

THIRTY-SEVENTH DAY

Thursday, March 22, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:10 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor Roy Yamamoto of New Hope Christian Fellowship Prison Ministry, after which the Roll was called showing all members present with the exception of Representatives Souki, Takamine and Thielen, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journal was dispensed with and the Journal of the Twenty-Fifth Day was approved. (Representatives Souki, Takamine and Thielen were excused.)

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 437) was received and announced by the Clerk:

Sen. Com. No. 437, transmitting S.C.R. No. 123, entitled: "SENATE CONCURRENT RESOLUTION AWARDING THE HAWAII MEDAL OF HONOR TO UNITED STATES MILITARY SERVICE MEMBERS WITH HAWAII CONNECTIONS KILLED IN ACTION WHILE SERVING IN DANGEROUS, VOLATILE, AND UNSTABLE AREAS OF THE WORLD, INCLUDING IRAQ AND AFGHANISTAN," which was adopted by the Senate on March 21, 2007.

Representative Evans moved that S.C.R. No. 123 be adopted, seconded by Representative Har.

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

"Mr. Speaker, I rise in support of this measure. Thank you, Mr. Speaker. This past Monday marked four years since on the War on Terrorism began. While there continues to be much debate for and against the war, there is no debate about the tremendous sacrifices made by our service members and their families. Between March 29, 2003 and February 28, 2007, we in Hawaii have lost 188 service members who have sacrificed their lives while in the line of duty. To pay special tribute to these heroes and their families, we passed H.B. No. 8 in 2005 which became Act 21. H.B. No. 8 created the Hawaii Medal of Honor.

"This special medal is awarded on behalf of the people of the State of Hawaii to an individual who has been killed in action while serving our country as part of Operation Iraqi Freedom and Operation Enduring Freedom. Recipients of the Hawaii Medal of Honor include members of the United States Armed Forces, United States Military Reserves and the Hawaii National Guard who are residents of the State of Hawaii, attended an educational institution in Hawaii, or were stationed in Hawaii by order of the United States Department of Defense.

"The Hawaii Medal of Honor will be awarded to family representatives of these men and women at a ceremony held during a Joint Session of this Legislature on Monday, April 16, 2007 at 10:00 a.m. in the Senate Chambers. As of today, 36 families are coming to the ceremony. Some families like the Brown family and the Fiscus family will be coming from as far away as New Jersey and Delaware respectively.

"H.B. No. 8 created a planning Committee which is now Chaired by Senator Lorraine Inouye, Representative Cindy Evans, and Major General Robert Lee. I want to thank those three Chairs for doing such a great job in acknowledging these families and our service

members. I also wanted to recognize and thank the other members of the planning Committee: you Mr. Speaker, Senate President Colleen Hanabusa, Brigadier General Gary Ishikawa, Colonel (Retired) Emerick Kaneshi, Senate Clerk Carol Taniguchi, House Clerk Patricia Mau-Shimizu, Senate Sgt.-at-Arms Ben Villaflor, House Sgt.-at-Arms Kevin Kuroda, and HMSO Director Linda Oamilda. Also from our various staff, Lisa Vargas, Tommie Suganuma, Micah Young, Tammy Tengan, Paulette Abe, Carl Silva, Pam McCreadie, Elsie Abad, Rod Tanonaka, Eric Hamakawa, Arlina Agbayani, and Trina Ishii.

"Two years ago while serving on active duty, I had the responsibility of serving as the Casualty Assistance Officer for the family of Deyson Cariaga, the Hawaii National Guard's only casualty from Hawaii during the recent deployment of the 29th Brigade Combat Team. That duty as Casualty Assistance Officer was the most difficult challenge of my entire National Guard career. The Cariaga family and Mrs. Theresa Inouye, his mother in particular continue to grieve their loss. I don't wish what they experienced and continue to experience on any family. This Resolution and the actions we have and will take are to honor these soldiers and service members like Sgt. Cariaga, and parents like Theresa Inouye.

"In the past four years, the war against terrorism has changed our world and our lives in a profound way. Ultimately, it's not about politics. It's about money. It's not even about winning. It's about all the families and their loved ones, and what these brave men and women have sacrificed for our country. This Concurrent Resolution enrolls 68 more service members into the Hawaii Medal of Honor Roll and calls us together in Joint Session on April 16th at 10:00 a.m. to honor the sacrifices of these heroes. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I join in support of this Resolution. On behalf of the House Veteran's Caucus, we support this Resolution and thank the families for the ultimate sacrifice that they have made. As a reminder to us all that freedom is not, and will not be free. Thank you."

The motion was put to vote by the Chair and carried, and S.C.R. No. 123 was adopted with Representatives Souki, Takamine and Thielen being excused.

INTRODUCTIONS

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

Representative Sagum introduced Dr. Ramon de la Pena, Kauai representative to the University of Hawaii Board of Regents.

Representative Tokioka introduced the Hawaii State Council on Disabilities Day at the Capitol participants from Kauai: Larry Littleton, Kirsten Leigh Romsdal, Deborah Remigio, Shamara Duhaylongdod, Theresa Octavio, Lena Wilson, Leah Redongo, Leila Matagiense, Joe Rosare, Charles Fu, Abraham Jimenez, Chantal Vidinha, Wendy Rosare, Meagan Rice, William Burwell, Trudy DeSilva, Harrison Rita, Clifton Abuan, Archie Lanning, Randy Sapalsan, and El Doi – Teacher.

Representative Green introduced Mr. Curtis Tyler, Councilman Emeritus of Hawaii, Mr. Howard Marks, and other friends from the Big Island with the developmental disabilities community.

Representative Mizuno introduced Ms. Waynette Cabral, Executive Administrator, and the staff of the Hawaii State Council on Developmental Disabilities who were here for their 8th Annual Day at the Capitol, along with the representatives from Oahu.

Representative McKelvey, on behalf of Representatives Souki and Nakasone, introduced Hawaii State Council on Developmental Disabilities Day at the Capitol, participants from Maui County: Paul Vargas, Christina Chang, Joyce Nobriga, Heather Proud, Joan Bellard, Aimee Bellard, Andy Carba, Anja Shields, Sue Sargent, Juna Teague and Tammy Manuha.

Representative Carroll introduced Hawaii State Council on Developmental Disabilities Day at the Capitol, participants from Upcounty and East Maui, Molokai and Lanai: Mary Matsukawa, Angela Raboin, Sheila Awai, Judy Caparida, Ruth Manu, Julia Naki, Iese Tanielu, Yolanda Tanielu, Artie Swingle, Jo Ann Ahuna, Ashley Carreira, Josie Diego, Mary Haina and Caren Pantezzi.

Representative Karamatsu introduced student 'shadows' from Hanalani School in Mililani: Brittany Olson, Ruci Matalau, Nicole Kato, Ricky Eldridge, Brianna Godmere and Steven Severin.

Representative Yamane introduced his legislative 'shadow', Mr. Steven Severin, a senior at Hanalani School.

Representative Sonson on behalf of Representative Lee and himself, also introduced his legislative 'shadow', Ms. Brianna Godmere of Hanalani School.

Representative Sonson on behalf of Representative Har and himself, also introduced Mr. Patrick Branco of Makakilo, a sophomore at Hawaii Pacific University.

Representative Wakai introduced students of the Renew Language Institute near Tokyo; and their teachers, Miwako Shimamura and Toshoko Sugiyama.

Representative Chang, on behalf of the Big Island delegation, introduced student leaders from Hawaii Community College.

Representative Magaoay introduced members of the Koolauloa Community Children's Council: Dacy and Merrick Kagawa; Donna and Kahiau Brown; Charlotte, Joshua and Elena Kamouha; and Doug Heu of Kahuku.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

H.R.
No. **Re-referred to:**

198 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Legislative Management, then to the Committee on Judiciary

H.C.R.
Nos. **Re-referred to:**

247 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Legislative Management, then to the Committee on Judiciary

284 Committee on Health, then to the Committee on Legislative Management

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

S.B.
No. **Re-referred to:**

1961, Committee on Judiciary
SD1

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 287) was announced by the Clerk and the following action taken:

H.R. No. 287, entitled: "HOUSE RESOLUTION RECOGNIZING AND CONGRATULATING NATASHA KANANI JANINE KAI FOR HER OUTSTANDING ACCOMPLISHMENTS," was offered by Representative Magaoay.

Representative Magaoay moved that H.R. No. 287 be adopted, seconded by Representative Belatti.

Representative Magaoay introduced Ms. Natasha Kanani Janine Kai, member of the U.S. Women's National Soccer Team. She was accompanied by her parents, Mr. Benny and Mrs. Sharon Kai; and National Soccer Team Captain, Ms. Leslie Osborne, who were seated on the floor of the House.

Representative Magaoay also introduced members of the internationally ranked U.S. Women's National Soccer Team who were seated in the gallery:

Ms. Shannon Boxx; Ms. Jenni Branam; Ms. Lori Chalupny; Ms. Danielle Fotopoulos; Ms. Nancy Goffi; Ms. Megan Kakadelas; Ms. Heather Mitts; Ms. Siri Mullinix; Ms. Danielle Slaton; Ms. Lindsay Tarpley; and Ms. Christie Welsh.

Representatives Belatti and Meyer further recognized the accomplishments of Ms. Kai and congratulated the U.S. Women's National Soccer Team.

The motion was put to vote by the Chair and carried, and H.R. No. 287 was adopted with Representatives Green, Nakasone, Souki, Takamine and Thielen being excused.

The following resolution (H.R. No. 288) was announced by the Clerk and the following action taken:

H.R. No. 288, entitled: "HOUSE RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII ON ITS FIRST CENTENNIAL CELEBRATION," was jointly offered by Representatives Takai, Awana, Belatti, Berg, Brower, Caldwell, Carroll, Chang, Ching, Chong, Finnegan, Hanohano, Har, Karamatsu, Luke, Magaoay, Manahan, Marumoto, Mizuno, Morita, Nishimoto, B. Oshiro, Sagum, Saiki, Say, Shimabukuro, Takumi, Tsuji, Yamane, Yamashita, Cabanilla, Herkes, Ito, M. Oshiro, Sonson, Takamine and Waters.

Representative Takai moved that H.R. No. 288 be adopted, seconded by Representative Chang.

Representative Takai honored and congratulated the University of Hawaii on its Centennial Celebration.

Representative Chang then recognized the following honorees representing the University of Hawaii, past and present, who were seated on the floor of the House:

Mr. Robert Fujimoto, former member of the Board of Regents;

Dr. David McClain, President of the University of Hawaii;

Dr. Fujio "Fudge" Matsuda, former President of the University of Hawaii;

Mrs. Joyce M. Najita, Director of the Industrial Relations Center;
and

Mr. Kenji Rasmussen, Chair of the University of Hawaii Student
Caucus.

Representative Chang then introduced family, friends and faculty
of the University of Hawaii who were seated in the gallery:

Mrs. Amy Matsuda;
Mr. Kazu Toshi;
Ms. Joan Najita and family;
Mr. Don Najita and family;
Staff of the Industrial Relations Center;
Ms. Marlene Hapai, Board of Regents member;
Mr. Ramon de la Pena, Board of Regents member;
Ms. Denise Konan, Interim Chancellor, UH Manoa;
Mr. Francisco Hernandez, Vice Chancellor, UH Manoa;
Mr. Sam Callejo, Vice President;
Mr. Brian Taylor, Dean of SOEST;
Mr. Peter Crouch, Dean of Engineering;
Mr. Donald Young, Dean of Education;
Ms. Rose Tseng, Chancellor, UH Hilo;
Mr. Gene Awakuni, Chancellor, West Oahu; and
Ms. Angela Meixell, Chancellor, Windward Community College.

Representative Chang then acknowledged the following Members
who graduated from, or attended a campus within the University of
Hawaii System:

Representatives Awana, Belatti, Berg, Brower, Cabanilla,
Caldwell, Carroll, Chang, Ching, Chong, Finnegan, Hanohano,
Har, Ito, Karamatsu, Luke, Magaoay, Manahan, Marumoto,
Mizuno, Morita, Nishimoto, B. Oshiro, M. Oshiro, Sagum, Saiki,
Say, Shimabukuro, Sonson, Takai, Takamine, Takumi, Thielen,
Tokioka, Tsuji, Ward, Waters, Yamane and Yamashita.

The motion was put to vote by the Chair and carried, and H.R. No.
288 was adopted with Representatives Nakasone, Souki, Takamine
and Thielen being excused.

At 1:02 o'clock p.m., the Chair declared a recess, subject to the call
of the Chair.

The House of Representatives reconvened at 1:13 o'clock p.m.

STANDING COMMITTEE REPORTS

Representatives Yamashita and Morita, for the Committee on
Economic Development & Business Concerns and the Committee on
Energy & Environmental Protection presented a report (Stand. Com.
Rep. No. 1343) recommending that S.B. No. 1717, SD 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 S.B. No. 1717, SD 1, entitled: "A BILL FOR AN
ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE
REVENUE BONDS TO ASSIST UTILITIES SERVING THE
GENERAL PUBLIC," passed Second Reading and was referred to
the Committee on Finance with Representatives Souki and Thielen
being excused.

Representatives Yamashita and Morita, for the Committee on
Economic Development & Business Concerns and the Committee on
Energy & Environmental Protection presented a report (Stand. Com.
Rep. No. 1344) recommending that S.B. No. 597, SD 2, 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 S.B. No. 597, SD 2, HD 1, entitled: "A BILL FOR
AN ACT RELATING TO THE ISSUANCE OF SPECIAL
PURPOSE REVENUE BONDS TO ASSIST SOPOGY, INC., IN
THE DEVELOPMENT OF RENEWABLE ENERGY," passed
Second Reading and was referred to the Committee on Finance with
Representatives Souki and Thielen 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. 1345) recommending that S.B. No.
1182, SD 2, 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 S.B. No. 1182, SD 2, entitled: "A BILL FOR AN
ACT RELATING TO NEEDS ALLOWANCE," passed Second
Reading and was referred to the Committee on Finance with
Representatives Souki and Thielen being excused.

Representative Green, for the Committee on Health presented a
report (Stand. Com. Rep. No. 1346) recommending that S.B. No.
1346, 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 S.B. No. 1346, entitled: "A BILL FOR AN ACT
RELATING TO SENTENCING," passed Second Reading and was
referred to the Committee on Judiciary with Representatives Souki
and Thielen being excused.

Representatives Tsuji and Yamashita, for the Committee on
Agriculture and the Committee on Economic Development &
Business Concerns presented a report (Stand. Com. Rep. No. 1347)
recommending that S.B. No. 718, SD 2, 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 S.B. No. 718, SD 2, HD 1, entitled: "A BILL FOR
AN ACT RELATING TO THE PROCUREMENT CODE," passed
Second Reading and was referred to the Committee on Finance with
Representatives Souki and Thielen being excused.

Representatives Tsuji and Morita, for the Committee on
Agriculture and the Committee on Energy & Environmental
Protection presented a report (Stand. Com. Rep. No. 1348)
recommending that S.B. No. 890, SD 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 S.B. No. 890, SD 1, entitled: "A BILL FOR AN
ACT RELATING TO INTEGRATED STRATEGIES FOR
STATEWIDE FOOD AND ENERGY CROP PRODUCTION,"
passed Second Reading and was referred to the Committee on
Finance with Representatives Souki and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a
report (Stand. Com. Rep. No. 1349) recommending that S.B. No.
639, SD 2, 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 S.B. No. 639, SD 2, entitled: "A BILL FOR AN
ACT RELATING TO INVASIVE SPECIES," passed Second
Reading and was referred to the Committee on Finance with
Representatives Souki and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a
report (Stand. Com. Rep. No. 1350) recommending that S.B. No.

1308, SD 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 S.B. No. 1308, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LOANS FOR AGRICULTURAL AND AQUACULTURE PURPOSES," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1351) recommending that S.B. No. 835, SD 1, 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 S.B. No. 835, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1352) recommending that S.B. No. 837, SD 2, 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 S.B. No. 837, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1353) recommending that S.B. No. 1307, SD 3, 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 S.B. No. 1307, SD 3, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 1354) recommending that S.B. No. 1337, 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 S.B. No. 1337, entitled: "A BILL FOR AN ACT RELATING TO CONTEMPT OF COURT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Thielen being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1355) recommending that S.B. No. 1456, SD 1, 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 S.B. No. 1456, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1356) recommending that S.B. No. 1463, 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 S.B. No. 1463, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I would like a ruling on a potential conflict of interest. I do some work for HHSC at my law firm," and the Chair ruled, "no conflict."

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

"Mr. Speaker. I have the same request. I do some contract work for HHSC as an ER doctor," and the Chair ruled, "no conflict."

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

"I rise with reservations on Stand. Com. Rep. No. 1356. I had asked some questions before about the pay that the head of the Hawaii Health Systems Corporation gets, and I really haven't received an answer and so I have some real concerns with that."

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 Committee was adopted and S.B. No. 1463, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen 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. 1357) recommending that S.B. No. 950, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committees be adopted, and that S.B. No. 950, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise with reservations on this bill. My primary concern is that we really don't need another study. There were some concerns expressed about how to limit non-Native or non-Hawaiian taro as a State plant. We can easily do that by just identifying endemic or indigenous varieties that were traditionally used by Hawaiians. There's no need to go through a huge study on this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and S.B. No. 950, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Thielen being excused.

Representatives Yamane and Evans, for the Committee on Tourism & Culture and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1358)

recommending that S.B. No. 679, SD 2, 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 S.B. No. 679, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCIES," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1359) recommending that S.B. No. 1028, pass Second Reading and be referred to the Committee on Tourism & Culture.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1028, entitled: "A BILL FOR AN ACT RELATING TO COUNTY REGULATION OF COMMERCIAL BICYCLE TOURS," passed Second Reading and was referred to the Committee on Tourism & Culture with Representatives Souki and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1360) recommending that S.B. No. 1287, SD 1, as amended in HD 1, 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 S.B. No. 1287, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Souki and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1361) recommending that S.B. No. 1047, 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 S.B. No. 1047, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1362) recommending that S.B. No. 1042, SD 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 S.B. No. 1042, SD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 1363) recommending that S.B. No. 152, SD 2, 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 S.B. No. 152, SD 2, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in support with some reservations. I note that the Department of Transportation opposed this bill. They were concerned that this bill asked to expend State funds in addition to federal funds. Also it sort of earmarks it narrowly so that they don't have as much flexibility on what the money should be spent on.

"Currently that money could be spent for bicycle lanes, bicycle paths, any traffic control device, shelter, parking facility or other support facility to serve bicyclists. This is just for separate paths, off the road. So I guess those were their concerns. Thank you, Mr. Speaker."

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

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

"I rise in strong support, mainly for what has been missing in developing bicycle facilities in the past. Our original intent when we did our bicycle advisory committee on Maui was to start on paths, but what they really only did was road shoulders. Unfortunately, so much of what the Department of Transportation does, you can hardly tell there is a facility for bikes. It's something that can be used by cars as well. 70% of Hawaii's residents, when polled statewide, supported the bike paths as their most important feature that they wanted to see done. This just reflects that, and I'm very much in support."

Representative Har 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.)

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I am in support of this measure. Mr. Speaker, bicycles are not only for recreation and exercise, but have become for many the mode of transportation to and from work. With the growing number of vehicles on our roads and the increase in the obesity of our citizens, we should encourage the use of healthy alternatives.

"This bill, Mr. Speaker, earmarks 2% of the eligible federally funds, and in addition, other State Highway Fund moneys for bicycle paths, installation of signage and safety devices along bicycle lanes and bicycle routes and directs the Department of Transportation to have a public involvement process. Again, this is 2% of the federally eligible monies, not 2% of all federal monies.

"This is a good bill and I encourage my colleagues to vote in support of this measure. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 152, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1364) recommending that S.B. No. 1260, SD 2, 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. 1260, SD 2, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On this measure, I stand in strong support and I'll reserve my comments for Third Reading. But at this time I would just like to thank the Finance Chair. He listened to testimony on this bill yesterday, and it's a very important measure. It's part one of two parts of a vehicle in the process of saving our hospital in Kahuku. Thank you."

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

"I rise with reservations. As much as I really support this for Kahuku, I must note that we're still working to try to get a second hospital for Maui. I would actually ask that the Senate also look at Maui's needs, as well, while we're helping out Kahuku."

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

"Thank you, Mr. Speaker. I'm rising in strong support. I had the pleasure of working with the Representative from Haleiwa before the Legislature opened; having meetings with people that live out in Kahuku and people that live in my district that go to that hospital for their medical needs. This is truly a grassroots effort. The hospital would be closed now if it weren't for the efforts of legislators from the district.

"As the Representative from Haleiwa said, we appreciate this moving along. This is an emergency grant and it is very important that it gets passed. The people from the district have traveled back and forth to the Capitol numerous times, and yesterday was no different. They were here smiling and giving testimony. I don't think that the Representative from Maui has to worry. There's no way that this bill will take away from anything that's happening in Maui. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1260, SD 2, entitled: "A BILL FOR AN ACT RELATING TO A GRANT TO KAHUKU HOSPITAL," passed Second Reading and was placed on the calendar for Third Reading with Representatives Souki and Thielen being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1365) recommending that S.B. No. 14, SD 1, 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 S.B. No. 14, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in opposition. I rise in opposition because of the perfect timing of this bill coming up. Just a few minutes ago, we celebrated the 100th year of the University of Hawaii. For a hundred years the system that ran the Board of Governors has worked. Seventy five percent of us, Mr. Speaker, are graduates of that University.

"But yet this bill is intended, I'm afraid, to interrupt that unbroken success story with what appears to be one of the 109 measures to lessen the influence of the present Governor. It's hard to understand

why we would want to change it because there's no proof that it's going to make it any better. In fact, it may make it worse.

"And I cite, not just my opinion, but that of President McClain who we just honored. President McClain, in an op-ed in opposition to Senator Sakamoto's op-ed in the *Star Bulletin*, cited that we are going in the wrong direction and cited the governing body of the universities in the United States saying clearly, this is a rare and unusual direction to take. It is not a wise one.

"Yes, of course, the people of Hawaii said they wanted an advisory committee, but they didn't say they wanted our friends to be put on it. They didn't want us to politicize it and not make it accountable to the Governor. Because if we succeeded, and we just commend it for a hundred years, the great job UH has done, we're saying now over the last few years, 'Hey, well, it's got to be changed from the last one hundred years. It's not going to be the future direction of a hundred years.'

"So, Mr. Speaker, the adage is, 'if it ain't broke, don't fix it'. I think we're tampering with something that we're going to make worse. Thank you."

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

"Thank you, Mr. Speaker. A no vote and I'll save my comments for tomorrow."

Representative Meyer rose in opposition to the measure and asked that the remarks of Representative Ward be entered in the Journal as her 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 14, SD 1, 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 Ching, Finnegan, Meyer and Ward voting no, and with Representatives Souki and Thielen 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 a bill on Third Reading on the basis of a modified consent calendar. (Representatives Souki and Thielen were excused.)

THIRD READING

S.B. No. 920, SD 1, HD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, S.B. No. 920, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Thielen being excused.

At 1:23 o'clock p.m., the Chair noted that S.B. No. 920, SD 1, HD 1, passed Third Reading.

ANNOUNCEMENT

Speaker Say: "Members, on pages A to J of your Order of the Day are the hearing notices for today and tomorrow for the respective Committees."

ADJOURNMENT

At 1:24 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 23, 2007. (Representatives Souki and Thielen were excused.)