

NINETEENTH DAY

Wednesday, February 14, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Father James Amakatt of St. Anthony Church, after which the Roll was called showing all members present with the exception of Representative Chang, who was excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 266) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 266, dated February 12, 2007, transmitting the Department of Public Safety Annual Report on the Status of the Federal Reimbursement Maximization Special Fund.

INTRODUCTIONS

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

Representative Rhoads introduced Dr. Loretta Reid of Chicago, Illinois and wished her a happy birthday. Representative Rhoads also recognized her son, Mr. Paul Reid of the House Sergeant-at-Arms Office.

Representative Manahan introduced friends from the 29th District, Mr. Marcy Valasco, Mr. Joe Dumayag, and Mr. and Mrs. Ancheta.

Representative Meyer introduced her legislative aide, Mr. Jim Henshaw.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1, HD1	Jointly to the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment, then to the Committee on Finance
1453, HD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
1756	Committee on Finance

STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 353) recommending that H.B. No. 1504, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1504, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO THE BLIND PERSONS' AND LITERACY RIGHTS AND EDUCATION ACT," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representatives Chang and Takumi, for the Committee on Higher Education and the Committee on Education presented a report (Stand. Com. Rep. No. 354) recommending that H.B. No. 1014, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1014, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representatives Yamane and Yamashita, for the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 355) recommending that H.B. No. 572, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 572, HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, seconded by Representative B. Oshiro.

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

"Mr. Speaker, please excuse my voice. I've been home sick for a couple of days, but I'm not contagious now. Thank you, Mr. Speaker. I'm voting against the bill, Mr. Speaker. My concern is that the bill could actually legalize illegal transient vacation rentals. The problem with those, in my district at least, is that it's really destroyed many residential areas when we had mainland owners of TVUs and no one on site, and just a lot of misuse in the neighborhood."

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 572, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSIENT ACCOMMODATIONS," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representative Thielen voting no, and with Representatives Chang and Souki being excused.

Representatives Yamane and Ito, for the Committee on Tourism & Culture and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 356)

recommending that H.B. No. 659, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 659, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representatives Yamane and Ito, for the Committee on Tourism & Culture and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 357) recommending that H.B. No. 567, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 567, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR SPORTS FACILITY," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 358) recommending that H.B. No. 1471, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1471, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 359) recommending that H.B. No. 1787, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1787, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 360) recommending that H.B. No. 90, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 90, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 361) recommending that H.B. No. 93, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 93, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUILDING CODES," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 362) recommending that H.B. No. 1087, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1087, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Chang and Souki being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 363) recommending that H.B. No. 834, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 834, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 364) recommending that H.B. No. 360, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 360, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 365) recommending that H.B. No. 1044, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1044, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representatives Shimabukuro and Ito, for the Committee on Human Services & Housing and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 366) recommending that H.B. No. 185, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 185, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 367) recommending that H.B. No. 1007, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1007, entitled: "A BILL FOR AN ACT

RELATING TO FAMILY SELF-SUFFICIENCY," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 368) recommending that H.B. No. 710, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 710, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSEHOLD RENTERS' TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 369) recommending that H.B. No. 709, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 709, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 370) recommending that H.B. No. 948, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 371) recommending that H.B. No. 1839, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1839, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 372) recommending that H.B. No. 1950, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1950, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representatives Chang and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 373) recommending that H.B. No. 506, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 506, entitled: "A BILL FOR AN ACT RELATING TO ETHANOL," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 374) recommending that H.B. No. 791, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 791, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Chang and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 375) recommending that H.B. No. 1628, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1628, entitled: "A BILL FOR AN ACT RELATING TO HAWAII MACADAMIA NUT PRODUCT LABELING," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Chang and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 376) recommending that H.B. No. 1616, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1616, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 377) recommending that H.B. No. 1219, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1219, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF AGRICULTURE LOANS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 378) recommending that H.B. No. 337, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 337, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 379) recommending that H.B. No. 401, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IMPORTANT AGRICULTURAL LANDS LOAN GUARANTY," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 380) recommending that H.B. No. 404, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 404, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 381) recommending that H.B. No. 406, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 406, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IRRIGATION," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representatives Cabanilla and Yamashita, for the Committee on International Affairs and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 382) recommending that H.B. No. 30, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 30, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in opposition to Stand. Com. 382. A horse is a camel designed by a committee. Mr. Speaker, I think when we get the Legislature involved in sanctioning International Trade Agreements, I think it's going to muck up the works with political and other considerations rather than pure trade. As an isolated island, we need all the trade we can get, and this bill, I think, is going to scare people away rather than bring them towards us.

"Also, the greatest trade getter we have, this bill ties her hands. I don't think I have to refer specifically to who 'her' refers to because it means that we're taking stuff away from her department and herself. Thank you, Mr. Speaker."

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

"Mr. Speaker, in favor. I respectfully disagree with my colleague from Hawaii Kai about this matter. This bill was introduced last year and I have made substantial changes with that bill. As a matter of fact, even at the risk of not concurring with the introducer of the bill. But as far as tying up the Governor's hands, that's what I disagree on.

"I made a provision that in between Sessions, that there is a Committee that will make this recommendation to the Governor. And while we are in Session, as you know, Mr. Speaker, it will require the consent of both houses without the measure.

"And as you know, International Agreements require that the State must agree. So, with those, Mr. Speaker, I urge that this measure be moved forward. Thank you."

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

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

"Mr. Speaker, I must regretfully vote no on this measure only because the Legislature meets once a year, and sometimes you need timely approval of these Agreements. If you have to wait until several months, it may slow things down. Thank you."

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

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

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

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

"Mr. Speaker, I have reservations on this bill. For the edification and the awareness of those who are not supporting the bill, I share your concerns, obviously. The way this bill is currently worded, it simply says that the Governor shall not enter into any International Trade Agreement without State approval.

"Governors have no standing when it comes to International Trade Agreements. They only have standing as it relates to the procurement section of any International Trade Agreement. We obviously do not engage. That is a role for the federal government. The way the current bill is worded, it assumes we do have a role to play in International Trade Agreements in total, and we certainly do not.

"Let me address the concerns about the procurement section. As you are well aware, Mr. Speaker, we passed a bill last year, the Governor vetoed that bill, asserting that it took away her authority. I think the Legislature's intent is that Governors in all fifty states have absolutely no authority over procurement. After all, Mr. Speaker, we see a whole range of procurement bills that hit the Floor every Session, whether we need to use paper with 10% recycle content, whether or not we're going to give a preference for local contractors, and so on and so forth. That is not something the Governor, any Governor, can do by Executive Order. That is something that has to be done by statute.

"The original bill struck at the heart of that issue. When the Governor signed on to CAFTA, essentially, what the Governor did was to say to the US Trade Representative, you can negotiate a Trade Agreement under CAFTA and anything related to procurement in that trade agreement, the State of Hawaii will abide by. Mr. Speaker, envision if a Central American country uses child labor, and I hope most of us here believe that using child labor in factories is not permissible and is not something the State of Hawaii should be party to. By signing, in affect to CAFTA, we have agreed to that.

"Secondly, Mr. Speaker, there have been concerns raised about the timeliness of International Trade Agreements. As you well know, the GAT, the WTO, CAFTA, NAFTA, the current US Peru Trade Agreements, these are agreements that have taken years – not days, not weeks, not months, but years to conclude. There has never been a trade agreement that was concluded in a matter of months, and therefore the timeliness issue, I believe, is not the issue. We always have the time to come back and hear the concerns of the people of this State, because after all, the legislative hearing should be an opportunity, and it is a process whereby anyone in the general public

can come to the Legislature, state their concerns, state their perspectives, and then, only then, we could authorize the Governor to sign on to any given trade agreement.

"As it stands now, the Governor, by herself in this case, unilaterally, without any public hearing, without any public input, without any standing whatsoever, can sign this on to that. The original bill serves to try to correct that omission. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I also stand in reservations. I would like to adopt the words of the Representative from Pearl City and hope that subsequent Committees will look at the original language of the bill."

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

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

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

"Thank you, Mr. Speaker. I rise with reservations. I would like to ask that the words of the Representative from Pearl City be entered into the Journal as if it were my own.

"I just wanted to make a few more comments. I think the Members should really take a close look at this particular measure because what it does actually is it gives our authority and our responsibility up to a Committee made of four members of the House and four members of the Senate. Regardless of whether we're in Session or out of Session or what not, I think I'm puzzled, probably more troubled that a proposal like this is going through our House, because these types of issues as the Chair of Education has already said, should involve this body and should involve the Senate, as well.

"In fact, Mr. Speaker, I really think that this particular proposal, and I've already spoken to the Chair about this, is unconstitutional. If we move this to the next Committee, that being Finance, I hope the Finance Committee and its Chairman can take a look at the original bill and really take a look at the Governor's concerns in her veto message last year and make changes to address the concerns already raised by the Members already on this Floor. Thank you."

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

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

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

Representative Cabanilla rose to respond, stating:

"Thank you, Mr. Speaker. I do want to respond to the procurement portion of the bill that was deleted. I consulted with HMSO as well as with the Attorney General, and they said that portion is subject to challenge and for me, it was safer for me to forward a bill that's more acceptable and not subject to challenge.

"And, as far as the portion regarding the timing during Session, we did account for it in this bill that if a decision has to be made during Session, that they need be a concurrence on both houses and it is so stated in this bill. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Just a slight footnote. If the matter is a procurement matter, let us deal with it as a procurement matter. We have as an International Trade Agreement, already overstepped ourselves in that we're not the US Congress. We're the State Legislature. I think we flatter ourselves to think that we actually can go beyond what we've already done. But if it's a procurement issue, let's get a procurement bill and make it where it's a procurement that's internationally related, this body will interfere or it will not. I think that's where it's best done."

The Chair then stated:

"Thank you very much. Your point is well taken and I hope the Finance Committee will consider a hearing on this particular matter and you are a member of the Finance Committee."

Representative Marumoto rose to respond, stating:

"Thank you, Mr. Speaker. Thank you for correcting my misunderstanding that this Committee operated only during the Legislative Session. In fact, it will operate all year round, and I'm troubled by the constitutional problem that this may cause. But I am troubled with the makeup of the Committee because given the current landscape of politics here in Hawaii, there are three members from this House from the Majority and only one from the Minority, and likewise from the Senate. And so this heavily weighs against the current Governor, who is a Republican. So I think it's an imbalance. I think it's some kind of an abuse of power, and I really object to this even more so. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 30, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL TRADE AGREEMENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Marumoto, Meyer, Pine and Ward voting no, and with Representatives Chang and Souki being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 383) recommending that H.B. No. 1229, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1229, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCESS HAWAII COMMITTEE," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 384) recommending that H.B. No. 326, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 326, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 385) recommending that H.B. No. 1614, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1614, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 386) recommending that H.B. No. 1618, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1618, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 386, I have some reservations. Mr. Speaker, what this bill will do is establish a pilot project to allow video surveillance cameras. The concern that I have, Mr. Speaker, involves government abuse and invasion of privacy. I think we should be very cautious on doing something of this nature, and certainly have some protections in any bill that does make it through. Thank you."

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

"Thank you, Mr. Speaker. In strong support. My district has been of late marred quite substantially by graffiti to the extent that it was the library, it's the schools, it's across from the Union Hall and it's businesses. And we have been frustrated with this issue for quite some time. I think that this is a bold new idea and experiment to try to solve this problem. Additionally written comments, if I may, to be inserted in the Journal," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support of House Bill 1618 - Relating to Property Damage.

"Graffiti vandalism is a significant problem on the national level as well as the local level. The cost of graffiti vandalism nationally is estimated at more than \$15 billion, with about \$8 billion spent on abatement activities alone, according to the National Center for Problem Oriented Policing. Graffiti vandalism has a significant negative impact on the quality of life for residents, as well as a negative impact on business by contributing to blight and fear and its association with other criminal activity.

"The proposed pilot project for the City and County of Honolulu to implement the use of surveillance cameras in chronic problem areas is a proven, effective deterrent to drug dealing, graffiti, and other street crime in major cities across the United States.

"In Baltimore, over 1,500 arrests attributed to one area where the cameras are installed. Baltimore launched its Citi-Watch surveillance system in 2005. There, surveillance cameras proved their utility in October 2006 when a little Baltimore girl vanished, cameras captured her abduction. Video showed her walking down the street with her abductor. Police followed the trail of recorded video through the neighborhood to her abductor's home.

"The cameras are set to record any incidents that might occur, and officials at police stations can also monitor what the video cameras feed back. Police can't be in every place all the time. These cameras will give Honolulu police officers an extra set of eyes on the street."

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

Representative Cabanilla's written remarks are as follows:

"I rise in strong support. Mr. Speaker, I requested that it be mandatory that throughout the 9th grade in our public schools, that all students go through an intense assembly class instruction period that teaches the students about the negative effects of graffiti. The bill, HB729 will not be heard by the Chair of Education for his own reasons that I disagree with.

"In this vein, anything that attempts to quell graffiti is warranted. This measure makes that attempt. Please vote yes to HB1618. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY DAMAGE," passed Second Reading and was referred to the Committee on Finance with Representatives Chang and Souki being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 387) recommending that S.B. No. 25, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 25, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

Representative Takai's written remarks are as follows:

"This bill provides \$11.6 million for the operations of the House through 2007 and until June 30, 2008.

"The proposed \$11.6 million budget is an 11.9 percent increase of \$1.2 million from last year's budget. Last year's budget was \$10.4 million.

"This 11.9 percent increase in this year's budget is on top of an 18.8 percent increase for last year's budget and a 16.3 percent increase in 2005.

"If this budget bill passes, the budgets for the operations of the House will have increased a mind-numbing 54.7 percent in three years (\$7.5 million in 2004 to \$11.6 million in 2007).

"But, it's not only the budget figures that I'm concerned about. I'm even more concerned about the carry over balances that we've been seeing over the past three years.

"Unlike other State departments, whatever is left over after December 31 of this year can be carried over to 2008 and spent until June 30, 2008. In a sense, our budgets are for 16-months. This is a very important fact in today's discussion because there is a significant overlap of almost a half of year for your budget cycle. We had more than \$4.4 million left over on December 31, 2006 in the 2006 budget.

"In fact, our budget reserves have increase significantly over the past three years. In 2004, we have \$2.4 million left in the account at the end of the year. In 2005, we had an extra \$3 million left over. In 2006, again we had \$4.4 million at the end of last year.

"Some will argue (and I agree) that a reasonable amount of money is needed to carry the House through the first two months of the

calendar year. But, \$4.4 million is a bit excessive. In fact, what is needed is approximately \$2 million. So, even without the proposed increases in this bill before us, we have \$2.4 million too much!

"Here's another perspective: We had a carry-over balance of \$3 million on December 31, 2005. We spent \$5.9 million in 2006 for the 2006 budget. Taken together, the House spent \$8.9 million in total for 2006. But our budget was \$10.4 million. We had an extra \$1.4 million left to spend. Do we return this money to the State's general fund? No. This extra \$1.4 million goes into our budget reserves and will be the first money used in 2007.

"When we all do our family budgets, usually we use the previous year's expenditures as the guide. The handout from our House Leadership creates the 2007 budget from the 2006 budget, not from the actual expenditures. Again, we actually spent \$8.9 million for 2006. The proposed 2007 budget is \$2.7 million more than we actually spent for the entire 2006. The budget proposed today is more than 30 percent over the expenditures from 2006.

"So, while our budget has increased by 54.4 percent over the past three years, our budget reserves have increased as well from \$2.4 million extra in 2004 to \$4.4 million at the end of last year.

"Taken another way, our budget reserves went from 32 percent of our total budget in 2004 (\$2.4 million reserves of the \$7.5 million budget), to 34.3 percent of our total budget in 2005 (\$3.0 million reserves of the \$8.8 million budget), to 42.9 percent of our total budget in 2006 (\$4.4 million of the \$10.4 million budget).

"Some people are heavily critical of a particular local company for keeping what some call 'excessive reserves.' I believe that our 42.9 percent budget reserve of the House is overly excessive.

"I'm not saying the all of the proposed budget items in this year's budget is not justified. In fact, I do agree with almost all of the proposed uses for the \$1.2 million. However, I believe that we should first utilize the budget reserves before we increase our bottom line.

"With homelessness the top priority this year, I believe that the \$1.2 million additional funds could be better spent by providing housing for 200 families for one whole year.

"We are asked to be good stewards of our limited and precious resources. This budget request is irresponsible. It represents everything that we don't want to be.

"I urge my colleagues to study the numbers. I urge my colleagues to understand the details of this budget . . . and I reserve my final vote for Third and Final Reading."

The Chair then stated:

"Members of this House, I believe you can submit your written comments in support or with reservations on Third Reading. But the Chair will allow you to cast your vote on Second Reading if you so desire. Representative Meyer, would you like to cast your no vote at this point since you did that yesterday?"

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

"Thank you, Mr. Speaker. I'm actually going to let this move on quickly because I'm going to reserve my remarks for tomorrow."

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

"Just to register a no vote. In the spirit of Valentine's Day, I won't speak today."

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

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

"Mr. Speaker, to my good colleague in the Finance Committee, DNA, WR."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 25, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Finnegan, Meyer and Pine voting no, and with Representatives Chang and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 388) recommending that H.B. No. 776, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 776, entitled: "A BILL FOR AN ACT RELATING TO TICKET SALES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang and Souki being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 389) recommending that H.B. No. 1626, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1626, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 390) recommending that H.B. No. 1204, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1204, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 391) recommending that H.B. No. 1213, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1213, entitled: "A BILL FOR AN ACT RELATING TO COURT INTERPRETERS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 392) recommending that H.B. No. 1393, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1393, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM INFORMATION PRACTICES ACT (MODIFIED)," passed Second Reading and was placed on the calendar for Third Reading with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 393) recommending that H.B. No. 1248, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 394) recommending that H.B. No. 1249, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1249, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and Souki being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 395) recommending that H.B. No. 1513, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1513, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"I'd to declare a potential conflict on Stand. Com. Rep. No. 395. This is regarding election fraud, and I want to make sure that there is no conflict since I'm an elected official and this may have a great impact on myself and everyone else that's here."

The Chair then ruled, stating:

"No conflict, Representative Sonson since you are in a class of elected officials."

Representative Sonson continued in support with reservations, stating:

"Thank you very much, Mr. Speaker. I'm in support with some reservations. The reservations only go to what may be a typo. It seems that we're increasing the penalties from \$1,000 to \$5,000, but it has language regarding imprisonment and hard labor. I thought that that provision was going to be taken out. If I'm not mistaken Mr. Speaker, breaking rocks is what was contemplated by the original crafter of this bill. I'm not sure if this language should remain given our laws today. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1513, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Chang and Souki being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 26 and 27) and concurrent resolution (H.C.R. No. 44) were referred to Printing and further action was deferred:

H.R. No. 26, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF HEALTH TO COLLABORATE WITH THE ORGAN DONOR CENTER OF HAWAII TO INCREASE AWARENESS OF THE BENEFITS OF ORGAN DONATION IN THE STATE OF HAWAII," was offered by Representative Green.

H.R. No. 27, entitled: "HOUSE RESOLUTION STRONGLY URGING THE UNITED NATIONS GENERAL ASSEMBLY TO REQUEST BY RESOLUTION THAT THE UNION OF MYANMAR CEASE ATTACKS AGAINST CIVILIANS IN ETHNIC MINORITY REGIONS AND BEGIN A SUBSTANTIVE POLITICAL DIALOGUE LEADING TO DEMOCRATIC TRANSITION," was offered by Representative Cabanilla.

H.C.R. No. 44, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND DEPARTMENT OF HEALTH TO COLLABORATE WITH THE ORGAN DONOR CENTER OF HAWAII TO INCREASE AWARENESS OF THE BENEFITS OF ORGAN DONATION IN THE STATE OF HAWAII," was offered by Representative Green.

ANNOUNCEMENTS

Representative Carroll for the Committee on Energy and Environmental Protection requested a waiver of the 48-hour advanced notice requirement to hear HB No. 194 Relating to the Natural Energy Laboratory of Hawaii Authority, and HB No. 646, HD 1 Relating to Energy, on Thursday, February 15 at 10:00 a.m. in Conference Room 312, and the Chair "so ordered."

Representative Carroll: "The second announcement I have is we would like to invite all of the Members of this body to join us in our Hawaiian Caucus meeting today at 4:00 p.m. in Room 423. We have a presentation by Ms. Robin Danner regarding legislation that affects our Hawaiian homesteaders. Thank you."

Speaker Say: "For all the Members of this body, you all recognize that on pages A to N of your Order of the Day are your public hearing notices. So please attend your public hearings."

Representative Brower: "Mr. Speaker, on page A, the Committee on Agriculture is meeting in one hour at 1:30, and we have a room change. The Order of the Day identifies the Room as 312. We will be meeting in Room 309 today in one hour for decision making."

Representative Yamashita for the Committee on Economic Development and Business Concerns requested a waiver of the 48-hour advanced notice requirement for decision making only on HB No. 310 Relating to Technology, a short form bill, tomorrow, February 15 at 9:00 a.m. in Conference Room 325, and the Chair "so ordered."

Speaker Say: "Chair Yamashita, the Chair will request that you provide the general public and Members of this House an opportunity to review the proposed House Draft 1. After session, please make it available."

Representative Chong for the Committee on Water, Land, Ocean Resources and Hawaiian Affairs requested a waiver of the 48-hour advanced notice requirement to hear HB No. 1200 Relating to the Budget of the Office of Hawaiian Affairs tomorrow at 8:25 a.m., and the Chair "so ordered."

Representative Ching: "At this time, I'd just like to wish everyone a Happy Valentine's Day and also just explain what is on your desk, if that is all right. What is on your desk are 10 to 12 cacao beans. Hawaii is the only state in the US that can and does grow cacao. Just for your edification, cacao is never used as sweet candy or treat. Cacao was used for spiritual wisdom, to fortify soldiers in battle, and for priests and sacred use.

"What you have on your desks, the cacao beans, just for your edification is currency, because in the pre-Columbian times of the entire South American continent, it was used as currency. So one cacao bean could have bought you a *tamale*. Three cacao beans would get you a medium sized salamander, which was a delicacy of Aztec, if you'd like to eat a salamander. A larger one would have cost you four cacao beans. What you have is 10 cacao beans, and it might actually buy a goat, but it wouldn't buy you a hare, because you'd need 40 cacao beans. And if you bought one large turkey, it might cost you 100 of these, what they call black gold or the seed of a gold. It was actually more valuable than gold. Happy Valentine's Day."

Representative Berg: "Thank you, Mr. Speaker. You also have on your desk, colleagues, is a very significant quote that I wanted to share with you by Mother Theresa. I know that one of our guiding principles here is to have aloha integrated, and what Mother Theresa said to us is what you have on your desk with kisses from my office. 'We cannot do great things. We can only do many small things with great love.' Thank you."

Representative Chong: "Thank you, Mr. Speaker. Just one more thing to let everybody know that your Committee on Water, Land, Ocean and Hawaiian Affairs will be meeting on decision making on this morning's agenda following today's session in Conference Room 312."

ADJOURNMENT

At 12:36 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Thursday, February 15, 2007. (Representatives Chang and Souki were excused.)