

TWENTY-THIRD DAY

Wednesday, February 21, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Kumu Brad Lum from the Department of Education, after which the Roll was called showing all members present with the exception of Representatives Awana, Bertram, Caldwell, Karamatsu and Shimabukuro, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 273 and 274) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 273, dated February 12, 2007, transmitting the Natural Energy Laboratory of Hawaii Authority FY 2006-2007 Status Report for the funding provided to the Natural Energy Laboratory of Hawaii during 2006 legislative session for increased security and for water quality laboratory manager position.

Gov. Msg. No. 274, informing the House that on February 20, 2007, the following bill was signed into law:

S.B. No. 25, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE." (ACT 001)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 31 through 36) were received and announced by the Clerk:

Sen. Com. No. 31, transmitting S.B. No. 68, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," which passed Third Reading in the Senate on February 20, 2007.

Sen. Com. No. 32, transmitting S.B. No. 948, S.D. 1, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION TO REDUCE THE NUMBER OF NOMINEES FOR JUDICIAL VACANCIES," which passed Third Reading in the Senate on February 20, 2007.

Sen. Com. No. 33, transmitting S.B. No. 1147, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHING LICENSURE," which passed Third Reading in the Senate on February 20, 2007.

Sen. Com. No. 34, transmitting S.B. No. 1665, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," which passed Third Reading in the Senate on February 20, 2007.

Sen. Com. No. 35, transmitting S.B. No. 1954, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO JUSTICES AND JUDGES," which passed Third Reading in the Senate on February 20, 2007.

Sen. Com. No. 36, transmitting S.B. No. 1957, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CODE OF ETHICS," which passed Third Reading in the Senate on February 20, 2007.

On motion by Representative B. Oshiro seconded by Representative Meyer and carried, the following Senate bills passed First Reading by title and further action was deferred: (Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro and Thielen were excused.)

S.B. No. 68, SD 1
S.B. No. 948, SD 1
S.B. No. 1147, SD 1

S.B. No. 1665
S.B. No. 1954, SD 1
S.B. No. 1957, SD 1

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

H.C.R.Nos.Referred to:

- | | |
|----|--|
| 45 | Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management |
| 46 | Committee on Consumer Protection & Commerce, then to the Committee on Legislative Management |

The following bill was referred to committee by the Speaker:

S.B.No.Referred to:

- | | |
|------------|-------------------------------|
| 14,
SD1 | Committee on Higher Education |
|------------|-------------------------------|

COMMITTEE REASSIGNMENTS

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

H.B.Nos.Re-referred to:

- | | |
|-------------|----------------------|
| 310,
HD1 | Committee on Finance |
| 1171 | Committee on Finance |

At 12:11 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 758) recommending that H.B. No. 718, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 718, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Waters.

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

"Mr. Speaker, in strong support. I believe the Kewalo Keiki Fishing Conservancy Program can serve as a cutting edge model for this project in our community. Also it will assist with aquatic resource management for the Department of Land and Natural Resources. The Department also stands in support of this. I have the documentation in my hand. And it also allows us to bring out

Kewalo Basin's unique cultural and historical significance in depicting our evolution in Hawaii's fisheries. Thank you."

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

"Thank you, Mr. Speaker. Can I have the words of the speaker from Waikiki be placed in the Journal as if they were my own, in support?" and the Chair "so ordered." (By reference only.)

Representative Mizuno continued, stating:

"In addition, I just wanted to touch on a couple more highlights regarding this measure. This measure will ensure that our *keiki* have access to fishing opportunities and it also provides them with an educational program as well. The groups are limited to no more than ten. It's also important to note that they will also be available to the disabled and the *kupuna*. And I really feel that without this program, they wouldn't have an opportunity to experience fishing.

"Furthermore the group also participates in a tag and release program. And finally, this has a strong family component with it. If a parent or parents do not know how to fish, this program will teach both the parents or the parent how to fish, and the next day they'll bring their kids back. And they'll be able to teach their kids how to fish. So for the foregoing reasons I stand in strong support of this measure."

Representative Ching rose in support of the measure, stating:

"Thank you, Mr. Speaker. In support. And I ask that the words of the Representatives from Kalihi and Waikiki be incorporated as my own," and the Chair "so ordered." (By reference only.)

Representative Ching continued, stating:

"I've been to fishing expeditions with the students of my district and I can attest to the positive results when children are allowed to get out in the wild. I hope that this has some sort of an impact on crime. So with that, I ask for additional written comments," and the Chair "so ordered."

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of H.B. 718 – Relating to Kakaako, which would require the Hawaii Community Development Authority to set aside TMK: 2-1-58:41 in Kakaako for use by the Kewalo Keiki Fishing Conservancy and to develop a new facility at this site.

"This bill supports a program that is wholesome and profoundly affects our children in a positive manner. Early indoctrination and familiarization of Hawaii's youth to practice sound ocean resource use and conservation measures are the cornerstones toward ensuring sustainable ocean resources for them and the generations to follow. This site will provide a valuable avenue by which our children and grandchildren would be able to experience the privilege and enjoyment of their ancestors in fishing when this island was still developing.

"The efforts of the Kewalo Keiki Fishing Conservancy to educate the children of Hawaii through the promotion of good stewardship of our ocean resources including the perpetuation of Hawaiian cultural traditions are commendable. Children benefit in so many different ways by the Kewalo Keiki Fishing Conservancy program. They learn a skill which will give them pleasure and enjoyment all their lives. They learn about the need to conserve the fish population and to study the habits of the fish they catch by tagging. They learn principles of the Hawaiian culture. This program re-connects Hawaii keiki to the *aina*.

"Efforts to preserve and contain these very unique marine ecosystems by programs such as the Kewalo Fishing Conservancy

must be given the full support of our community. To ensure the continuation of this valuable educational and youth development program, it is imperative to have the Hawaii Community Development Authority to set aside the approximately 15,000 square feet of Kewalo Basin Cove for continued use by the Kewalo Keiki Fishing Conservancy. Complementing this, the Hawaii Community Development Authority must also proceed with the necessary environmental remediation at the site using existing funds for that purpose. This requires the cooperation of DLNR among other responsible parties. Provided the site is fully cleaned and will exceed the highest environmental standards ensuring the safety of all who use this site, HB 718 has my support."

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

"Thank you, Mr. Speaker. I'm in support of the idea, but with some strong reservations. The State created HCDA to create a comprehensive plan for redeveloping the Kakaako and Kewalo area and it seems that every time they come up with an idea, this body slams it down. We're looking at extremely valuable property there. In recent days the newspapers covered the fact that HCDA is going to take over the management of Kewalo Basin and they plan to raise the fees for all the commercial boating enterprises there, double. There's no question that this harbor needs improvement, but it's all going to fall on this fairly small community of commercial fishermen.

"This area that the Kewalo Keiki Fishing folks want is the old ice house. It is waterfront. I think that we've had, HCDA has had numerous, different businesses, offer ideas of promenades, shops, restaurants, various things. It's extremely valuable property and I don't know why we ever created the HCDA if every time they come up with something, put it out to bid, businesses spend hundreds of thousands of dollars coming up with renderings, drawings of their ideas, and we in this Chamber shoot it down. I think this is moving in that direction again. We'll have a lot of spotty development. It just doesn't seem like the wisest thing to do. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in support of the measure. Mr. Speaker, one of my fondest father-daughter activities is fishing. Neither of us are very good except I know that this area has actual fish in it so we can catch fish. In regards to the HCDA and some of the doubts of the previous speaker, I think this is something where the *keiki* have less activities than they might otherwise have. We have no other place for fishing that's specifically for teaching and for bringing the whole family together. So I think this is a good measure."

Representative Meyer rose to respond, stating:

"Mr. Speaker, I don't think I'm going to convince anybody in this Chamber, but my son fished in Kewalo Basin off the various piers, caught fish, spent hours down there. I was always amazed at the fish that he caught. It's not as though we don't have miles and miles of shoreline where fishing can take place. And again, I just go back to the fact that we are talking about a very valuable, expensive property. 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. 718, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," passed Second Reading and was placed on the calendar for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 759) recommending that H.B. No. 135, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 135, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Waters.

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

"Thank you, Mr. Speaker. I rise with reservations. This bill establishes the Candidate Advisory Council to screen and propose candidates for appointment to the Board of Regents of the University of Hawaii. And my concerns come from some of the testimony. Basically, an advisory council or a screening committee should not be composed of a collection of special interest representatives. Rather, it should be composed of members who have the best interest of the University as a whole in mind and are beholden to no special interest.

"Advisory councils such as the one that is proposed in this bill are strongly opposed by the Association of Governing Boards, the only national organization focused on governance and citizen trusteeship at institutions of higher education in the country. Richard Legon, the president of the Association of Governing Boards of Universities and Colleges submitted testimony on this stating, "Governing boards should not have designated slots because public citizen trustees should be comprised of outstanding citizens who are independent in their individual and collective judgment. They should be there to serve the people of the state, not segments of the state or special interests." It follows that, "An advisory council or screening committee should not be composed of a collection of special interest representatives, notwithstanding the necessity of these representatives' voices and actions in other important affairs."

"Also, Barbara, I think it's Benoit, president of the Western Association of Schools and Colleges Accrediting Commission for Community and Junior Colleges, which oversees the accreditation process for the seven community colleges in the University of Hawaii system, has expressed reservations about the proposed advisory board stating, "A constituency based advisory body could contribute to the politicization of governance at the UH." Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. First, I'd like to commend the Chair of Higher Education Committee for doing such a great job on this particular measure. Mr. Speaker, as you recall, the voters of this State in the last election approved the constitutional amendment that establishes what we call now the candidate advisory council for the Board of Regents at the University of Hawaii. And I have some concerns regarding what the previous speaker has spoken about, mainly because the current process before the adoption of the constitutional amendment allowed for the Governor to pick every single one of the twelve members of the Board of Regents. That to me is more political than anything else. I think this process which is prescribed by House Bill 135, HD 1, proposes to involve a whole slew of different constituencies to recommend to the Governor to make the best choices for the Board of Regents. I think this is by far, a step in the right direction.

"In addition, Mr. Speaker, if Members take a look at this entire bill, you'd be extremely pleased to note the expansion of the Board in terms of representation of geographical areas of the State, an expansion of the terms from four years to five years, and a few other things. I think that every Member of this House and hopefully the Senate should embrace this because the voters of this state demanded it. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you, Mr. Speaker. I just want to clarify that you know, I'm not saying to go back to the Governor appointing all the members of the Board of Regents. That's not something that needs to be decided here and now. What needs to be decided is how we select that candidate selection panel. And that is not comparing how it used to be, but how can we make it the best possible process in order to govern our University. And so as we look at it, we still have quite a bit of time in this Session and we need to look at some of these people who deal with this type of issue, and learn from some of the mistakes that other states have made. Thank you."

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

"Thank you, Mr. Speaker. Just a vote with reservations and written comments, please. I'm in full support of an excellent University."

Representative Ching's written remarks are as follows:

"Thank you Mr. Speaker, I stand with reservations. I support the intent of H.B. 135 that would establish a Candidate Advisory Council to screen and propose candidates for appointment to the Board of Regents.

"Dr. Barbara Benoit, President of the Western Association of Schools and Colleges Accrediting Commission for Community and Junior Colleges, which oversees the accreditation process for the seven community colleges in the UH System, expresses concern over the implications of this legislation. Echoing her statements, "a constituency-based advisory body could contribute to the politicization of governance at the University of Hawaii." While well intended, H.B. 135 in its current form creates more politics in the Regents selection process."

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

"Mr. Speaker, I rise in support. Just very briefly. I want to counter some of the comments made by the Minority Leader when she called some of these members, 'special interests'. You know, I think that's a mischaracterization that we often throw around in this body. Everybody has an interest and really, is it something you consider special to you? Then I guess it is a special interest. But beyond that I don't think we should necessarily be saying that those interests that the people represent are somehow biased, or actually should be mischaracterized as something negative.

"When you look at the bill on page 5 and 6, the membership of the Council is actually people I would want to have on there anyway to hear from. Specifically it's the faculty, the students, the alumni association. I don't see why we wouldn't want to have those people involved in the overall process. Now there is one member from each Chamber, as well as one from the Governor. But I think as we stated before, we want to make sure that there is some accountability, and that's why we make sure that there's some political appointments. But beyond that the rest of the membership, I don't think is special interest. Thank you very much."

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

"I would like to register a vote with reservations. I note that the way the Regents were selected for many, many decades in this State was that the Governor appointed them. That's how the majority of states across the country do it. And they prefer that over this Council."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading, and was placed on the calendar

for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 760) recommending that H.B. No. 118, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, the report of the Committee was adopted and H.B. No. 118, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 761) recommending that H.B. No. 513, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, the report of the Committee was adopted and H.B. No. 513, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID," passed Second Reading and was placed on the calendar for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 762) recommending that H.B. No. 1207, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, the report of the Committee was adopted and H.B. No. 1207, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED PAYMENTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 763) recommending that H.B. No. 1225, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, the report of the Committee was adopted and H.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 764) recommending that H.B. No. 1287, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1287, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Waters.

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

"Mr. Speaker, I rise on Stand. Com. Rep. No. 764 with a technical point. I'm in support, but it was a misunderstanding in the Finance Committee. I think the way it's written here, there's a misunderstanding, because House Bill 1287 is not to eliminate escheatment. It's to eliminate permanent escheatment.

"One of the testifiers came in and said "Oh, you mean the State's going to take away the money." Well, in the old system it did after five years. This one says, as long as you haven't claimed your property, it's always going to be available to you. So it's not eliminating escheatment. It's eliminating permanent escheatment. Which means that any time a citizen wants to claim their property, they can do it and the State of Hawaii will relinquish it. So it's a very good bill, but it's improperly written here. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1287, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Second Reading and was placed on the calendar for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 765) recommending that H.B. No. 122, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, the report of the Committee was adopted and H.B. No. 122, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 766) recommending that H.B. No. 259, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 259, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative Waters.

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

"Thank you, Mr. Speaker. With reservations. This bill would allow the Board of Water Supply to issue bonds without oversight by the City Council, giving the Board of Water Supply almost complete autonomy. I saw that Council Chair Barbara Marshall was not in favor of this. I just would question whether this is the way this should go. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 259, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 767) recommending that H.B. No. 421, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, the report of the Committee was adopted and H.B. No. 421, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONEYS," passed Second Reading, and was placed on the calendar

for Third Reading with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 768) recommending that H.B. No. 1411, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Finance for further consideration.

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, the report of the Committee was adopted and H.B. No. 1411, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFORMITY OF THE HAWAII INCOME TAX LAW TO THE INTERNAL REVENUE CODE," was adopted, passed, and recommitted to the Committee on Finance for further consideration with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka were excused.)

STANDING COMMITTEE REPORTS

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 769) recommending that H.B. No. 1104, HD 1, pass Third Reading.

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, the report of the Committee was adopted and H.B. No. 1104, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Third Reading by a vote of 44 ayes, with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 770) recommending that H.B. No. 416, pass Third Reading.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 416, pass Third Reading, seconded by Representative Waters.

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

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

At 12:38 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:38 o'clock p.m.

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

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

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

Representative Saiki rose in opposition to the measure, and asked that his written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Saiki's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this measure for the reasons stated in the correspondence from the Sierra Club of Hawaii dated February 16, 2007, which reads as follows:

Feb-20-07 03:39pm From: SPEAKER CALVIN SAY OFFICE 808 586 6101 T-151 P.005/005 F-612



SIERRA CLUB
HAWAII CHAPTER
P.O. Box 2577, Honolulu, HI 96803
808.538.6616 / hawaii.chapter@sierraclub.org

RECEIVED
2007 FEB 16 P 5 51
SPEAKER'S OFFICE

16 February 2007

Dear Mr. Speaker:

This is to inform you that we believe the passage of HB 416 "Relating to Airports" violated the Rules of the House of Representatives and is therefore invalid.

Rule 11.5.(1) of the Rules of the House of Representatives states:

Meetings, including decision-making sessions, of standing committees shall be public. Notice shall be publicly posted or announced on the House floor at least forty-eight hours prior to the meeting. Notice of meetings may be shortened at the discretion of the Speaker upon request on the House floor by a chair or vice-chair and upon good cause shown.

(Emphasis added).

The advancement of HB 416 violated the express requirements of Rule 11.5.(1). The Committee on Water, Land, Ocean Resources & Hawaiian Affairs (WLH) heard HB 416 on February 12, 2007, but deferred decision-making to an unspecified date. At the close of the floor session on February 15, the Vice Chair of the WLH Committee requested a waiver of the 48-hour advance notice requirement to allow the WLH Committee to hold a decision-making session on February 16 at 8:00 a.m. The Vice Chair did not explain why a waiver was necessary. The Speaker granted the request.

We believe the House violated Rule 11.5.(1) when it approved the waiver because the Vice Chair made no showing of good cause that justified the waiver, and the Speaker did not request such a showing. The Sierra Club is not aware of any good cause justifying the waiver. The committee referral for HB 416 is TRN, WLH. It was not necessary to expedite a decision-making session on February 16 because the deadline for WLH to act is March 2.

In light of this violation, we request that the House take immediate action to re-commit HB 416. Otherwise, the Sierra Club will have no recourse but to consider challenging the validity of HB 416.

Thank you for your prompt attention to this matter.

Sincerely,

Jeff Mikulina
cc: Members, House of Representatives
Media

Recycled Content

Jeff Mikulina, Director

Feb-20-2007 03:57PM FAX:8085866101 ID:REP SAIKI PAGE:005 P=1002

Thank you very much."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 416, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS," passed Third Reading by a vote of 38 ayes to 6 noes, with Representatives Berg, Green, Hanohano, Morita, Rhoads and Saiki voting no, and with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

At 12:41 o'clock p.m., the Chair noted that the follow bills passed Third Reading:

H.B. No. 1104, HD 1
H.B. No. 416

THIRD READING**H.B. No. 1138:**

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, H.B. No. 1138, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," passed Third Reading by a vote of 44 ayes, with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

H.B. No. 1423:

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, H.B. No. 1423, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE (HOV) LANES," passed Third Reading by a vote of 44 ayes, with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

H.B. No. 1427:

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, H.B. No. 1427, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Third Reading by a vote of 44 ayes, with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

H.B. No. 1376:

On motion by Representative B. Oshiro, seconded by Representative Waters and carried, H.B. No. 1376, entitled: "A BILL FOR AN ACT RELATING TO PETROLEUM-CONTAMINATED SOIL," passed Third Reading by a vote of 44 ayes, with Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka being excused.

At 12:42 o'clock p.m., the Chair noted that the follow bills passed Third Reading:

H.B. No. 1138
H.B. No. 1423
H.B. No. 1427
H.B. No. 1376

ANNOUNCEMENTS

Speaker Say: "At this point, the Chair would like to acknowledge that from pages A to KK, they are the committee hearings that are being conducted today and tomorrow."

Representative Rhoads for the Committee on Human Services and Housing requested a waiver of the 48-hour advanced notice requirement to hear H.B. No. 111 for the Human Services and Housing Committee.

Representative Rhoads: "It is a short form bill that we unexpectedly need to put on the agenda after the hearing notice was filed," and the Chair "so ordered."

Representative Berg: "I would just like to announce to my colleagues that I will be distributing ten copies of this parent guide which is the insert in the *Honolulu Advertiser* today. It is full of information and resources on parenting. It's for the use of my colleagues for their constituents and their staff to distribute."

ADJOURNMENT

At 12:43 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of

Representatives adjourned until 12:00 o'clock noon, Thursday, March 1, 2007. (Representatives Awana, Bertram, Caldwell, Karamatsu, Shimabukuro, Thielen and Tokioka were excused.)