Insofar as there are rights under the current United States patent system, the Hawaii Ingenuity Corporation might be a vehicle in which they may be able to protect and retain control over the Hawaiian taro. Mr. Speaker, I'd like to submit further written remarks into the Journal," and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of House Bill No. 3261, House Draft 1, Relating To Ingenuity Corporation Charter. This bill would provide the statutory framework for the establishment of the Hawaii Ingenuity Corporation, an entity that protects intellectual property, stabilizes jobs, and promotes technology in public education. The corporation has the ability to hold intellectual property for inventors and license that property to businesses. Once the business implements the invention, the labor force becomes the ultimate user. Having inventors and labor collaborate with educators will create a win-win situation for the people of Hawaii.

I. OPPOSITION IS MISPLACED

"Mr. Speaker, opponents of the measure believe that House Bill 3261, Conference Draft 1, is not needed because it will hamper free enterprise at the expense of maintaining American jobs. This argument is misplaced. The workforce is an important part of American society. Imagine if every job of every corporation was outsourced out of the country. What would this country look like? It would be a country run by corporations and only corporations. Workers would be powerless to fight for their jobs. It is easy to speak of job loss due to outsourcing on the Floor of the House of Representatives, but not if the opponent had to explain this rationale to all of the workers that lost their jobs due to outsourcing. Or even have the courage to confront our brothers and sisters working in the pineapple fields of Kunia -- only to lose their jobs from Del Monte moving operations to the Philippines, Costa Rica, or China --

II. ESTABLISH HAWAII AS AN INNOVATIVE LEADER

"Mr. Speaker, the 2006 legislative Session will be remembered for our commitment to Hawaii innovation. Legislation enacted this year will be geared toward promoting technology and growing our high-tech industry. As with House Bill No. 2181 House Draft 2, which creates the Hawaii Innovations Partnership Act, this will reaffirm our commitment toward high technology.

"House Bill No. 3261, Conference Draft 1, works hand-in-hand with high technology by creating a conduit to assist inventors with protecting intellectual property rights. With the Ingenuity Corporation in place, inventors can take their innovations to the corporation for assistance in obtaining patents, copyrights, or other intellectual property. After an inventor licenses the technology to the corporation, it can assist with marketing the technology to businesses.

"Hawaii, under Governor Benjamin Cayetano, took the first step to promote intellectual property in Hawaii. In a letter to the governors

of the other forty-nine states, dated July 9, 1999, Governor Cayetano wrote:

"Historically, innovation has led to technological advancement and that advancement has created jobs and even new industries. Independent inventors, not large corporations, have contributed the majority of this country's most important inventions. Protecting the patent rights of independent inventors is of the utmost importance to the future prosperity of states as we move into the next century."

"In a Pacific Business News opinion piece dated September 17, 1999, Dr. Raymond Damadian, inventor of the MRI, wrote:

"I conclude by expressing my gratitude to Gov. Cayetano for recognizing the importance of independent inventors to the economy and for having the foresight and courage to stand up on our behalf. I say this despite the fact that my support for Republican politics – including President Bush – is a matter of public record . . . Cayetano is sending a clear message to independent inventors. The result? Companies like mine – which are built on the patented inventions of their founders – will begin taking a serious look at Hawaii as a place to do business."

"Hawaii has gained a national following from organizations around the country interested in the Hawaii Ingenuity Corporation. John P. Connolly, President of the American Federation of Television and Radio Artists (AFTRA), provided his insight into the proposed measure:

"The Ingenuity Corporation that HB 3261 envisions, with its alliance of scientists, workers, educational institutions and the people of Hawaii, will be a major factor in restoring balance and fairness to the current jungle warfare over patents. Not only will HB 3261 help create a level playing field for the orderly administration of crucial inventions and intellectual property, it will also create a mechanism through which society – most particularly the inventors themselves, workers, and the educational institutions of Hawaii – will share in the benefits of the enterprises of the future."

"If Hawaii becomes the first state to create this entity, it would promote Hawaii as an innovative leader.

III. LABOR MAY CONTROL THE TECHNOLOGY THEY DEVELOP

"Under House Bill No. 3261, House Draft 1, the labor unions play a pivotal role. By having a stake in the corporation, labor will have an incentive to protect intellectual property in the workplace. Since the workers are implementing the new technology, they will have an insight into the proper use of the intellectual property license.

"The unions also have the ability to promote the use of technology in the workplace. Imagine a worker who knows of technology that could save or make business thousands of dollars. Workers would be anxious to bring that technology to the business because both will benefit. Unions also have the bargaining power to promote technology in the marketplace to the benefit of all the members in the corporation and the general public. Consumers benefit because there is added incentive to constantly improve a product, formula, or service, knowing that compensation will be commensurate with inventiveness.

IV. THE CORPORATION SUPPORTS INNOVATION IN THE PUBLIC SCHOOLS

"Mr. Speaker, the final component of the House Bill No. 3261, House Draft 1, is public education. We have all stressed the need to provide opportunities in education to our young residents. The children of Hawaii are the inventors and the workers of tomorrow. The Ingenuity Corporation will promote innovation and technology

in the classroom. This will ensure that Hawaii can continue to be a leader in innovation and a champion of intellectual property in the United States.

"Finally, I close with an excerpt from Dr. Raymond Damadian's article that appeared in the Honolulu Star Bulletin, entitled "U.S. ingenuity deserves Legislature's support", dated May 4, 2004:

"[President Abraham] Lincoln declared that patent rights 'secured to the inventor, for a limited time, the exclusive use of his invention; and thereby added the fuel of interest to the fire of genius, in the discovery and production of new and useful things.' Lincoln also stated that, 'Labor is the superior of capital and deserves much the higher consideration. Capital has rights, which are worthy of protection as any other rights.' Lincoln recognized that protecting the rights of inventors and the livelihoods of working people is just as critical to the strength of our nation as protecting the rights of capital. The Ingenuity Corporation will be an effective vehicle for balancing all of these interests for the purpose of promoting innovation and securing the common good."

"For these and other reasons previously discussed, I urge my esteemed colleagues to support this measure. Thank you."

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. I'm just going to read a few blocks from the chart. Lawsuits for infringement. Collective representation of inventor interest. Labor capital investment strategies. Strike. New tools for organizing and building membership. Labor rights imbedded into intellectual property rights. Strengthening Congress. And reaffirming the courts. So I mean this is just a labor-organizing chart as far as I'm concerned.

"I understand what the intent might have started as. We have some workers that maybe getting displaced because of what's happening overseas, but you can't do those things by law. It's the same as the gas cap. We can't cap things and expect it to work. We have to have free trade and free enterprise for all of us. For the benefit of all the people in the United States and all the people in the world. Free trade. Thank you."

Representative Ching rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in opposition.

"I support ingenuity, the protection of ideas, and believe this legislation offers a creative approach to dealing with many of the challenges facing Hawaii and our nation in the areas of global competitiveness, product development and intellectual property. However, I am uncomfortable with the complex ambiguity and dictating global policy that is reflected in this bill.

"This measure proposes the corporation would be a public-private hybrid, combining some features of a government agency, such as creation by government and a public purpose, with some features of a private business, such as for-profit corporate form. A hybrid may be subject to government accountability laws such as the Sunshine Law depending on the particular circumstances. Uncertainty about the status of public-private hybrids has led to many lawsuits nationwide. I believe it is crucial that the legislation clarify whether a given hybrid is subject to government accountability laws."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3261, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INGENUITY CORPORATION CHARTER," passed Final Reading by a vote of 42 ayes to 8 noes, with Representatives Ching, Finnegan, Marumoto, Meyer, Moses, Pine, Stevens and Thielen voting no, and with Representative Stonebraker being excused.

Conf. Com. Rep. No. 246-06 and H.B. No. 3060, HD 1, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3060, HD 1, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Karamatsu rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support.

"The purpose of this bill is to encourage small companies and researchers at nonprofit research institutes to work together in moving laboratory-developed technologies to the marketplace and to foster technology-based economic development.

"This measure authorizes the High Technology Development Corporation (HTDC) to provide grants to local businesses that receive a federal Small Business Technology Transfer Program award or grant or apply for a Small Business Innovation Research federal grant or Small Business Technology Transfer Program federal grant. It also appropriates funds to HTDC to increase the funding levels necessary to meet the current needs of the Hawaii Small Business Technology Transfer Grant Program and Phase 0 Competition Assistance Program.

"Further, the High Technology Innovation Corporation (HTIC) will be allowed to establish operational bank accounts in out-of-state locations, including foreign denomination accounts, until June 30, 2011. Moreover, HTIC will be exempted from Chapter 36, Hawaii Revised Statutes (HRS), relating to the management of state funds, and Chapter 38, HRS, relating to deposits of public funds.

"HTDC and HTIC have played a big role in developing Hawaii's technology and science industries. This bill will help these agencies expand their influential role. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Final Reading by a vote of 50 ayes, and with Representative Stonebraker being excused.

At 12:53 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2546, SD 1, HD 2, CD 1
H.B. No. 2258, HD 1, SD 2, CD 1
H.B. No. 2878, HD 1, SD 1, CD 1
H.B. No. 2806, HD 1, SD 2, CD 1
H.B. No. 3036, HD 1, SD 2, CD 1
H.B. No. 3118, HD 1, SD 1, CD 1
H.B. No. 3261, HD 1, SD 2, CD 1
H.B. No. 3060, HD 1, SD 2, CD 1

The Chair then announced:

"Members of this Chamber, we'll recess until 1:45."

At 12:53 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:01 o'clock p.m.

Conf. Com. Rep. No. 247-06 and H.B. No. 2419, HD 1, SD 3, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 2419, HD 1, SD 3, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

At 2:02 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:04 o'clock p.m.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. The first part of this measure is pretty good. It's having some tax measures needed by the Tax Department to do their job better and that's very good, but there are two other things in the bill that I object to.

"One, is setting up the State to collect Internet sales tax. It's called streamline taxing, but it's really Internet sales tax collection. And the other part of the measure that I find objectionable is that the State would collect the half a percent surcharge on the county tax for mass transit, which is one of the things that we promised that we would not do. We would leave it up to the counties and county homerule so I'm opposing it for that reason.

"Also, it looks like it would require 44 more people to collect the surcharge and 55 to collect the Internet sales tax. So we're adding about 100 new bodies just to administer the measure. Thank you."

At 2:06 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:15 o'clock p.m.

Representative Finnegan rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

The motion was put to vote by the Chair and failed to carry, and the report of the Committee was not adopted and H.B. No. 2419, HD 1, SD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," did not pass Final Reading by a vote of 41 noes to 9 ayes, with Representatives Arakaki, Berg, Cabanilla, Caldwell, Carroll, Ching, Chong, Evans, Finnegan, Green, Harbin, Halford, Herkes, Ito, Kahikina, Kawakami, Lee, Luke, Magaoay, Marumoto, Meyer, Morita, Moses, Nakasone, Nishimoto, B. Oshiro, Pine, Saiki, Schatz, Shimabukuro, Sonson, Souki, Stevens, Takumi, Tanaka, Thielen, Tsuji, Wakai, Waters, Yamane, Yamashita voting no, and with Representative Stonebraker being excused.

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Kahikina introduced from Waianae, Ms. Alice Greenwood, Ms. Patricia Patterson, Ms. Caroline Halloway, Ms. Farah Butangbacal and Ms. Lucy Gay.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 248-06 and H.B. No. 957, HD 1, SD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 957, HD 1, SD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in support of the measure, stating:

"On 248. Thank you, Mr. Speaker. I rise in support with just some comments. This is a tax relief measure. It is too small and it doesn't take effect until 2007, but the measure also has in it flood relief statewide, which is very good, and of course any tax relief is better than none. I just want to say that I wish it had increased the brackets in the standard deduction. If we increased the standard deduction 75% of the 2005 federal level, it would benefit another 375,046 tax filers. Increasing the standard deduction of 40% of the 2005 federal level would benefit 312,760 tax filers. The difference is 62,286 filers. Thank you Mr. Speaker."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm rising in strong support. I am very pleased that the measure to give tax credit to victims of this recent flood is in here. In the beginning of the Session there was a bill to give a tax credit to the people in Manoa that had suffered a lot of losses and that was actually before we had all the rain starting in late February. But because my constituents were really slammed on this, and this is going to be extremely helpful, I'm most appreciative that it is in this bill now. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 957, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Final Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 2:20 o'clock p.m., the Chair noted that H.B. No. 957, HD 1, SD 1, CD 1, passed Final Reading.

Conf. Com. Rep. No. 179-06 and S.B. No. 2961, SD 1, HD 1, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2961, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Moses rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Mr. Speaker, this bill is a tax increase on the citizens of Hawaii. I'm disappointed the bill appropriates no money toward educating our youth about smoking. Where is the money for smoking prevention programs? Hawaii's tax rates on these products are already among the highest in the nation. Even the Attorney General has the authority and stopgaps are in place to stop black marketeering. With the immensity of the Internet total stoppage of a black market created by this large tax increase on cigarettes is unrealistic.

"This tax is not a reliable funding mechanism. The UH School of Medicine, the Emergency Medical Service Special Fund, Trauma Care Fund, DOH, whom this bill will benefit, will not have a regular flow of money, year to year, from this tax increase because we are supposedly stopping or reducing the smoking. If the Body really is concerned about people's health and not about funding special

products through this tax increase, we should look at banning tobacco in its entirety. And we should not look at raising taxes on an addictive product that we know many people will buy even if the prices rise. Thank you, Mr. Speaker."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I'm in favor of this measure, but I'd like to express some reservations. I am for clean air and for abolition of secondhand smoke so I will be voting for this measure.

"However, as a rock-ribbed Republican, I am unhappy about voting for a tax increase. And I am also angry, angry because we were promised, I believe in a legislative hearing that private funds would be raised to erect the Cancer Center.

"The former President of the University of Hawaii assured legislators that he would personally find the money. And with that promise and on that premise the medical community and lawmakers developed expectations that a home for the Cancer Center would be a bricks and mortar reality very soon. The money never materialized. And I don't think I was the only angry legislator in this building when we realized that. I will try and forget about history and look forward to a healthier Hawaii, but I'm still a reluctant yes."

Representative Green rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm still forming my thoughts. I stand in support, strong support of this measure. One great reason to pass this bill is that fewer children will start smoking. Fewer children in Hawaii. There are a lot of reasons and I'm not going to get into all of them. I would remind my colleagues, most respectfully, across the aisle, and I really mean that, that the Surgeon General, a Republican, and our Governor, a Republican, sat across from me, sat across from my Chair and said they like this bill. They're supporting this bill. Fewer people are going to smoke. We're going to have a Cancer Research Center. Health is going to improve in the State of Hawaii and I really think we should be very proud of this, Mr. Speaker. Thank you."

Representative Evans rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I rise in opposition. I'm going to point out several things to my colleagues and let me start with the idea is smoking a right or a privilege? I know we had this discussion last week that yes, people have a right to smoke, but not around me. So we had the discussion about smoking in public places. But when I talk about smoking a right or a privilege, I want to equate it to the fact is it a right to drive cars or not.

"So the reality is, one of my colleagues said, do we tax people for the benefits they receive. So should we tax people who like to smoke cigarettes because they enjoy it? So I am equating it to roads. Should we tax people who drive cars on roads, and not only that, cars that have carbon dioxide, which is bad air? So if we're starting it to move in this Legislature and in this State about let's tax people who contribute to bad air, I think we can look to industrial users, we can look at people who drive cars. We can look at fireworks. Things that create smoke. We can actually then go one step farther about bad air. What is bad air?

"If you talk about people that have asthma, I totally respect their feelings that they don't want smoke around them because it really harms them, and I agree with that. So this thing about public places, but again I like designated places for smokers. But what I'm getting at, is if we have people that have problems with asthma and they're concerned about bad air, I think we should maybe even look at perfumes because I have worked with people who have sensitivities to perfumes. So I think we have a long way to go if we are going to be protecting people with their health."

"And my concern about the cigarette tax increase is to really be honest about what we're doing. I think it's a tax increase. I don't think it's about stopping people from smoking. Yes, I agree with the argument that children may not be able to afford cigarettes, but we're passing laws that say they can't consume them, they can't buy them, hopefully people won't give them cigarettes. But the reality is children look at role modeling, and smoking is, in my opinion, always going to exist, always.

"I want to relate to my colleagues that I had the privilege in Borneo to go up river and visit a tribe. And I was sitting there. I was there for three days and they were smoking and I asked what it was and they said it was banana leaf. That they actually cured the banana leaves over the fire, rolled them up, and smoked them. And I thought well that's kind of interesting. Why would they do this? I mean no one introduced cigarettes to them. It's just something they wanted to do I suppose and they enjoyed.

"And then one of the people there said, 'Well come out in the jungle, I want to go for a walk.' So we went on this walk and he shows me all these plants and he said that this plant is for headaches, and this plant is for stomachaches. And this plant is if you get a cut, that you squeeze the juice and you put it on it. And he said, 'Our pharmacy exist here for us and we have learned over time.' And so what I'm saying is I don't think tobacco leaves are bad. I think they grew and people just learned to enjoy them and maybe it is a stimulant but I would argue ..."

Representative Morita rose to yield her time, and the Chair, "so ordered."

Representative Evans continued, stating:

"But I would argue that tobacco leaves may be a stimulant, but coffee can be a stimulant, sugar can be a stimulant, chocolate can be a stimulant. I know people who say when they're stressed out they go and eat fast food because it's a comfort food, because it changes their mood.

"So I mean why are we acting as if it's such a bad thing when it's natural in nature? And I will argue what I said the other day that it's maybe the addictives. Why aren't we looking at what they're putting in these things? Maybe that is the issue that we should really go for and say that this is intolerable what you do in terms of adding things, enhancing things. Maybe that's the problem. But I believe it is a natural product that grows and has grown forever, and maybe someday with biotechnology we're going to have someone come out and say there's actually a health benefit to it.

"I grew up with family. I only smoked for about three years when I was young, but I grew up with family that I've had pipe smokers, cigar smokers, chewers, snuffers, and people that smoked and it's just something that's been around me. And I don't believe the argument that I'm going to die from all that smoke I've been exposed to. Sometimes I think I might die from stress, because I see stress as really hard on people physically. And so I'm still not convinced but I have a lot of respect that have asthma, have problems with it, and I believe we do have to address it.

"But this tax increase, I just think people should call it what it is. I think it is a tax increase. And let's talk about it as a tax increase. Why did people want the taxes? Because they want to build a Cancer Research Center? The University, I mean this amazes me. I was in a Committee hearing and the University, unfortunately, we had testimony where the President is saying, 'According to the Constitution, we're supposed to have autonomy and operate and manage our own affairs.' So you would think from that argument they would say, 'Butt out. Let us do what we have to do and accomplish what we want to accomplish.' And yet then they come here and they say, 'We need general fund money. We need money from you to construct what we want.' So it's kind of like they want their cake and eat it too.

"So when people came, when Mr. Vogel came to talk to me about this, I really couldn't understand. I said, 'Have you looked at where you're going to get revenue to do your Cancer Research Center other than tobacco tax?' They hadn't looked. So they're really banking and counting on the cigarette tax to fund that. So if that's really what we're doing, looking for a revenue source to fund this, then I think we should say it.

"I just really think saying this is all about youth and I have to agree with the other speaker, if it is about youth, then why if we raised the cigarette tax is it only earmarked for our youth that are addicted on ice, addicted on drugs, because they're addicted on cigarettes. Why aren't we taking it where we think the money should go? So I just really feel it's been framed wrong and that is really why I want to vote no on this. Thank you."

Representative Arakaki rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. In strong support. Mr. Speaker, this is and we can be upfront about it-this is the second 'silver bullet' in our strategy to prevent people from smoking, and to convince people to quit. And one need only to look at the bill and read the purpose clause. In the United States, it cost about \$7.18 for each pack of cigarettes sold in terms of healthcare. So smoking has proven to cost the healthcare system, a lot more money than what is put in. And this healthcare cost, of course, is overburdening the already rising cost of healthcare. In Hawaii, this amounts \$526 million in healthcare expenses and productivity.

"There is no intention to hide that this is a tax because the studies have shown that the taxes on cigarettes do prevent young people from becoming daily smokers and that is who we want to target, our young people. Because we want them to not start. To keep them from start smoking because we know that cigarettes are highly addictive, once you start, it's harder to quit.

"And, yes we knew the tobacco plant is not poisonous, but when you put together all the products and products that are sold separately that would be highly poisonous. Not only that, the studies have already shown that cigarettes are highly carcinogenic in nature. There's no refuting the fact. So anyone who makes the conscious decision to smoke, is not only consciously trying to kill himself, but in the end they can also kill others as well with second-hand smoke.

"Yes, there are beneficiaries from this tax, but I think the Conferees and your Health Committee, Mr. Speaker, hopefully in its wisdom tried to create a nexus between the proceeds of this tax and those who benefit. I believe the Cancer Center, our Trauma Care Fund, our Emergency Services Fund, and our Community Health Centers are, and can prove their nexus in terms of not only preventing smoking, but also providing for those who become victims from the ravages of smoking.

"And so yes, I don't think there is any hiding what's in this bill. But the irony is we don't want the beneficiaries to become addicted like people are addicted to cigarettes to the proceeds of this tax. In fact, the health advocates would be happy if we collect less taxes because that would mean a decrease in smokers. So yes, that is the intention. We were not hiding it. I don't see how we're hiding that fact, but it is a tax. But I think it's a tax that will benefit the future of Hawaii especially our young people.

"And finally, Mr. Speaker, I know that there was something that was distributed to the Members and just so that there's no misinterpretation, this is not tied to this bill. It was tied to a Resolution that we have passed earlier with the vision of a smoke-free Hawaii by the 2015. So I hope no one made the connection that this is trying to lobby any of you on this measure because that was not the intention. If anybody was offended by that, I apologize. Thank you, Mr. Speaker."

Representative Meyer rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I'm rising in opposition to this measure. It's not that I'm against the Cancer Research Center. I know they do very good work and they get some great grants. And I think they will continue whether this bill passes or not. My real concern is that this is increase in tax. And it's quite a large increase. Right now the tax on the book is 8 cents per cigarette. 20 cigarettes in a pack that's \$1.60 in State tax. That doesn't include federal tax. But this bill will increase it by a penny every year for 5 years so you'll be up to 13 cents a cigarette and that will raise the price or increase the tax by a dollar.

"Hawaii already is like number one in the nation for taxing the poorest amongst us. With the tax bill that we just passed, we might move to five or six because they are going to get the tax relief that we are passing is going to be it's aimed at the people on the lower end so that is good. But we still would be number six. We're way up there. And oftentimes people who do a lot of manual labor or working out there, they're smokers. And so I think that this tax is going to in a disproportionate way, be collected from again people who don't have any, or very little discretionary income. And I think it's going to be a disproportionate amount that is going to fall on their shoulders. Thank you, Mr. Speaker."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I wish to vote with strong reservations on this measure. And with respect to the Representative from Kalihi Valley, who to me is a great advocate of health and has been all these years. I'm certainly going to miss him when he leaves. However, I think it's ironic that we are speaking about the group that they count on the tax and that would be money will be forwarded to the Cancer Society and Cancer Center for the help. And yet Members and Mr. Speaker, we're not getting to the core of the problem, which is substance abuse.

"Yes, Mr. Speaker, substance abuse. Cigarette smoking kills more people than all the other drugs put together. Heroin, marijuana, cocaine. It's a lot more addictive and science has proven it. Heroin certainly much more than marijuana. And yet we allow this substance abuse to continue and we benefit from it by the tax that we charge with the premise that this is going to cure and help to alleviate the problem of cancer, cancer of the lungs, and respiratory conditions, cardiac condition. But we continue to and allow it to go on so it's kind of a hypocrisy in a way, Members. Hypocrisy.

"If you don't like cigarette smoking that way, let's ban it. Let's call it what it is, substance abuse, Members. But let's not continue to provide increasing taxes so we can enjoy the revenue, and at the same time postulate that we are doing good for society. Members, we are not. We're acting as a partner to this behavior that we have going on. Thank you very much, Mr. Speaker."

Representative Harbin rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. I will be in opposition to this measure. And I wish I could say more than what the prior speaker said, and I unfortunately am dumbfounded because he said what I was going to say. So please enter a very strong no. Thank you."

Representative Sonson rose to speak in opposition to the measure, stating:

"Thank you very much. Mr. Speaker, I'll be voting no and I request that the words of the Speaker Emeritus be enter into the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative Sonson continued, stating:

"We heard that this is a tax and I am a person that is not opposed to tax. However, not all taxes are good. Specifically when they are oppressive, discriminatory and in this case punitive. The end does not always justify the means. Thank you."

Representative Yamashita rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support of House Bill 2961 with some concerns and reservations. This measure seeks to increase the cigarette tax for the use of things like funding the Cancer Research Center and other medical services. While I do believe that these programs that this bill seeks to fund are beneficial for the people of Hawaii and deserves these funds, passage of this measure could potentially cause harm to both our citizens and our economy.

"We must be careful when increasing cigarette taxes. Although studies show that increased taxes reduce legal cigarette sales, it can lead to an increase in the gray and black market for cigarettes. Should this happen, the increased taxes neither deter smoking, nor increase revenues for the Cancer Research Center, trauma care and community health services.

"While I strongly support these programs and the tax increase that these programs aim to fund, I believe we must curb tobacco smoking amongst our population, especially amongst our youth. We must be aware of the possibility of these gray and black market cigarette trade that might come about. Any increase in cigarette taxes go hand in hand with discouraging illegal cigarette sales. Thank you."

Representative Finnegan rose to speak in opposition to the measure, stating:

"Thank you, Mr. Speaker. In opposition. Thank you, Mr. Speaker. This particular measure wasn't that easy to decide on, but I am in opposition. I look at the overall tax issue coming out of this Session and I have to vote no on this bill. Higher taxes on cigarettes have been linked to stifling teen smoking. The money from this tax will pay for wonderful programs and if we were serious about funding them, we should fund them through the general fund.

"So let's take a look at the overall tax issue. We started out with \$650 million surplus this year."

Representative M. Oshiro rose to a point of order, stating:

"Point of order, Mr. Speaker."

The Chair then stated:

"Representative Finnegan, can you confine your remarks to the 6-cent increase tied to the cigarette tax that is before us."

Representative Finnegan continued, stating:

"Mr. Speaker, I don't know if I can because in regards to taxes, and regards to our budget, and the increase in taxes, you can't look at it in a bubble. It affects each other."

Speaker Say: "Well this is a specific legislation dealing with a tax increase on cigarettes addressing six different areas of concerns that the Members of this Chamber have. So could you address it as a point by point. First the increase of 1 cent per year for the next 6 years. And secondly, discuss for the Members your concerns in regards to those programs that you support or do not support. That's the discussion we have here this afternoon."

Representative Finnegan: "Okay, I understand, Mr. Speaker. And I will try to do that. It's just when I take a look at taxes, Mr. Speaker, this is an increase in taxes."

Speaker Say: "In the area of cigarette tax."

Representative Finnegan: "Which affects overall tax spending, which also affects overall tax increases."

Speaker Say: "It may and it may not. It depends on the consumption or the sale of the cigarette."

Representative Finnegan: "Okay, Mr. Speaker. I will proceed. Cigarette taxes affect the poor the most. I've been spending some time getting to know some of the homeless in my district, and I don't think that this tax will stop them from smoking. However, even cigarette tax increases grow government and slow down economies."

"I know that this measure will pass and will move forward, and I hope that it brings all the good it promises by stopping teen smoking, and building the Cancer Research Center, and funding emergency medical services, trauma care, and community health centers. However, they will have to do it without my vote. Mr. Speaker, it is a big picture."

Representative Magaoay rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm standing in strong support and I would like to have the comments of the Chair of Health entered in the Journal as mine. You know I'm in support, Mr. Speaker, because my father, bless his soul, he's as strong as an ox, and his vice was smoking. No matter how much we tell him to quit smoking, he's a chain smoker. And the good that's coming out of this bill is that finally we're going to have a Cancer Research Center here to augment what we have at John A. Burns School of Medicine. I hope we take a look and hopefully one day we can cure cancer. And basically cigarettes are a vice to have it for people who grew from early childhood until now. So I'm basically right now in support and ask my colleagues to support it. It is a tax, but a tax goes a long way. Thank you."

Representative Ching rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with some reservations. Thank you. I very much support the prevention of cancer and I agree with the American Cancer Society that we should work towards ending cancer and death by the year 2015. I do have some reservations though that pretty much mirror the Representatives from Makawao so I would ask that the words of the Representative from Makawao be enter as my own," and the Chair "so ordered." (By reference only.)

Representative Lee rose to speak in support of the measure, stating:

"Mr. Speaker, I stand in strong support. I'd like the words of the House Chair to be inserted in the Journal as if they were my own and some additional written comments. What I'd like to say is that there are good taxes and bad taxes, and this tax in the long run will help people. And if the revenues from the cigarette tax decrease, we'll have a savings because of the healthcare cost that we won't be having to pay for. Anybody who has ever seen somebody die of end-stage lung disease or lung cancer, I don't think could be against this tax. And I have. Thank you."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of the measure. There is no doubt in my mind that this is the right thing to do. An increase in the tobacco tax has been shown to decrease the rate of smoking in many instances. The potential decrease in revenues to the beneficiaries of the tax, because of fewer cigarettes being purchased, will be offset by fewer medical costs in the long run."

"I am happy to see the revenues going to health research and community needs such as trauma care and emergency medical

services. I believe this nexus makes the bill more palatable because the money will not go to the general fund. Millions and millions of dollars go up in smoke yearly – if we can make a small dent in the numbers of smokers while at the same time benefiting the community, this bill is worth passing."

Representative Stevens rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in support. Just briefly, I have been voting with reservations all along on this measure, but today I would like to vote aye. And the reason is the Cancer Research Center really provides the nexus for me to vote for a tax increase. And I'm really kind of looking at this as a user fee. Maybe that's my own way of justifying it, but in my mind it's a user fee. It's only charged to the people who choose to smoke. And I can see that the proceeds going to the Cancer Research Center is a very good nexus very good connection for this tax and a very good use, so I'm going to vote yes on this today."

Representative M. Oshiro rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative M. Oshiro's written remarks are as follows:

"Mr. Speaker, I rise to speak in favor of Senate Bill No. 2961, Conference Draft 1. This bill would discourage smoking, especially by young people, by increasing the tax on cigarettes and allocating funds to effective sources in the prevention and treatment of disease and injury."

"Mr. Speaker, I have long been a supporter of raising the tax on cigarettes. The record will show that I have either introduced, or co-sponsored such legislation over the past four (4) legislative sessions. Some may ask why have I done this. I have supported these bills because I strongly believe that tobacco poses a constant threat to the health and welfare of our citizens, and any mechanism that will discourage the use of tobacco in our State is a good thing."

"My colleagues across the aisle have objected to this bill on grounds that:

- It will hurt our businesses;
- It will hurt our economy;
- It will chase away tourists from Japan and Korea; and
- It will limit the personal liberties of our citizenry.

"None of these arguments are new and, in my humble opinion, none are compelling."

"According to the American Cancer Society, all 50 states and the District of Columbia impose an excise tax on cigarettes. These taxes range from a high of \$2.46 per pack in Rhode Island to a low of 7 cents per pack in South Carolina. The national average for state cigarette excise taxes (as of September 1, 2005) was 89.8 cents per pack. This is an increase of about 6 cents per pack since January 1, 2005."

"The states with the highest cigarette taxes include New York (\$1.50/pack), Massachusetts (\$1.51/pack), Alaska (\$1.60/pack), and Washington state (\$2.025/pack), all of which rely upon their tourism industries as a major element of their economies. I seriously doubt that tourist think twice about going to New York, Massachusetts, Alaska, or Washington State because it costs more to buy their cigarettes."

"Currently, Hawaii has the 11th highest cigarette excise tax in the nation -- \$1.40. If this bill is enacted, the cigarette tax will increase 20 cents per year for the next six years. If no state raises its cigarette tax during this time period, Hawaii's cigarette tax will surpass Rhode Island's as the highest in the nation."

"My colleague from Makakilo has argued that this bill unfairly penalizes persons who consume a substance that is "legal". Yet, there are countless products that are regulated in a similar manner because the use of such products have been found to pose a significant threat to the health and welfare of our citizens. The most obvious example of this is the liquor tax.

"In my opinion, the benefits of this tax increase greatly outweighs any perceived negative impacts on our economy or personal liberties. In fact, the passage of this bill reaffirms our commitment to making Hawaii the "Health State". I think a lot of people come to Hawaii because they long for our healthy environment and healthy lifestyles.

"Lastly, to those who have raised the question of whether there is a suitable "nexus" between the tobacco tax, cancer research, and federally qualified health centers, I agree with my colleague from North Kona and Keauhou that the use of tobacco (and second hand smoke) not only increases the prevalence of cancer in our citizenry, but also asthma, and other chronic pulmonary diseases that burden our hospitals and community health centers in the form of increased indigent care.

"For these reasons, I respectfully urge my colleagues to support this important measure."

Representative Takai rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Takai's written remarks are as follows:

"I support this bill. This is a solid proposal that will raise the cigarette tax for worthy programs such as the University of Hawaii Cancer Research Center, the Community Health Centers and Emergency Medical Services.

"Although I whole-heartedly support the Cancer Research Center and the efforts of Director Carl Vogel and his team, I wanted to re-educate our colleagues about the reason why he needs the funds to construct the Cancer Research Center in Kakaako.

"In 2001 after the September 11 attacks, we came back into Special Session to approve the use of tobacco fund monies to support the construction of the UH Medical School. We changed the law and allowed for the use of these monies to pay the debt service on a \$150 construction bond.

"The commitment from the University and then-President Evan Dobelle was to raise an additional \$150 million to construct the Cancer Research Center and to renovate the now vacated Biomedical Sciences Building on the Manoa Campus.

"Dobelle was quoted in an issue of the University's magazine *Malamalama*. In the magazine, he said: "For the medical school, our use of the \$150 million from the state's \$1.2 billion tobacco fund is contingent on raising a matching sum from private sources."

"In addition to the commitment to fundraise the matching \$150 million, University officials also said that they would not come to the Legislature for additional funds for the operation of the new buildings.

"Unfortunately, after the new buildings were completed, the University requested and the Legislature provided an additional \$6 to \$7 million per year for the operations of the new buildings.

"After an informational briefing of the House Higher Education Committee, former Dean Ed Cadman wrote to me regarding the operating costs of the new facilities.

"At this time, our best guess would be that operation and maintenance costs of the facility will be between \$6-7 million annually," Cadman wrote on March 25, 2003. "We expect to primarily

fund these costs through F&A (Facilities and Administration) cost recovery from sponsored projects," he added.

"We understand your expectation that the new School campus will be financially self-sufficient and the importance of having the ability to accurately measure and evaluate the School's return on investment," Cadman wrote.

"I had an opportunity to meet with President McClain in February 2005. At this meeting, we again discussed the UH Medical School. He wrote back with these comments: 'I do want to acknowledge that with regard to the funding of the operating costs of the research building and the education building of the John A. Burns School of Medicine at its new location in Kakaako, initial commitments made in 2001 at the time the construction of the new facility was approved -- namely, that the University needed only the Legislature's approval for the \$150 million bond issue and could handle the operating costs on its own -- have been shown with the passage of time, and the development of a huge surge in enrollment at Manoa (a surge which you correctly point out was encouraged by the past UH administration's policies), to have been overly optimistic.'

"Our biennium budget request includes operating funds for the medical school's facilities in Kakaako," McClain added.

"In an op-ed piece that I wrote for the Honolulu Star-Bulletin on July 6, 2003, I wrote:

Legislators now are worried about Dobelle's commitment to raise \$150 million in private funds to match state spending for the new medical school in Kakaako. At an October 2001 legislative hearing, Dobelle was asked what would happen if the university doesn't raise the \$150 million. "I don't think that way," he answered. "We will raise the \$150 million."

Fifteen months later, in a January 2003 legislative hearing, the president again was asked to update the Legislature about the fund-raising efforts for the medical school. "We will raise the funds," was Dobelle's answer once again. In March, legislators learned that only \$500,000 had been raised to date -- less than 1 percent of the total promised.

On May 1, the Legislature finally received a "preliminary fund-raising plan" for the campaign. Despite taking more than one year to formulate this preliminary plan, Dobelle admitted that it must be presented to the Board of Regents for its "review and approval prior to any presentation to donor prospects." To date, the regents have yet to receive this proposal.

"I bring back this history to ensure that there is some historical record of our latest decision. As I mentioned earlier, I support the use of cigarette tax funds for the construction of the Cancer Research Center. I support Carl Vogel and his team of researchers. And I support the mission and efforts of the Cancer Research Center.

"However, years from now when we look back on this particular bill and our allocating of funds for three years to the Cancer Research Center, I don't want us to again be placed in a predicament to increase funding for the operations of these new buildings. The University of Hawaii and their leaders must be held accountable to their commitments. The taxpayers and in this case, smokers, deserve no less."

Representative Kahikina rose in support of the measure, stating:

"Mr. Speaker, I rise in support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2961, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 43 ayes to 7 noes, with Representatives Evans, Finnegan, Harbin, Meyer, Moses, Pine and

Sonson voting no, and with Representative Stonebraker being excused.

At 2:50 o'clock p.m., the Chair noted that S.B. No. 2961, SD 1, HD 1, CD 1, passed Final Reading.

S.B. No. 2461, SD 1, HD 1, CD 2:

Representative M. Oshiro moved that S.B. No. 2461, SD 1, HD 1, CD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose in support of the measure, stating:

"Mr. Speaker, I stand in support."

Representative Carroll rose in support of the measure, stating:

"Mr. Speaker, I stand in support."

Representative Magaoay rose to speak in support of the measure, stating:

"Mr. Speaker, on this measure, strong support and I'd like to thank the Chair of Health for the floor amendment on this bill. And also I like to insert written comments to the Journal."

Representative Magaoay's written remarks are as follows:

"Thank you Mr. Speaker. Mr. Speaker, I rise in support of SB 2461 S.D.1, H.D. 1, C.D. 2. Mr. Speaker, this Senate bill authorizes funds from the Temporary Assistance for Needy programs. The Hui Malama Learning Center provides alternative education programs for at-risk youths.

"The Hui Malama program includes the GED foundations and academic tutorials for our needy citizens. The Maui Economic Opportunity, Inc. is a private, nonprofit community action agency. Its mission is to help the low-income elderly, children, and youth; people with disabilities; immigrants; other disadvantaged people; and the general public to help them become self-sufficient. Maui Economic Opportunity, Inc. also provides transitional services to inmates at the Maui Community Correctional Center.

"Adult Friends for Youth is a private, nonprofit organization dedicated to redirecting youth from delinquent gang behaviors into pro-social behaviors, allowing them to merge successfully with the social and economic mainstream.

"Baby Hui another worthy organization provides low-income and teenaged parents with a positive support network through its positive parenting support groups, including neighborhood- and high school-based support groups for parents and children from birth to age three.

"Maui Youth and Family Services provides adolescent mental health programs, including components for pregnancy prevention and family strengthening.

"The Oral Health Institute of the Pacific program was opened in 2004 to increase access to oral health services by providing clinical dental services and case management to special needs patients, and underserved children and adults. These underserved children and adults are Medicaid, QUEST, or SCHIP recipients or are uninsured, and have not had access to oral health services in many years. The underserved population includes geriatric patients, children with special needs, adult mental health patients, renal dialysis patients, heart transplant patients, persons with HIV/AIDS, former inmates, and the homeless.

"The underserved population by and large cannot access dental services in their communities. This is due to dentist non-participation with Med-QUEST, low Medicaid program

reimbursement rates for dental services at only twenty-five per cent of the cost of treatment, and excessive paperwork for billing Medicaid. Accordingly, the number of dental providers who actively treat these patients is alarmingly small. As an example, on Maui, there are fewer than five dentists who see these 14,765 patients. Approximately half are children under age twenty-one. One pediatric dentist who practices on Maui participates with Med-QUEST. Sometimes children are flown to Oahu, accompanied by a parent or guardian, for dental treatment. This requires extensive coordination and case management and can be very traumatic for the patient, and costly to the State.

"And finally Mr. Speaker, this Senate Bill addresses those hospitals located in rural areas; Molokai General Hospital, Kahuku Hospital, Hana Community Health Center, and Waianae Comprehensive Health Center provide these hospitals with additional \$500,000.00 to assist their operational cost. Due to their location, immediate medical care is extremely vital in providing our citizens the medical care needed. Thank you, Mr. Speaker."

Representative Tanaka rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Tanaka's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of SB 2461 CD2, Relating to Grants. I have witnessed firsthand the dedicated and hard work performed by Hui Malama Learning Center, Maui Economic Opportunity, Inc. and Maui Youth and Family Services, Inc. All three organizations work tirelessly to help needy families and other disadvantaged persons on Maui. I am pleased that each organization is receiving funding this Session to sustain these valuable projects aimed at improving the lives of those in need.

"Thank you, Mr. Speaker."

Representative Shimabukuro rose to speak in support of the measure, stating:

"In strong support. Just want to thank the Health Committee so much for this bill. I can speak for Waianae Coast Comprehensive in saying they are the largest employer on our coast providing critical care and so this bill means everything for Waianae. Thank you."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I'm in strong support. I'm very appreciative that this bill was amended and it gives vital support to the Kahuku Hospital. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and S.B. No. 2461, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS," passed Final Reading by a vote of 50 ayes, with Representative Stonebraker being excused

At 2:52 o'clock p.m., the Chair noted that S.B. No. 2461, SD 1, HD 1, CD 2, passed Final Reading.

S.B. No. 218, SD 4, HD 1, CD 2:

Representative M. Oshiro moved that S.B. No. 218, SD 4, HD 1, CD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Magaoay rose in support of the measure and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Magaoay's written remarks are as follows:

"Thank you, Mr. Speaker. Mr. Speaker, I rise in support of Senate Bill 218, SD4, HD1, CD2. Mr. Speaker, this bill addresses the shortage of paramedics in the State by assisting paramedics who wish to advance in their field by completing a state-qualified mobile intensive care technician program.

"The expansion of Emergency Medical Services (EMS) Statewide, the aging EMS provider population, and the continued need to support our communities requires that efforts be made to ensure that all paramedic students throughout the State have equal access to educational opportunities. Currently the County of Hawaii has stipend funds available and this piece of legislation will provide support for the other counties through a stipend program.

"Students from rural communities and distant sites have access through distant education to participate in paramedic education, but sacrifice significantly when required to travel to Oahu to complete their clinical and internship phases of paramedic education. Kapiolani Community College makes all efforts through constant review of resources on the Neighbor Islands to minimize student off-island experience. The lack of clinical sites on the Neighbor Islands requires that students complete their experience on Oahu, which is a costly expense for students.

"Studies show that most students who attend the Paramedic Program are older, have families and community responsibilities. Oftentimes, although qualified, the expense of relocating to Oahu precludes the students from completing the program. This is counter-productive in efforts to produce quality graduates for the Neighbor Island communities.

"Access to the program through a stipend program will not resolve all the issues related to the current personnel shortage in Hawaii, but it is an important component to maximize opportunities for students.

"Finally Mr. Speaker, in this bill is an appropriation of \$1 million for the helicopter medical transport service for the island of Oahu. Mr. Speaker, the U.S. Army's 68th Medical company will soon be deploying to the Middle East leaving many residents without this life-saving and vital service. These military aeromedical helicopters have transported over 7,000 patients and saved countless lives. This is a service needed in the community that no one can do without. Thank you, Mr. Speaker."

Representative Meyer rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. On this measure, strong support. This bill would appropriate a million dollars to provide funding for helicopter medical transport services that are so very much needed on this island. Thank you."

Representative Shimabukuro rose in support of the measure and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and S.B. No. 218, SD 4, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Final Reading by a vote of 50 ayes, with Representative Stonebraker being excused

At 2:53 o'clock p.m., the Chair noted that S.B. No. 218, SD 4, HD 1, CD 2, passed Final Reading.

S.B. No. 2006, SD 3, HD 2, CD 2:

Representative M. Oshiro moved that S.B. No. 2006, SD 3, HD 2, CD 2, pass Final Reading, seconded by Representative B. Oshiro.

Representative Kahikina rose to speak in support of the measure, stating:

"Mr. Speaker, strong support. Mr. Speaker, this bill that addresses conservation and management of the sale of *opihi* reminds me of a lyric that was composed by Craig Kamahele. It goes like this.

Sounds like thunder.
Gotta head for the high ground.
White water coming. No fool around.
Opihi man in the sun.
Opihi man grab your bag and run.
Opihi man another swell is coming your way.
Opihi man another swell is coming your way.

Opihi bill passing.
Gotta stay on the high ground.
Couple years later. Get more opihi around.
Opihi still no can sell.
Opihi man grab your bag and run.
Opihi man another swell is coming your way.

"Thank you, Mr. Speaker."

Representative Berg rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise with reservations. That's a hard act to follow. My reservations have to do with the fact that this bill changed significantly to include now Niihau. And because of the lifestyle on Niihau, the exemption was really important for them, so I rise with reservations. Thank you."

Representative Shimabukuro rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I have similar reservations. I'm just concerned with the limit of half a pound per person. You know, if you have a family, they have a big gathering, maybe there's only two guys that are going to go and gather. I don't know if that's enough. And I'm just concerned too about the impact on cultural and gathering rights where bartering was permitted. Thank you."

Representative M. Oshiro rose to speak in support of the measure, stating:

"In strong support. I believe, Mr. Speaker, that this might be the beginning of a new industry whereby opihi might be cultivated. I've spoke to a gentleman from the Department of Land of Natural Resources, Oceans Division and he informed me that should this bill pass, it might be, it might make it financially feasible to begin commercial cultivation and sale of opihi. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm in support, but I have the same reservation that the Representative from Aina Haina has, that this now also includes Niihau, which in the original form, it did not. Thank you."

Representative Morita rose to speak in support of the measure with reservations, stating:

"Thank you Mr. Speaker. I also have similar reservations and would like to adopt the words of the Representative Aina Haina as my own. Thank you," and the Chair "so ordered." (By reference only.)

Representative Finnegan rose in support of the measure with reservations, and asked that the remarks of Representative Berg be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and S.B. No. 2006, SD 3, SD 2, CD 2, entitled: "A BILL FOR AN ACT PROHIBITING SALES OF OPIHI," passed Final Reading by a vote of 48 ayes to 2 noes, with Representative Chang and Tsuji voting no, and with Representative Stonebraker being excused

At 2:56 o'clock p.m., the Chair noted that S.B. No. 2006, SD 3, HD 2, CD 2, passed Final Reading.

Conf. Com. Rep. No. 236-06 and H.B. No. 3115, HD 2, SD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that H.B. No. 3115, HD 2, SD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Harbin rose to speak in support of the measure, stating:

"Thank you, Mr. Speaker. I rise in strong support of this measure. I want to publicly thank the House and the Senate Conferees for passing this excellent measure to the repeal of the gas cap. This is a long journey that we've gone through in this Body. As the only Member to have voted against the original gas cap repeal and the only person of this Body to vote against the aborted amendment yesterday, I believe the people of Hawaii and the businesses of Hawaii are going to greatly benefit from the depths and breadths of this new bill. Thank you so much and thank you for allowing me to be kind of a voice in the wilderness."

Representative Moses rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support but with reservations. Mr. Speaker, the gas cap has been in effect since last summer. And as predicted it has failed. It's not surprising because history shows and history tells us that caps, price caps never work, never have worked, never will work. This one was no different.

"I opposed the gas cap since its very inception. Every time we talked about it on this Floor and every vote we took. And it's a bad law, it's poorly conceived, it's poorly written. And here we are today and I thank this Body immensely for seeing the light and understanding the problems it has caused.

"The gas cap was enacted because of claims that Hawaii's high gas prices were due to collusion. And it was ignoring the fact that our gas tax is the highest in the nation and the cost of doing business in Hawaii is also very high for the same reasons.

"So from week to week what do we have under the gas cap? We had prices that have taken huge swings and that was for reasons not connected to Hawaii and I won't go into all those things about where it was linked to, we all know that, we heard it. But the gas cap did raise prices higher than we would have ever imagined, I believe. It cost us tens of millions of dollars and increased the prices of almost everything in Hawaii.

"This outcome was probably expected and I remind you of the purpose statement of that bill. Quote, "It should be clearly understood that the objective of this act is not to guarantee lower gasoline prices." Well if we're not guaranteeing lower gasoline prices then why were we passing it?

"Well this measure was bad, should be ended, I would prefer an outright appeal. For various reasons, we didn't get quite there, but at least this measure before us suspends the gas cap. It also contains what I believe is some worthwhile provisions to gather data to determine once and for all if there is any collusion. That part is fine.

"Another problem is that in the price-tracking portion of the bill, I'm sad that, I think because of the Senate's insistence, we've included

Singapore's prices into the formula. And this will result I believe in misleading data being included in the calculations. You have to consider Singapore prices to be deceitful in its design to make any reimposed gas cap look workable. This artificial lower looking price will have no relationship to the actual price of Singapore gas once it is imported here to Hawaii.

"I want to read just briefly and this will be the end of what I have to say. This is from the *Honolulu Advertiser* today. It said, 'The numbers of the Senator from Mililani,' meaning Menor, 'are arbitrary and for that reason are dangerous and misleading for consumers.' That's a quote from Representative Kirk Caldwell. Thank you."

Representative Morita rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I rise in support of this measure with grave reservations. I hope the Members of this Body will vote with reservations to acknowledge that the flaws of this Conference Draft did not go unnoticed by this House. Mr. Speaker, there's no one more than your Chair on Energy and Environmental Protection that wanted to see the gas cap work. I truly believe that the market power of certain oil companies have led to market abuses in this oligopoly market. But I have wavered in my support of the gas cap and now support, at the very least a suspension of the gas cap, which is what this Conference Draft will do in part.

"At this time, there is no political or public will to have the gas cap continue. Like with any complex regulatory action we need accurate information and a willingness to massage the policy to work. We do not have the information nor the will to effectively administer the gas cap. Therefore the only prudent action is suspension.

"Mr. Speaker, we need to deeply examine and honestly answer that after several months of this experiment of trying to tie our gasoline prices to outside markets, if this is in the best interest of Hawaii's consumers.

"While I may have wavered in my support of the gas cap, from the inception of this policy, I have always believed that the State needed to develop an expertise in understanding this complex market. Transparency and setting up the petroleum industry monitoring, analysis and reporting program within the Public Utilities Commission is necessary to gain this knowledge.

"The purpose clause of this measure states, and I quote, "The legislature finds that the establishment and allocation of adequate resources for a vigorous state watchdog system to monitor and oversee the petroleum industry and gasoline market is a prerequisite to ensure an efficient market." This Conference Draft is flawed. And while we make this finding, we did not provide the required staff positions and only funded such a vigorous watchdog system with \$1.00.

"The floor amendment offered on Tuesday would have corrected this flaw and we could have been sincere about our policy statement to establish a vigorous state watchdog system to monitor this industry and market. Unfortunately, Senate action on this CD1 forces us to vote on this bill as is to preserve the suspension part.

"Now it is doubtful that the offered transparency and monitoring of this industry will occur in the next year as I don't expect the Public Utilities Commission to expend its funds or staff resources, collected from fees from other regulated industries, to cover this unfunded mandate. This Committee Chair is way too familiar with the shortage of resources within the PUC to handle its current workload. It would be unfair to further burden this agency with an unfunded mandate, which the Senate failed to correct on Tuesday.

"Secondly, Mr. Speaker, this Conference Draft contains a gasoline pricing formula proposed by the Senate Consumer Protection and Housing Chair that was never properly vetted. While this Senate Chair stated publicly that he used the recommendations of the

consultant for the Public Utilities Commission, ICF International, the consultants, stated that the Senate Chair misquoted its report as follows:

"ICF did not recommend the use of a Singapore price without a commensurate and market-based adjustment for real freight costs.

"ICF did not recommend elimination of the 4 cents per gallon location adjustment. Rather, they recommended increasing the factor to a market-based freight cost."

Representative Luke rose to yield her time, and the Chair, "so ordered."

Representative Morita continued, stating:

"Thank you. And the third was ICF's margin estimation for the Dealer Tank Wagon class of trade was in line with the legislative recommendations of 18 cents per gallon, and they did not suggest a lower margin factor.

"Mr. Speaker, may I insert into the Journal the ICF International letter to the Chair of the Public Utilities Commission for the record. Thank you," and the Chair "so ordered."

Representative Morita continued, stating:

"Mr. Speaker, we should not put something as arbitrary as a proposed formula in law. Further, this flawed formula does not really hit on the real issues of trying to regulate this market. It only attempts to legitimize an artificial base that gives Hawaii's consumers unrealistic expectations of Hawaii's gasoline prices.

"Mr. Speaker, I remember a conversation I had with former Attorney General Earl Anzai four years ago when we were trying to structure the gas cap bill. I asked about using the Singapore gasoline spot market and suffice it to say that the idea was nixed by the Cayetano Administration because it was said to be unrealistically low for Hawaii's gasoline market. Again, ICF recommended that the Singapore spot be used with an adjusted freight cost added. The proposed formula does not make that adjustment.

"Mr. Speaker, one of the major problems with the current gas cap is our inability to get a true understanding of what it cost to refine gasoline in Hawaii. Therefore, we have relied on other spot markets as benchmarks. I have no doubt that Hawaii's refiners have learned to game the system early on taking more than their fair share of distribution and marketing margins forcing prices to the cap maximum. However, the Senate's formula does not directly address this problem, but squeezes the middleman, the distribution and marketing segment. Mr. Speaker, there is no doubt that there are some bad actors in this market, but nothing in this formula addresses the actions of the bad actors and gaming of the system.

"Mr. Speaker, there has been too much rhetoric about excessive profits of big oil companies mixed in with the debate about gas caps. Yes, we're talking about fruit, but comparing apples and oranges. Let me try to give you an example. Big oil companies are making most of their money by producing crude oil, that is exploration and extraction. They invested in oil fields when crude oil prices were much lower, with the expectation that they could breakeven at, perhaps, \$25. Some have argued \$40 per barrel. Since the market price is now more than \$70 per barrel, the extra money is likely pure profit. Is big oil manipulating inventory and supply to drive up global crude oil prices? That is something that is not going to be resolved in this arena or by the gas cap.

"In dealing with the gas cap we are only dealing with costs on the refining side, we cannot control the global market price of crude oil. The price of crude oil is the price of crude oil, which typically accounts for 55% of the cost of gasoline

"As State Legislators, we need to separate gasoline-pricing issues into what we can control and what is beyond our control. Rising crude oil prices due to global market, global supply and demand issues, geopolitical unrest and mainland gasoline supply disruptions are issues we cannot control. And, there are primary reasons. And these are the primary reasons for rising gasoline costs. Let me give you an example. Last October 13th, the Singapore gasoline spot market price was \$1.77 per gallon. Last Friday, April 25th, that market closed at \$2.03, an increase of 26 cents per gallon."

Representative Finnegan rose to yield her time, and the Chair, "so ordered."

Representative Morita continued, stating:

"Thank you. The price of Indonesian Minas crude was \$51 per gallon in mid-October 2005. Yesterday, the price was over \$70 per barrel. The price of crude oil is driving the cost of gasoline to post-Katrina/Rita levels, where during that time the mainland spot market rose because of supply disruptions. All of these events are out of our control, yet we are attempting to regulate gasoline pricing using these kinds of benchmarks because we don't have a firm grasp of what it cost to refine gasoline in Hawaii. And we don't have a firm grasp for good reasons. The primary output of our Hawaii refineries is jet fuel not gasoline. We buy a specific type of crude oil to maximize the output of jet fuel, not gasoline. These are not typical cost factors embedded in spot market prices. Hawaii is in an unique situation given our isolation and high dependency on air travel and the visitor industry.

"Mr. Speaker, as I mentioned before I truly wanted the gas cap to work, but there is no political will or public will to make it work. Given this situation, especially with our lack of understanding and information on this market, our best bet is to step back, learn the market through the established reporting system and then take an educated position on how best, and if necessary, to regulate the market with the lightest touch possible. I think we are all hopeful that through transparency this could modify market behavior to the benefit of consumers resulting in fair and reasonable gasoline pricing. But I don't believe this can happen or should happen without proper funding from the Legislature. Therefore, I urge my colleagues to support this measure, but with reservations. Thank you."

Representative Morita also submitted the following correspondence:



Dear Chairman Caliboso:

The statements in Senator Menor's editorial in today's Star Bulletin, and the quotes attributed to him in today's separate Star Bulletin article by B.J. Reyes, directly and indirectly imply that JCF's report is the basis for the recommended changes proposed in S.B. 2911 on the Gas Cap calculation. This is most assuredly not the case, as noted below:

3. Moreover, we understand S.B. 2911 recommends *eliminating* the 4 cpg location adjustment. ICF's report recommended *increasing* this factor as noted above to reflect a much more

accurate assessment of the cost to deliver competitive products to Hawaii. The elimination of this factor, coupled with the inclusion of the Singapore prices in the formula, *significantly misrepresents and underestimates the alternative competitive supply cost in Hawaii.*

4. We also understand S.B. 2911 recommends lowering the marketing margin from 18 cpg to 14 cpg. ICF's report recommended a marketing margin factor that varied with the prior year mainland margins. Over time, the DTW margin that we recommended would have ranged from 14.4 cpg to 19.6 cpg as shown in Exhibit 3.18 of our report. This range is somewhat in line with the legislated 18 cpg for the marketing margin in H.R.S. 486b-13, and recommended by the PUC.

ICF believes that there is insufficient information available at this time to demonstrate whether the 18 cpg factor is appropriate, too high, or too low. ICF is currently studying this matter for the PUC, and we believe additional analysis of the data being gathered from the Parties' is needed before a legislative change should be made.

It concerns ICF that its report is being mis-quoted in a public in a public venue as follows:

- ICF did not recommend the use of a Singapore price without a commensurate and market-based adjustment for local freight costs.
- ICF did not recommend elimination of the 4 cpg location adjustment; rather, we recommended increasing the factor to a market-based freight cost.
- ICF's margin estimation for the DTW class of trade was in line with the legislated recommendation of 18 cpg, and we did not suggest a lower margin factor.

We are not aware of other measures in S.B. 2911 because we have been focused on the analysis work we are doing for the PUC. However, press reports are indicating that the Gas Cap formula under S.B. 2911 could result in a reduction of the Gas Cap price by 18-23 cps. Even if this formula is published only as a "monitor", the suppliers on Hawaii may feel that they may need to operate at those levels or be at risk to a full resumption of the Gas Cap Law. This could result in a threat to Hawaii's gasoline supply security. If suppliers have an option to achieve a higher price on the Mainland, ICF sees no reason why suppliers will not move Hawaii produced gasoline into Mainland markets where a higher price can be achieved. The proposed changes in the Gas Cap formula contained in S.B. 2911 will increase the incentive for suppliers to export gasoline by 18-23 cps.

As noted, this new formula is NOT based on recommendations by ICF, but improperly uses selected portions of ICF recommendations. ICF strongly agrees with Representative Morita and Representative Souki that any formula should be "left off the books until more pricing information can be gathered and studied".

Sincerely,

Thorne W O'Connor

Thomas W. O'Connor
Project Manager
ICF International

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Representative Herkes rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. In support with a number of reservations. Mr. Speaker, I was one of the Co-Chairs of your Conference Committee on this bill and I must say that during my career this was probably one of the most frustrating and difficult negotiations I've ever been through. Two of your Co-Chairs, who were members of the Committee, in questions to the Senator were very on point and very analytical. The Senator's response was purely political and it's unfortunate that politics has gotten in the way of what's best for the people of this State.

"As you know, Mr. Speaker, your Conference Committee has spent many, many hours discussing this over the period of the week with some feeling that perhaps the status quo was better than this bill we're voting on today because of the convoluted requirements. But the overall acceptance of the public of a suspension of the gas cap, I think takes precedent over the other sections and I think that's important. Hopefully we can come back and correct these other portions next year.

"In the final analysis, we felt that we had to do something. We couldn't just walk away from the table and leave the status quo. And so, as you know, Mr. Speaker, we accepted the Senate version. I think it was at 3 minutes to 12:00, hoping that we could do an amendment on Tuesday to make the bill what it should be. I'm sure we had the votes in this Chamber, the Senate refused to go along with our request. And I think that that is not beneficial to the people of this State. And again I join with lead Chair in urging you to vote, but vote with reservations because I think the public acceptance of the suspension outweighs the problems that the Senate has put into this bill. Thank you."

The Chair then stated:

"Representative Souki, as the lead Chair of the Conference, please proceed."

Representative Souki rose to speak in support of the measure with reservations, stating:

"Thank you very much and I accept full responsibility, Mr. Speaker. Mr. Speaker, first of all I want to thank you as the Speaker of the House and the Members of Leadership, in giving us the courage and the opportunity to repeal the gas cap. And that was the position of the House, to repeal. And we remained steadfast in that position all the way and so did the negotiators until the end. The good Chair from Environment worked really hard and was frustrated at the end because she believed in what she was doing. She believes that the formula was arbitrary and will not work, and I admire her. I had some differences with the Chair, and many differences in the past. But with her having the ability to change her position and to look as to what is best for the State, and to work diligently and hard for that, and for that I give her plenty of aloha, Madam Chair.

"And for the rest of the members, Representative Caldwell, who was a bone in the craw of the Chairman of the Senate Committee. In fact, I don't think the Senator wants to face him again. He showed his prowess as a tough negotiator. And of course Representative Herkes was there all the way, and Representative Moses as a manager.

"But more important, I have no apologies for this bill. I think it's a good beginning. Yes, we didn't get the funding for the transparency, but I appeal to the Governor's Office. And if she is sincere, as I believe she is, in getting transparency from the oil companies to know exactly what is the price, what are the cost items, that she would be able to move some money around and fund the positions. Find the \$250,000 or more that it would take to get that transparency. I believe the Governor can do it if she has the will. And again, I ask the Minority to help us in this. To speak to the Governor and to get her to move the money around and get the transparency.

"And before I move on I want to say that I believe in a free market for the oil companies for the above reasons that were mentioned. We have global conditions that are beyond our control. But what we need to know is that it is in fact the refineries working on a cost factor where they're not getting exorbitant profits. And to some extent, I believe that because the market is hard, that the refineries are basically doing the best they can and I'm not in favor of them but let me give you a history of it."

Representative Lee rose to yield her time, and the Chair, "so ordered."

Representative Souki continued, stating:

"Thank you very much. Some years ago we had only one refinery in this State, and Governor Burns then provided the incentives to get another one and we got PRI. PRI remained for about 10 or 12 years and then it began to lose money. So PRI sold it to an Australian firm. A big conglomerate, worldwide and I worked with them for a few years when I was the Finance Chair and Speaker. And Mr. Speaker, they couldn't make it over here either. So Mr. Speaker, that speaks volumes of the kind of market that we have. How difficult it is.

"And then of course now we have Tesoro. Tesoro a couple years ago lost \$5 million in its first or second year in operation. However, this past year, they made some money and I believe it may have been an unintended consequence from the gas cap where there was \$15 million lost by the consumers that we paid, and I believe most the of money went to the refineries as an unintended consequence and hope that we can correct that. But I what I wish to stress here is that we have a very limited market. We have global conditions here and a cap is not going to work. What we need is pure transparency and again I beg the Governor if she could move some money around so

that we can fund the respective positions. Thank you very much, Mr. Speaker."

The Chair then stated:

"The Chair recognizes Representative Marumoto who was a manager of this Conference."

Representative Marumoto rose to speak in support of the measure with reservations, stating:

"Thank you. I don't think the Speaker Emeritus realized I was there since I was very quiet. But I would have spoken if allowed to. I am rising on this measure and expressing some reservations on the gas cap bill. It's a good news, bad news situation.

"First, the good news. We have suspension. Now the bad news. It's not repealed. Neither is it a carefully researched and deliberated bill. It was heard, re-thrown into the sausage factory machine by the Senate in the final moments of Conference Committee. The Singapore factor and other provisions of this version have not been debated or researched. That was the reason we had the amendment on Tuesday. This is a very inconsistent and ambiguous document.

"It talks of money, \$500,000 to do the job. To collect the data and post a supposed price but it appropriates only a measly dollar. It gives the job to the PUC but with no money and no staffing to do the job. I don't see how the Governor could move \$500,000, just give it to the PUC to do the job. We mandated them in this bill to have the PUC do it, but I think the Governor's hands will be tied.

"Despite the suspension it calls for the continued posting of gas cap prices, even if the new numbers are too low, untested, misleading, and just plain wrong. The public will mistakenly think that the low prices are realistic and achievable. The public will demand that the Governor end the suspension and go back to this new gas cap. It will cause the State government much grief if the Governor for some unforeseen reason must revert to this new gas cap law.

"I think we all realize that these prices are deceptive and when people compare it to the actual prices they will demand that the Governor go back to the gas cap because it is very misleading. But I'm sure we will be hearing about the supposed price under the gas cap from here until election day. Like many Legislators, I pride myself on passing well thoughtout legislation that's studied and deliberated and discussed, and this is not a well-drafted measure and it is embarrassing. Mr. Speaker, I am a very reluctant aye vote. Thank you."

Representative Takumi rose to speak in support of the measure with reservations, stating:

"Thank you very much, Mr. Speaker. I stand with grave reservation and I'd like to echo the comments made by my good friend the Representative from Hanalei even though her remarks were almost as long as gas cap law itself. Thank you."

Representative Meyer rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. I'm rising with reservations."

The Chair then stated:

"Please proceed, but are your comments similar to what others have already stated on the floor?"

Representative Meyer continued, stating:

"Yes, I don't want to repeat. I think you can understand what the reservations are. This is a good opportunity for me to express that the Republican Caucus has a clear conscious. We voted no on the

gas cap back in 2002. Many of us voted no again in 2004. Well that was a bill to try to straighten out the formula. And we are extremely happy to see the suspension although we would have rather seen a repeal.

"Disappointment that with all the language in the bill about transparency and monitoring the petroleum industry, the PUC is given no money whatsoever. If the lead Conference Chair in the Senate had really wanted all these things done, he would have seen that there would be some money in this. With the surplus that we had and a great many bills that have passed with a lot more money than this, and for a subject that is this serious, the money should have been in there."

Representative Caldwell rose to speak in support of the measure with reservations, stating:

"Mr. Speaker, I rise with grave reservations. And before I speak, Mr. Speaker, I wanted to incorporate the words from the Representative from, what's probably one of the most beautiful places in the world, the Hanalei area, as if they were my own."

The Chair then stated:

"So ordered, and the Chair will limit you to one minute because of that. Please proceed."

Representative Caldwell continued, stating:

"Mr. Speaker, I rise in part because of the last comment stated. To address the issue of high price of oil in our State, in our country, is not a partisan issue. It's not a Democrat issue. It's not a Republican issue. It's an issue we all try to address to help protect the consumers of our State and that's what we've been trying to do here, Mr. Speaker, for the past five to eight years. It's something the rest of the country is waking up to and we hear the debate on Capitol Hill now about how to deal with the high price of gas.

"Well our State has been dealing with that for many years, and we have been very bold in trying to address the problem. And we've taken very bold steps. And I think all of us here, Democrat or Republican, can be proud that we're proposing, trying to come up with solutions and seeing what works and doesn't work.

"For me, Mr. Speaker, when I started this Session, one of my constituents gave me a gas cap, which I put on and now is the time to take off that gas cap. I think, Mr. Speaker that we are ready to move forward and to do something different. And once before, Mr. Speaker, I think it's a beautiful quote that needs repeating so that people again don't think that we are being partisan. And it's something that one of our great presidents, Franklin Delano Roosevelt said when he took office in the middle of Depression and he said, "The country needs and demands bold, persistent experimentation. It is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something."

"And that's what we're doing here today, Mr. Speaker. We're trying something else at this point. We can be proud that we are trying. It's easy to throw out something and be creative, than to tear it down. And we heard comments today that we wish there was more in this legislation than currently is. The good new, Mr. Speaker, is we can come back next year and add additional things we wanted to put in here.

"In the end though, Mr. Speaker, the problem with oil isn't something that's going to go away. We see increasing demand around the world in communities and in countries like China and India. We see what's happening in Bolivia, Venezuela, and Iran. And in the end it's all of us, Mr. Speaker, who are part of the problem and that's that we are so reliant on oil.

"And while I almost never agree with our President, my President, your President and everyone else's President, I believe he is correct when he recently said, Mr. Speaker, that we are addicted to oil and we need to get off that addiction. And I think we can also be proud given the other legislation we passed this year to start to do that through the leadership and guidance of the Chair of the EEP and CPC. And that I'm hoping that in the future we can come back and even do much more. Become totally ethanol reliant in the future and turn our former sugar lands back into verdant green fields that also help us from exporting large sums of cash outside of our State.

"So, Mr. Speaker, I think we can have a great deal of pride about what we done here this Session and I think we will continue to experiment and continue to work hard to come up with solutions for our consumers so that everyone benefits. Thank you very much, Mr. Speaker."

Representative Ching rose in support of the measure with reservations, asked that her written remarks be inserted in the Journal, and asked that the remarks of Representative Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support of this measure.

"H.B. 3115 would establish petroleum industry monitoring and analysis special fund, petroleum industry information reporting system and an unfair trade practices chapter. The legislation would also suspend enforcement of the gasoline price caps as of July 1, 2006 and repeal the price caps on January 1, 2008.

"I believe it is important to ensure the adoption of energy policies and programs that optimize the security, cost-efficiency, and environmental soundness of Hawaii's energy users.

"The transparency and rigorous reporting requirements are important and should've been emphasized more in this bill to help provide for more informed consumer choices, provide valuable data for policymakers, and allow the monitoring of the industry by appropriate government agencies to ensure that products are not unfairly priced. All of this information together could have supplied a comprehensive factual footing on which to base future policy decisions as we try to move away from fossil fuel dependence. Coupled with the establishment of tougher pricing laws, I believe the monitoring system can better protect consumer interests than the regulation of wholesale gasoline prices.

"Since the price cap took effect, prices have not been substantially lower or more stable, rather, prices have been more volatile. This measure is a positive step in the right direction in addressing the problem of price controls on gasoline."

Representative Lee rose in support of the measure with reservations, asked that her written remarks be inserted in the Journal, and asked that the remarks of Representative Morita be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations of HB 3115, Relating to the Petroleum Industry.

"Because of the instability in international oil markets, I do not think this is a good time to continue our local experiment with a gas cap. The standoff with Iran, the civil war in Iraq, the unrest in Nigeria, the after effects of Katrina and the ascendancy of Hugo Chavez in Venezuela have all contributed to high oil and gas prices all around the world – not to mention the energy needs of India and China.

"For the short period it was in effect, the gasoline price cap saw our prices change direction in concert with mainland prices – sometimes radically in a short period. The global petroleum market, however, is not likely to produce any long-term decline in prices; i.e. the overall trend will be an increase in prices at the pump. Despite this economic environment the public has little patience for a price cap that does not lower prices, especially with the opponents of the law insisting, with no evidence, that prices would be 'lower' without regulation. The law was tacitly sold as a price lowering measure, when in fact it was only an attempt to tie our prices to the ups-and-downs of a few mainland gasoline markets. It worked too well, one could say.

"Further, in our quest to wean our State from petroleum, artificially low prices on fuel are not going to speed our transition to renewable energy sources. Likewise, mass transit and urban planning issues will march to the same beat until the price of fuel rises to a point where the public demands a change in policy.

"Last, the bill before us provides for closer monitoring of the petroleum industry. If the transparency provisions are able to capture and publicize the data needed to judge if we are being 'gouged,' then that is obviously a good outcome. Just because the price of oil is going steadily up, it should not give license to the petroleum industry to enjoy large (and growing) profit margins.

"I ask that my colleagues support this measure. Mahalo."

Representative Kanoho rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations with brief remarks. Mr. Speaker, I do believe that transparency is the best approach provided that we can obtain all the information that we need. I also believe that the gas cap could work had the correct factors and criteria been utilized. I would request that the words of the Chair of Energy Committee be recorded in the Journal as my own," and the Chair "so ordered." (By reference only.)

Representative B. Oshiro rose in support of the measure with reservations, and asked that the remarks of Representative Morita be entered in the Journal as his own, and the Chair "so ordered." (By reference only.)

Representative Berg rose in support of the measure with reservations, and asked that the remarks of Representative Morita be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Stevens rose in support of the measure with reservations, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Stevens's written remarks are as follows:

"The suspension of the maximum pre-tax wholesale gasoline price is a small step in the right direction, however a full repeal of the law would be preferable. Tampering with the free market laws of supply and demand will not provide the lower prices that consumers seek.

"The bill is flawed also because the funds for staff in the PUC to monitor the practices of the Hawaii refineries, were removed. Therefore our attempts at transparency will not succeed."

Representative Schatz rose to speak in support of the measure with reservations, stating:

"Reservations and just one brief point. I think it's time for this Body and this State to not allow the gas cap to be the *de facto* energy policy for the State. We do have one of the world's leading experts in renewable energy policy in our Energy Chair and I think it's time that when we think about the energy issue, we should not think about

how to make gasoline more cheap, but how to make gasoline less relevant. Thank you."

Representative Kahikina rose to speak in support of the measure with reservations, stating:

"I rise with reservations and request that the words of the Representative from Kauai be enter in the Journal as my own. Mr. Speaker, just one added comment. Mr. Speaker, the scary part about depending on foreign oil is that eventually we'll be depending on foreign food if this thing keeps up, and so we need to address this."

Representative Pine rose in support of the measure with reservations, and asked that the remarks of Representatives Marumoto and Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Carroll rose in support of the measure with reservations, and asked that the remarks of Representative Morita be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Finnegan rose in support of the measure with reservations, and asked that the remarks of Representatives Marumoto and Meyer be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

Representative Evans rose to speak in support of the measure with reservations, stating:

"Thank you. I rise with reservations and brief comments. I agreed with the Speaker Emeritus' comments that I do believe that if the Governor has the will for transparency and accountability that she'll find the funds for it. But what I have my reservations about is the formula because we have strapped this Governor, if in fact we have to go back to the gas cap, I do think this formula is flawed and I think it's unfortunate that we didn't really pursue that discussion and get a formula that I think will work. Thank you."

Representative Thielen rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations, Mr. Speaker, and a few words. Thank you, Mr. Speaker. According to the Department of Business and Economic Development the gas cap has cost our consumers over a half million dollars in higher fuel prices in the last year. Mr. Speaker, by suspending the gas cap we're taking a very positive step, but the unfortunate thing is that by adding the false Singapore market we will be lowering the so-called weekly price that's calculated, misleading consumers into feeling that if the gas cap were in place they would pay less for their fuel. We really need to correct this next year. I'm sorry that there was such a standoff with the Senate. I think the House was right. Thank you.

"Excuse me, Mr. Speaker. If I could just correct something. \$54 million, not half a million. \$54 million in increased prices at the pump. Thank you."

Representative Waters rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations. Thank you. I'm disappointed that we only appropriated \$1.00 to establish the petroleum industry monitoring analysis and reporting program. Thank you."

Representative Souki rose to respond, stating:

"Mr. Speaker, just a few points and just for information purposes for the Members. I believe that the bill does have some language in there where they can make some adjustments and that Singapore or any other market to bring it up to a level that will be comparable to the United States gas. I believe it's about 20 cents a gallon more. I

think they could make that adjustment so that I think that sort of could take care of that problem for the interim anyway.

"And last year, last fiscal year, I think there was over \$60 million in emergency funds that was given through the Legislature and it means that the Governor had to move some money around from some area to another area. So there is the flexibility where the Governor can do that, and so I don't believe it's an impossibility that we don't have the money and that we can't. Yes, we made a mistake, and I think both sides need to recognize that both sides were at fault, but it can be remedied if we have the will and if the Governor's Office has the will. Thank you very much."

Representative Halford rose to speak in support of the measure with reservations, stating:

"Thank you. Just to express reservations to support the position of the House."

Representative Morita rose and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Morita's written remarks are as follows:

"Mr. Speaker: Some of my colleagues have mentioned a DBEDT study that estimated that the gas cap may have cost Hawaii's consumer's an additional \$55 million during its implementation. I have some questions regarding this study especially since it was based on assumptions and "peer-reviewed" by economists who vigorously opposed regulations of the gasoline market. I believe the DBEDT study portrayed the worst case scenario.

"I submit for insertion into the Journal an April 13th letter to the Chair of the Finance Committee from the Chair of the Public Utilities Commission. The PUC did a comparative analysis of Hawaii retail gasoline prices as compared to the national retail prices during the period from January 18, 1999 to February 28, 2006. The analysis was based on historic data, both pre and post the gas cap. The study does demonstrate that the difference between the Hawaii average and national average rose after the gas cap was implemented, but I believe not to the levels that the DBEDT study assumed. Further, it did show that the difference on Kauai was actually less after the gas cap implementation by an average of 5 cents per gallon. Nonetheless, it is difficult to ascertain whether Hawaii's consumers did or did not benefit from the gas cap or market volatility. I believe that cost conscientious consumers may have benefited from the gas cap as I personally observed that retail gasoline prices may have varied as much as twenty cents from one retail station to another with the Honolulu area or from an independent retail station."

Representative Morita also submitted the following correspondence:

LINDA LINGLE
GOVERNOR



April 13, 2006

The Honorable Dwight Takamine
Hawaii State Legislature
Hawaii State Capitol, Room 306
415 South Beretania Street
Honolulu, Hawaii 96813

Re: Maximum Pre-tax Wholesale Gasoline Prices: Updated Data and Analysis
Hawaii Revised Statutes ("HRS") Chapter 486H ("Chapter 486H"), as Amended

Dear Chair Takamine:

As requested by Representative Yamashita in a hearing before the House Committee on Finance on April 4, 2006, the Public Utilities Commission ("Commission") presents the enclosed updated report, which shows the average retail gasoline prices in Hawaii as compared to the nation, both before and after September 1, 2005, when Chapter 486H was implemented.

The enclosed report includes historical data for regular unleaded gasoline for the period from January 18, 1999 through February 28, 2006 (hereinafter referred to as "Historical Period").¹ As used in this report, the "Pre-Cap Period" refers to the period prior to the implementation of Chapter 486H on September 1, 2005, and covers the period from January 1999 through August 28, 2005. Likewise, the "Price Cap Period" refers to the period following the implementation of Chapter 486H on September 1, 2005 and covers the period from September 1, 2005 through February 28, 2006.

Hawaii Retail Prices as Compared to the Nation

The enclosed report shows the actual average retail gasoline prices in Hawaii as compared to the nation during the Pre-Cap Period and the Price Cap Period. The Commission calculated this difference as follows:

Step 1: The Commission aggregated and averaged the actual Hawaii retail prices from the Oil Price Information Service ("OPIS"). See Column A of the attached spreadsheets. OPIS gathers the retail prices of gasoline from a sample of gasoline service stations located throughout the State of Hawaii. OPIS did not provide retail prices for certain zones and for certain time periods.

Step 2: The Commission compiled the actual national retail average prices based on retail price information provided by OPIS. See Column B of the attached spreadsheets. The national average is based on daily retail prices from about 100,000 gasoline service stations located throughout the United States.

¹ The week of 2/27/2006 to 3/5/2006, as shown in the Report, contains data from 2/27/2006 through 2/28/06.

The Honorable Dwight Takamine
April 13, 2006
Page 2

Step 3: The Commission calculated the difference between the actual average retail gasoline prices in Hawaii as compared to the nation. See Column C. The following chart presents the averages of these differences in each zone, for the Pre-Cap Period and the Price Cap Period:

Zone	Pre-Cap Period	Price Cap Period
1	\$0.34 (23.19%)	\$0.42 (17.57%)
2	\$0.54 (36.80%)	\$0.58 (24.38%)
3	\$0.63 (42.26%)	\$0.71 (29.37%)
4	—	—
5	\$0.90 (46.63%)	\$0.85 (35.83%)
6	—	—
7	\$0.46 (31.92%)	\$0.49 (20.52%)
8	\$0.63 (42.62%)	\$0.65 (27.22%)

For example, on average in Oahu, regular unleaded retail gasoline prices were \$0.34 higher than national retail prices during the Pre-Cap Period (\$1.8817 minus \$1.5428 = \$0.3389) but \$0.42 higher during the Price Cap Period (\$2.8531 minus \$2.4428 = \$0.4203). Please see the enclosed report for further details.

We hope the enclosed information is useful. We are providing copies of this letter and report to all members of your Committee, as well as all members of the Committee on Energy & Environmental Protection, the Committee on Consumer Protection & Commerce and the Committee on the Judiciary.

Please feel free to contact me if you have any questions.

Sincerely,

Carlito P. Caliboso

Carlito P. Caliboso
Chairman

CPC:ac

Enclosures

² With respect to Zones 4 and 6, there was minimal or no Hawaii retail data available.

The Honorable Dwight Takamine
April 13, 2006
Page 3

c: The Honorable Linda Lingle
The Honorable Calvin Y. Say
The Honorable Robert Burde
The Honorable Lyla B. Berg
The Honorable Kirk Caldwell
The Honorable Mele Carroll
The Honorable Pono Chong
The Honorable Kalani English
The Honorable Cindy Evans
The Honorable Bev Harbin
The Honorable Robert N. Herkes
The Honorable Bob Hogue
The Honorable Ken Ito
The Honorable Ezra R. Kanoho
The Honorable Jon Riki Karamatsu
The Honorable Bertha C. Kawakami
The Honorable Marilyn B. Lee
The Honorable Sylvia Luke
The Honorable Michael Y. Nagaoay
The Honorable Barbara C. Marumoto
The Honorable Ron Menor
The Honorable Colleen Rose Meyer
The Honorable Hermine Morita
The Honorable Mark S. Moses
The Honorable Bob Nakasone
The Honorable Scott Y. Nishimoto
The Honorable Blake K. Oshiro
The Honorable Marcus Oshiro
The Honorable Kymberly Pine
The Honorable Brian Schatz
The Honorable Alex M. Sorsong
The Honorable Joseph M. Souki
The Honorable Anne V. Stevens
The Honorable Bud Stonebraker
The Honorable Kameo Tanaka
The Honorable Cynthia Thiele
The Honorable Cliff Tsuji
The Honorable Glenn Wakai
The Honorable Tommy Waters
The Honorable Ryan I. Yamane
The Honorable Kyle Yamashita
The Honorable Georgina K. Kawamura
The Honorable Theodore E. Liu
The Honorable Mark Recktenwald
Docket No. 05-0002 Parties
(all w/enc.)

Representative Chang rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Karamatsu rose in support of the measure with reservations, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Karamatsu's written remarks are as follows:

"I rise in support. The 'gas cap' law was created right before I was elected into the Hawaii State House of Representatives in the fall of 2002. I believe the state government had good intent in creating the law to help the people of Hawaii get fair gas prices, but it did not work. The 'cap' on the free market caused unusual behaviors in the petroleum industry such as pricing gas at the ceiling of the 'cap' to maximize profits and prepare for bad economic times where they are restricted by the 'cap' to recuperate.

"Therefore, I support this bill's indefinite suspension of the 'gas cap' law. Instead, I believe this measure is heading in the right direction by requiring additional and more pertinent information to be provided by the petroleum industry, thereby providing more transparency in the industry. Transparency will protect the people of Hawaii from unfair gas prices and allow a reasonable profit margin for the industry. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3115, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Final Reading by a vote of 50 ayes, with Representative Stonebraker being excused.

At 3:37 o'clock p.m., the Chair noted that H.B. No. 3115, HD 2, SD 2, CD 1, passed Final Reading.

At 3:37 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:40 o'clock p.m. with Vice Speaker Takai presiding.

Conf. Com. Rep. No. 237-06 and S.B. No. 2956, SD 2, HD 2, CD 1:

Representative M. Oshiro moved that the report of the Committee be adopted and that S.B. No. 2956, SD 2, HD 2, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

Representative Takumi rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in support of this measure. Mr. Speaker, as you know when we passed out the Reinventing Education Act of 2004, more commonly known as Act 51, embedded in that were three basic principles, student achievement, civic responsibility, and health and safety.

"The measure before us today obviously strikes, no pun intended, at that third point. We all know that students do not do well in schools that they do not feel proud to be at. What this bill does is it appropriates \$235 million of which the centerpiece is \$160 million, which we dedicated into whole-school renovations of 96 schools across the State.

"Earlier today, we heard comments made about the tax relief bill and some concern and disappointment that it was too small. If you use that logic, you should be equally concerned and disappointed about this measure because it is too large. The Lingle-Aiona Administration had proposed an amount given to repair and maintenance as it relates to a backlog of \$525 million less than one fourth of the amount that you see in the measure before you.

"I really want to thank the Majority Caucus and particularly the Chair of Finance Committee and the members of the Finance Committee for seeing the necessity and the need to do this despite the fact, as we all know, that there are many compelling and competing needs for the budget.

"Another thing that has been raised both in this Chamber and in the media is that the DOE is not accountable and frankly, I'm baffled by that point. You see, Mr. Speaker, Act 51 also required the delinking of various State agencies as it related to the Department of Education and in this case particularly the Department of Accounting and General Services, DAGS. So on the one hand a year ago there were roughly 200 people working for DAGS and I guess supposedly they were very productive and competent, and now they are shifted over to the Department of Education and overnight turned into fat, bloated, dysfunctional, insensitive, uncaring, faceless humans, overpaid, under worked, one size fits all bureaucrats. As you might surmise, Mr. Speaker, I disagree.

"I have every confidence in the Department of Education to be able to repair our schools with this measure and get at that \$525 million backlog in an efficient, effective and timely manner. I wish I had equal confidence that the Governor will release those dollars in a timely manner as well. Thank you, Mr. Speaker."

Representative Finnegan rose to speak in support of the measure with reservations, stating:

"Thank you, Mr. Speaker. With reservations, but in support. Thank you, Mr. Speaker. I just have some short comments. Yes, I do support fixing Hawaii's schools like I mentioned throughout the Session this year. But I do have some concerns in regards to maybe looking for ways to fix the way we fix Hawaii's schools. I've talked to principals and teachers and they often wonder why one school gets funded for their projects, or your CIP projects, over another. It

causes confusions. It causes mistrust within the system. So in regards to wanting to be able to fund these different projects and fixing up the schools that is a concern of mine.

"Mr. Speaker, also in regards to the \$160 million to do classrooms and to renovate classrooms, I think it is a very good goal to get all the classrooms done. One of the things that I think could be done maybe a little bit different is instead of putting the whole \$160 million and say let's go and do all of the classrooms, I looked at the list of all of the different schools that need repair and they right now rank in different orders as to need. And when I take a look at those schools, I don't have the list in front of me, but they go from ranging I believe it was a score on I guess it's like 1 to a 100, and of those 160 schools that need classroom repair, some of them fall from probably, I can't remember right now, but from the 70s, 60s, 50s. All the way to I think the ranking of the bottom classroom renovation project is at 9.

"And there are millions of dollars ranging down at the bottom part of the ranking, and I'm wondering if some of those schools may want to use that cash money for different purposes. Maybe they might take a look at it and say, I want to use my million dollars to help assess the students at our school or maybe I want to use a million dollars or half a million dollars to buy books for our school because our classrooms aren't that bad right now. I'm only talking about this lower level of classroom repairs where maybe they don't rank quite high in regards to wanting these repairs.

"So with regards to that, Mr. Speaker, I know that this House is putting forth a great amount of money and dedication to our schools in wanting to see the environments at their best for the schools, but at this particular time when we are struggling at the schools to be able to get some of the priorities for our schools, then maybe we could have just used it a little bit differently and fix the way we fix Hawaii's schools. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2956, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Final Reading by a vote of 50 ayes and, with Representative Stonebraker being excused.

At 3:46 o'clock p.m., the Chair noted that S.B. No. 2956, SD 2, HD 2, CD 1, passed Final Reading.

At 3:47 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:52 o'clock p.m. with the Speaker presiding.

SENATE COMMUNICATION

The Chair recognized the Clerk, who announced:

"We are in receipt of Senate Resolution 175, informing the House and the Governor that the Senate is ready to adjourn Sine Die."

INTRODUCTION OF RESOLUTION

The following resolutions (H.R. Nos. 288 through 293) were announced by the Clerk and the following action taken:

H.R. No. 288, entitled: "HOUSE RESOLUTION AUTHORIZING AND EMPOWERING THE SPEAKER TO EXPEND SUCH SUMS TO COMPLETE THE WORK OF THE TWENTY-THIRD LEGISLATURE, REGULAR SESSION OF 2006, INCLUDING THE CARRYING OUT OF ANY OFFICIAL LEGISLATIVE BUSINESS IN THE INTERIM BETWEEN THE 2006 AND 2007 SESSIONS," was jointly offered by Representatives Say, Finnegan, M. Oshiro and Takai.

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 288 was adopted, with Representative Stonebraker being excused.

H.R. No. 289, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO APPROVE THE JOURNAL OF THIS HOUSE OF ANY LEGISLATIVE DAY BEING COMPILED AS OF THE 60TH DAY," was jointly offered by Representatives Say, Finnegan, M. Oshiro and Takai.

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 289 was adopted, with Representative Stonebraker being excused.

H.R. No. 290, entitled: "HOUSE RESOLUTION AUTHORIZING AND DIRECTING THE COMMITTEE ON THE JOURNAL TO COMPILE AND PRINT THE JOURNAL OF THE HOUSE OF REPRESENTATIVES, REGULAR SESSION OF 2006," was jointly offered by Representatives Say, Finnegan, M. Oshiro and Takai.

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 290 was adopted, with Representative Stonebraker being excused.

H.R. No. 291, entitled: "HOUSE RESOLUTION AUTHORIZING THE SPEAKER TO DESIGNATE WHICH OF THE EMPLOYEES AND OFFICERS OF THE HOUSE BE GIVEN ADDITIONAL EMPLOYMENT TO MEET THE WORK AFTER THE SESSION AND FURTHER AUTHORIZING THE SPEAKER TO DETERMINE THE PERIOD OF EMPLOYMENT," was jointly offered by Representatives Say, Finnegan, M. Oshiro and Takai.

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 291 was adopted, with Representative Stonebraker being excused.

H.R. No. 292, entitled: "HOUSE RESOLUTION RELATING TO STANDING, INTERIM, AND SPECIAL COMMITTEES AUTHORIZED TO CONDUCT HEARINGS DURING THE INTERIM BETWEEN THE ADJOURNMENT OF THE REGULAR SESSION OF 2006 AND THE CONVENING OF THE REGULAR SESSION OF 2007," was offered by Representative Say.

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 292 was adopted, with Representative Stonebraker being excused.

H.R. No. 293, entitled: "HOUSE RESOLUTION INFORMING THE SENATE AND THE GOVERNOR THAT THE HOUSE OF REPRESENTATIVES IS READY TO ADJOURN SINE DIE," was jointly offered by Representatives Say and Takai.

At 3:56 o'clock p.m., Representative Takai requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 3:57 o'clock p.m.

The Chair then announced:

"Members, if there are any questions on the House Resolution 293, it's just informing the Senate and the Governor that the House of Representatives is ready to adjourn Sine Die. We have not gone through that procedure yet. Just informing."

On motion by Representative M. Oshiro, seconded by Representative Finnegan and carried, H.R. No. 293 was adopted, with Representative Stonebraker being excused.

LATE INTRODUCTIONS

The following late introductions were made to the members of the House:

Representative M. Oshiro recognized members of the House Majority Staff Office who were seated in the gallery.

Representative Luke introduced Representative B. Oshiro's office manager, Ms. Reena Rabago.

Representative Cabanilla introduced Councilmember Nestor Garcia and Dr. Amy Agbayani.

Representative Green introduced his office manager, Mr. Alex "Alika" Malabey; and his legislative staff, Ms. Alexandra "Mahina" Malabey, and Mr. Feleai Tau.

Representative Ito introduced members of his staff, Mr. Collin Hiestand and Ms. Karen Suehiro, and Mr. Stan Koga.

Representative Sonson introduced his wife, Mrs. Jennifer Sonson.

Representative Kahikina introduced his office managers, Ms. Merrie Aipoalani; and his legislative staff, Mr. Isaac Liu, Ms. Aulani Ahmad, Mr. Chasid Sapolu and Ms. Debra Murray.

ANNOUNCEMENTS

Representative Luke: "Mr. Speaker, if may be permitted to, on behalf of the legislators who I think we've been cooped up here for 60-somewhat days and we've recognized members of audience and our staffers. But there is a group of people we rarely recognize and that's the members of the media who are cooped up in our little box in the back, and this must be a good day because it's the first day that we have ever seen Derrick DePledge decked up in his suit. So Derrick, if you could stand up and if all the media members could stand up so we can recognize you. Thank you very much."

Representative Sonson: "Thank you very much, Mr. Speaker. Mr. Speaker, I'd like to, and I was made to do this, I would like to thank Capitol TV's Glenn Booth and staff for their excellent coverage of our Session. They did a wonderful job keeping the citizens of Hawaii informed about the Legislature."

Representative Herkes: "Thank you, Mr. Speaker. Mr. Speaker, I rise on a point of personal privilege. Mr. Speaker, during the Session my character and integrity have been challenged, and I take those charges very seriously. I would ask permission to insert a document into the Journal. Thank you," and the Chair "so ordered."

Representative Herkes submitted the following remarks:

"In the past few weeks, some people have expressed concern about the way that SB 2917 progressed through the CPC Committee. I have seen several local newspaper articles and blog postings that

question my integrity and the integrity of my staff. I have even received a letter from a concerned citizen group that calls for my removal as the CPC chair.

"I would like to respond to these criticisms and set the record straight. SB 2917 progressed through my Committee, through the House, and through the Conference Committee according to proper legislative process.

"When Senate Bill 2917 crossed over to the House, it was first heard by the Committee on Health, and passed with an amendment to extend the sunset date for health insurance rate regulation from 2006 to 2010.

"I then worked with the Speaker's office to craft the proposed HD2 that would be considered by CPC. The HD2 retained the extended sunset date. The HD2 also contained significant changes to the rate approval process. These changes were designed to protect the consumer by making rate regulation more transparent, and at the same time, benefit the insurance providers in this State by streamlining the rate disapproval process.

"These changes were not made in secret. The proposed HD2 was available to the public in my office well in advance of the hearing, and CPC received testimony on the proposed HD2 at the hearing.

"The Insurance Commissioner was among the testifiers on the proposed HD2. He recommended specific changes to the draft. In response to his recommendations, CPC deferred decision-making on the bill so that it could be amended to include the insurance commissioner's recommendations.

"CPC then voted on the amended HD2, in the open and in public, and passed it. There were no reservations or 'no' votes on record.

"When the Finance Committee heard the HD2, the Insurance Commissioner made additional comments that appeared to contradict his earlier statements in CPC. All the same, Finance amended the bill again, this time with a faulty effective date of 2020, and publicly voted to pass out the new HD3.

"Now, some critics have claimed that it was inappropriate for representatives of the insurance industry to submit drafts of proposed legislation. I respond by saying to those critics that it is normal practice and it is appropriate. Lobbyists, of all kinds, state their opinions, they offer suggestions, and they advocate the positions of their industry or their client. Sometimes their advocacy comes in the form of draft bills or suggested changes to language. Everyone is invited to do the same.

"We as legislators are not bound or obliged to accept those suggestions. We evaluate all of the interests at stake, all of the information available, and we make informed, impartial decisions – decisions that we predict will benefit the State as a whole, not one specific group. And this is done in the open – our deliberations and decisions are conducted in a public hearing.

"When SB 2917 went to the Conference Committee, the House offered a Conference draft that would correct the defective date. The Senate rejected that draft, and instead, the Senate adopted the previous House version of the bill, including the defective date. At that time, the bill was off the table, and the Conference Committee could not be reconvened. The Senate conferees now suggest that they were unaware of the defective date in the House bill. But again, it was no secret, and I do not understand how they could have overlooked this crucial part of the bill.

"It is my understanding that some critics have questioned my record on consumer protection. They have asked, 'Who is protecting the consumer?'

"A review of my legislative history should put that question to rest:

- As a member of the Hawaii County Council from 1984-1987, I co-introduced the first comprehensive no smoking ordinance to pass in any county in Hawaii. The tobacco interests hotly opposed this measure because it would have banned smoking anywhere that the public had to go for entertainment or business. We on the Council later overrode the mayor's veto and passed the ordinance.
- In my first term in the House, I took on one of the largest companies in the world, GTE, doing business in Hawaii as GTE Hawaiian Tel. We fought a tough fight to eliminate the use of party lines in this state.
- I voted for and supported 'pure no-fault' auto insurance in opposition to the trial attorneys in this State.
- I've been criticized for voting against the present auto insurance law. I explained my 'no' vote as not going far enough to benefit consumers. I said, 'We needed a tourniquet and got a band aid.'
- I have fought to de-regulate the ground transportation industry in Hawaii to benefit consumers.
- I created the Small Business Regulatory Review Commission to protect small businesses and consumers.

"I am proud of the work that I have done for the State of Hawaii and the people of my district. I am proud of my pro-consumer record. I have long said that regulation should be for the benefit of the consumer and not the regulated industry or profession; and my actions with SB 2917 are no exception to that."

Representative Ching: "Yes, just an announcement. Thank you. I just wanted to thank everyone who did, even though it's a crazy time and I think the Heritage Caucus is reconsidering having being in step with National Historic Preservation Month, but we wanted to thank everyone who helped with Historic Preservation Awareness Day. And the Heritage Caucus thanks everyone here for our first maiden voyage of Heritage Caucus for all the support."

"And the last announcement, there is at the Hawaii Plantation Villages, a Hawaii Relive the Plantation Days this coming Saturday, a heritage event from 10:00 to 2:00 in Waipahu. And that is our final announcement for the Heritage Caucus. Thank you."

Representative Berg: "Thank you, Mr. Speaker. I think it's safe to say at this particular moment that I can represent my freshman class in thanking the support team of the Sergeant-at-Arms and the Clerk's Office and all of our colleagues for a very educational and enlightened two years. And thank you very much on behalf of the freshman. We are no longer freshman after the song. Right? Thank you."

Representative Yamane: "Mr. Speaker, I would like to stand on a personal privilege. I'd like to say for myself that it has been an awesome experience working with my colleagues on both sides of the aisle, and I have the highest respect for the integrity of many of you. Thank you. Take care."

Representative Thielen: "Thank you, Mr. Speaker. There's one group that I think we also should thank. That's the custodial staff here at the Capitol. They do an incredible job under sometimes very difficult circumstances, and a particular thank you to Annie from the Fourth Floor."

Representative Souki: "Mr. Speaker, I want to thank my staff especially my office manger, who has been with me for 18 years, Flo; and my clerk, Peggy; and my committee clerk, Nathan, for the good work they have done; and for Vern. If you have noticed, they are not here but they're watching on television. Hi, thank you very much."

Representative Evans: "On a point of personal privilege. I want to thank the leadership shown by the Chairs of all the Committees that I served on this year. And I must say I'm going to miss the Chair of Water, Land, and Ocean Resources because he truly is such an amazing Chair in allowing everyone to speak and express their opinions and listen and try to really understand the issue and to meet everybody's concerns."

"The Representative of Hawaiian Affairs Committee, I think had a couple of really hard issues. I think he dealt with them really well and really supported his Vice Chair. The Chair of Energy and Environmental Protection was so thorough and so good. And really hard, really hard I thought the energy package in working with the Administration."

"And the Finance Chair. What can you say about Finance? The hours that we put in and trying to be open and give everybody an opportunity. A lot of people that I talked to that come to testify in front of that Committee tell me how much they enjoy that the Chairman is so open to receiving all the comments and very patient, and as you know it's very, very long hours. And he has a wonderful staff. I don't know if we mentioned them, but all of the Finance staff and the budget people. It's amazing the kind of work they have to do to support us so I just wanted to mention them. Thank you."

Representative Cabanilla: "I'm rising on a point of personal privilege, Mr. Speaker. I would like to thank my staff for working so hard with me this Session. Not just here on the Capitol, but also in my district. And I would like to thank very much Madame Clerk and her staff for the wonderful work they've done in this Session. Thank you, Mr. Speaker."

Representative Harbin: "Thank you, Mr. Speaker. I rise for a point of personal privilege. I think I of all of us in here owe all of you a great debt of thank you. I came in here with, I would say pomp and circumstance, but I think it was probably more grand than that."

"I came in, I think tainted, and I worked very, very hard to prove myself to you. I especially want to thank my one Chair of Water, Land, Ocean. He grabbed me by the scuff of my neck and said, 'Confrontation doesn't always get you there. You're here, do your job, and you'll gain the respect.' I hope I gained the respect of a couple of you because what I've done is I gained the respect of the process. And I gained the respect of a whole group of you that are going to be our young leaders. And I have to say to you when it seems like the darkest of dark days is coming upon you, if you know you're right and you want to do the job, you stand up to it and you go through and you do it. Thank you all so much."

Representative Abinsay: "Thank you, Mr. Speaker. During the hectic moments of our Conference, there was a time when I needed some help and support from you especially as the Speaker, because of some scary moments of my life when I had to be hospitalized. And I just want to thank you Mr. Speaker and the Members, our colleagues for your support, your prayers and understanding, especially the person who replaced me as a Chair or Co-Chair of many of the bill that we had introduced. And I'd like to thank Representative Chang for taking over, and also my Vice Chair Tsuji for taking the job on my behalf."

"It was indeed something that I'm very, very much appreciative and very thankful for all the letters in support extended to me. And there were times where I needed the help and thank you colleagues for your prayers."

"But most especially, Mr. Speaker, I know it was a blessing because in the earlier conversation, we asked for your support and understanding that I needed somebody in my office and it turned out to be a blessing. I did have to ask my brother who was in Stockton and I had to ask him to come during the Session to help me. And you were kind enough to allow me what was a very good part toward helping me, and indeed it was again a blessing because of his presence. He was the oldest of the nine children in our family and he

was there during those times when I needed help and I would like to just acknowledge him at this time. He's in the gallery and if I may ask him to please stand up. Cesar Abinsay. Thank you. Thank you for being with me.

"And if I may just add Mr. Speaker, just mention the members of my staff, Jake Manegdeg and the other members of my staff who are sitting up there. Thank you, Mr. Speaker. And I cannot thank enough the support of our members of the Sergeant-at-Arms through your leadership, Kevin, thank you and all the members of your staff. Also our Chief Clerk and the members of her staff. Thank you all very much for all the support you have extended to me. Thank you, Mr. Speaker."

Representative Takai: "Thank you, Mr. Speaker. On behalf of you and all the other boys in this House, I'd like to thank Representative Caldwell, aka Cyndi Apana for the wonderful Boy's Day wishes that are on our desk. Thank you, Representative."

The Chair then stated:

"Two years ago, we were very pleased to have a group of bushy-tailed, young, energetic, outstanding, freshmen class. You are the Class of 2004. All of you here are the 23rd Legislature, and you all have done a tremendous job during these past two years. This group of 51 will now be a class of 46, and this evening we wanted to highlight and congratulate those five who are leaving. I wish he was here, but he's not here this afternoon, Representative Bud Stonebraker. Bud, on behalf of the Members of this House, best wishes in your future endeavor as a pastor of the church that you represent.

"Secondly, the most gracious and oldest of them all, Representative Helene Hale. Vice Speaker, would you present her with the gavel and Representative Finnegan, a lei at this point. Representative Hale, why don't you say a few words. I see you have a prepared text so please, go ahead."

Representative Hale gave her farewell remarks as follows:

"Thank you so much all of you. And Mr. Speaker, everybody in the audience, and everybody around here, has been so wonderful.

"My fellow Representatives, I'm going to miss all of you. My checkered political career began in 1954 on a Hawaii County Board of Supervisors and I spent 20 years on the county level but I never expected that I would come to this State Legislature at 82 years old.

"I have not regretted it. When Representative Bob Herkes left his Puna seat vacant, I tried unsuccessfully to get a younger person to run and because I could not support any of the announced Democrat candidates or Republicans, I thought I could keep this seat a Democrat.

Under Speaker Say, this has been a very, very rewarding career because I found finally a leader I could support. For I found him to be fair, just, democratic, and efficient. And I've also found that the House of Representatives procedures have changed for the better since I first came to lobby for our county government when it was lodged in Iolani Palace.

"Mr. Speaker, I would like to thank some special persons who have been helpful during these few years. First Representative Kanoho, when I served under him as his Vice Chair. He thought me patience, persistence, and meditating skills. Speaker Say, who appointed me as Chair of the new Committee on International Affairs, gave me this opportunity to pursue my goals of helping Hawaii to be a catalyst for world peace based on our culture of Aloha spirit, multiethnic population and different religions. Majority Leader, Representative Marcus Oshiro, sometimes I have a hard time recognizing him if he's in San Antonio, or someplace. He is a hard worker and all his staff are always supportive.

"During these years I've had two good Vice Chairs, Representatives Shimabukuro and Cabanilla. Both of them share my vision of having Hawaii lead our nation.

"It's always more rewarding when the economy is thriving for it enables government to help more people. My thanks go to the very capable Finance Chair, Representative Takamine and all the members of all his staff. They're too many to try to call by their name for I for surely forget someone, but I will never forget how helpful they were. I got my Pahoa Gym. I am proud of what they enabled us to accomplish, so much for our people.

"Mr. Speaker, in addition, I have to thank the Chairs of the Committee of Health, Education, Higher Education, Housing, Human Services, Energy and Environmental Protection and their staffs because I have served under all of you.

"With all the House staff led by Chief Clerk Patricia Mau-Shimizu and CJ Leong; and Sergeant-at-Arms Kevin Kuroda, and Lon Paresa and everyone in these offices made our work much easier and pleasant.

"My own staff that I introduced earlier, I owe a deep gratitude for your loyalty and your competence. Again, if I can mention their names, Linda Asato-Kaichi, Jelyn Kaichi, Cody Vargo and Chad Ahia.

"Mr. Speaker, the list goes on and on and I surely have missed someone. Actually everyone that I have come into contact with, including all of my Democratic and Republican colleagues have been so supportive. I hate to leave you, but life goes on and another chapter closes on this experience. My future plans include working for peaceful world through our Hawaii Chapter of the United Nations Association, and the high school model United Nations that I started in Hilo.

"When I first ran for my first time, I stated my vision. In my brochure it said that based on the vision of King Kamehameha, we can treasure our people and our land. And on the experiences and activities of King Kalakaua, we can truly become an example to the world for sustainable development, cultural renaissance and world peace. *Ua mau ke'ea o ka'aina ikapono.* Aloha. Thank you everyone."

The Chair then stated:

"Another individual that will be leaving this great body is a young man who will be a tremendous loss to this Chamber, but a tremendous win and gain for Capitol Hill, Representative Brian Schatz. So Representative Schatz, may we hear your campaign platform?"

Representative Schatz gave his farewell remarks as follows:

"Thank you, Mr. Speaker, and thank you colleagues. As you know, I came to the House eight years ago, single, 26 years old, a little bit radical, and a little more aggressive than I am now. I want to share with you and the Body, the eight things that I've learned in the last eight years.

I've learned that your enemies can be right, and your friends can be wrong.

I've learned that a 79-year-old man can hit a golf ball 279 yards.

I've learned from that same 79-year-old man how to behave like a gentleman. I don't always do so, but now I know how.

I've learned that loud is not the same as persuasive.

I've learned never to underestimate anyone.

I've learned that no matter how small an issue may appear to you, it's a very big deal to someone.

I've learned that business and environmental needs are usually not at odds.

And I've learned that if you want to interpret the Hawaii Constitution, the best way is to lean over and ask Helene Hale what she meant when she wrote it.

"I want to thank everyone who supported me, all of the staff, all of the colleagues, you, Mr. Speaker, members of the Senate, volunteers who helped me to win reelection. And most of all, I want to thank my wife Linda for suffering through all of this, and for suffering through whatever comes next. And I want to thank the rest of my family. Every single member of my family has been incredibly supportive. Thanks for the good times."

The Chair then stated:

"The next colleague, I think all of you know very well. He has been here a long time, a very long time, but has focused his attention in one particular area and that is in the health area. Representative Dennis Arakaki."

Representative Arakaki gave his farewell remarks as follows:

"Thank you, Mr. Speaker and colleagues. I also had some prepared remarks just so I don't break up or wander off. But before I do, I'd like to recognize and thank my staff for all their support. First of all, my office manager, John Mizuno. Dr. Harry Tagomori. My legislative aides, Edgar Fernandez, Ms. Leolani Oyama. And my receptionist, Ms. Alice Nakama. And if I may, I want to recognize posthumously my former office manager, Linda Delaney because she taught me so much about what it meant to be Hawaiian. And also I want to recognize someone who has chaired my campaigns and I ran 10 elections and never lost so I owe her a lot as well, Dr. Amy Agbayani.

"Mr. Speaker, when people ask me when I started thinking about leaving office. I have to look to my right and when I saw this young man join us, I realized that he was one of those kids who used to play basketball for me as an elementary school kid. I think he was wearing Gucci athletic shoes back then. So I know the years have gone by. And then next to me is this other young man who I feel very confident knows most of the issues and would take very good care of the health issues even as I leave. It's going to be great to have a doctor in the House.

"Mr. Speaker and colleagues, the book of Ecclesiastes, Chapter 3 of the Bible says, 'There is a time for everything and a season for every activity under heaven. A time to plant and a time to uproot.' My season here at the Legislature comes to an end as I move on to another season. Mr. Speaker, I feel truly blessed to have been given time here to work in His fields, to plant seeds of hope and a vision for the future.

"Mr. Speaker, I truly give praise and thanks for having Christ with me as I have walked this legislative path, which so often fraught with conflict, personal pride, retribution, and misperceptions. I've learned through Him to have a tough skin with a tender heart. I have also been reminded by Him that we must be men and women of integrity. And Mr. Speaker, something that was told to me when I first started including from you Mr. Speaker. All we bring with us is our integrity and our word. And when we leave, all we have is the judgment on how well we kept our integrity intact and how well we kept our word.

"Mr. Speaker, another of my guiding principles here, at the Legislature, came about because of a comment made by a young man during a visit by our student leaders from Kalihi. After addressing a group of a hundred student leaders and touting the important things that we as legislators do, a sixth grader from Fern Elementary School

raised his hand and after being recognized he asked, 'That's all fine and well for you, but what are you doing for my future?' What are you doing for my future? That moment and that question is seared in my mind and in my heart probably forever.

"Mr. Speaker, you and I and other veteran legislators know that all too often we just react to crises and to the needs of the here and now. But we also know that we are also given the opportunity to be visionaries. In fact, Mr. Speaker, I would say that to be visionary is one of our primary missions. The Bible says that people without vision will soon perish. Mr. Speaker, our children and youth need that vision of hope for the future and it would serve us well to ask that question asked by that young man. What are you doing for my future? So I will read probably for the last time, as I do every year, my cup and it says, 'A hundred years from now it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove, but the world may be different because I was important in the life of a child.'

"Mr. Speaker I move, with some sadness in my heart, because I will miss the people here for the humble and hardworking people in my district, and I will definitely miss being close and being part of this incredible process called democracy. It is a privilege that many are called to, but few are honored to serve.

"Mr. Speaker, you and I and maybe a few of the colleagues have seen tremendous changes here over the past 20 years. Perks have disappeared. Our personal and legislative lives come under greater public scrutiny. Greater transparency in the way that our decisions are made. And while some may mourn the loss of trappings that come with office or the loss of privacy in our legislative deliberations, in the end, we must all realize that they can never take away the awesome sense of responsibility and trust given to us by Hawaii's citizens. We are indeed trustees of the resources and the well being of and for the people of Hawaii.

"Mr. Speaker, I thank God and the people of Hawaii especially the voters who have given us that opportunity. God bless and keep all of you in the palm of his hands. *Mahalo nui ka ko.*"

The Chair then stated:

"And finally, what more can we say about a young man from the Island of Kauai who taught some of our freshmen and sophomores, let's go and take an agricultural site visit. You all know what it is. What more can I say about a young man also who has the heart and the compassion as a man of all seasons. Representative Kanoho."

Representative Kanoho: "Can I have my words inserted in the Journal?"

Speaker Say: "No, you may not at this point and time so please proceed with your oral presentation."

Representative Kanoho gave his farewell remarks as follows:

"Thank you very much, Mr. Speaker and Members. For almost a year since rendering that firm decision not to run again for reelection, I've been thinking about this day and this moment with a lot of trepidation. I was thinking of maybe not showing up for session today or escaping just before this came about. But this is all so very special. It's much more than Senior Day at any of the sports at the University of Hawaii. Those are all very special occasions, but to stand before you now, I'm glad I stayed and to witness our farewell and be a part of a farewell to our colleagues who are also leaving and who will be also missed.

"I was appointed to this House by incoming Governor John Waihee nearly 19 and a half years ago. On December 26, 1986 after my predecessor, Al Lardizabal, who had successfully run for his third term was appointed to the position of Director of Human Resources. There was another name for it, but at that time we who were working on his campaign were anxiously awaiting the appointment. I was on

Maui at that time attending an HSAC conference, when Gary Rodrigues, labor leader, Waihee confidant, and a powerhouse in his campaign, called me on the telephone and asked me if I was interested in the position of Representative. I told him that I was interested, but not as one of several people being considered. But I would definitely be interested if it was being offered to me.

"I was really flabbergasted when he told me, it was mine, if I wanted it. I told him that I needed to check with my two bosses. My employer and my wife. I was certain that my employer, being a good corporate citizen that they would say yes, but very doubtful about my wife. Because as island manager for Hawaiian Telephone for at that time almost 10 years and very active in the community serving as president on the boards of many organizations. And at that time just having served as a Co-chairman of a very controversial Nukolii land referendum issue, I had always been approached by people to run for office and she was adamantly opposed. At that time I wasn't interested because I didn't relish the idea of being obligated to anyone or seeking, and asking people for votes and most of all reluctant about asking anyone for money. But she was adamantly opposed.

"I called my employer and as expected, my boss without having to check with anyone said, 'Yes, by all means.' And so I called my wife on the telephone and I said, 'Guess who they want to serve in Al Lardizabal's place?' And she said, 'Who?' I said, 'Your husband.' And I expected her to say, 'Let's think about it.' But then instantly she said, she was so excited she said, 'I'm behind you. Go for it. I'm behind you 1000%.' I had to look at the telephone and I couldn't believe my ears. Is this the lady I'm talking to that just didn't want me to serve in political office? We're so excited. We were very happy and overjoyed. Very honored and humble at that time as we have been for the last 20 years.

"I tell you the story because it only indicates the depth of my thanks to Governor Waihee, to Al Lardizabal, to Gary Rodrigues, to my employer Hawaiian Telephone. And companies like Hawaiian Telephone who want to fulfill their obligation to the community of being corporate citizens. And most of all to thank my wife. We've been together as man and wife. She's been my bride for 55 years and so I'm very grateful to her. Now it's time for me to pay attention to her and be with her at home because she's been so supportive through all these years.

"At the time of appointment, people would keep saying you need to be in the Legislature for these 10 years and I said, 'No way do I want to do that for 10 years.' And here it is almost 20. Actually it's the twentieth Session.

"I still very vividly remember stepping into these Chambers in early January 1987. We were preparing for the incoming class to attend Session and I remember stepping into these Chambers. It was a late afternoon, the lights were not on, but I just stood in here in awe looking at the tapestry and the chandelier, and the koa, the abundance of koa here and all the richness that it symbolizes. Thinking about the history, thinking about the debates and actions that took place here. And realizing that at that time that I would be a part of history of making laws, thinking about funding and approving programs and projects. And as I stand here on what will be the last Session day, I feel that same gratefulness to have been a part of this. To be able to make a difference to work with all of you to do this.

"I want to thank again all of you for being such great people. The kind words that you expressed to me. I need to in addition to thanking Governor Waihee and Al Lardizabal, and Gary Rodrigues, and Hawaiian Telephone, and my wife, I said it before but it deserves to be said again, our support staff, the Clerk's office, the Sergeant-at-Arms, HMSO, LRB, the people that just been so professional, so accommodating, so willing to help and we really couldn't function very well, if at all, without them.

"This is the end of a real Session but I expect to be very active and I want to be very active after this life. But legislatively I need to say

that we did pass House Concurrent Resolution 300, which establishes the Land Use Working Group, we have a lot of issues. So I intend to spend a lot of time on that working with all the stakeholders so that we can be in a better position to move forward with reforming land use laws.

"I want to thank the people of Kauai for their faith and confidence and trust me for having me serve as your Representative. Most of all, I want to thank my God for having blessed me, and for all the blessings that I had. You can go through life with a lot of adversity, but it's incredible. It's just amazing. I never cease to be amazed as we face adversities, how those adversities turn into opportunities and that's how it's been for me and I'm sure that it is how it's been for you. So I thank you, and I thank God. *Aloha ke akua.*"

The Chair then delivered his closing remarks:

"In closing, Members of this House, the 23rd Legislature, the Chair would like to make a request that you all stand at this point and time, please. In order to run a House or an organization like this, I think we owe it to the Chief Clerk's Office, Ms. Mau-Shimizu, Ms. Leong, and their staff; the Sergeant-at-Arms, Mr. Kuroda, and Mr. Paresa and their staff; Ms. Linda Oamilda and John Moriyama, and Mr. Richard Dvonch, and Mr. Jim Funaki, which is the House Majority Staff Office; and also Mr. Boyd Akase and Ms. Malia Gray on the Minority Staff.

"It is these individuals that put their blood, sweat, and tears in getting the job done for all of us. If it is not for them, this House would be a dysfunctional House or Chamber. So on behalf of the Members of the House, how about giving them a big round of applause and thank you very much for a job well done."

ADJOURNMENT

Representative M. Oshiro moved that the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, adjourn Sine Die, seconded by Representative Finnegan.

The motion was put to vote by the Chair and carried, and at 4:50 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Twenty-Third Legislature of the State of Hawaii, Regular Session of 2006, adjourned Sine Die.

HOUSE COMMUNICATION

House Communication dated May 4, 2006, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the following bills have this day passed Final Reading in the House of Representatives:

H.B. No. 957, HD 1, SD 1, CD 1
 H.B. No. 2258, HD 1, SD 2, CD 1
 H.B. No. 2806, HD 1, SD 2, CD 1
 H.B. No. 2878, HD 1, SD 1, CD 1
 H.B. No. 3036, HD 1, SD 2, CD 1
 H.B. No. 3060, HD 1, SD 2, CD 1
 H.B. No. 3115, HD 2, SD 2, CD 1
 H.B. No. 3118, HD 1, SD 1, CD 1
 H.B. No. 3261, HD 1, SD 2, CD 1
 S.B. No. 218, SD 4, HD 1, CD 2
 S.B. No. 2006, SD 3, HD 2, CD 2
 S.B. No. 2461, SD 1, HD 1, CD 2
 S.B. No. 2546, SD 1, HD 2, CD 1
 S.B. No. 2956, SD 2, HD 2, CD 1
 S.B. No. 2961, SD 1, HD 1, CD 1

**GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT
OF THE 2006 LEGISLATURE SINE DIE**

Gov. Msg. No. 338, informing the House that on May 4, 2006, the following bill was signed into law:

S.B. No. 2737, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MARINE INVERTEBRATES." (ACT 077)

Gov. Msg. No. 339, informing the House that on May 5, 2006, the following bill was signed into law:

H.B. No. 3115, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY." (ACT 078)

Gov. Msg. No. 340, transmitting the Hawaii State Foundation on Culture and the Arts' Annual Report for the fiscal year ending June 30, 2005

Gov. Msg. No. 341, informing the House that on May 8, 2006, the following bill was signed into law:

H.B. No. 2278, HD 1, SD 2, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DEPARTMENT OF THE ATTORNEY GENERAL." (ACT 079)

Gov. Msg. No. 342, informing the House that on May 8, 2006, the following bill was signed into law:

S.B. No. 2265, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMES AGAINST MINORS." (ACT 080)

Gov. Msg. No. 343, informing the House that on May 8, 2006, the following bill was signed into law:

S.B. No. 2260, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING." (ACT 081)

Gov. Msg. No. 344, informing the House that on May 8, 2006, the following bill was signed into law:

S.B. No. 1512, SD 1, HD 3, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE FATALITY REVIEW." (ACT 082)

Gov. Msg. No. 345, informing the House that on May 8, 2006, the following bill was signed into law:

S.B. No. 695, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT." (ACT 083)

Gov. Msg. No. 346, transmitting the Proclamation proclaiming May 2006 as Mental Health Awareness Month.

Gov. Msg. No. 347, informing the House that on May 9, 2006, the following bill was signed into law:

S.B. No. 2348, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR PANDEMIC INFLUENZA PREPAREDNESS." (ACT 084)

Gov. Msg. No. 348, informing the House that on May 9, 2006, the following bill was signed into law:

S.B. No. 2339, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES SYSTEM BRANCH." (ACT 085)

Gov. Msg. No. 349, informing the House that on May 9, 2006, the following bill was signed into law:

S.B. No. 2334, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE HAWAII YOUTH CORRECTIONAL FACILITY." (ACT 086)

Gov. Msg. No. 350, informing the House that on May 10, 2006, the following bill was signed into law:

S.B. No. 2606, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BAIL." (ACT 087)

Gov. Msg. No. 351, informing the House that on May 10, 2006, the following bill was signed into law:

S.B. No. 2570, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DIGITAL MEDIA." (ACT 088)

Gov. Msg. No. 352, informing the House that on May 10, 2006, the following bill was signed into law:

H.B. No. 2133, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL AREA RESERVE SYSTEM." (ACT 089)

Gov. Msg. No. 353, informing the House that on May 10, 2006, the following bill was signed into law:

S.B. No. 2357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SECTION 13 OF ACT 380, SESSION LAWS OF HAWAII 1997." (ACT 090)

Gov. Msg. No. 354, informing the House that on May 10, 2006, the following bill was signed into law:

S.B. No. 2599, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS." (ACT 091)

Gov. Msg. No. 355, informing the House that on May 11, 2006, the following bill was signed into law:

S.B. No. 3111, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO RECOGNIZE AND HONOR CONGRESSWOMAN PATSY T. MINK." (ACT 092)

Gov. Msg. No. 356, informing the House that on May 11, 2006, the following bill was signed into law:

S.B. No. 2607, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFER OF APPEALS." (ACT 093)

Gov. Msg. No. 357, informing the House that on May 11, 2006, the following bill was signed into law:

H.B. No. 2897, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION." (ACT 094)

Gov. Msg. No. 358, informing the House that on May 11, 2006, the following bill was signed into law:

S.B. No. 3065, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ONE CALL CENTER ADVISORY COMMITTEE." (ACT 095)

Gov. Msg. No. 359, informing the House that on May 12, 2006, the following bill was signed into law:

H.B. No. 2175, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY." (ACT 096)

Gov. Msg. No. 360, informing the House that on May 12, 2006, the following bill was signed into law:

H.B. No. 3235, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND." (ACT 097)

Gov. Msg. No. 361, dated May 8, 2006, transmitting the Hawaii State Foundation on Culture and the Arts' Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 362, informing the House that on May 15, 2006, the following bill was signed into law:

H.B. No. 2277, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES." (ACT 098)

Gov. Msg. No. 363, informing the House that on May 15, 2006, the following bill was signed into law:

S.B. No. 2255, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS." (ACT 099)

Gov. Msg. No. 364, informing the House that on May 16, 2006, the following bill was signed into law:

H.B. No. 2176, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING." (ACT 100)

Gov. Msg. No. 365, informing the House that on May 16, 2006, the following bill was signed into law:

H.B. No. 2964, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING." (ACT 101)

Gov. Msg. No. 366, informing the House that on May 16, 2006, the following bill was signed into law:

H.B. No. 2991, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS." (ACT 102)

Gov. Msg. No. 367, informing the House that on May 17, 2006, the following bill was signed into law:

S.B. No. 2065, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REGISTRATION." (ACT 103)

Gov. Msg. No. 368, informing the House that on May 17, 2006, the following bill was signed into law:

S.B. No. 2259, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION CHARGING." (ACT 104)

Gov. Msg. No. 369, informing the House that on May 17, 2006, the following bill was signed into law:

H.B. No. 3037, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING." (ACT 105)

Gov. Msg. No. 370, informing the House that on May 17, 2006, the following bill was signed into law:

H.B. No. 2282, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 846E." (ACT 106)

Gov. Msg. No. 371, informing the House that on May 17, 2006, the following bill was signed into law:

H.B. No. 2737, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI." (ACT 107)

Gov. Msg. No. 372, informing the House that on May 18, 2006, the following bill was signed into law:

S.B. No. 3076, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COQUI FROGS." (ACT 108)

Gov. Msg. No. 373, informing the House that on May 18, 2006, the following bill was signed into law:

S.B. No. 2486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES." (ACT 109)

Gov. Msg. No. 374, dated May 10, 2006, transmitting the Department of Transportation's Interstate Route H-1 Noise Study.

Gov. Msg. No. 375, informing the House that on May 19, 2006, the following bill was signed into law:

H.B. No. 957, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION." (ACT 110)

Gov. Msg. No. 376, informing the House that on May 19, 2006, the following bill was signed into law:

S.B. No. 2213, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS." (ACT 111)

Gov. Msg. No. 377, informing the House that on May 19, 2006, the following bill was signed into law:

H.B. No. 237, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TORTS." (ACT 112)

Gov. Msg. No. 378, informing the House that on May 19, 2006, the following bill was signed into law:

H.B. No. 2987, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR SAINT LOUIS SCHOOL." (ACT 113)

Gov. Msg. No. 379, informing the House that on May 19, 2006, the following bill was signed into law:

H.B. No. 2713, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS FOR KAWAIAHAO SCHOOL." (ACT 114)

Gov. Msg. No. 380, informing the House that on May 22, 2006, the following bill was signed into law:

S.B. No. 2214, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS." (ACT 115)

Gov. Msg. No. 381, informing the House that on May 22, 2006, the following bill was signed into law:

H.B. No. 2343, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE." (ACT 116)

Gov. Msg. No. 382, informing the House that on May 22, 2006, the following bill was signed into law:

H.B. No. 3121, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE." (ACT 117)

Gov. Msg. No. 383, informing the House that on May 22, 2006, the following bill was signed into law:

H.B. No. 970, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY RELIEF FOR NATURAL DISASTERS." (ACT 118)

Gov. Msg. No. 384, informing the House that on May 23, 2006, the following bill was signed into law:

S.B. No. 3051, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY FISCAL ADMINISTRATION." (ACT 119)

Gov. Msg. No. 385, informing the House that on May 23, 2006, the following bill was signed into law:

H.B. No. 2500, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY." (ACT 120)

Gov. Msg. No. 386, informing the House that on May 23, 2006, the following bill was signed into law:

H.B. No. 1879, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS." (ACT 121)

Gov. Msg. No. 387, informing the House that on May 23, 2006, the following bill was signed into law:

H.B. No. 3217, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO KUPUNA RECOGNITION DAY." (ACT 122)

Gov. Msg. No. 388, informing the House that on May 23, 2006, the following bill was signed into law:

H.B. No. 2399, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTER-ISLAND FERRY SERVICE." (ACT 123)

Gov. Msg. No. 389, informing the House that on May 24, 2006, the following bill was signed into law:

H.B. No. 2412, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE." (ACT 124)

Gov. Msg. No. 390, informing the House that on May 24, 2006, the following bill was signed into law:

H.B. No. 2423, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE HIGHWAY FUND." (ACT 125)

Gov. Msg. No. 391, informing the House that on May 24, 2006, the following bill was signed into law:

H.B. No. 1861, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 126)

Gov. Msg. No. 392, informing the House that on May 24, 2006, the following bill was signed into law:

S.B. No. 2879, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CIVIL AIR PATROL." (ACT 127)

Gov. Msg. No. 393, informing the House that on May 24, 2006, the following bill was signed into law:

H.B. No. 2637, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION." (ACT 128)

Gov. Msg. No. 394, informing the House that on May 24, 2006, the following bill was signed into law:

H.B. No. 862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC OFFENSES." (ACT 129)

Gov. Msg. No. 395, informing the House that on May 24, 2006, the following bill was signed into law:

S.B. No. 845, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVER LICENSING." (ACT 130)

Gov. Msg. No. 396, informing the House that on May 24, 2006, the following bill was signed into law:

H.B. No. 2367, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS FOR SERVICE PROVIDERS OF THE OFFICE OF YOUTH SERVICES." (ACT 131)

Gov. Msg. No. 397, informing the House that on May 24, 2006, the following bill was signed into law:

S.B. No. 696, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD INFORMATION." (ACT 132)

Gov. Msg. No. 398, informing the House that on May 24, 2006, the following bill was signed into law:

S.B. No. 1317, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COURT APPOINTED COUNSEL." (ACT 133)

Gov. Msg. No. 399, informing the House that on May 24, 2006, the following bill was signed into law:

S.B. No. 2360, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS." (ACT 134)

Gov. Msg. No. 400, informing the House that on May 25, 2006, the following bill was signed into law:

S.B. No. 2290, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FROM SECURITY BREACHES." (ACT 135)

Gov. Msg. No. 401, informing the House that on May 25, 2006, the following bill was signed into law:

S.B. No. 2292, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF PERSONAL INFORMATION RECORDS." (ACT 136)

Gov. Msg. No. 402, informing the House that on May 25, 2006, the following bill was signed into law:

S.B. No. 2293, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SECURITY NUMBER PROTECTION." (ACT 137)

Gov. Msg. No. 403, informing the House that on May 25, 2006, the following bill was signed into law:

H.B. No. 1871, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES." (ACT 138)

Gov. Msg. No. 404, informing the House that on May 25, 2006, the following bill was signed into law:

S.B. No. 2159, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT." (ACT 139)

Gov. Msg. No. 405, informing the House that on May 25, 2006, the following bill was signed into law:

H.B. No. 3244, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO IDENTITY THEFT." (ACT 140)

Gov. Msg. No. 406, informing the House that on May 25, 2006, the following bill was signed into law:

H.B. No. 2535, SD 2, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS." (ACT 141)

Gov. Msg. No. 407, informing the House that on May 26, 2006, the following bill was signed into law:

H.B. No. 2214, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX." (ACT 142)

Gov. Msg. No. 408, informing the House that on May 26, 2006, the following bill was signed into law:

H.B. No. 1021, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES." (ACT 143)

Gov. Msg. No. 409, informing the House that on May 26, 2006, the following bill was signed into law:

S.B. No. 2243, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOLOGICAL EVIDENCE." (ACT 144)

Gov. Msg. No. 410, informing the House that on May 26, 2006, the following bill was signed into law:

S.B. No. 2597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPELLATE JURISDICTION." (ACT 145)

Gov. Msg. No. 411, informing the House that on May 26, 2006, the following bill was signed into law:

H.B. No. 1977, HD 1, SD 2, entitled: "A BILL FOR AN ACT RELATING TO STRUCTURED SETTLEMENTS." (ACT 146)

Gov. Msg. No. 412, informing the House that on May 26, 2006, the following bill was signed into law:

H.B. No. 2503, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DERELICT VEHICLE." (ACT 147)

Gov. Msg. No. 413, informing the House that on May 26, 2006, the following bill was signed into law:

S.B. No. 2485, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SPECIAL PURPOSE REVENUE BONDS." (ACT 148)

Gov. Msg. No. 414, dated May 29, 2006, transmitting the Department of Human Services' Report for the 3rd quarter of FY 06.

Gov. Msg. No. 415, informing the House that on May 30, 2006, the following bill was signed into law:

S.B. No. 2609, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI." (ACT 149)

Gov. Msg. No. 416, informing the House that on May 30, 2006, the following bill was signed into law:

S.B. No. 3192, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SISTER STATE AND PROVINCE RELATIONSHIPS." (ACT 150)

Gov. Msg. No. 417, informing the House that on May 30, 2006, the following bill was signed into law:

H.B. No. 1865, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION." (ACT 151)

Gov. Msg. No. 418, informing the House that on May 30, 2006, the following bill was signed into law:

S.B. No. 785, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS." (ACT 152)

Gov. Msg. No. 419, informing the House that on May 31, 2006, the following bill was signed into law:

S.B. No. 2143, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MONEY TRANSMITTERS." (ACT 153)

Gov. Msg. No. 420, informing the House that on May 31, 2006, the following bill was signed into law:

H.B. No. 2319, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 154)

Gov. Msg. No. 421, informing the House that on May 31, 2006, the following bill was signed into law:

H.B. No. 2899, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO JUDGMENT LIENS." (ACT 155)

Gov. Msg. No. 422, informing the House that on May 31, 2006, the following bill was signed into law:

H.B. No. 2772, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY." (ACT 156)

Gov. Msg. No. 423, informing the House that on May 31, 2006, the following bill was signed into law:

H.B. No. 2271, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NON-AGRICULTURAL PARK LANDS." (ACT 157)

Gov. Msg. No. 424, informing the House that on June 1, 2006, the following bill was signed into law:

H.B. No. 1955, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LITTER CONTROL." (ACT 158)

Gov. Msg. No. 425, informing the House that on June 1, 2006, the following bill was signed into law:

S.B. No. 826, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE." (ACT 159)

Gov. Msg. No. 426, informing the House that on June 1, 2006, the following bill was signed into law:

H.B. No. 1900, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE BUDGET." (ACT 160)

Gov. Msg. No. 427, informing the House that on June 1, 2006, the following bill was signed into law:

H.B. No. 1866, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 161)

Gov. Msg. No. 428, informing the House that on June 2, 2006, the following bill was signed into law:

S.B. No. 3185, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY." (ACT 162)

Gov. Msg. No. 429, informing the House that on June 2, 2006, the following bill was signed into law:

H.B. No. 2848, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY." (ACT 163)

Gov. Msg. No. 430, informing the House that on June 2, 2006, the following bill was signed into law:

H.B. No. 1878, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENT SECURITIES ACT." (ACT 164)

Gov. Msg. No. 431, informing the House that on June 2, 2006, the following bill was signed into law:

H.B. No. 1880, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS." (ACT 165)

Gov. Msg. No. 432, informing the House that on June 2, 2006, the following bill was signed into law:

H.B. No. 2075, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION." (ACT 166)

Gov. Msg. No. 433, informing the House that on June 2, 2006, the following bill was signed into law:

S.B. No. 2021, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYER-UNION HEALTH BENEFITS TRUST FUND." (ACT 167)

Gov. Msg. No. 434, informing the House that on June 5, 2006, the following bill was signed into law:

S.B. No. 2248, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLICITATION OF FUNDS FOR CHARITABLE PURPOSES." (ACT 168)

Gov. Msg. No. 435, informing the House that on June 5, 2006, the following bill was signed into law:

S.B. No. 2273, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM." (ACT 169)

Gov. Msg. No. 436, informing the House that on June 5, 2006, the following bill was signed into law:

H.B. No. 2039, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING SITES." (ACT 170)

Gov. Msg. No. 437, informing the House that on June 5, 2006, the following bill was signed into law:

H.B. No. 2410, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES." (ACT 171)

Gov. Msg. No. 438, informing the House that on June 5, 2006, the following bill was signed into law:

H.B. No. 1889, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF INTERNATIONAL AFFAIRS." (ACT 172)

Gov. Msg. No. 439, informing the House that on June 6, 2006, the following bill was signed into law:

S.B. No. 2237, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE RISK MANAGEMENT." (ACT 173)

Gov. Msg. No. 440, informing the House that on June 6, 2006, the following bill was signed into law:

S.B. No. 2358, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF FOREST RESERVES." (ACT 174)

Gov. Msg. No. 441, informing the House that on June 6, 2006, the following bill was signed into law:

S.B. No. 427, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY." (ACT 175)

Gov. Msg. No. 442, informing the House that on June 6, 2006, the following bill was signed into law:

H.B. No. 2211, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEFINITIONS FOR WORKERS' COMPENSATION." (ACT 176)

Gov. Msg. No. 443, dated May 31, 2006, transmitting the Department of Human Services' Report as required by Act 178, Section 159, SLH 2005 for the 3rd quarter of FY 06.

Gov. Msg. No. 444, informing the House that on June 7, 2006, the following bill was signed into law:

S.B. No. 3119, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS." (ACT 177)

Gov. Msg. No. 445, informing the House that on June 7, 2006, the following bill was signed into law:

S.B. No. 2948, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC LAND TRUST." (ACT 178)

Gov. Msg. No. 446, informing the House that on June 9, 2006, the following bill was signed into law:

S.B. No. 2958, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING." (ACT 179)

Gov. Msg. No. 447, informing the House that on June 9, 2006, the following bill was signed into law:

H.B. No. 2966, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING." (ACT 180)

Gov. Msg. No. 448, informing the House that on June 9, 2006, the following bill was signed into law:

S.B. No. 951, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION." (ACT 181)

Gov. Msg. No. 449, informing the House that on June 9, 2006, the following bill was signed into law:

S.B. No. 2941, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BRUSH FIRES." (ACT 182)

Gov. Msg. No. 450, informing the House that on June 9, 2006, the following bill was signed into law:

S.B. No. 2667, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREWORKS." (ACT 183)

Gov. Msg. No. 451, informing the House that on June 13, 2006, the following bill was signed into law:

S.B. No. 744, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION." (ACT 184)

Gov. Msg. No. 452, informing the House that on June 13, 2006, the following bill was signed into law:

H.B. No. 2678, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM." (ACT 185)

Gov. Msg. No. 453, informing the House that on June 13, 2006, the following bill was signed into law:

S.B. No. 2298, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 448E, HAWAII REVISED STATUTES." (ACT 186)

Gov. Msg. No. 454, informing the House that on June 13, 2006, the following bill was signed into law:

H.B. No. 1280, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FLOOD CONTROL." (ACT 187)

Gov. Msg. No. 455, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 1648, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE." (ACT 188)

Gov. Msg. No. 456, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 2283, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE." (ACT 189)

Gov. Msg. No. 457, informing the House that on June 14, 2006, the following bill was signed into law:

H.B. No. 2947, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY." (ACT 190)

Gov. Msg. No. 458, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 3090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDIZED FORMS FOR WORKERS' COMPENSATION HEALTH CARE PROVIDERS." (ACT 191)

Gov. Msg. No. 459, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 2328, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTICE TO FOSTER PARENTS FOR CHAPTER 587, HAWAII REVISED STATUTES, CHILD PROTECTIVE ACT HEARINGS." (ACT 192)

Gov. Msg. No. 460, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 2327, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE OR NEGLECT REPORTING." (ACT 193)

Gov. Msg. No. 461, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 2323, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL REVENUE MAXIMIZATION IN THE JUDICIARY." (ACT 194)

Gov. Msg. No. 462, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 2603, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE." (ACT 195)

Gov. Msg. No. 463, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 2984, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE KIKALAKEOKEA HOUSING REVOLVING FUND." (ACT 196)

Gov. Msg. No. 464, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 2901, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY IMPACT FEES." (ACT 197)

Gov. Msg. No. 465, informing the House that on June 14, 2006, the following bill was signed into law:

S.B. No. 3072, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE." (ACT 198)

Gov. Msg. No. 466, informing the House that on June 14, 2006, the following bill was signed into law:

H.B. No. 3259, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DENTAL HEALTH." (ACT 199)

Gov. Msg. No. 467, informing the House that on June 15, 2006, the following bill was signed into law:

S.B. No. 965, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC SURVEILLANCE." (ACT 200)

Gov. Msg. No. 468, informing the House that on June 19, 2006, the following bill was signed into law:

H.B. No. 2639, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO USE OF INTOXICANTS WHILE OPERATING A MOTOR VEHICLE." (ACT 201)

Gov. Msg. No. 469, informing the House that on June 19, 2006, the following bill was signed into law:

H.B. No. 3242, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR." (ACT 202)

Gov. Msg. No. 470, informing the House that on June 19, 2006, the following bill was signed into law:

S.B. No. 706, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR VIOLATIONS INVOLVING MINORS." (ACT 203)

Gov. Msg. No. 471, informing the House that on June 19, 2006, the following bill was signed into law:

H.B. No. 2109, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 204)

Gov. Msg. No. 472, informing the House that on June 19, 2006, the following bill was signed into law:

S.B. No. 3273, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE." (ACT 205)

Gov. Msg. No. 473, informing the House that on June 20, 2006, the following bill was signed into law:

S.B. No. 1223, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NEGOTIABLE INSTRUMENTS." (ACT 206)

Gov. Msg. No. 474, informing the House that on June 20, 2006, the following bill was signed into law:

S.B. No. 439, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE FINES UNDER THE STATE ETHICS CODE." (ACT 207)

Gov. Msg. No. 475, informing the House that on June 20, 2006, the following bill was signed into law:

H.B. No. 2540, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR INCREASING STIPENDS FOR VOLUNTEER PRECINCT OFFICIALS." (ACT 208)

Gov. Msg. No. 476, informing the House that on June 20, 2006, the following bill was signed into law:

H.B. No. 2669, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CONVENTION CENTER ENTERPRISE SPECIAL FUND." (ACT 209)

Gov. Msg. No. 477, informing the House that on June 20, 2006, the following bill was signed into law:

H.B. No. 2805, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE PLANNING." (ACT 210)

Gov. Msg. No. 478, informing the House that on June 20, 2006, the following bill was signed into law:

H.B. No. 2806, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUSTAINABILITY." (ACT 211)

Gov. Msg. No. 479, informing the House that on June 20, 2006, the following bill was signed into law:

S.B. No. 2753, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE OPERATION AND MAINTENANCE OF THE EAST KAUAI IRRIGATION SYSTEM." (ACT 212)

Gov. Msg. No. 480, informing the House that on June 20, 2006, the following bill was signed into law:

S.B. No. 2484, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR VOG MONITORING STATIONS." (ACT 213)

Gov. Msg. No. 481, informing the House that on June 21, 2006, the following bill was signed into law:

S.B. No. 819, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HISTORIC PRESERVATION SPECIAL FUND." (ACT 214)

Gov. Msg. No. 482, informing the House that on June 21, 2006, the following bill was signed into law:

H.B. No. 2974, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION." (ACT 215)

Gov. Msg. No. 483, informing the House that on June 21, 2006, the following bill was signed into law:

S.B. No. 1899, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE." (ACT 216)

Gov. Msg. No. 484, informing the House that on June 21, 2006, the following bill was signed into law:

S.B. No. 3000, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING." (ACT 217)

Gov. Msg. No. 485, informing the House that on June 21, 2006, the following bill was signed into law:

S.B. No. 2502, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DONATED DENTAL SERVICES." (ACT 218)

Gov. Msg. No. 486, informing the House that on June 21, 2006, the following bill was signed into law:

S.B. No. 2227, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE." (ACT 219)

Gov. Msg. No. 487, informing the House that on June 21, 2006, the following bill was signed into law:

S.B. No. 2343, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS." (ACT 220)

Gov. Msg. No. 488, informing the House that on June 22, 2006, the following bill was signed into law:

H.B. No. 1809, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE." (ACT 221)

Gov. Msg. No. 489, informing the House that on June 22, 2006, the following bill was signed into law:

H.B. No. 2708, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADVERTISING." (ACT 222)

Gov. Msg. No. 490, informing the House that on June 22, 2006, the following bill was signed into law:

S.B. No. 2480, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WASTEWATER MANAGEMENT." (ACT 223)

Gov. Msg. No. 491, informing the House that on June 22, 2006, the following bill was signed into law:

S.B. No. 1294, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND TRUST REVENUES." (ACT 224)

Gov. Msg. No. 492, informing the House that on June 22, 2006, the following bill was signed into law:

S.B. No. 2720, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 225)

Gov. Msg. No. 493, informing the House that on June 22, 2006, the following bill was signed into law:

S.B. No. 2887, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 226)

Gov. Msg. No. 494, informing the House that on June 22, 2006, the following bill was signed into law:

H.B. No. 1968, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR." (ACT 227)

Gov. Msg. No. 495, informing the House that on June 22, 2006, the following bill was signed into law:

H.B. No. 2315, SD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS." (ACT 228)

Gov. Msg. No. 496, informing the House that on June 22, 2006, the following bill was signed into law:

S.B. No. 743, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM SECURITIES ACT." (ACT 229)

Gov. Msg. No. 497, informing the House that on June 22, 2006, the following bill was signed into law:

H.B. No. 3256, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE." (ACT 230)

Gov. Msg. No. 498, informing the House that on June 23, 2006, the following bill was signed into law:

S.B. No. 3105, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPOSIT BEVERAGE CONTAINER PROGRAM." (ACT 231)

Gov. Msg. No. 499, informing the House that on June 23, 2006, the following bill was signed into law:

S.B. No. 2188, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO A COMMISSION ON FATHERHOOD." (ACT 232)

Gov. Msg. No. 500, informing the House that on June 23, 2006, the following bill was signed into law:

H.B. No. 2179, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE." (ACT 233)

Gov. Msg. No. 501, informing the House that on June 23, 2006, the following bill was signed into law:

S.B. No. 2980, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 234)

Gov. Msg. No. 502, informing the House that on June 23, 2006, the following bill was signed into law:

H.B. No. 2313, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION." (ACT 235)

Gov. Msg. No. 503, informing the House that on June 23, 2006, the following bill was signed into law:

S.B. No. 3254, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HOME AND COMMUNITY-BASED SERVICES." (ACT 236)

Gov. Msg. No. 504, informing the House that on June 23, 2006, the following bill was signed into law, stating:

"Dear Mr. Speaker and Members of the House:

This is to inform you that on June 23, 2006, the following bill was signed into law:

S.B. No. 2774, A BILL FOR AN ACT RELATING TO SD 2, HD 1, HOUSING. (ACT 237)
CD 1

I have signed this bill in recognition of the immediate need to address the concerns of families residing at Kunia Camp in Central Oahu.

However, I believe the bill is not well thought out and presents long-term problems, which I plan to address administratively and through legislative proposals.

First, the bill constitutes "spot zoning" within a State agricultural district. This approach has the potential to whittle away at the State's most productive and readily irrigated agricultural lands. Further, it runs counter to the principles embodied in the Important Agricultural Lands provisions within the State Constitution and enacted into law by the Legislature in 2005.

Second, there are no safeguards provided within this bill as to the type and use of future housing within "plantation community subdivisions." For example, the bill does not state that the workers must dwell in these structures after the plantation is closed down. The bill also does not prohibit the dwelling from being demolished, rebuilt, or sold or rented to others.

Third, there is nothing in the language of SB 2774 to inhibit a person from constructing a large, up-scale home on the site of a former plantation dwelling. Further, if a company involved in both agriculture and land development elected to build luxury homes for its senior executives on agricultural land and declare these "plantation community subdivisions" the bill does not impede this type of construction.

Additionally, the bill does not define the boundaries of a "plantation community subdivision," thus allowing additional homes to be built at some time in the future, further encroaching on agricultural properties.

Mayor Hannemann's Administration considered these problems so serious his planning director recommended I veto this bill.

I hope the Legislature will work with my Administration during the balance of the year to address the land-use concerns raised by the enactment of SB 2774.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 505, informing the House that on June 23, 2006, the following bill was signed into law:

S.B. No. 2930, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS." (ACT 238)

Gov. Msg. No. 506, informing the House that on June 23, 2006, the following bill was signed into law:

S.B. No. 2924, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS." (ACT 239)

Gov. Msg. No. 507, informing the House that on June 26, 2006, the following bill was signed into law:

S.B. No. 2957, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY." (ACT 240)

Gov. Msg. No. 508, informing the House that on June 26, 2006, the following bill was signed into law:

S.B. No. 2501, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING." (ACT 241)

Gov. Msg. No. 509, transmitting proclamations giving notice to the House of the Governor's plans to return the following House and Senate Bills:

H.B. No. 266, A BILL FOR AN ACT RELATING TO
HD 1, SD 2, LABOR
CD 1

H.B. No. 439, A BILL FOR AN ACT RELATING TO THE
HD 1, SD 2, OFFICE OF THE OMBUDSMAN
CD 1

H.B. No. 1800, A BILL FOR AN ACT RELATING TO SALE
HD 1, SD 1, OF REAL PROPERTY
CD 1

H.B. No. 1867, A BILL FOR AN ACT RELATING TO
HD 1, SD 2, WORKERS' COMPENSATION
CD 1

H.B. No. 2199, A BILL FOR AN ACT RELATING TO
HD 2, SD 1, INTERNATIONAL TRADE AGREEMENT
CD 1

H.B. No. 2265, A BILL FOR AN ACT RELATING TO
HD 2, SD 1, CORRECTIONS
CD 1

H.B. No. 2299, A BILL FOR AN ACT RELATING TO
HD 1, SD 1, CHAPTER 803
CD 1

H.B. No. 2558, A BILL FOR AN ACT RELATING TO
HD 1, SD 2, VOCATIONAL REHABILITATION
CD 1

H.B. No. 2595, A BILL FOR AN ACT RELATING TO
HD 1, SD 2, FAMILY VISITS
CD 1

H.B. No. 2641, A BILL FOR AN ACT RELATING TO
HD 1, SD 2, PUBLIC WORK PROJECTS

H.B. No. 2691, A BILL FOR AN ACT RELATING TO
SD 2, CD 1, PREVAILING WAGES

H.B. No. 2692, A BILL FOR AN ACT RELATING TO
HD 1, SD 1, PUBLIC WORKS
CD 1

H.B. No. 2878, A BILL FOR AN ACT RELATING TO
HD 1, SD 1, SPECIAL PURPOSE REVENUE BONDS TO
CD 1 ASSIST TRADEWINDS FOREST
PRODUCTS, LLC

H.B. No. 3116, A BILL FOR AN ACT RELATING TO THE
HD 2, SD 2, HAWAII CHILDREN'S HEALTH CARE
CD 1 PROGRAM

H.B. No. 3118, A BILL FOR AN ACT RELATING TO
HD 1, SD 1, CORPORATIONS
CD 1

H.B. No. 3261, A BILL FOR AN ACT RELATING TO
HD 1, SD 2, INGENUITY CORPORATION CHARTER
CD 1

S.B. No. 2004, A BILL FOR AN ACT RELATING TO
SD 1, HD 1, HISTORIC PRESERVATION
CD 1

S.B. No. 2006, A BILL FOR AN ACT PROHIBITING SALES
SD 3, HD 2, OF OPIHI
CD 2

S.B. No. 2076, A BILL FOR AN ACT RELATING TO
SD 2, HD 2, LEASEHOLD CONVERSION
CD 1

S.B. No. 2133, A BILL FOR AN ACT RELATING TO
SD 2, HD 2, HEALTH
CD 1

S.B. No. 2150, A BILL FOR AN ACT REALTING [sic] TO
SD 1, HD 1, BOATING
CD 1

S.B. No. 2166, A BILL FOR AN ACT RELATING TO
SD 2, HD 3, MINORS

S.B. No. 2190, A BILL FOR AN ACT RELATING TO
SD 1, HD 2, EMPLOYMENT SECURITY
CD 1

S.B. No. 2244, A BILL FOR AN ACT RELATING TO
SD 1, HD 1, EXPUNGEMENTS
CD 1

S.B. No. 2727, A BILL FOR AN ACT RELATING TO
SD 1, HD 2, NEUROTRAUMA
CD 1

S.B. No. 2997, A BILL FOR AN ACT RELATING TO
SD 1, HD 1, PROCUREMENT
CD 1

S.B. No. 3035, A BILL FOR AN ACT RELATING TO
SD 1, HD 1, CONTINUED TEMPORARY TOTAL
CD 1 DISABILITY BENEFITS TO INJURED
EMPLOYEES

S.B. No. 3181, A BILL FOR AN ACT RELATING TO
SD 2, HD 2, SOLID WASTE
CD 1

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 266, entitled "A Bill for an Act Relating to Labor," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 266 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 266 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle

LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 439, entitled "A Bill for an Act Relating to the Office of the Ombudsman," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 439 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 439 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1800, entitled "A Bill for an Act Relating to Sale of Real Property," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1800 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1800 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1867, entitled "A Bill for an Act Relating to Workers' Compensation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1867 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1867 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2199, entitled "A Bill for an Act Relating to International Trade Agreement," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2199 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2199 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2265, entitled "A Bill for an Act Relating to Corrections," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2265 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2265 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2299, entitled "A Bill for an Act Relating to Chapter 803," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2299 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2299 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2558, entitled "A Bill for an Act Relating to Vocational Rehabilitation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2558 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2558 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2595, entitled "A Bill for an Act Relating to Family Visits," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2595 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2595 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2641, entitled "A Bill for an Act Relating to Public Work Projects," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2641 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2641 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th day

of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2691, entitled "A Bill for an Act Relating to Prevailing Wages," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2691 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2691 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th day
of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2692, entitled "A Bill for an Act Relating to Public Works," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2692 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2692 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th day
of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2878, entitled "A Bill for an Act Relating to Special Purpose Revenue Bonds to Assist Tradewinds Forest Products, LLC," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2878 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2878 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 3116, entitled "A Bill for an Act Relating to the Hawaii Children's Health Care Program," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3116 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 3116 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days

before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 3118, entitled "A Bill for an Act Relating to Corporations," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3118 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 3118 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th day
of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 3261, entitled "A Bill for an Act Relating to Ingenuity Corporation Charter," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 3261 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 3261 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2004, entitled "A Bill for an Act Relating to Historic Preservation," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2004 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2004 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2006, entitled "A Bill for an Act Prohibiting Sales of Opihi," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2006 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2006 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th day
of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2076, entitled "A Bill for an Act Relating to Leasehold Conversion," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2076 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2076 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2133, entitled "A Bill for an Act Relating to Health," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2133 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2133 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2150, entitled "A Bill for an Act Relating to Boating," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2150 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2150 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2166, entitled "A Bill for an Act Relating to Minors," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2166 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2166 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th day
of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2190, entitled "A bill for an Act Relating to Employment Security," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2190 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2190 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION"

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2244, entitled "A Bill for an Act Relating to Expungements," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2244 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2244 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2727, entitled "A Bill for an Act Relating to Neurotrauma," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2727 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2727 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th day
of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2997, entitled "A Bill for an Act Relating to Procurement," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2997 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 2997 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3035, entitled "A Bill for an Act Relating to Continued Temporary Total Disability Benefits to Injured Employees," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3035 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3035 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

"PROCLAMATION

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 3181, entitled "A Bill for an Act Relating to Solid Waste," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 3181 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 3181 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,

State of Hawaii, this 26th
day of June, 2006.

/s/ Linda Lingle
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 510, informing the House that on June 28, 2006, the following bill was signed into law:

H.B. No. 2153, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 242)

Gov. Msg. No. 511, informing the House that on June 28, 2006, the following bill was signed into law:

S.B. No. 2461, SD 1, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS." (ACT 243)

Gov. Msg. No. 512, informing the House that on June 28, 2006, the following bill was signed into law:

H.B. No. 2961, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 244)

Gov. Msg. No. 513, informing the House that on June 28, 2006, the following bill was signed into law:

S.B. No. 2704, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 245)

Gov. Msg. No. 514, informing the House that on June 28, 2006, the following bill was signed into law:

S.B. No. 2956, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 246)

Gov. Msg. No. 515, informing the House that on June 28, 2006, the following bill was signed into law:

H.B. No. 2626, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS." (ACT 247)

Gov. Msg. No. 516, informing the House that on June 29, 2006, the following bill was signed into law:

H.B. No. 2045, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE." (ACT 248)

Gov. Msg. No. 517, informing the House that on June 29, 2006, the following bill was signed into law:

H.B. No. 1995, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERING THE WELFARE OF A MINOR." (ACT 249)

Gov. Msg. No. 518, informing the House that on June 29, 2006, the following bill was signed into law:

H.B. No. 2145, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TOURISM." (ACT 250)

Gov. Msg. No. 519, informing the House that on June 29, 2006, the following bill was signed into law:

S.B. No. 2090, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY." (ACT 251)

Gov. Msg. No. 520, informing the House that on June 29, 2006, the following bill was signed into law:

S.B. No. 2487, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY." (ACT 252)

Gov. Msg. No. 521, informing the House that on June 30, 2006, the following bill was signed into law:

S.B. No. 2430, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION." (ACT 253)

Gov. Msg. No. 522, informing the House that on June 30, 2006, the following bill was signed into law:

S.B. No. 3077, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION." (ACT 254)

Gov. Msg. No. 523, informing the House that on June 30, 2006, the following bill was signed into law:

S.B. No. 2036, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AN INTERNATIONAL BUSINESS AND TECHNOLOGY INCUBATOR." (ACT 255)

Gov. Msg. No. 524, informing the House that on June 30, 2006, the following bill was signed into law:

S.B. No. 3215, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN." (ACT 256)

Gov. Msg. No. 525, informing the House that on June 30, 2006, the following bill was signed into law:

S.B. No. 3120, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII." (ACT 257)

Gov. Msg. No. 526, informing the House that on June 30, 2006, the following bill was signed into law:

S.B. No. 467, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS." (ACT 258)

Gov. Msg. No. 527, informing the House that on June 30, 2006, the following bill was signed into law:

S.B. No. 3101, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION." (ACT 259)

Gov. Msg. No. 528, informing the House that on July 3, 2006, the following bill was signed into law:

H.B. No. 2051, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION FOR VICTIMS OF HUMAN TRAFFICKING." (ACT 260)

Gov. Msg. No. 529, informing the House that on July 3, 2006, the following bill was signed into law:

S.B. No. 2630, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR DEVELOPMENTAL DISABILITIES." (ACT 261)

Gov. Msg. No. 530, informing the House that on July 3, 2006, the following bill was signed into law:

S.B. No. 3252, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING." (ACT 262)

Gov. Msg. No. 531, informing the House that on July 3, 2006, the following bill was signed into law:

S.B. No. 3197, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTITUTE TEACHERS." (ACT 263)

Gov. Msg. No. 532, informing the House that on July 3, 2006, the following bill was signed into law:

S.B. No. 3003, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM." (ACT 264)

Gov. Msg. No. 533, informing the House that on July 3, 2006, the following bill was signed into law:

H.B. No. 1821, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES." (ACT 265)

Gov. Msg. No. 534, informing the House that on July 3, 2006, the following bill was signed into law:

S.B. No. 218, SD 4, HD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 266)

Gov. Msg. No. 535, informing the House that on July 4, 2006, the following bill was signed into law:

S.B. No. 3078, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE." (ACT 267)

Gov. Msg. No. 536, informing the House that on July 4, 2006, the following bill was signed into law:

S.B. No. 2505, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT MAKES APPROPRIATIONS FOR SCHOOL-BASED SUBSTANCE ABUSE TREATMENT PROGRAMS FOR ADOLESCENTS." (ACT 268)

Gov. Msg. No. 537, informing the House that on July 4, 2006, the following bill was signed into law:

S.B. No. 2504, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING FOR PERSONS WITH DISABILITIES." (ACT 269)

Gov. Msg. No. 538, informing the House that on July 4, 2006, the following bill was signed into law:

S.B. No. 3247, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOMES." (ACT 270)

Gov. Msg. No. 539, informing the House that on July 4, 2006, the following bill was signed into law:

H.B. No. 2146, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE." (ACT 271)

Gov. Msg. No. 540, informing the House that on July 4, 2006, the following bill was signed into law:

S.B. No. 3195, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EDUCATION." (ACT 272)

Gov. Msg. No. 541, informing the House that on July 5, 2006, the following bill was signed into law:

H.B. No. 3225, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 273)

Gov. Msg. No. 542, informing the House that on July 5, 2006, the following bill was signed into law:

S.B. No. 2913, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS." (ACT 274)

Gov. Msg. No. 543, informing the House that on July 5, 2006, the following bill was signed into law:

H.B. No. 3100, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE FORECLOSURES." (ACT 275)

Gov. Msg. No. 544, informing the House that on July 5, 2006, the following bill was signed into law:

H.B. No. 1935, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS." (ACT 276)

Gov. Msg. No. 545, informing the House that on July 5, 2006, the following bill was signed into law:

S.B. No. 2545, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS." (ACT 277)

Gov. Msg. No. 546, informing the House that on July 5, 2006, the following bill was signed into law:

S.B. No. 2454, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OUT-OF-STATE SALES OF TIME SHARE INTERESTS." (ACT 278)

Gov. Msg. No. 547, informing the House that on July 6, 2006, the following bill was signed into law:

H.B. No. 1706, HD 3, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ENVIRONMENTAL COVENANTS ACT." (ACT 279)

Gov. Msg. No. 548, informing the House that on July 6, 2006, the following bill was signed into law:

S.B. No. 2909, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PERMIT APPROVALS." (ACT 280)

Gov. Msg. No. 549, informing the House that on July 6, 2006, the following bill was signed into law:

S.B. No. 486, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN AND YOUTH." (ACT 281)

Gov. Msg. No. 550, informing the House that on July 6, 2006, the following bill was signed into law:

H.B. No. 3060, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY." (ACT 282)

Gov. Msg. No. 551, dated July 7, 2006, transmitting the STATISTICS OF HAWAII AGRICULTURE 2004 Report.

Gov. Msg. No. 552, informing the House that on July 7, 2006, the following bill was signed into law:

S.B. No. 2898, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT." (ACT 283)

Gov. Msg. No. 553, informing the House that on July 7, 2006, the following bill was signed into law:

S.B. No. 2600, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES." (ACT 284)

Gov. Msg. No. 554, informing the House that on July 7, 2006, the following bill was signed into law:

S.B. No. 3253, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING." (ACT 285)

Gov. Msg. No. 555, informing the House that on July 7, 2006, the following bill was signed into law:

H.B. No. 1862, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION." (ACT 286)

Gov. Msg. No. 556, informing the House that on July 7, 2006, the following bill was signed into law:

S.B. No. 475, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE." (ACT 287)

Gov. Msg. No. 557, informing the House that on July 7, 2006, the following bill was signed into law:

H.B. No. 2239, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND ACQUISITION." (ACT 288)

Gov. Msg. No. 558, informing the House that on July 7, 2006, the following bill was signed into law:

S.B. No. 2162, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO FOSTER CHILDREN." (ACT 289)

Gov. Msg. No. 559, informing the House that on July 10, 2006, the following bill was signed into law:

H.B. No. 2778, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS." (ACT 290)

Gov. Msg. No. 560, informing the House that on July 10, 2006, the following bill was signed into law:

H.B. No. 3036, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTS." (ACT 291)

Gov. Msg. No. 561, informing the House that on July 10, 2006, the following bill was signed into law:

S.B. No. 2897, SD 2, HD 3, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT." (ACT 292)

Gov. Msg. No. 562, informing the House that on July 10, 2006, the following bill was signed into law:

S.B. No. 895, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMU MANAGEMENT AREA." (ACT 293)

Gov. Msg. No. 563, informing the House that on July 10, 2006, the following bill was signed into law:

S.B. No. 2145, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT." (ACT 294)

Gov. Msg. No. 564, informing the House that on July 10, 2006, the following bill was signed into law:

S.B. No. 3262, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH." (ACT 295)

Gov. Msg. No. 565, informing the House that on July 10, 2006, the following bill was signed into law:

S.B. No. 2929, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION." (ACT 296)

Gov. Msg. No. 566, transmitting H.B. No. 266, HD 1, SD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 266

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 266, entitled "A Bill for an Act Relating to Labor."

The stated purpose of House Bill No. 266 is to establish clear distinctions between mandatory, excluded, and permissive subjects of collective bargaining. However, the bill would not achieve the stated purpose and would blur the delineations that have historically existed in statute.

This bill is objectionable because it constitutes an unacceptable infringement upon management rights currently protected under section 89-9(d), Hawaii Revised Statutes. It attempts to overturn the case of United Public Workers, AFSCME, Local 646, AFL-CIO v. Hannemann, 106 Hawaii 359 (2005), the Supreme Court of Hawaii case that held the City and County of Honolulu's transfer of refuse workers from the Pearl City baseyard to the Honolulu baseyard was not subject to collective bargaining. The Hannemann case reaffirmed management rights as set forth in section 89-9(d). Historically, section 89-9, Hawaii Revised Statutes, has been recognized as the provision that sets into law protections that do not allow management to bargain away the right to direct its workforce and oversee governmental operations. This ensures that Public Employers are able to manage their operations efficiently and effectively to serve the public.

This bill erodes management rights by permitting negotiations over criteria governing promotions, transfers, assignments, demotions, layoffs, suspensions, terminations, discharges, and other disciplinary actions. Allowing negotiations on the criteria management uses to act on matters such as layoffs, transfers, and assignments involves labor in the fundamental decision-making process of management. Whereas negotiating procedures may impact the means used to reach an outcome, negotiating the criteria could impact the nature of the outcome itself, thus interfering with the primary rights and obligations of public employers.

In permitting negotiations over assignments, this bill would adversely impact the delivery of services to the public, particularly in emergency situations. The bill provides for collective bargaining over a supplemental agreement or a memorandum of understanding and such mutual agreements cover individual employees and specific situations. Therefore, this bill would adversely impact the employer's ability to make assignments of specific employees and groups of employees.

The other Public Employer jurisdictions have advised me that this bill would critically impede their ability to manage their workforce and protect the health and safety of the public. State and county governments would face serious difficulties in carrying out civil defense, public safety, health, welfare, and other public service functions. For example, if this bill became law, it could result in restrictions on the deployment of lifeguards, emergency medical services personnel, and other health and safety staff who are expected to respond to and adjust their work locations and hours as emergencies and unanticipated events may dictate. Such restrictions could result in a lowering of services to the public and possibly delay response time in cases where immediate action by government is required.

Furthermore, this bill added a provision to section 89-9(d) stating that section 89-9(d) shall not be used to invalidate provisions of

collective bargaining agreements in effect on and after June 30, 2007. However, this provision is confusing and contradictory because it does not address issues covered in the collective bargaining agreements addressed in this bill, but attempts to cover issues which may or may not arise in the future.

For the foregoing reasons, I am returning House Bill No. 266 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 567, transmitting H.B. No. 439, HD 1, SD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 11, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 439

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 439, entitled "A Bill for an Act Relating to the Office of the Ombudsman."

House Bill No. 439 provides the Ombudsman with access to taxpayers' confidential tax returns and return information, ostensibly to allow the Ombudsman to investigate complaints from taxpayers concerning the processing of their tax returns.

The statutory guarantee that taxpayers' returns will remain confidential promotes full compliance with Hawaii's tax laws and encourages taxpayers to voluntarily report their income from all sources. This bill unnecessarily erodes the strong statutory assurance of confidentiality that attaches to each taxpayer's tax returns.

The Department of Taxation is authorized to disclose, and routinely discloses, confidential tax returns upon the express written authorization of the taxpayer affected. Where it is necessary for the Ombudsman to investigate a complaint regarding the processing of a tax return, the Ombudsman should reasonably be able to obtain the written authorization of the complaining party.

Furthermore, the Department of Taxation Taxpayer Advocate is responsible for helping resolve tax disputes. Thus, it is possible to resolve a majority of concerns without violating the confidential arrangements for protecting taxpayer data that already exists within the Executive Branch.

For the foregoing reasons, I am returning House Bill No. 439 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 568, transmitting H.B. No. 1800, HD 1, SD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU

July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1800

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1800, entitled "A Bill for an Act Relating to Sale of Real Property."

This measure increases the income tax withheld on the sale of real property in Hawaii by a nonresident seller from five percent to eight and a quarter percent of the amount realized from the sale.

This bill unnecessarily increases the income tax withholding on the sale of real property by nonresident sellers to ensure proper payment of taxes owed to the State are paid. The Department of Taxation reported that the current withholding of five percent is already excessive and large refunds are being issued because the five percent withholding is almost always larger than the tax on the gains on the sale of the property. Further, this bill fails to recognize that many land transactions involve 1031 exchanges wherein the seller is not liable for taxes if they purchase a property of the same or higher value within 18 months.

Moreover, this bill does not increase tax revenue or affect the proper assessment of tax because the capital gains tax remains unchanged at seven and a quarter percent. Instead, this bill will increase the burden on the Department of Taxation to process more claims and issue more refunds to taxpayers.

It should be noted that when the withholding tax rate was previously increased, the Legislature had to reverse their decision within a short period of time. In 1990, Act 213 required a buyer to withhold nine percent of the amount realized on the sale of Hawaii real property from a nonresident seller. Due to the overwhelming dissatisfaction expressed by the public, the Legislature in the very next session reduced the withholding amount to the current five percent by Act 279, Session Laws of Hawaii 1991. In effect, Act 213 of 1990 was operative for only seven months (i.e., January 1, 1991, through July 31, 1991).

For the foregoing reasons, I am returning House Bill No. 1800 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 569, transmitting H.B. No. 1867, HD 1, SD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 1867

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1867, entitled "A Bill for an Act Relating to Workers' Compensation."

This bill would extend medical services when a dispute exists between the injured employee and the employer or employer's insurer, until the Director of Labor and Industrial Relations (Director) issues a decision on whether medical care should continue. It allows the employer or employer's insurer to recover from the injured employee's personal health-care provider or other appropriate occupational or non-occupational insurer all sums paid for the disputed medical services after a designated date.

This bill is objectionable because it requires that an employer or employer's insurer continue to pay for medical treatments where the employer or employer's insurer considers the treatments proposed by the plan to be inappropriate, excessive, or for a non-compensable condition. In most cases these determinations are made after an independent medical examiner concludes the individual is ready to return to work.

This bill does not limit the type of medical service covered; thus, it could conceivably apply to all medical procedures, up to and including surgery. Further, it allows the medical treatments to continue solely on the decision of the medical provider who may not be a licensed physician.

Responsibility for paying for these extra treatments would rest with either the provider or the insurer if the Department of Labor and Industrial Relations subsequently decided they were not needed. This could result in a situation where the insurer has to pay for medical services that were determined unwarranted and unnecessary, likely resulting in higher workers' compensation premiums since this adds to the workers' compensation risk exposure of all businesses in Hawaii. Alternatively, if providers are left with the bill, they may decide not to offer the treatment, which defeats the purpose of this measure.

The Department of Labor and Industrial Relations issued rules in May 2005 that improved the hearings process and mandated the use of evidence-based clinically tested, medical treatment guidelines and allowed for an alternative dispute resolution process in lieu of a Department of Labor and Industrial Relations hearing. These rules could have decreased the number of denials. Ironically, these are the rules the Legislature suspended last year when they denied the Director of the Department of Labor and Industrial Relations rulemaking authority in this area.

Finally, this bill fundamentally changes the balance between employer and employee regarding the method by which medical care can be terminated. It essentially overrides the workers' compensation medical fee schedule and negates the "reasonable and necessary" language in current Hawaii workers' compensation law, thereby placing in jeopardy the fiscal integrity of the State's workers' compensation system.

For the foregoing reasons, I am returning House Bill No. 1867 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 570, transmitting H.B. No. 2199, HD 2, SD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 11, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2199

Honorable Members
Twenty-Third Legislature

State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2199, entitled "A Bill for an Act Relating to International Trade Agreement."

The purpose of this bill is to provide that procurement provisions in international trade agreements shall not be valid as applied to the State unless the Legislature votes to approve those procurement provisions. Certain existing international trade agreements that contain procurement provisions requested the individual states to consent to be bound to the agreements. In the past, governors of Hawaii had given the State's consent. This bill henceforth requires legislative action to give that consent.

This bill is objectionable for the following reasons. First, the federal government's requests to the states to consent to be bound to international trade agreements frequently come with short notices and specific deadlines. House Bill No. 2199 does not address how the State will timely respond to these deadlines when the Legislature is not in session.

Second, the timing of this bill raises the question why the Legislature did not object to the ability of prior governors to bind the State to such international trade agreements but does not support this authority for the existing Governor.

Third, the procurement provisions of these international trade agreements are usually reciprocal. If the Legislature cannot or does not act in time to commit the State to these reciprocal agreements, there may be serious consequences for the conduct of business in Hawaii. The Department of Accounting and General Services believes, and I agree, that the Legislature's involvement in the review of these international trade agreements could result in foreign companies not conducting business in Hawaii and Hawaii companies being prevented from conducting business in other countries.

For the foregoing reasons, I am returning House Bill No. 2199 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 571, transmitting H.B. No. 2265, HD 2, SD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2265

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2265, entitled "A Bill for an Act Relating to Corrections."

This bill would transfer the supervisory and counseling functions of paroled individuals along with positions and employees from the field service branch of the Hawaii Paroling Authority to the Department of Public Safety.

This bill is objectionable because it creates a conflict of interest on the part of the Department of Public Safety in rendering services to be relied upon by the Hawaii Paroling Authority. The Hawaii

Paroling Authority utilizes the reports and recommendations of its independent supervisory and counseling staff in its field service branch in rendering its decisions on whether to re-incarcerate parole violators. To the extent that the Department of Public Safety's interest is in the operation and management of jails and prisons and accommodating those committed to incarceration, its recommendations to the Hawaii Paroling Authority against re-incarceration could be called into question creating an undue conflict between the two governmental bodies.

This bill erodes the independence and objectivity the Hawaii Paroling Authority must exercise when making decisions about recommitting convicted felons and also protecting the safety of the community.

The bill fails to note that the populations the Department of Public Safety supervises in its Intake Services Center are different from the populations the Hawaii Paroling Authority is responsible for supervising. It should be noted that the proposed transfer is opposed by those respected in the law enforcement community, including the Honolulu Prosecuting Attorney, Attorney General, members of the Judiciary, and the senior management of the Department of Public Safety.

For the foregoing reasons, I am returning House Bill No. 2265 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 572, transmitting H.B. No. 2299, HD 1, SD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2299

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2299, entitled "A Bill for an Act Relating to Chapter 803."

The purpose of this bill is to specify the exact procedure and the exact words to be stated by police before entering homes to arrest persons suspected of having committed crimes.

On **June 15, 2006**, the United States Supreme Court decided Hudson v. Michigan, a case that has re-written the entire federal jurisprudence of "knock and announce" and has determined that there is no constitutional requirement to suppress evidence based on a "knock and announce" violation. I believe that any bill that addresses "knock and announce" ought to reflect this decision, and thus it would be prudent to wait until the 2007 regular session of the Legislature to revisit this matter.

The original purpose of this bill was to restore the standards required by the United States Constitution, rather than the higher standard imposed by section 803-11, Hawaii Revised Statutes, that dictates police procedure when entering a house to arrest a person suspected of a crime. This bill was proposed in response to a case decided by the Hawaii Supreme Court. In State v. Maldonado, 108 Haw. 436, 121 P.3d 901 (2005), the Court held that section 803-11, Hawaii Revised Statutes, requires strict compliance and that, if a law enforcement officer does not strictly comply with the exact language

of section 803-11 when executing a warrant of arrest, all evidence gained during the execution of the warrant must be suppressed. (As noted above, such suppression is now no longer required by the United States Constitution).

It is well-settled law that both the Fourth Amendment to the United States Constitution and section 7 of article I of the Constitution of the State of Hawaii require only that a search must be reasonable. The United States Court of Appeals for the Ninth Circuit, in United States v. Combs, 379 F.3d 564 (9th Cir. 2004), citing the United States Supreme Court decision in Wilson v. Arkansas, 514 U.S. 927, 934 (1995), stated that "The common-law principle that law enforcement officers should 'knock and announce' their presence and authority before entering a dwelling is part of the reasonableness inquiry under the United States Constitution's Fourth Amendment guarantee against unreasonable searches and seizure" and that "[t]he Fourth Amendment's flexible requirement of reasonableness should not be read to mandate a rigid rule of announcement that ignores countervailing law enforcement interests." The Combs decision further stated, "Since Wilson, the Court has reiterated that the knock and announce principle is a part of the reasonableness inquiry rather than a prerequisite for constitutional entry." Thus, in a case where the police shout "Police -- search warrant," the police have substantially complied with the constitutional "knock and announce" requirement.

However, in Hawaii, because of the wording of section 803-11, it is insufficient to shout "police -- search warrant." The Hawaii Supreme Court has held that, even though it would be reasonable to infer that police officers standing at a door shouting "police -- search warrant" are demanding entry to a house, the entry is invalidated by section 803-11 unless the police explicitly demand entry. State v. Harada, 98 Haw. 18, 41 P.3d 174 (2002).

In the Maldonado case, a law enforcement officer received a tip that one of Hawaii's most wanted criminals, Robert Maldonado, was at a given location and that this wanted criminal might be in possession of firearms and drugs. This officer, along with others, donned body armor and went to the location, bearing a valid warrant for the arrest of this "most wanted" fugitive. One can scarcely imagine a more dangerous assignment for a law enforcement officer. The search of the house resulted in the discovery of contraband and the arrest of Jobert Maldonado, the fugitive's brother. Jobert Maldonado was arrested and convicted, but the conviction was reversed because the officers, while conducting a potentially dangerous operation, did not "strictly comply" with section 803-11.

The law enforcement officers in this case had knocked and then shouted "Sheriffs Office -- Police" while simultaneously opening an unlocked screen door. Although the screen door was closed, the wooden door was open when the officers arrived and was not broken by the law enforcement officers. The officers received oral permission to enter the house and entered the house, where they observed what appeared to be evidence of a "clandestine lab" used for the production of methamphetamine. However, the officers did not announce that they were the bearers of an arrest warrant and did not wait a reasonable time after demanding entry before opening the unlocked screen door. While it is true that the officers had not strictly complied with section 803-11, permission to enter was given and not refused, so most citizens, as well as the United States Congress and the United States Supreme Court, would have deemed the entry lawful.

Under the United States Constitution and under the Constitution of the State of Hawaii, the arrest of this "most wanted" fugitive would not have been subject to strict compliance, but rather a more appropriate standard of reasonableness. But because of section 803-11, the "strict compliance" standard applies, even under very dangerous circumstances, so the conviction was reversed.

The intent of the Legislature was not to change the rule that exigent circumstances can excuse the use of the "knock and announce" procedure. However, the phrase "absent exigent circumstances" was placed in a portion of the bill where it will not

have the intended effect and will likely create some serious interpretational problems and unintended consequences. This phrase was placed in the bill very late in the drafting process at the request of the Department of the Attorney General, but unfortunately the phrase was not inserted in the proper place.

In addition, as drafted, House Bill No. 2299 will not resolve the problem demonstrated by the Maldonado case. The first part of the bill specifically requires a knock on the door and specific words to be used. This is not flexible enough, given the varied and unpredictable situations law enforcement officers encounter, and could lead to other unjust outcomes like the one reached in the Maldonado case.

The bill also rewrites the statute and redefines reasonable time. There is a potential problem with this amendment. First, the amendment is apparently based upon 18 U.S.C. § 3109 (the Federal Knock and Announce Rule) and the federal case law interpreting that section. That section reads, with regard to search warrant execution:

The officer may break open any outer or inner door or any window of a house, or any part of the house, or anything therein, to execute a search warrant, if, after notice of his authority and purpose, he is refused admittance or when necessary to liberate himself or a person aiding him in the execution of the warrant.

18 U.S.C. § 3109.

As noted in the Senate Judiciary and Hawaiian Affairs Committee report, the United States Court of Appeals for the Ninth Circuit in United States v. Chavez-Miranda, 306 F.3d 973 (9th Cir. 2002), spelled out what should be taken into account when deciding a reasonable length of time, and that has been essentially incorporated into this bill. However, by incorporating only part of the federal law, this amendment fails to restore the more reasonable standards created by the United States Constitution and conversely will serve only to further complicate state arrest procedures by mandating strict compliance with additional statutory standards.

For the foregoing reasons, I am returning House Bill No. 2299 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 573, transmitting H.B. No. 2558, HD 1, SD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2558

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2558, entitled "A Bill for an Act Relating to Vocational Rehabilitation."

The purported intent of this bill is to authorize the Director of Labor and Industrial Relations to refer injured employees who may not have suffered permanent disabilities as a result of their work injuries for vocational rehabilitation when the injured employees are unable to return to their regular jobs after their injuries may have stabilized and when employers have made no offer of "permanent"

suitable work that is comparable in earnings to that of the employees' former jobs.

My Administration believes that returning injured employees to work is medically and economically beneficial to the employees, is economically beneficial to the employers, and is beneficial to the workers' compensation system. Thus, my Administration has supported efforts to encourage employers to provide alternative work and efforts to vocationally rehabilitate injured employees.

This bill, however, is objectionable because the requirement that employers offer "permanent" suitable work could be interpreted to imply that employers must offer guaranteed lifelong employment and that employers cannot later terminate the employee for economic reasons or employee misconduct. To the extent that employers will not be able to offer such permanent work, more employees would seek vocational rehabilitation services, thus increasing the cost of the system.

It should be pointed out that vocational rehabilitation services are intended for those injured employees who have become permanently disabled from performing their usual and customary work and the employer has no other work available to accommodate the person's permanent limitations. Allowing all injured employees, even those with minor injuries, the ability to be considered for vocational rehabilitation services could significantly increase the number of injured workers flowing into the vocational rehabilitation system. It would increase temporary disability costs, increase workers compensation premiums, and preclude availability of the system for those who most need it--the permanently disabled.

For the foregoing reasons, I am returning House Bill No. 2558 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 574, transmitting H.B. No. 2641, HD 1, SD 2, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2641

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2641, entitled "A Bill for an Act Relating to Public Work Projects."

The purported intent of this bill is to mandate that a private construction project will be considered a public works project subject to chapter 104, Hawaii Revised Statutes, Hawaii's Wages and Hours of Employees on Public Works law, if the State or a political subdivision leases or is assigned more than fifty percent of the project. Copies of the lease agreement must be filed with the Department of Accounting and General Services and the construction project owner must submit weekly certified payrolls to the leasing governmental agency or the governmental agency using the leased or assigned space.

This bill also requires, prior to the start of construction, that the construction project owner sign an agreement with the leasing governmental entity agreeing to pay the prevailing wage to the

laborers and mechanics working on this project and to otherwise comply with the requirements of chapter 104.

This bill is objectionable because it is an unwarranted expansion of the types of projects that could be subject to public works projects rules and statutes. Currently, section 12-22-1 of the Hawaii Administrative Rules defines a public work to encompass a private construction project when the State or a political subdivision leases the entire building or structure and where: (1) the lease was entered into prior to construction of the structure or building; and (2) the construction work was performed according to plans, specifications, or criteria of the leasing governmental entity.

Expanding public works coverage to mixed public-private structures may inject confusion and needlessly increase the associated building costs of the project. Smaller owners in particular may not want to develop commercial space for lease to the government because of the additional burden of complying with unfamiliar labor laws. It is anticipated that this bill will limit or reduce the number of office buildings that will be available for lease to government agencies. Finally, this bill could impede the development of mixed use housing projects, wherein some of the units were for market sale or rental and others were leased to a public housing corporation for elderly, Section 8, or transitional housing.

Additionally, because this bill directs that certified payroll data shall be submitted to the government leasing agency, rather than the Department of Labor and Industrial Relations, this data will go to entities that have no authority to audit or enforce these payrolls, thereby inhibiting the enforcement of wage laws this bill attempts to impose on private projects.

For the foregoing reasons, I am returning House Bill No. 2641 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 575, transmitting H.B. No. 2691, SD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2691

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2691, entitled "A Bill for an Act Relating to Prevailing Wages."

The purpose of this bill is to allow a joint labor-management committee established under the federal Labor Management Cooperation Act of 1978 to file a lawsuit against an employer who fails to pay the prevailing wage required by chapter 104, Hawaii Revised Statutes, Hawaii's Wages and Hours of Employees on Public Works law, to its laborers and mechanics working on a governmental construction project.

This bill is objectionable because the Department of Labor and Industrial Relations currently conducts both complaint-generated and random routine investigations of public works projects for compliance with chapter 104. The Department's improved educational and outreach programs have focused in a positive manner in ensuring employers understand their obligations under the

law. There is no demonstrated need to allow for the enforcement of chapter 104 by labor-management committees that may have personal interests in singling out certain contractors. Lawsuits against these contractors may also deter other contractors from bidding on public works projects, limiting the competition for these types of projects.

Moreover, this bill may require the Department to devote more resources to litigation, since the Department may have to intervene as an interested party to ensure that chapter 104 is being interpreted correctly. This will divert attention from what should be the primary focus, which is consistent, vigilant enforcement by the responsible government agency of the existing statute.

For the foregoing reasons, I am returning House Bill No. 2691 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 576, transmitting H.B. No. 2692, HD 1, SD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 11, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2692

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2692, entitled "A Bill for an Act Relating to Public Works."

The purpose of this bill is to make projects financed by special purpose revenue bonds and housing projects financed through Section 201(H) subject to Chapter 104, Hawaii Revised Statutes, Hawaii's Wages and Hours of Employees on Public Works Law.

This bill is objectionable because it is likely to increase the actual costs of constructing projects using special purpose revenue bonds. Special purpose revenue bonds are used to build hospitals, schools, early childhood education centers, county pollution control projects and related works deemed to be in the best interests of the general public. Often it is non-profit organizations that seek special purpose revenue bonds to finance a new structure. This funding tool is used to lower interest costs of the financing for such projects. No taxpayer funds are used and taxpayers are not responsible for a default on the bonds.

While these projects may meet the narrow definition of public works projects, they do not meet the test of having a governmental organization responsible for the monitoring required to meet Chapter 104 applicability.

Subjecting these projects to Chapter 104 runs counter to the intent and spirit of using special purpose revenue bonds to help reduce expenses incurred by strictly private and non-profit entities and may actually act as a deterrent to using this financing mechanism and decrease the number of projects on behalf of the general community.

Additionally, this bill would place enforcement and monitoring functions on the Department of Labor and Industrial Relations without the commensurate resources to carry out these duties.

For the foregoing reasons, I am returning House Bill No. 2692 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 577, transmitting H.B. No. 2878, HD 1, SD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 2878

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2878, entitled "A Bill for an Act Relating to Special Purpose Revenue Bonds to Assist Tradewinds Forest Products, LLC."

The purpose of this bill is to authorize the issuance of up to \$25,000,000 in special purpose revenue bonds to assist Tradewinds Forest Products, LLC ("Tradewinds"), a Delaware limited liability company, in the establishment of a veneer mill and associated cogeneration plant (the "project").

This bill is objectionable because there are serious questions as to whether issuance of the contemplated special purpose revenue bonds would serve a public purpose and whether financing of the project is an appropriate use of such bonds. First, based on an initial review, it is doubtful that special purpose revenue bonds could be issued for this project since most of the \$30,000,000 project does not appear to qualify for special purpose revenue bond financing on a federal tax-exempt basis. Absent a detailed legal analysis of the engineering schematics and components of the project by bond counsel, federal tax-exempt financing for the project likely would be limited to \$10,000,000 under section 144 of the Internal Revenue Code.

Generally, special purpose revenue bonds are marketable only if they can be issued on a federal tax-exempt basis. Absent sufficient special purpose revenue bond financing, it is unclear whether the project would produce the local products and jobs anticipated in the bill. Tradewinds has had an agreement for the past five years with the State to build a timber processing plant and to harvest eucalyptus and maple planted in the Waieka Forest Reserve. However, due to difficulties in securing financing, the project has been delayed and has not produced the local products and jobs initially anticipated.

Unfortunately, it appears the proposed project has not been adequately explained to the community such that residents of the area have raised questions and concerns about the potential impacts. Additionally, questions have been raised as to the appropriateness of using publicly issued financing for a project that proposes to use the public's resources for private gain. Until these concerns are fully and fairly addressed, the State should not be asked to issue bonds for this proposal.

For the foregoing reasons, I am returning House Bill No. 2878 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 578, transmitting H.B. No. 3116, HD 2, SD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 11, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 3116

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 3116, entitled "A Bill for an Act Relating to the Hawaii Children's Health Care Program."

The purposes of this bill are to establish the "Hawaii Children's Health Care Program" (HCHCP), a temporary three-year pilot program that will provide free health insurance for qualified uninsured children, and to appropriate \$600,000 for fiscal year 2006-2007 to the Department of Human Services for the HCHCP.

This bill is objectionable because it will fail to achieve its intended purpose of providing health insurance to "uninsured children" who are "ineligible for any state or federal health care coverage."

First, the limited number of spots available in the free HCHCP may go to children who were insured, but whose parents opted to keep uninsured for six months in order to qualify for the free HCHCP insurance. The bill provides that "individuals between two hundred fifty and three hundred per cent of the federal poverty level who would otherwise be qualified for QUEST-net coverage may choose to receive coverage through QUEST-net and pay a prorated premium rate or to receive coverage through the [HCHCP] at no charge." Allowing children who qualify for coverage under an existing program to be eligible for the free HCHCP insurance would clearly defeat the intent of this bill to provide healthcare coverage to uninsured children.

Second, the measure states, "All children currently enrolled in a mutual benefit society's children's plan shall be eligible for enrollment into the Hawaii children's health care program." This means that approximately \$300,000 of the \$600,000 appropriation contained in House Bill 3116 will be used to cover children who are currently enrolled in HMSA's children's health plan, whose parents currently pay the fifty dollar co-pay for coverage. Consequently, a child who was already insured may take the spot of a child who was truly uninsured. Again, allowing children who qualify for coverage under an existing program to be eligible for the free HCHCP insurance clearly defeats the intent of this bill to provide healthcare coverage to uninsured children.

Third, requiring that children be uninsured continually for at least six months in order to qualify for the program may result in the unintended consequence of parents disenrolling their children from private health insurance to go without health insurance for the six months required to access the program.

Fourth, with the recent approval of the Department of Human Services' Section 1115 waiver, any child with a household income up to three hundred per cent of the Federal Poverty Level (FPL) will now have easier access to the full benefit packages offered in Medicaid health insurance, QUEST, and QUEST-Net programs. It is important to note that these programs are able to utilize federal funds as well as State funds, providing an enhanced package of benefits at a lower cost. By contrast, this measure appropriates \$600,000 in State funds, without any federal contribution, for a limited health benefit package that can only serve a portion of the children that are served through the State's existing programs.

For the foregoing reasons, I am returning House Bill No. 3116 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 579, transmitting H.B. No. 3118, HD 1, SD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 3118

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 3118, entitled "A Bill for an Act Relating to Corporations."

The purpose of this bill is to establish a task force to determine how to authorize the establishment of corporations structured to incorporate and protect the interests of employees and the public, and provide incentives for the creation of "responsible" companies that not only consider the public interest, but integrate the public interest into the structure and duties of the corporation.

This bill is objectionable because it assumes that shareholder and community interests are at odds. This presupposes that corporations are so driven by their bottom lines that they do not care about their employees, their customers, the environment, public health and safety, or their communities. The bill's preamble is especially objectionable because it contends that corporations are incentivized and, thus, move deliberately to cause harm to those community interests. This assumes that corporations ignore their greatest asset (i.e., their employees) and their target audience (i.e., their customers). Nothing could be further from reality.

In the real world, a business must be responsive to its employees and its customers, for without them, the business will fail. Corporations are comprised of our neighbors; they are active at community events; and they are some of the most generous givers to charities in our community. To suggest that corporations would choose profit over the communities they operate in draws a false distinction and does a disservice to all of the hard working private-sector people who contribute to the betterment of our community.

Second, this bill is objectionable because it is inconsistent with other states' laws and, therefore, moves us in the wrong direction. It is flatly inconsistent with the recent progress that the State has made in becoming more business-friendly, and would move us back, once again, into the business-unfriendly column. My Administration has worked hard to make it easier for new businesses to come to Hawaii and increase competition in the marketplace. One way that we do this is to adopt model business laws and uniform legislation that have been adopted in other states across the nation. Adopting model laws means that businesses are familiar with the regulatory scheme and do not have to invest large amounts of capital to comply with regulatory laws that are unique to one location. As this bill is not based upon uniform legislation, it will not have the effect of enhancing Hawaii's business-friendly reputation. Instead, this bill will likely have the opposite effect, perpetuating the impression that Hawaii is anti-business.

Third, this bill is objectionable because it takes a myopic view of corporate governance. Rather than exploring other approaches to

improving corporate governance and then determining which approach is appropriate for Hawaii, this bill refers to the Senate Draft as the basis for discussion and thereby rushes into an approach that will likely perpetuate Hawaii's anti-business reputation. If the intent were to improve corporate governance, it would have been more appropriate to charge the task force with examining a variety of approaches and then recommending the most appropriate approach for Hawaii, rather than requiring that the task force begin by considering how to disempower corporate shareholders.

Finally, I am concerned with the bill's potential impact on tax revenues. Both the House and the original Senate version of this bill reflected what I believe to be the obvious fact that shifting control of corporations from shareholder investors to those representing community interests will not happen without financial incentives. As a result, those versions included tax breaks for those investing in "responsible" corporations. The Senate Committee on Ways and Means wisely removed the tax break provisions from the bill, but the task force will surely have to consider whether tax breaks are necessary to make this new corporate form feasible. Giving tax breaks to encourage the creation of alternative corporate forms is bad public policy. If those corporations cannot succeed in the marketplace, their good intentions notwithstanding, I am not willing to force taxpayers to subsidize an experiment of this sort.

It is unusual for me to object to the creation of a task force, as a task force usually reflects an honest attempt to thoroughly consider an issue and, as a result, incorporates concepts of intellectual exploration, openness, and transparency that I frequently champion. In this case, though, I believe that the deck is stacked in favor of a demonstrably flawed concept. If the task force was not directed to start from the Conference Draft version of the bill, and if the Conference Draft itself did not reflect such hostility toward local business, it would be less problematic. Hostility toward business, though, is the essence of the proposal, and for that reason I cannot support it.

For the foregoing reasons, I am returning House Bill No. 3118 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 580, transmitting H.B. No. 3261, HD 1, SD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 11, 2006

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 3261

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 3261, entitled "A Bill for an Act Relating to Ingenuity Corporation Charter."

The purpose of this bill is to establish the Hawaii Ingenuity Corporation to create a business entity that owns and licenses intellectual and other property.

This bill is objectionable for a number of reasons. First, there are concerns regarding the creation of a private, for-profit organization within Hawaii Revised Statutes that would have no attachment or oversight from a government department. This arrangement may

result in a challenge under the equal protection clause of the Constitution since this entity would not be required to comply with the incorporation laws that other corporations are required to follow before being authorized to do business in the State.

Second, there is a lack of clarity relating to the State's responsibility, if any, in the event the Corporation is sued or for any other legal matters the Corporation may face. This ambiguity also creates confusion as to whether this Corporation is covered by Chapters 91 and 92 of the Hawaii Revised Statutes covering public rulemaking and sunshine laws.

Third, there would be difficulties in making any changes to the Corporation's charter because amendments to the charter of the Corporation would require the passage of a legislative act and rescission of the charter would require a two-thirds vote of both houses of the Legislature.

Fourth, it is inappropriate and outside the scope of law to give a for-profit corporation the ability to declare that exercising the power to collectively bargain on behalf of inventors and labor organizations is an exception to all state antitrust and federal anti-competitive practice rules and statutes.

Fifth, and most importantly, the bill may actually hurt the very entity it is intended to help--the inventor. Inventors would have no direct representation on the Corporate Board. The bill further limits the inventor's return on investment and only allows the inventor to sue the corporation after going through an elaborate and unnecessary grievance process structured to the benefit of the corporation and not the inventor. The legislation fails to increase an investor's ability to compete in a global marketplace or protect his patents beyond what is already available through federal statutes. Hawaii inventors expressed specific reservations about Mainland entities pushing this bill and attempting to organize Hawaii inventors.

For the foregoing reasons, I am returning House Bill No. 3261 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 581, transmitting S.B. No. 2004, SD 1, HD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2004

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2004, entitled "A Bill for an Act Relating to Historic Preservation."

The purpose of this bill is to designate a sandbar in Kaneohe Bay as the "Ahu o Laka State Monument" and to regulate the use of the sandbar pursuant to rules to be adopted by the Department of Land and Natural Resources.

This bill is objectionable because it provides unnecessary regulation of an active recreational and historical site in Kaneohe Bay. The bill was introduced in response to an incident that occurred in 2005. There exist sufficient laws to govern activities on the

sandbar without converting it to State monument status. The Division of Conservation and Resources Enforcement and the United States Coast Guard have the authority to monitor activities that address safety, security, and sanitation concerns.

Secondly, the ability to define the actual State monument area may be difficult, if not impossible, given the shifting sands and movements during tides. Creating a specific perimeter for the State monument might lead to administrative and legal challenges as to where the monument rules do and do not apply.

The cultural and historic nature of the area continue to be researched by the Department of Land and Natural Resources and others. However, long-standing members of the community, locally elected officials, and community leaders stated that there has not been any discussion prior to this bill to suggest that the sandbar should be treated as a State monument. There is community concern that a monument designation may act to the detriment of the area, encouraging visitor guidebooks, websites, and tourist literature to highlight an area that has traditionally been used by residents and those familiar with the Windward Oahu topography.

For the foregoing reasons, I am returning Senate Bill No. 2004 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 582, transmitting S.B. No. 2006, SD 3, HD 2, CD 2, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2006

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2006, entitled "A Bill for an Act Prohibiting Sales of Opihi."

The purpose of this bill is to prohibit the sale of all Hawaii species of edible opihi, subject to an exemption for certain opihi shells used to make jewelry.

Currently opihi can be collected year round throughout the Hawaiian Islands. The shells must be at least one and one-fourth inches wide or the meat, without the shell, must be at least one-half inch wide to be legally harvested. Under current Hawaii Administrative Rules, there is no limitation on the amount of opihi that may be legally harvested. However, this bill will create a presumption that the taking of more than one-half gallon per person per day of opihi, as measured with its shell on, from the waters within the jurisdiction of the State, is for the purpose of selling or offering to sell the opihi. The Department of Land and Natural Resources has taken the position that it will be difficult, if not impossible, to enforce this bill, because its officers will not be able to determine if the opihi someone possessed was legally harvested within the personal limits established in this bill.

Residents of Ni'ihau requested an exemption to a statewide prohibition, indicating that the sale of opihi makes up a portion of their local economy, but their request was rejected by the Legislature. Furthermore, those familiar with the industry believe that this bill will create a black market for opihi that will likely promote illegal

harvesting and hurt legal collectors and, thus, will disproportionately impact those who gather nature's products as has been traditionally practiced for centuries in our islands.

I intend to call upon the Department of Land and Natural Resources to conduct a scientific, fact-based study of opihi to determine whether harvesting limits should be imposed. If the Department of Land and Natural Resources' study determines that harvesting limits are needed to protect the species, then my Administration will take the necessary steps to address this matter.

For the foregoing reasons, I am returning Senate Bill No. 2006 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 583, transmitting S.B. No. 2076, SD 2, HD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2076

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2076, entitled "A Bill for an Act Relating to Leasehold Conversion."

The purpose of Senate Bill No. 2076 is to allow, for a limited time, a fee owner to exclude from taxable income one hundred percent of the gain realized from: (1) the sale of the leased fee interest in a residential house lot or multi-family residential leasehold unit to the lessee of the house lot or unit; or (2) the sale of the leased fee interest in a multi-family residential leasehold property to the association of apartment owners or the residential cooperative corporation of the multi-family residential leasehold property. The total exclusion may not exceed an aggregate cap of \$800,000 for "all taxpayers in the State in any tax year."

Although the provision of an incentive for fee owners to sell the fee interest in their residential real property is an idea that has merit, this bill is objectionable because it provides an inadequate incentive for a significant number of owners to sell their leased fee interest. Moreover, the cost and time necessary to implement the bill for two years far outweigh the benefits. This bill will provide an incentive for only a few fee owners to sell their leased fee interest since the maximum tax savings available under the cap would be \$58,000 per year. On the other hand, to implement the bill, the Department of Taxation will be faced with the administrative burdens of establishing guidelines, training personnel, gearing up for a public information campaign, creating and printing the exemption form, and reviewing an unknown number of claims.

The aggregate cap frustrates the laudable purpose to promote widespread leasehold conversion. The aggregate cap of \$800,000 is very low and will easily be exceeded by the sale of just one or two single-family homes, or maybe three or four condominium units. This bill provides no criteria or guidelines for the Department of Taxation to determine which of the fee owners would qualify for the exclusion from income of up to \$800,000 "in the aggregate for all taxpayers in the State in any tax year." Consequently, the Department

of Taxation will also be faced with tax appeals and litigation regarding this bill.

For the foregoing reasons, I am returning Senate Bill No. 2076 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 584, transmitting S.B. No. 2133, SD 2, HD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2133

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2133, entitled "A Bill for an Act Relating to Health."

The purposes of this bill are to establish a Hawaii health commission within the Department of Commerce and Consumer Affairs that would develop a comprehensive health plan for people in Hawaii and to restrict the use in Hawaii of vaccines that contain mercury.

This bill is objectionable because it restricts the use of FDA-approved vaccines for no scientifically sound reason. This restriction will put the health and well-being of Hawaii residents at risk, particularly in the event of an influenza pandemic.

Thimerosal, an organic mercury compound, has been used as a preservative in some vaccines for many years. The FDA requires that vials of vaccines that provide multiple doses, such as many flu vaccines, contain preservatives to prevent contamination as individual doses are withdrawn from the vial. When thimerosal is processed by the body, it breaks down into ethyl mercury, one form of mercury. Others are pure mercury, such as that formerly used in thermometers, and methyl mercury, which is produced by microorganisms in water and soil and can accumulate in fish. Exposure to high levels of methyl mercury is toxic.

In 1999, the FDA determined that on a regular vaccination schedule some infants might be exposed to accumulated doses of *ethyl mercury* that would exceed some guidelines for *methyl mercury*. These forms of mercury are different and are processed differently by the body. Ethyl mercury breaks down much more rapidly and is eliminated more quickly than methyl mercury. But as a precaution, the United States Department of Health and Human Services, the American Academy of Pediatrics, and vaccine manufacturers decided that thimerosal should be reduced or eliminated in vaccines. As a result, the vaccines routinely recommended for childhood immunization no longer contain thimerosal. However, some immunizations for adolescents and adults still do. Further, much of the flu vaccine supply does as well.

Two years after that precautionary decision, the Immunization Safety Review Committee of the Institute of Medicine in the National Academies of Science reported that there was not enough evidence to say that vaccines with thimerosal either do or do not cause various disorders in children such as autism, hyperactivity, and delayed speech. By 2004 enough additional studies had been done

for the committee to conclude that there is no causal relationship between thimerosal-containing vaccines and autism.

This bill ignores the body of current scientific evidence on thimerosal-containing vaccines. It also ignores the American Academy of Pediatrics, the Hawaii Academy of Family Practice, the Hawaii Medical Association, the Hawaii Chapter of the American College of Obstetrics and Gynecology, and numerous physicians who are on record opposing this legislation. Its enactment could cause some parents to doubt the general safety of vaccines and to decline vaccinations for their children, a step backward in our efforts to encourage families to participate in vaccination and to reduce or eliminate preventable illness and deaths from communicable diseases.

Any action that potentially lowers the immunization rate is of concern to me, particularly since Hawaii is a natural gateway for a flu pandemic. Reducing our population's health protection is a risk I am not willing to take.

For the foregoing reasons, I am returning Senate Bill No. 2133 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 585, transmitting S.B. No. 2150, SD 1, HD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2150

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2150, entitled "A Bill for an Act Relating to Boating."

The purpose of this bill is to prohibit the State from transferring small boat harbors to any county unless provided by statute.

This bill is objectionable because the proposed statute prohibiting the transfer of the small boat harbors to the counties is more restrictive than the already existing statute (section 200-2.5, Hawaii Revised Statutes). The statute already authorizes the Board of Land and Natural Resources to lease fast lands within an existing state boating facility for private development, management, and operation without legislative approval.

Senate Bill No. 2150 provides that a similar transfer to a county would be prohibited. To the extent that the Legislature has already authorized the board to lease fast lands to private parties, the prohibition of leases to the counties, which are public bodies that are directly responsible to their citizens, is contrary to public policy because it places the counties at a disadvantage when compared with private parties if the counties desire to seek authority to operate a State-owned small boat harbor.

For the foregoing reasons, I am returning Senate Bill No. 2150 without my approval.

Respectfully,
/s/
LINDA LINGLE

Governor of Hawaii"

Gov. Msg. No. 586, transmitting S.B. No. 2166, SD 2, HD 3, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2166

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2166, entitled "A Bill for an Act Relating to Minors."

The purposes of this bill are to (1) allow minors without guardians to consent to the provision of primary or preventive medical care and services if a licensed healthcare practitioner makes certain determinations; (2) provide immunity from civil and criminal liability to a practitioner who provides primary care to a minor without a guardian in certain circumstances; (3) allow a minor to request that a managed care or health insurance plan billed for the minor's care not disclose information to certain individuals; and (4) deletes current statutory language that would have required parental consent for a minor (14 to 17 years of age) to terminate a pregnancy.

Although it is certainly important for minors without guardians, including homeless, runaway, and immigrant minors, to be able to consent to medical services, this bill is objectionable because it goes beyond that goal. In addition to allowing minors without guardians to consent to primary and preventive medical care and services, the bill would expressly allow some minors as young as fourteen years of age to consent to complex medical procedures including surgery. These types of medical procedures are serious and have long-term consequences for the health and well-being of the child. Yet, this bill would allow young people to make their decisions who may not have the maturity or judgment to understand the full consequences of this decision.

First, the purpose section of this measure indicates the target population is homeless, runaway, and immigrant minors who find themselves unable to obtain medical services. While this is referenced in the preamble to this bill, the actual statutory language contains no phraseology specifying this target population. The law, as drafted, applies to any minor over age 14. Further, the stipulation that it "not be practicable" to obtain legal consent from an adult, is overly broad.

Second, Senate Bill No. 2166 provides immunity to licensed or certified health practitioners who provide care and treatment to minors. However, the bill expands the type of person who can perform medical treatments on a minor beyond the current statutory limit of licensed practicing physicians. Further, while it is likely the medical practitioner could be held liable for improper medical care, the practitioner could not be held liable for any errors in determining that the minor had no adult supervision and understood the nature and consequence of the medical procedure performed.

The bill also contains a confidentiality provision that may prevent parents from being informed about the medical care and treatment that their children receive. There is merit in the concern that parent rights as well as obligations are being undermined when the State sanctions in laws the ability of a child to avoid, for whatever valid reason may exist, the involvement of a parent or responsible adult.

Further, this measure requires a health insurer to not disclose payment information to the adult who owns an insurance policy

covering the minor, if the minor asks that the information be withheld. Homeless, runaway, and immigrant minors are usually not covered by a parent's insurance policy, leaving the intent of this provision questionable while requiring insurance firms to participate in this concealment.

For the foregoing reasons, I am returning Senate Bill No. 2166 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 587, transmitting S.B. No. 2190, SD 1, HD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2190

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2190, entitled "A Bill for an Act Relating to Employment Security."

The purposes of this bill are to provide temporary tax relief to employers by lowering the maximum taxable wage base for calendar years 2007 and 2008, to increase unemployment benefits for eligible individuals, to increase the amount an individual may earn while collecting his full unemployment benefit amount, and to exclude the payment of benefits to individuals who are terminated for willful or wanton misconduct.

This bill is objectionable because the increases in benefits to unemployment insurance claimants provided by this bill will have an adverse impact on the unemployment insurance trust fund and are projected to increase unemployment compensation benefits by approximately 18 percent per year.

This bill amends section 383-22, HRS, to increase the maximum weekly benefit amount an eligible individual may collect from seventy percent of the average weekly wage to eighty percent of the average weekly wage for benefits years beginning January 1, 2007. This permanent increase in the benefit amount will affect the balance of the unemployment trust fund.

In addition to the higher benefits amount, this bill also amends section 383-24, HRS, to increase the number of weeks that an eligible individual may obtain unemployment benefits from twenty-six weeks to thirty weeks. This section is effective for claims filed on or after January 1, 2006.

This bill also amends section 383-23, HRS, to increase the amount of wages an employee may earn from \$50 to \$150 while collecting the full unemployment benefit amount.

As a consequence, the amount of taxes employers will pay in the future will permanently increase.

The bill's proponents failed to provide convincing data that these changes are merited given the current unemployment climate in Hawaii. Our State has benefitted from the lowest national unemployment rates. There is no demonstrable basis that indicates employees who are temporarily out of work need extended

unemployment insurance benefits nor higher payments. The job climate is such that those out of work should be encouraged to seek new employment in a timely fashion. This bill would tend to discourage timely re-entry into the workforce.

This bill will increase the cost of doing business in Hawaii, perpetuating Hawaii's reputation as anti-business, which my administration has worked hard to reform. Had this bill provided for temporary tax relief for employers only, the cost of doing business would have been reduced and the trust fund would have remained healthy.

Finally, this bill amends section 383-30(2), Hawaii Revised Statutes, to disqualify individuals terminated from employment for willful or wanton misconduct connected with work, and defines "willful or wanton misconduct." Currently, section 383-30(2), HRS, disqualifies individuals who are discharged for misconduct connected with work.

As defined by this bill, "mere inefficiency, unsatisfactory conduct, poor performance, isolated instances, or good faith errors in judgment or discretion shall not constitute willful or wanton misconduct." Given this language, a single act, no matter how egregious, would not constitute misconduct.

My administration believes it would be bad public policy to allow employees to collect unemployment insurance benefits who are terminated for acts that endanger the safety of others in the workplace as well as misconduct and failure to follow proper company rules.

For the foregoing reasons, I am returning Senate Bill No. 2190 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 588, transmitting S.B. No. 2244, SD 1, HD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2244

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2244, entitled "A Bill for an Act Relating to Expungements."

This bill permits the expungement of convictions for violations upon written application to the Attorney General. This bill will require the deletion of digitized arrest records rather than the return of hard copy materials, if applicable. This bill would also require the return of fingerprints and photographs, or the deletion of digitized images to a person entitled to an expungement, except when the person is a fugitive from justice.

This bill is objectionable because it will allow for the expungement of convictions of violations, including simple trespass, disorderly conduct, and loitering for prostitution. If the expungement of violations is permitted, charges such as these would be unavailable to criminal justice agencies, such as the state and county prosecuting agencies, as they are not "law enforcement agencies" that are authorized to have access to these records if acting in the scope of

their duties. This information would also be unavailable to employers or agencies authorized by the Legislature to conduct suitability determinations on prospective employees who have direct contact with Hawaii's designated vulnerable population, namely children, the elderly, and the developmentally challenged.

This bill will also lead to court challenges as there are no guidelines or standards that can be used to determine when the Department of the Attorney General should deny or process an application to expunge the record of a conviction for a violation. As a result, any denial of an application will be open to a challenge that the decision was arbitrarily made. Therefore, the Department will be unable to deny any application for expungement of a conviction for a violation, even in cases where an individual continues to be convicted of violations such as simple trespass, disorderly conduct, and loitering for prostitution. An individual could be convicted for committing a violation every single day and still be entitled to file for an expungement of the conviction for the violation and have it granted each time.

If this bill becomes law, the Department of the Attorney General anticipates that there would be an additional 3,000 - 100,000 offenders that would become eligible for an expungement. The Hawaii Criminal Justice Data Center would require additional positions to process these requests. The police departments and Sheriff's Office would also require additional personnel to expunge the requested charges from their files. However, this bill does not provide any additional funding or resources to the affected agencies to handle the additional workload.

This bill will also mandate the return of all fingerprint cards and photographs of a person entitled to an expungement order unless the applicant is a fugitive from justice. This will erode the accountability and integrity of our fingerprint records in the State Automated Fingerprint Identification System. This is especially true in the case of an arrest with two or more charges. If one of the charges is expunged, the fingerprints and photographs would have to be returned to the eligible applicant. Law enforcement agencies would then have no fingerprints or photographs associated with the charges remaining from that arrest. This could lead to a problem in the future, as law enforcement agencies would be unable to correctly identify the convicted individual.

For the foregoing reasons, I am returning Senate Bill No. 2244 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 589, transmitting S.B. No. 2727, SD 1, HD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2727

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2727, entitled "A Bill for an Act Relating to Neurotrauma."

The purpose of this bill is to require the Neurotrauma Special Fund, established by section 321H-4, Hawaii Revised Statutes, to be used to pay for services to assist individuals with neurotraumatic

injuries, in addition to its existing purposes of education, access assistance, and creation of a neurotrauma registry. The bill also requires the Department of Human Services to apply by December 31, 2007, to the Centers for Medicare and Medicaid Services for a medicaid home and community-based waiver for traumatic brain injuries ("TBI").

This bill is objectionable because, first, the limited amount of moneys currently in the fund (approximately \$1,000,000), combined with expected deposits into the fund, are not sufficient to provide the direct services listed in this bill to the estimated number of persons who might need services per year in Hawaii. Each year there are approximately 1,500 individuals hospitalized in Hawaii with TBI. A survivor of TBI typically faces five to ten years of intensive treatment, with estimated lifetime costs exceeding \$4,000,000 per survivor. A mandate to provide similar services to clients of the Developmental Disabilities Division costs the State \$38,000 per client per year. Applying those figures, the estimated annual cost to the State to provide these direct services to all individuals with TBI would exceed \$57,000,000.

Second, the Departments of Human Services and of Health do not have the detailed data necessary to determine the identification and needs of target populations; which services to include in the waiver that will provide cognitive therapy, personal assistance, respite care, and day health programs as mandated by the bill; the number of people to be served; the availability of service providers in the community; or differentiation among varying levels of TBI. More time is needed to collect and analyze this data, because without it, the departments cannot meaningfully develop and select the services to be included in a TBI waiver application.

Third, while the amendments do not direct the State how to apportion the moneys in the Neurotrauma Special Fund among the purposes specified in the bill, they do add a mandate that moneys in the fund "shall be used for the purpose of funding and contracting for services . . . that assist individuals with neurotraumatic injuries, including but not limited to cognitive therapy, personal assistance, respite care, and day health programs." Because this mandate is estimated to cost much more than the total amount of money available in the Neurotrauma Special Fund, this bill may subject the State to adverse legal action and liability for failure to provide direct services to individuals with TBI.

Fourth, the moneys in the Neurotrauma Special Fund are designated to assist individuals with a spectrum of neurotraumatic injuries, not just traumatic brain injuries. However, this measure intends to use most of the funds only for services to the Medicaid-eligible traumatic brain injury waiver clients. The potential adverse impact of denying services to other neurotrauma patients is inappropriate and unfortunate.

For the foregoing reasons, I am returning Senate Bill No. 2727 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 590, transmitting S.B. No. 2997, SD 1, HD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2997

Honorable Members
Twenty-Third Legislature

State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2997, entitled "A Bill for an Act Relating to Procurement."

This bill would provide exemptions from the Hawaii Public Procurement Code for the High Technology Development Corporation, the Hawaii Strategic Development Corporation, and the Natural Energy Laboratory of Hawaii Authority. This bill also exempts from the Procurement Code contracts for services by a legislative agency for the purpose of preparing a study or report for submission to the Legislature.

This bill is objectionable because the Procurement Code promotes transparency, fair treatment, competition, and public confidence in the government's procurement of goods, services, and construction. It is intended to protect against waste, fraud, and abuse. Absent compelling reasons, any governmental agency with the authority to expend public funds should be in compliance with the Procurement Code.

The ostensible reason for exempting the above-mentioned agencies from the Procurement Code is that they are involved in cutting-edge technology in a time-sensitive, market-driven, volatile investment environment, thus requiring the agencies to have the flexibility to make procurements in an expeditious manner. The reason for exempting contracts for legislative reports is that the procurement process impinges on the agencies' ability to timely comply with their reporting requirements to the Legislature.

The Procurement Code, however, already allows various source selection methods. In addition to invitations for bids and requests for proposals, the Procurement Code allows an informal process for small purchases, sole source selections, emergency purchases, and exemptions from the Procurement Code by law, by rules, or by written determinations of the Chief Procurement Officer. Given the existing flexibility, there is no basis for exempting these agencies from the Procurement Code. Moreover, the purposes of the Procurement Code -- the promotion of transparency, fairness, competition, and public confidence and the protection against waste, fraud, and abuse -- should not be sacrificed absent compelling reasons or for the convenience of the agencies.

For the foregoing reasons, I am returning Senate Bill No. 2997 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 591, transmitting S.B. No. 3035, SD 1, HD 1, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3035

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3035, entitled "A Bill for an Act Relating to Continued Temporary Total Disability Benefits to Injured Employees."

This bill prevents the termination of temporary total disability (TTD) benefits although an injured worker is deemed ready to return to work. Currently, pursuant to section 386-31(b), Hawaii Revised Statutes, an employer/insurance carrier (employer) may terminate TTD benefits if a claimant is able to return to work. The existing law provides that an employer must notify the claimant and the Director of Labor and Industrial Relations of its intent to terminate TTD benefits at least two weeks prior to the date when the last payment is to be made. Section 386-31(b) also requires the notice to inform the claimant that the claimant may make a written request to the Director for a hearing if the claimant disagrees with the employer's decision to terminate TTD benefits.

Upon receipt of the request for hearing, the Director is required to conduct a hearing as expeditiously as possible and render a decision. The current law protects claimants from unwarranted premature termination of TTD benefits by allowing the Director to award a penalty of twenty percent of the unpaid compensation against the employer, payable to the claimant.

This bill is objectionable because it does not recognize that the twenty percent penalty already deters employers from terminating TTD benefits unless there is a valid and good faith basis to do so.

This bill is not clear whether an employer would be entitled to a credit if the employer continues to pay a claimant TTD benefits pursuant to this bill, but a decision of the Director determines that TTD benefits should have been terminated. If a court or other tribunal determines that an employer is not entitled to a credit against permanent disability benefits, the claimant would receive a windfall because the claimant would be allowed to retain the overpaid TTD benefits, which would ultimately raise the costs of workers' compensation. Moreover, even if it is determined that an employer would be entitled to a credit, if the work injury does not result in a permanent disability award, it may be difficult for an employer to collect the overpaid benefits, if any, again resulting in higher workers' compensation costs.

This bill is also objectionable because it provides a process for a claimant, but not an employer, to request a hearing. Pursuant to this bill, an employer cannot terminate TTD benefits unless the claimant has returned to work or the Director orders the termination of benefits. The bill, however, does not provide a specific process for the employer to request a hearing.

This bill also states that the Director must conduct a hearing as expeditiously as possible and render a prompt decision if a claimant requests a hearing, but this requirement does not apply if an employer requests a hearing. Thus, on its face, the bill treats requests from a claimant differently than requests from an employer.

Furthermore, this bill is objectionable because it allows a claimant to choose not to return to work, without penalty, thereby delaying a decision even if the attending physician indicates the claimant is able to return to work. The employer would then be required to continue paying TTD benefits until the Director unilaterally schedules a hearing and issues a decision terminating the benefits. As a result, this bill creates a disincentive for a claimant to return to work because the claimant will suffer no penalty should the claimant refuse to return to work in spite of a doctor's indication that the claimant is able to do so.

Finally, it should be pointed out this bill would take disability determinations out of the hands of the health care profession. This runs counter to good medical and administrative practices and is not in the best interests of the employees themselves and the well-being of the workers compensation system.

For the foregoing reasons, I am returning Senate Bill No. 3035 without my approval.

Respectfully,
/s/

LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 592, transmitting S.B. No. 3181, SD 2, HD 2, CD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
July 10, 2006

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 3181

Honorable Members
Twenty-Third Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 3181, entitled "A Bill for an Act Relating to Solid Waste."

The purpose of this bill is to make several changes in Hawaii's deposit beverage container program. Among those changes are including in the program containers with a capacity of up to sixty-eight fluid ounces, allowing consumers to choose to have the refund value of their deposit beverage containers computed by container count for loads of up to 200 containers, and permitting redemption centers to refuse payment for deposit beverage containers that appear to have been previously processed or baled.

This bill is objectionable because the inclusion of sixty-eight-fluid-ounce bottles will make it difficult to recycle these containers; will have little impact on beach or roadside litter; will be difficult, if not impossible, to implement by the bill's effective date; and will have a disproportionate impact on families.

Redeeming the refund value of larger containers will be inconvenient because reverse vending machines do not accommodate containers of this size and they are bulky to haul to recycling centers. These larger containers do not make up a significant portion of beach and roadside litter. The original scope of the beverage container redemption program was single-size servings based on limited data indicting these size containers are a portion, albeit small, of the litter and solid waste stream. This is not true for larger containers up to sixty-eight fluid ounces in size.

This bill would include the larger containers in the deposit beverage container program as soon as the bill becomes effective. There is no phase-in period, as there was when the original program began, and the industry will not be able to comply with the bill's requirements since the regulation is law at the moment I sign the bill.

Containers this large move off the grocery store shelves more slowly; those currently in stock may take three to five months to sell. New labels take six months to prepare. The combination of a slow-moving product with the required six-month lead time to change labels presents difficult hurdles to implementing this measure that need to be rethought by the Legislature.

It should be noted that containers greater than 1.5 liters are purchased more often by families and those seeking to buy in bulk to conserve funds. Including larger size containers within the fee and deposit requirements of the beverage container program subjects these buyers to the higher costs imposed by this program.

Finally, most of the other changes to the deposit beverage container program included in Senate Bill No. 3181 can be addressed by the Department of Health through the rulemaking process and the Department has signaled its intent to make these changes via administrative rules.

For the foregoing reasons, I am returning Senate Bill No. 3181 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 593, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill 3270 SD2 HD1 CD1:

On July 11, 2006, Senate Bill No. 3270, entitled "A Bill for an Act Relating to Public Health" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

Senate Bill No. 3270 guarantees a payment methodology to federally qualified health centers and rural health clinics in accordance with the Social Security Act and appropriates \$2,000,000 for the Department of Health to provide resources to nonprofit, community-based health care providers for direct medical care for the uninsured.

The Department of Human Services' Med-QUEST Division has been working with the federally qualified health centers (FQHCs), rural health clinics, and the Hawaii Primary Care Association in good faith to review the current rules regarding the Prospective Payment System (PPS) methodology, which gives the highest cost reimbursement payments to these particular Medicaid providers. This bill is similar to a bill that was vetoed last year that would have required continued payment under PPS cost reimbursement.

The Administration has concerns that if the federal law which requires the PPS reimbursement methodology is changed or eliminated, or if there is a change or reduction in the federal matching funds Hawaii receives for PPS, codifying the payment into State statute will obligate the State to future funding commitments.

This bill also provides a one-time payment to FQHCs and rural health clinics of \$2 million. However, the bill fails to identify what will happen to FQHCs and clinics after the fiscal year is over.

FQHCs are an important component to Hawaii's health care safety net of service providers, especially in our rural communities. The majority of patients served at FQHCs are patients covered by federal or State health insurance programs or who may not have current health insurance.

For the foregoing reasons, I allowed Senate Bill SB3270 to become law as Act 297 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 594, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2719 SD2 HD1 CD1

On July 11, 2006, Senate Bill No. 2719, entitled "A Bill for an Act Relating to Education" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

Senate Bill 2719 makes various changes to the charter school law. My Administration supports charter schools and for the past two years we have introduced comprehensive legislation that would improve the environment for charter schools in Hawaii and empower charter schools with the tools they need for success. While well intentioned, Senate Bill 2719 falls short of implementing significant changes for charter schools.

This measure creates a charter school review panel to review charter applications and make recommendations to the State Board of Education but gives no significant authority to the panel. The Board would continue to serve as the charter authorizer with the ability to issue and revoke charters. In contrast, I believe a strong charter school law would allow for multiple chartering authorities, including the University of Hawaii Board of Regents, other public entities, and non-profit agencies. Allowing multiple charter authorizers permits a broader range of paths to obtaining a charter and brings outside resources, expertise, and attention to help shepherd and oversee the charter school movement in the State. Along with oversight and management responsibilities, the panel should be recognized as a Local Education Agency and be allowed to receive federal funds on behalf of charter schools. Unfortunately, Senate Bill 2719 does not give the panel this status.

Second, this bill caps the number of conversion charter schools at 25 and provides restrictive criteria for the establishment of new start-up charter schools. I support a more flexible system that encourages new and conversion start up charter schools. As an alternative to completely removing any caps on charter schools, I proposed targeted expansion for the charter school community by allowing new charter start-ups for schools with an environmental curriculum. Neither of these proposals were considered or included by the Legislature in SB 2719.

Senate Bill No. 2719 states that the Executive Director of the Charter School Administrative Office (CSAO) operates under the direction of the Board of Education (BOE), and in consultation with the charter schools. This continues the confusion and current challenge for the CSAO in determining whom they are accountable to—the BOE, or the charter schools. Further, it places the CSAO Executive Director in a conflicted position since this bill directs the Executive Director to work under the direction of the BOE, provide "...independent analysis and recommendation on charter school issues," and represent charter schools and the charter school system in communications with the BOE, Governor, and Legislature.

This bill clarifies that the local school board shall be responsible for the financial and academic viability of the charter school, implementation of the charter, and the independent authority to determine the organization and management of the school, the curriculum, virtual education, and compliance with applicable federal and State laws. However, I have repeatedly proposed that local school boards be allowed to negotiate master collective bargaining agreements. The Task Force on Charter School Governance Final Report (December 21, 2005) documents that a majority of task force members voted to remove charters from collective bargaining. This measure ignores these recommendations.

As a matter of policy, I believe in giving charter schools the choice to bargain collectively under Chapter 377 (Hawaii Labor Relations Act), Hawaii Revised Statutes. I am concerned that local school boards are not included in the definitions established in our collective bargaining laws, 89-6(d), HRS, as an "employer." New century charter schools employees will be bound to collective bargaining agreements which they did not negotiate and which were not negotiated with the charter school's interests in mind.

For two years, I have proposed including facilities maintenance costs in the per-pupil funding amount and basing the entire per pupil funding on the most recently enacted Department of Education budget, not the Consolidated Annual Financial Report (CAFR). Data from the CAFR is two years old. Neither of these changes is included

in Senate Bill 2719. While this measure allows the Legislature to appropriate additional funds for facility costs, by not including the dollars in a per pupil formula, Hawaii cannot access federal monies that would provide an \$8 to \$1 match in facilities funding.

This measure requires charter schools to be eligible for all federal financial support to the same extent as all other public schools. The Attorney General has pointed out that State law cannot unilaterally make charter schools eligible for federal funding. As stated earlier, a charter Local Education Agency needs to be designated to make this provision viable.

I have proposed for the last two years that extra-curricular activities such as debate, clubs, theatre, and dance should be included as activities that charter school students are entitled to participate in. Senate Bill 2719 only allows charter school students to participate in sports within their school complex.

This bill alone will not accomplish the goal of improving the charter school system in Hawaii. It will be incumbent upon the Legislature to remedy the aforementioned shortcomings of this measure with legislation that further empowers, expands, and supports the charter school system.

For the foregoing reasons, I allowed Senate Bill No. 2719 to become law as Act 298 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 595, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1918 HD1 SD2 CD1

On July 11, 2006, House Bill No. 1918, entitled "A Bill for an Act Relating to Commission on Salaries" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill establishes a seven-member salary commission to review the salaries of appointed managerial positions within the Executive, Judicial, and Legislative branches of government, but excludes positions within the Department of Education and University of Hawaii. Establishment of the commission is predicated upon ratification of an amendment changing Article III, Section 9 and Article XVIII, Section 3 of the State Constitution governing the salaries of the Legislature.

This bill poses a number of concerns that could adversely impact the separation of powers within the Executive, Legislative, and Judicial branches of government.

First, the composition of the proposed seven-member salary commission will be such that there will be a majority of members selected by the Legislature. Such a composition may favor one branch of government over another.

Second, a very real concern exists as to whether it is appropriate and proper to have the salaries of the Chief Justices of the Supreme Court and sitting judges set by a commission that contains members of the other two branches of government. This raises questions as to whether this commission violates the basic tenets of the separation between the branches of government as recognized by our founding fathers.

Third, the timetable for the Commission is unrealistic and will be difficult to meet. The Commission cannot be established until after

the November elections are held. Yet, the Commissioners must be selected, convene, establish criteria, conduct proceedings, make recommendations, and report to the 2007 Legislature that convenes the following January. Since the bill lacks guidance and fails to establish criteria for the commissioners to follow, this will make it even more challenging for the Commission to meet this deadline.

Fourth, House Bill No. 1918 exempts the Department of Education and the University of Hawaii from the purview of the salary commission but fails to provide any rationale as to why these two executive branch agencies should not be subjected to the same process of determining the appropriate salaries of its senior management. In fact, one could argue that these bodies need the transparency and accountability a public salary commission might offer.

For the foregoing reasons, I allowed House Bill No. 1918 to become *[sic]* law as Act 299 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 596, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 3009 SD2 HD2 CD1

On July 11, 2006, Senate Bill No. 3009 SD2 HD2 CD1, entitled "A Bill for an Act Relating to Civil Service Exempt Employees," became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill allows statutorily exempt positions within the Executive Branch to be converted to civil service. This bill also directs the Department of Human Resources Development and the Hawaii Government Employees Association to work collaboratively to establish a process for converting positions in various departments and appropriates \$110,064 for two positions in the Department.

The Legislature recognized that many positions within the State require people with specialized skills and expertise not found within the ranks of civil service personnel. As such, the Legislature specifically identified positions in law that should be exempt because of the nature of the programs they are managing. To now require a wholesale conversion of those positions to civil service ignores the original rationale of the Legislature when the positions were created and significantly reduces the ability of the Executive Branch to effectively manage and operate these programs.

Further, this bill may involve the conversion to civil service of positions attached to programs that are themselves temporary in nature. It is important to the integrity of the civil service program that positions within this system be used for programs that are ongoing in nature and reflect the permanency of a civil service appointment. Otherwise, there is the possibility that civil service personnel will have to be terminated once the temporary program they are working on is completed.

Finally, it should be noted there is no empirical evidence that the exempt employees currently in various statutorily exempt positions are not carrying out their jobs satisfactorily. In fact, the opposite seems to be the case. Departments with the ability to hire exempt personnel have been able to demonstrate a responsiveness and flexibility that has resulted in a satisfied client base and taxpayers who believe that government services are being handled well.

For the foregoing reasons, I allowed Senate Bill No. 3009 to become law as Act 300 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 597, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 3059 SD2 HD1 CD1

On July 11, 2006, Senate Bill No. 3059, entitled "A Bill for an Act Relating to Education" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The original purpose of Senate Bill 3059 was to mandate the establishment of a model curriculum for use by teachers statewide to meet the Hawaii Content and Performance Standards. Unfortunately, in its final form Senate Bill No. 3059 does not require the Department of Education to develop and implement a standards-based curriculum statewide. Rather, this measure appropriates a total of \$2,008,000 for software implementation to align school course material with Hawaii Content and Performance Standards and federal education standards, for the adaptation of a curriculum in one pilot school complex, and for the contractual services of programmers, data analysts, and clerical support to generate reports for the Department of Education's study on the curriculum implementation process.

This bill raises a number of concerns.

First, this bill does not require the Department of Education to develop and provide a statewide curriculum. Instead, a school or a school complex is left to take the initiative to choose to adopt a curriculum. One of the main purposes of having a curriculum is to ensure all students receive adequate instruction, regardless of exogenous forces such as the school district's funding or a teacher's natural abilities. With a curriculum as a guide, teachers and students can have a reasonable sense of what to expect and how to prepare for each school year, creating continuity within the statewide system. Senate Bill No. 3059 affords single schools and school complexes the choice to implement or not implement a curriculum. Therefore, the goal of a statewide curriculum that is aligned with the Hawaii Content and Performance Standards to increase student achievement will not be reached.

Second, this measure appropriates \$900,000 for the development and implementation of a curriculum in one "pilot" school complex, according to the DOE. Therefore, the burden of curriculum development and implementation in all the other complexes is placed upon teachers, principals, school community council members, and complex area staff.

Third, while assessments of "progress" and "performance" are mandated in the bill, nothing exists to assure teachers can address the shortcomings these assessments demonstrate. The introduction paragraph of the bill states, "Although the State has established statewide standards and benchmarks, learner outcomes, (and) assessments, the legislature finds that Hawaii's public school system does not have an articulated and aligned standards-based curriculum to meet its goals." Despite recognizing this deficiency in the public education system, the Legislature, by passing Senate Bill No. 3059, is accepting the status quo.

Fourth, the Department must also report to the Legislature on the implementation of curricula in schools and complexes and indicators of student achievement to help evaluate the implementation of the curricula (not the curricula itself). Further, the bill says the reports

must have a plan for the complex-by-complex development and implementation of a standards-based curriculum, as well as a timeline to implement specific portions of the curriculum for possible statewide application. The plan for the complex-by-complex implementation is problematic because it is not mandatory for schools to adopt a curriculum. This method of planning does not ensure that the different curricula developed by the different school complexes will be of equal caliber.

It is unfortunate that the final draft of Senate Bill No. 3059 is so significantly different from the original proposal that the major supporter of the bill, the Hawaii Automobile Dealers Association, revoked their support of the bill and requested its veto.

For the foregoing reasons, I allowed Senate Bill No. 3059 to become law as Act 301 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 598, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2258 HD1 SD2 CD1

On July 11, 2006, House Bill No. 2258, entitled "A Bill for an Act Relating to Human Services" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

House Bill No. 2258 requires legislative appropriation for the expenditure of Temporary Assistance to Needy Families program (TANF) funds received by the State before the Department of Human Services can expend the funds. The measure also appropriates monies for the Department of Human Services' Chore Services Program and the Department of Education's Even Start Program.

This measure is objectionable because it restricts the Executive Branch's flexibility in managing human services programs funded under the temporary assistance to needy families program and appropriates TANF funds in a manner that is illegal under federal law.

Although State departments can only expend funds appropriated by the Legislature, for many years the Legislature has felt comfortable appropriating TANF money as a lump sum. However, the Legislature now intends to interject itself into the Executive Branch decisions regarding the use of these funds. This will restrict the Executive Branch's flexibility in setting priorities for human services programs and could adversely impact the neediest citizens of Hawaii these funds are meant to help.

House Bill No. 2258 also appropriates \$1,191,058 in general funds in fiscal year 2006-2007 for the Department of Human Services' Chore Services Program and \$600,000 in temporary assistance to needy families funds in fiscal year 2006-2007 for the Department of Education's Hawaii Even Start Family Literacy Program. Even Start is an educational program funded by the United States Department of Education. As such, it cannot be funded by temporary assistance to needy families funds as these funds are prohibited by federal requirements from funding education programs.

However, it is important that the Department of Human Services receive the approximately \$1.2 million dollars in supplemental funding for the Chore Services Program to maintain services to its existing clients.

For the foregoing reasons, I allowed House Bill No. 2258 to become law as Act 302 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 599, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2098 HD1 SD1 CD1

On July 11, 2006, House Bill No. 2098, entitled "A Bill for an Act Relating to Developmental Disabilities" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The purpose of this bill is to establish a pilot project to expand the residential options of developmentally disabled or mentally retarded individuals to allow them to live in a setting of the person's choice if it is determined that "the person can be sustained with supports, the supports are attached to the person, and adequate consideration and recognition is given to the person's safety and well-being." This bill will be repealed on June 30, 2008.

This bill is problematic because the language is unclear and may create problems in implementation.

First, this bill does not state how the person's choice of residential setting is to be made and how the Department of Health (DOH) is to support the choice. Under the current system employed by the Developmental Disabilities Division (DDD) of the DOH, DDD assists clients to locate licensed or certified homes. This bill will create uncertainty over the DOH's role in selection of these residential alternatives even though State money would be spent supporting the individual.

Second, the bill does not specify how to determine whether "adequate consideration and recognition" has been given to the person's safety and well-being. This bill does not mention licensing or certification requirements, an omission that could lead to an interpretation that this amendment to section 333F-2(c) allows placement in unlicensed or uncertified homes. Allowing placement in unlicensed or uncertified homes poses a risk for the safety and well-being of persons with developmental disabilities or mental retardation because it is only through licensing or certification requirements that safety standards such as criminal history background checks of the home operator and periodic monitoring or unannounced home visits are maintained. Any program that purports to assist the developmentally disabled under the care of the State must include a degree of accountability within the system.

This bill will likely create problems in implementation due to the fact that many parts are vague enough to be subject to more than one interpretation. My Administration will work within the confines of this law to provide the best protection possible for State clients. However, it will be necessary to amend the law in the next legislative session to clarify the problems with this bill.

For the foregoing reasons, I allowed House Bill No. 2098 to become law as Act 303 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 600, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 1891 HD2 SD2 CD1

On July 11, 2006, House Bill No. 1891, entitled "A Bill for an Act Relating to Education" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill doubles the amount of General Excise Tax (GET) revenues to be deposited into the State Educational Facilities Improvement (SEFI) special fund from \$45 million to \$90 million.

House Bill No. 1891 HD2 SD2 CD1 is problematic because the automatic, mandatory diversion of GET revenues limits the State's ability to fund priorities, thereby negatively impacting the State's general fund financial plan. In essence, this measure guarantees the diversion of up to \$90 million dollars of general revenues into the SEFI if no general obligation bonds are authorized. A financially sound approach to manage the State's funds would include providing funding for public school capital improvement requirements on the basis of need, funding ability, and the consideration of statewide priorities. House Bill No. 1891 does not take these criteria into consideration.

The State Educational Facilities Improvement special fund was created to set aside State funds for school construction and repairs. Currently, the SEFI is funded from general obligation bond sales. Consequently, in essence, projects funded by the SEFI are funded by general obligation bonds. Thus, the SEFI may no longer be needed.

One of the priorities of my Administration is to foster a proper learning environment that I believe is critical to the education of Hawaii's students. For fiscal year 2005-2006, I released \$200 million to assist the Department of Education with repair and maintenance and other capital improvement program projects for Hawaii schools. In addition, on June 26, 2006, I signed Act 246, the Fix Hawaii Schools Act, which appropriates \$235 million to repair schools statewide. There is also \$170 million in capital improvement project funds in the supplemental budget for 2007 (Act 160) and \$5 million for solar panels in schools in Act 96, Session Laws of Hawaii 2006. These amounts total \$610 million devoted to school construction.

My support for public school facilities is clear. However, the Department of Education should fund its capital improvement program needs directly with general obligation bond fund sales as do other State departments.

For the foregoing reasons, I allowed House Bill No. 1891 to become law as Act 304 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 601, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill 3142 HD2 SD2 CD1

On July 11, 2006, House Bill No. 3142, entitled "A Bill for an Act Relating to Trauma Care" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill establishes the Trauma System Special Fund to support the development of a statewide trauma system. The measure sets forth categories for reimbursement and requirements for the use of monies from the Trauma System Special Fund. This measure includes potential sources of funding, but does not appropriate funds or specify a source of funding for deposit into the special fund.

It is troubling that this Special Fund would be exempt from the State Procurement Code (Chapter 103d, HRS) and the Purchase of Health and Human Services law (Chapter 103F, HRS). These exemptions, in effect, mean that procurement and purchase actions will not be subject to the transparency, accountability, and audit requirements that taxpayer-financed expenditures deserve. Further, the Special Fund would not pay its fair share of administrative costs as other funds must do.

Additionally, the Trauma System Special Fund does not meet the requirements of Section 37-52.3, HRS, which mandates the Legislature shall ensure that a special fund: "(1) Serves the purpose for which it was originally established; 2) Reflects a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program; (3) Provides an appropriate means of financing for the program or activity; and (4) Demonstrates the capacity to be financially self-sustaining." While it is important that the State of Hawai'i maintain trauma care services, there is no clear nexus between tobacco taxes and trauma care use. Further, depending on costs to develop a "comprehensive state trauma system," the ability for the fund to be self-sustaining is questionable.

For the foregoing reasons, I allowed House Bill No. 3142 to become law as Act 305 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 602, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: HB1923 HD1 SD2 CD1

On July 11, 2006, House Bill No. 1923, entitled "A Bill for an Act Relating to the Hawaii Tourism Authority" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill extends the sunset provision of Act 58 SLH 2004 relating to the Hawaii Tourism Authority (HTA) which allows HTA to appoint or retain attorneys independent of the Attorney General, exempts the Authority from audit and accounting provisions under the Department of Accounting and General Services, and allows the board of directors of the Authority to appoint a sports coordinator exempt from civil service, and pension and retirement laws until June 30, 2010.

This bill is objectionable because it allows the Hawaii Tourism Authority to operate outside the safeguards of State law, continues to micromanage the personnel decisions of the Authority, and creates potential legal difficulties for the State. The exemption from the accounting and auditing provisions of Chapter 40 allows the HTA to spend moneys without regard to transparency, controls, and accountability for funds managed by the State Comptroller.

Additionally, the authorization to hire attorneys independent of the Attorney General potentially creates legal difficulties for the State. As I stated in 2004, retention of special counsel by the HTA can result in inconsistent legal advice when adequate counsel already exists in the Attorney General's office.

Second, the bill continues in statute a provision that contradicts section 26-39 of the Hawaii Revised Statutes that provides for the establishment of positions deemed necessary to carry out the functions of agencies and departments. This bill instructs the Hawaii Tourism Authority to continue an exempt sports coordinator position without regard to personnel laws.

In 2004, the Legislature passed House Bill 2608, which I returned to the Legislature, indicating I believed the bill should not become law. The concerns I raised at that time are still applicable to this bill.

Therefore, for the foregoing reasons, I allowed House Bill No. 1923 to become law as Act 306 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 603, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 3066 SD1 HD1

On July 11, 2006, Senate Bill No. 3066, entitled "A Bill for an Act Relating to Interest and Usury" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill permits certain credit card service fees from being included in the calculation of the maximum interest rate credit card issuers can charge for firms that issue such cards and are domiciled in the State of Hawaii.

While I understand the concern of local credit card firms who want to remain competitive, I remain concerned that Hawaii's current law already permits an 18% per annum annual interest charge on credit card balances. This interest rate is significantly higher than interest charged on most other financial transactions such as non-secured loans, collateralized loans, and borrowings from a bank or lending institution. This interest rate is also considerably higher than inflation and other cost drivers, both locally and nationally.

I recognize that firms who issue credit cards need to make an adequate return on their money. However, it has not been demonstrated that they are not making such a return based on the current method of calculating the 18% interest rate.

For the foregoing reasons, I allowed Senate Bill No. 3066 to become *[sic]* law as Act 307 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 604, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 3016 HD1 SD1 CD1

On July 11, 2006, House Bill No. 3016, entitled "A Bill for an Act Relating to Unserved Arrest Warrants" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The backlog of arrest warrants is a problem that has gained attention from various sectors of the community and engendered a number of proposed solutions. The stated intent of this bill is to require due diligence in serving all traffic warrants issued against a defendant and to require the Hawaii Paroling Authority to report to the appropriate court and arresting authorities whether a parolee has any outstanding traffic warrants. However, the substance of the bill is questionable.

First, the bill adds a section to chapter 353, Hawaii Revised Statutes, to require the Hawaii Paroling Authority to inform the appropriate courts and arresting authorities of all outstanding traffic warrants issued against those whose parole has been suspended or revoked. The purpose of this is to allow such warrants to be "served on the parolee in a timely manner." This merely codifies existing practice of the Hawaii Paroling Authority. Thus, adding this section to the law will not result in any improvement of current procedures.

Second, the bill adds a section to chapter 604, Hawaii Revised Statutes, to require that "in any criminal proceeding, due diligence shall be used in serving any outstanding traffic warrants on the defendant." It is arguable whether this addition to the statutes is substantive inasmuch as the Hawaii Rules of Penal Procedure Rule 9(c)(3)(i) already requires that a "warrant shall be executed without unnecessary delay by the arrest of the defendant."

Finally, this bill instructs the Judicial Council to set up a committee to "conduct a comprehensive review of the backlog of arrest warrants waiting to be served upon persons incarcerated in the State's correctional facilities and the entire backlog of unserved arrest warrants and recommend to the Legislature action necessary so that these warrants will be served without further delay." While a comprehensive review of the warrant backlog is warranted, the bill's review is duplicative of Senate Concurrent Resolution 91 SD1 which convenes a task force to "conduct a comprehensive review of the entire backlog of unserved arrest warrants and recommend to the Legislature action necessary to permanently alleviate the backlog." Both the bill and the resolution establish review panels largely comprised of representatives from the same agencies and both require reports to be submitted to the Legislature twenty days prior to the convening of the regular session of 2007.

I support a comprehensive review of the backlogged warrants problem and subsequent meaningful action to eliminate the backlog. However, this bill is duplicative of actions already underway to address this issue.

For the foregoing reasons, I allowed House Bill No. 3016 to become law as Act 308 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 605, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2274 SD1 HD2 CD1

On July 11, 2006, Senate Bill 2274, entitled "A Bill for an Act Relating to the Employees' Retirement System" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill would allow the directors of the offices of council services within the counties of Maui and Honolulu to participate as Class A members within the State Employees' Retirement System if they were employed prior to July 1, 2006.

The intent of this bill is to place the directors of the councils of these two counties on a par with the county clerks of Hawaii and Kauai who perform similar functions. While this objective is understandable, we must point out that Class A membership in the Employees' Retirement System has traditionally been reserved for high-level officials such as judges and elected leaders. Additionally, Class A membership is extended to those with jobs that subject them to possible bodily harm, such as narcotics investigators and public safety officers. The rationale is that these positions have a level of tenuousness and difficulty not found in other public positions.

My Administration remains concerned about the precedent this bill establishes in allowing legislatively favored personnel to become Class A contributory plan retirement system members while other senior personnel in the executive agencies are not allowed to receive this higher retirement benefit.

Further, it should be noted that the directors of the council have the option to join the hybrid retirement plan which allows them to accrue higher retirement benefits if they are willing to pay a portion of their earnings into the plan. [sic]

For the foregoing reasons, I allowed Senate Bill No. 2274 to become law as Act 309 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 606, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 3180 SD1 HD2 CD1

On July 11, 2006, Senate Bill No. 3180, entitled "A Bill for an Act Relating to the Counties" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill provides that each county shall adopt ordinances that allow the exercise of indigenous Hawaiian architectural practices, styles, techniques, and materials historically employed by Native Hawaiians. The bill recognizes that the applicability of this ordinance may not be appropriate in historical districts and explicitly exempts these districts.

However, the bill presents concerns outside of those associated with historical district structures. Most notably, this bill represents a legislative intrusion into the responsibilities of the counties and mandates that counties must adopt ordinances as prescribed in the bill. This type of legislation goes against the spirit and intent of home rule and provides legislative direction in an arena that has long been recognized as within the scope of county authority--namely building code requirements.

Further, this bill leaves unanswered questions as to how the use of indigenous building approaches will be addressed within the safety and structural requirements building codes must address. Additionally, the issue of how these structures will conform to energy conservation standards and disaster preparedness requirements is left unanswered.

For the foregoing reasons, I allowed Senate Bill No. 3180 to become [sic] law as Act 310 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 607, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 3105 HD2 SD2 CD1

On July 11, 2006, House Bill No. 3105, entitled "A Bill for an Act Relating to Psychotropic Medication" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill is intended to provide equal access to psychotropic medication for Medicaid patients, regardless of whether the patient is covered by a fee-for-service plan or a QUEST managed-care plan.

While this portion of the bill is laudable, the measure goes too far in allowing a physician to prescribe a psychotropic medication without the required consultation with a psychiatrist. The field of psychotropic medicine is specialized and requires knowledge of the interaction of various drugs with each other as well, as with other medications a patient may be taking.

The current statute allowed for the consultation to take place by telephone, electronically, or via a face-to-face discussion and did not appear to place an undue burden on the attending physician. Further, the law now allows for the concurrent psychiatrist's opinion to be documented in the recipient's medical records, thereby allowing future medical service providers to understand the rationale used in issuing the prescription. Failure to document these decisions could cause harm to the patient in later years and does not appear to be medically prudent.

Finally, the bill eliminates the requirement that only those agents approved by the United State Food and Drug Administration for the treatment of mental and emotional disorders may be prescribed. This deletion in the governing statute raises concerns as to what medications can be prescribed and what safety considerations will be applicable to these medications.

For the foregoing reasons, I allowed House Bill No. 3105 to become law as Act 311 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 608, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2193 SD1 HD1 CD1

On July 11, 2006, Senate Bill No. 2193, entitled "A Bill for an Act Relating to Planned Community Associations" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill addresses issues of access to board meetings and association documents of planned community associations.

While the bill contains some provisions that would give homeowners in planned communities greater access to information about the management of their association, the bill also contains some provisions that might work to exclude homeowner participation in the affairs of their community.

Most notably, the bill deletes from current law the requirement that board meeting minutes include the recorded votes of board members. Deleting this provision could be construed to remove the accountability for actions of the board members. It may also make it more difficult to identify potential conflicts of interest when a board member should have abstained from voting.

Second, the bill allows for the examination of board meeting minutes but deletes language that allows for the review of the association's meeting minutes. Since association business is conducted at both types of meetings, it is unclear why the legislation allows homeowners to review one set of documents but not the other set of documents.

Third, the bill allows the Planned Community Association Board to set up committees and subcommittees at various times and places and requires that the members of the committees and subcommittees be identified by name. This seems reasonable. However, the bill also allows the Board to eliminate committees and subcommittees without regard to the fact that some committees are established as a result of requirements placed on the development by the counties as a condition of approval.

Finally, some members of planned communities have expressed concern that this bill could be interpreted to allow homeowner input on matters on a board agenda, but would preclude homeowners from commenting on important matters not on a board agenda. They believe this could lead to some boards deliberately not putting sensitive topics up for discussion.

The bill contains provisions indicating planned community meetings should be open, ensures that minutes are available to the members, and requires detailed financial information to be made available for inspection.

For the foregoing reasons, I allowed Senate Bill No. 2193 to become law as Act 312 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 609, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 386 HD1 SD1 CD1

On July 11, 2006, House Bill No. 386, entitled "A Bill for an Act Relating to Courts" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The purpose of this bill is to repeal jury service exemptions for an attorney at law, a head of an executive department, an elected official (except while the Legislature is in session), a minister or priest, a dentist, and an active duty member of the armed forces or militia. This bill continues the exemptions for a judge, an active practicing physician, an active member of a police or fire department, and a person who has served as a juror within one year preceding the time of filling out the juror qualification form. The bill adds jury service exemptions for active members of an emergency medical services agency, persons who live more than seventy miles from the court for which jury service is required, and persons who are eighty years of age or older.

Although the addition of the exemption category of active members of an emergency medical services agency is positive, other portions of this bill will cause difficulties for the Judicial Branch of government. The bill amends the exemption for elected officials such

that the exemption is available only while the Legislature is in session. This amendment does not consider that elected officials at the federal or county levels are not necessarily affected in their duties by the timing of the State legislative sessions. Thus, the narrowing of the exemption may negatively impact federal or county elected officials if they are summoned to jury duty during times when their political bodies are in session, but the Legislature is not.

The bill amends the current exemption for active duty members of the armed forces or militia such that the exemption is available only when those individuals are deployed out of the State. The amendment does not consider the case of reservists who have been assigned to their annual two weeks of active duty. The active duty member and his or her unit could be adversely affected if the member is unable to receive training with the member's entire unit.

The addition of the category of persons living more than seventy miles from the court for which jury service is required will have a negative impact in the Third Judicial Circuit (the Island of Hawaii), as well as the Second Judicial Circuit, which includes Maui, Molokai, and Lanai, wherein jurors frequently reside more than seventy miles from the courthouse.

The deletion of the category of attorney at law could cause a "ripple effect" on the court system by necessitating the rescheduling of motions, hearings, trials, and other court appearances if an attorney is summoned for jury duty. Negative effects on attorneys, especially sole practitioner attorneys, and their clients are anticipated.

Finally, this bill adds a person over eighty years of age to the list of people who are excused from jury duty. As pointed out by the Judiciary, chronological age should not be used as a factor in determining if a person has the physical and mental capacity to serve as a juror.

Persons who fall within a particular exemption eligible category may claim an exemption from service as a juror, but it is not guaranteed that the court will grant the exemption. Any individual can seek to be excused from jury duty, even if the individual is not within an exemption.

For the foregoing reasons, I allowed House Bill No. 386 to become law as Act 313 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 610, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2575 SD2 HD1 CD1

On July 11, 2006, Senate Bill No. 2575, entitled "A Bill for an Act Making an Appropriation for a Baseline Environmental Study of the Waianae Coast Ocean Area," became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

An increase in the diversity of activities in the Waianae Coast ocean area has raised concerns over the effects such activity can have on resources, public safety, user relations, and traditional livelihoods. The purpose of this bill is to provide funding for a baseline environmental study of the Waianae Coast ocean area, which will be used to draft proposed rules for an Ocean Recreation Management Area (ORMA) designation for the Waianae Coast, as mandated by Act 6, Special Session Laws of Hawaii 2005.

I am supportive of establishing an Ocean Recreation Management Area for the Waianae Coast with pertinent administrative rules to

protect resources and regulate permitted commercial activities. However, this bill leaves some issues insufficiently resolved.

First, this law could potentially set a precedent that the Department of Land and Natural Resources (DLNR) must conduct a baseline environmental study before adopting rules to create and regulate an ORMA. The DLNR has demonstrated that it is capable of adequately making such rules and has, in this particular instance, met extensively with interested parties to resolve conflicts concerning the proposed ORMA rules in a manner that complies with the federal Marine Mammal Protection Act.

Second, this bill does not provide the public with reasonable means to express their comments and concerns. Although the baseline study proposed in this bill is not an environmental impact statement (EIS), it is modeled in much the same way. An important component of an EIS is a required public review and comment period. A comment period is not required in this study.

Furthermore, estimates from multiple parties place the cost of this study anywhere from \$250,000 to \$1,000,000, while this measure only appropriates \$120,000. A shortage of funds could force the DLNR to divert staff resources and expertise from existing projects in order to complete the study.

It is imperative that a Waianae ORMA be established and that all parties work with due diligence to properly manage this area.

Therefore, I allowed Senate Bill No. 2575 to become law as Act 314 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 611, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2708 SD2 HD1 CD1

On July 11, 2006, Senate Bill No. 2708, entitled "A Bill for an Act Relating to School Facilities" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill extends through July 30, 2007 an impact fee Working Group that will assess the impacts of new housing developments on the Department of Education and examine the current method of imposing and collecting impact fees. The Working Group was supposed to issue a report to the 2006 Legislature but will now report to the 2007 Legislature.

Impact fees are a method by which State and county departments assess developers a monetary fee, or land donation, to minimize the effects the development will have on the various public services, such as transportation, roads, public schools, and sewage/water systems.

While I continue to recognize the importance of this issue and the need to have a consistent, statewide process in place, this bill raises a number of concerns similar to Act 246 of 2005. First, the measure only addresses impact fees imposed by, or collected for, the benefit of the Department of Education. There are other State and County functions that are affected by a new development, such as roadways and sanitation systems. This measure only takes into account the effect of a development on the public school system. My Administration supports developing an impact fee assessment process that addresses the full array of potential impacts on public services.

Second, this measure continues a Working Group that does not allow input and membership from other State or county departments that may be directly affected by the outcomes of the Working Group, such as the Department of Transportation, the Hawaii Public Housing Authority, the Hawaii Housing Finance and Development Corporation, the Department of Health, the county housing and planning/permitting departments, and the Office of the Governor.

There remains an issue of the appropriateness of placing this Working Group in the Office of the Auditor. The Legislative Auditor has not had experience in dealing with developer impact fees and fair-share contributions. Apparently she has had to contract out this work. Furthermore, the Auditor did not explain how the initial \$150,000 was spent by the Working Group and why an additional \$25,000 is necessary for this effort.

The minimum criteria for the needs assessment are outlined in the measure. However, there are vital elements missing from this needs assessment evaluation. A needs assessment should provide a clear, rationale nexus between the development and the impact fee assessed; a fair share proportion to be assessed on the developer, not a disproportionate assessment; predictability in the amount of the fee or land requested; a dedication of the funds/land assessed to be used directly in the community where the development is located; and an agreement that if the funds are not used within a reasonable amount of time, the monies should be refunded to the developer. None of these items are included in the needs assessment described in the original bill not addressed in this measure.

I support the exploration of a comprehensive statewide evaluation to examine impact fees in a transparent, fair, and equitable manner. This work is being carried out by my Administration and does not require statutory authority. Regrettably, this bill is not comprehensive enough in either the membership of the Working Group or the tasks assigned to produce a meaningful product.

For the foregoing reasons, I allowed Senate Bill No. 2708 to become law as Act 315 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 612, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: Senate Bill No. 2961 SD1 HD1 CD1

On July 11, 2006, Senate Bill No. 2961, entitled "A Bill for an Act Relating to Health" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill raises the tax on cigarettes and uses the monies derived from the tax increase to fund programs that promote health. This measure creates the Hawaii Cancer Research Special Fund and the Community Health Center Special Fund and exempts these funds, as well as the Emergency Medical Services Special Fund, from transfers for central service and administrative expenses.

This bill reflects an effort to deter smoking by incrementally increasing the Hawaii cigarette tax from the current rate of \$1.40 per pack to \$2.60 per pack over a period of five years. Unfortunately, Senate Bill No. 2961 contains several drafting errors.

In the sections which distribute the cigarette tax increase into the various special funds, Senate Bill No. 2961 omits some key language. This bill only appropriates between 0.25 cents and 2.0 cents into each of the designated special funds between September

30, 2006 and September 30, 2011. Other sections of the measure convey the intent of the Legislature was to deposit the amounts on a per cigarette basis but the bill was not drafted to state this clearly and unambiguously.

Second, the bill deleted language authorizing the Director of Finance to assess and collect central administrative fees on all special funds. According to conversations we have had with the Legislative Reference Bureau, they recognize this flaw in the bill and will correct it in their annual statute correction legislation next session.

Third, the newly established special funds do not meet the requirements of Section 37-52.3, HRS, which mandates that a special fund reflect "a clear nexus between the benefits sought and charges made upon the users or beneficiaries of the program, as opposed to serve primarily as a means to provide the program or users with an automatic means of support that is removed from the normal budget." There is no clear nexus between tobacco taxes and trauma care use and, thus, this portion of the bill does not meet the requisite statutory test.

I anticipate the Legislature will return next session prepared to introduce and pass a housekeeping measure to correct the mistakes evident in this bill.

For the foregoing reasons, I allowed Senate Bill No. 2961 to become law as Act 316 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 613, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2555 HD2 SD2 CD1

On July 11, 2006, House Bill No. 2555, entitled "A Bill for an Act Relating to the Hawaii Community Development Authority" became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

This bill prohibits the sale or transfer of fee simple interest in State-owned land in the Kaka'ako community development district. The bill also prohibits approval of plans or proposals for any residential development makai of Ala Moana Boulevard between Kewalo basin and the foreign trade zone. These restrictions are broad in their impact on the planning process for the Kaka'ako area.

First, the prohibition on the sale or transfer of State-owned land causes difficulty for the Hawaii Community Development Authority (HCDA) to achieve its directives as originally set forth by the Legislature. Land exchanges, realignments, and sale of remnant parcels further the goals of the various District plans. HCDA will be prevented from executing buybacks of reserved housing units and reselling to qualified buyers. These transactions are used to prevent excessive profits in the sale and purchase of affordable housing units. Additionally, land exchanges would be prohibited under this bill.

This restriction in this bill applies to the entire Kaka'ako community development district, not just the Makai area, and may interfere with planning in other sectors of the District. It is not good policy to restrict sale or transfer of lands with such a broad stroke.

Second, the ban on residential development in the Makai area is restrictive and could be considered a taking of private property rights. This restriction applies to all landowners in the Makai area, not just the HCDA. Kamehameha Schools had planned to propose a development of workforce housing including up to 200 residential

lofts in a life sciences research complex on its land in the Makai area. It is unclear what legal recourse Kamehameha Schools may want to pursue given the imposition of the restriction on their private property.

Further, the prohibitions of this bill are inconsistent with several provisions in HCDA's enabling legislation (Chapter 206E, Hawaii Revised Statutes) that mandate a mixed-use of industrial, commercial, residential and public uses within the entire Kaka'ako District.

At its meeting on June 7, 2006, the HCDA Board terminated an outstanding request for proposal (RFP), effectively stopping all development in the Kaka'ako Makai area. It also agreed not to transfer, in fee, any State lands in the Makai area. In an effort to address the concern that the public did not have sufficient opportunity for input in the planning process, the HCDA Board also established a Makai Area Advisory Planning Committee consisting of members of the public. Its purpose is to provide input for a new waterfront development plan.

With the formation of the Advisory Committee and in light of the Board's termination of the RFP, I believe the prohibition of residential use in the Makai Area is premature. The Advisory Planning Committee should be given the flexibility to make a recommendation that might include residential development. It is unfortunate this bill will have a chilling or limiting effect on a process specifically designed for more public participation.

For the foregoing reasons, I allowed House Bill No. 2555 to become law as Act 317 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 614, informing the House that on July 11, 2006, pursuant to Section 16 of Article III of the State Constitution, the following bill became law without her signature, stating:

"Dear Mr. Speaker and Members of the House:

Re: House Bill No. 2595 HD1 SD2 CD1

On July 11, 2006, House Bill No. 2595, entitled "A Bill for an Act Relating to Family Visits," became law without my signature, pursuant to Section 16 of Article III of the Constitution of the State of Hawaii.

The purpose of House Bill No. 2595 is to ensure family members can visit inmates at a correctional facility during official visiting hours.

This bill raises concerns because it is vague as to whether the Department of Public Safety may cancel visits by family members when emergency situations would so merit. The bill was passed as a result of isolated incidents of family visits being cancelled due to staffing shortages.

Recognizing the need to be more accommodating of special visits by family members, the Department of Public Safety has implemented changes to its visitation policies. The Department's policy now addresses the concerns giving rise to this bill. At the same time, it also reserves in the Department the needed flexibility to cancel visitations when security concerns merit.

I believe these visitation policy rules, coupled with the provisions of this bill, address the concerns family members of incarcerated persons may have had.

For the foregoing reasons, I have allowed House Bill No. 2595 to become law as Act 318 effective July 11, 2006 without my signature.

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 615, dated July 12, 2006, transmitting the Department of Taxation's Annual Report 2004-2005.

Gov. Msg. No. 616, dated July 14, 2006, transmitting the Department of Human Services' Report as required by Act 178, Section 42, SLH 2005.

Gov. Msg. No. 617, dated July 14, 2006, transmitting the Department of Land and Natural Resources' report Relating to Emergence Relief Expenditures for Natural Disasters [*sic*] Occurring in February and March 2006 and Status of Dam Safety Inspections and Assessments – in response to Sections 24 and 25 of Act 118, Session Laws of Hawaii 2006.

Gov. Msg. No. 618, dated July 17, 2006, transmitting the Department of Human Services' Report as required by Act 178, Section 162, SLH 2005 for the 4th quarter of FY 06.

Gov. Msg. No. 619, dated July 18, 2006, transmitting the Department of Human Services' Report as required by Act 178, Section 159, SLH 2005 for the 4th quarter of FY 06.

Gov. Msg. No. 620, dated July 21, 2006, transmitting the Hawaii Department of Agriculture's Emergency Relief for Natural Disasters Report.

Gov. Msg. No. 621, dated July 15, 2006, transmitting the Department of Transportation's report on emergency appropriations for the damage and destruction caused by heavy rains and flooding in February and March 2006.

Gov. Msg. No. 622, dated July 1, 2006, transmitting the Department of Transportation's Monthly Progress Report on the Lahaina Bypass Project and the Motor Vehicle Use Reduction Plan.

Gov. Msg. No. 623, dated July 28, 2006, transmitting the Housing and Community Development Corporation's Annual Report for fiscal year ending June 30, 2004.

Gov. Msg. No. 624, dated July 28, 2006, transmitting the Housing and Community Development Corporations Annual Report for fiscal year ending June 30, 2005.

Gov. Msg. No. 625, dated August 1, 2006, transmitting the Department of Transportation's second Monthly [*sic*] Progress Report on the Lahaina Bypass Project and the Motor Vehicle Use Reduction Plan.

Gov. Msg. No. 626, dated August 21, 2006, transmitting the Department of Land and Natural Resources' report relating to the Division of Conservation and Resources Enforcement's monthly enforcement activities.

**SENATE COMMUNICATION RECEIVED AFTER THE ADJOURNMENT
OF THE 2006 LEGISLATURE SINE DIE**

Sen. Com. No. 876, informing the House that the following bills
have this day passed Final Reading in the Senate on May 4, 2006:

S.B. No. 2133, SD 2, HD 2, CD 1
H.B. No. 2043, HD 2, SD 3, CD 1
H.B. No. 2258, HD 1, SD 2, CD 1
H.B. No. 2878, HD 1, SD 1, CD 1
H.B. No. 2806, HD 1, SD 2, CD 1
H.B. No. 3036, HD 1, SD 2, CD 1
H.B. No. 3118, HD 1, SD 1, CD 1
H.B. No. 3261, HD 1, SD 2, CD 1
H.B. No. 3060, HD 1, SD 2, CD 1
H.B. No. 2419, HD 1, SD 3, CD 1
H.B. No. 957, HD 1, SD 1, CD 1
S.B. No. 2461, SD 1, HD 1, CD 2
S.B. No. 218, SD 4, HD 1, CD 2
S.B. No. 2006, SD 3, HD 2, CD 2
S.B. No. 2956, SD 2, HD 2, CD 1

**DEPARTMENTAL COMMUNICATIONS RECEIVED
AFTER THE ADJOURNMENT OF THE 2006 LEGISLATURE SINE DIE**

Dept. Com. No. 67, dated June 30, 2006, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the Financial Audit of the Department of Land and Natural Resources.

Dept. Com. No. 68, dated August 15, 2006, from Marion M. Higa, State Auditor, Office of the Auditor, transmitting the Financial Audit of the Department of Public Safety.