

THIRTY-NINTH DAY

Tuesday, March 27, 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 Pastor Jeff Mueller of Good Shepherd Lutheran Church, after which the Roll was called showing all members present with the exception of Representatives Finnegan, Luke, M. Oshiro, Takamine and Thielen, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 444 through 456) were received and announced by the Clerk:

Sen. Com. No. 444, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bill:

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

Sen. Com. No. 445, transmitting H.B. No. 613, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 446, transmitting H.B. No. 657, H.D. 1, entitled: "A BILL FOR AN ACT RELATING TO WAIVER OF ABANDONED VEHICLE PUBLIC AUCTION REQUIREMENTS," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 447, transmitting H.B. No. 853, H.D. 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORK PROJECTS," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 448, transmitting H.B. No. 1081, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 449, transmitting H.B. No. 1138, entitled: "A BILL FOR AN ACT RELATING TO FIRE PROTECTION," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 450, transmitting H.B. No. 1204, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 451, transmitting H.B. No. 25, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LICENSING," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 452, transmitting H.B. No. 158, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 453, transmitting H.B. No. 389, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 454, transmitting H.B. No. 1253, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 455, transmitting H.B. No. 1423, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE (HOV) LANES," which passed Third Reading in the Senate on March 23, 2007.

Sen. Com. No. 456, transmitting H.B. No. 1513, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," which passed Third Reading in the Senate on March 23, 2007.

Representative Caldwell moved to disagree to the amendments made by the Senate to the following House bills, seconded by Representative B. Oshiro and carried: (Representatives Finnegan, Luke, M. Oshiro, Takamine and Thielen were excused.)

H.B. No. 25, HD 1, SD 1	H.B. No. 1253, HD 1, SD 1
H.B. No. 158, SD 1	H.B. No. 1423, SD 1
H.B. No. 389, HD 1, SD 1	H.B. No. 1513, HD 1, SD 1

INTRODUCTIONS

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

Representative Magaoay introduced members of the North Shore 4-H Club: Kalen Hong, Taylor Hong, Lorraine Smith, Tanner Smith, Jessica Smith, Kayla Smith, Pomai Darlington, Michael Kea, Justine Robello, Jasmine Robello, Kauai Alpaca and Presley Vanderstrom. They were accompanied by their leaders, Ms. Verna Egaris and Mr. Richard Fisher; and parents, Ms. Robyn Harvest, Mr. Greg Smith, Ms. Katie Darlington, Ms. Joann Robello, Ms. Carrie Robello and Ms. Monique Vanderstrom.

Representative Shimabukuro introduced her staff member and University of Hawaii Board of Regents member, Mr. Mike Dahilig.

Representative Manahan introduced and welcomed the members of TeenPact 2007:

Students: Cade Brown, Justin Burbage, Josh Duncan, Cameron Hughes, Kristin Hughes, Andrew Kemp, Thomas Kenney, Christina Kenney, Scott Landro, Nina Martinez, TJ Metcalf, Tyler Rits, Brittany Rits, Justin San Nicolas, Jeremy San Nicholas, Grace Shimabukuro and Rachel Smith. Not in attendance were Sean Arakawa and Christian Jacky

Staff: Kiana Bieber, Emily Metcalf, Bryn Pierce, Jared Solid, Boe Surbeck-Program Director, Robin Metcalf - State Coordinator and Mr. Bill Jack - Guest Director,

Representative Ward introduced, Ms. Adrian King, a member of the Hawaii State Bar.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
202	Committee on Labor & Public Employment

210 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

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

77 Jointly to the Committee on Consumer Protection & Commerce and the Committee on Legislative Management, then to the Committee on Finance

263 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

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

S.B.**Nos. Re-referred to:**

992, SD1, HD1 Committee on Energy & Environmental Protection, then to the Committee on Finance

1146, SD2 Committee on Finance

**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 289) was announced by the Clerk and the following action taken:

H.R. No. 289, entitled: "HOUSE RESOLUTION RECOGNIZING THE INTERNATIONAL AND NATIONAL ACCOMPLISHMENTS OF THE UNIVERSITY OF HAWAII AT MANOA'S ATHLETICS PROGRAM," was jointly offered by Representatives Brower and Takai.

Representative Brower moved that H.R. No. 289 be adopted, seconded by Representative Takai.

Representative Brower introduced and commended the athletes and staff who were seated on the floor of the House:

Ms. Marilyn Moniz-Kaho'ohanohano, Assitant Athletic Director representing the Rainbow Wahine Athletics Program celebrating its 35th year anniversary.

Warrior Football Head Coach June Jones, Western Athletic Conference Coach of the Year; and All-American Quarterback Colt Brennan representing the Warrior Football Team.

Retiring Rainbow Warrior Basketball Head Coach Riley Wallace who was not in attendance, represented by his wife, Mrs. Joan Wallace, and Assistant Coach Bob Nash.

Representative Takai then recognized and honored University of Hawaii All-American Swimming and Diving athletes: Ms. Megan Farrow, Mr. Magnus Frick and Mr. Mats Wiktorsson, who were seated on the floor of the House.

Representative Takai also introduced Mr. Herman Frazier, Athletic Director; Mr. Mike Brown, Head Diving Coach; Ms. Anita Rosing, Diving Coach; and Ms. Chacha Kinilau, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 289 was adopted with Representatives Finnegan, Luke, Nakasone, M. Oshiro, Takamine and Thielen being excused.

The following resolution (H.R. No. 290) was announced by the Clerk and the following action taken:

H.R. No. 290, entitled: "HOUSE RESOLUTION CONGRATULATING THE UNIVERSITY OF HAWAII WILLIAM S. RICHARDSON SCHOOL OF LAW ENVIRONMENTAL LAW PROGRAM FOR ITS OUTSTANDING WORK AND ACHIEVEMENTS IN THE FIELD OF ENVIRONMENTAL LEGAL EDUCATION AND FOR WINNING THE 2006 AMERICAN BAR ASSOCIATION AWARD FOR DISTINGUISHED ACHIEVEMENT IN ENVIRONMENTAL LAW AND POLICY," was jointly offered by Representatives Belatti, Marumoto, Takai, Finnegan, Meyer, Rhoads, Say and Shimabukuro.

Representative Belatti moved that H.R. No. 290 be adopted, seconded by Representative Morita.

Representative Belatti recognized the University of Hawaii William S. Richardson School of Law, and introduced the following honorees who were seated on the floor of the House:

Mr. Aviam Soifer, Dean of the William S. Richardson School of Law;

Ms. Casey Jarman, Associate Professor; and

Former Chief Justice William S. Richardson.

Representative Morita further commended the William S. Richardson School of Law Environmental Program on receiving the American Bar Association award, and introduced the friends and alumni of the School of Law, who were seated in the gallery.

The motion was put to vote by the Chair and carried, and H.R. No. 290 was adopted with Representatives Finnegan, Luke, Nakasone, M. Oshiro and Thielen being excused.

LATE INTRODUCTION

The following late introduction was made to the members of the House:

Representative Marumoto introduced Mr. David Nixon, Associate Professor of Social Sciences at the Public Polity Center, University of Hawaii at Manoa.

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

The House of Representatives reconvened at 1:02 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1513), recommending that H.R. No. 134, 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.R. No. 134, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY TO ESTABLISH A ONE-TO-ONE COMPUTER ACCESS PROGRAM WITHIN THE STATE PUBLIC SCHOOL SYSTEM," was referred to the Committee on Finance with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1514), recommending that H.C.R. No. 171, 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.C.R. No. 171, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONDUCT A FEASIBILITY STUDY TO ESTABLISH A ONE-TO-ONE COMPUTER ACCESS PROGRAM WITHIN THE STATE PUBLIC SCHOOL SYSTEM," was referred to the Committee on Finance with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1515), recommending that H.R. No. 194, 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.R. No. 194, entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF IMPLEMENTING A MULTIMEDIA ACCELERATED LEARNING TECHNOLOGY PILOT PROGRAM IN PUBLIC SCHOOLS," was referred to the Committee on Finance with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1516), recommending that H.C.R. No. 243, 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.C.R. No. 243, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO DETERMINE THE FEASIBILITY OF IMPLEMENTING A MULTIMEDIA ACCELERATED LEARNING TECHNOLOGY PILOT PROGRAM IN PUBLIC SCHOOLS," was referred to the Committee on Finance with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 1517), recommending that H.R. No. 125, 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.R. No. 125, entitled: "HOUSE RESOLUTION EXPRESSING THE SENSE OF THE LEGISLATURE THAT THE STATE SHOULD IMMEDIATELY COMMENCE EMINENT DOMAIN PROCEEDINGS FOR KUKUI GARDENS," was referred to the Committee on Finance with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 1518), recommending that H.C.R. No. 158, 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.C.R. No. 158, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING THE SENSE OF THE LEGISLATURE THAT THE STATE SHOULD IMMEDIATELY COMMENCE EMINENT DOMAIN PROCEEDINGS FOR KUKUI GARDENS," was referred to the Committee on Finance with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented two reports:

(Stand. Com. Rep. No. 1519), recommending that H.R. No. 162, be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 1520), recommending that H.C.R. No. 204, be referred to the Committee on Judiciary.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.R. No. 162 and H.C.R. No. 204, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Lee rose in support of both measures 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 these measures. Mr. Speaker, human trafficking is a problem that plagues our world. Every year we hear of more cases in which people were taken from their families and countries and shipped to places where they are used and abused. Fortunately, there is help for these people in the United States. Unfortunately, the process to get help takes too much time for some.

"Because certification often requires a considerable length of time to process, typically six months, there is the need for pre-certification victim services from the time that individuals are identified as trafficked persons until they are certified by federal law enforcement. It is during this time trafficked persons may experience the greatest need for services.

"These Resolutions request the Department of Human Services to assess needs and facilitate provision of social services to non-citizen victims of human trafficking. These Resolutions help those who are in dire straits and can give them hope. I urge my colleagues to support these Resolutions. Thank you."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 162, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FACILITATE PROVISION OF SOCIAL SERVICES TO NON-CITIZEN VICTIMS OF HUMAN TRAFFICKING," was referred to the Committee on Judiciary with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused; and

H.C.R. No. 204, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO FACILITATE PROVISION OF SOCIAL SERVICES TO NON-CITIZEN VICTIMS OF HUMAN TRAFFICKING," was referred to the Committee on Judiciary with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1521) recommending that H.R. No. 59, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 59, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ASSESS THE EXTENT TO WHICH SUPPLEMENTAL ACADEMIC ACTIVITIES ARE INCLUDED IN THE A PLUS AFTER-SCHOOL PROGRAM," was adopted, with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 1522) recommending that H.C.R. No. 83, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 83, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF EDUCATION TO ASSESS THE EXTENT TO WHICH SUPPLEMENTAL ACADEMIC ACTIVITIES ARE INCLUDED IN THE A PLUS AFTER-SCHOOL PROGRAM," was adopted, with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1523) recommending that S.B. No. 1006, SD 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 S.B. No. 1006, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE BROKERS AND SOLICITORS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine 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 Evans, Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen were excused.)

THIRD READING

S.B. No. 14, SD 1, HD 1:

Representative Caldwell moved that S.B. No. 14, SD 1, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

At this time, Representative Ward offered Floor Amendment No. 3, amending S.B. No. 14, SD 1, HD 1, as follows:

SECTION 1. Senate Bill No. 14, Senate Draft 1, House Draft 1, is amended by amending Section 1 to read as follows:

"SECTION 1. The purpose of this Act is to establish a candidate advisory council for the board of regents of the University of Hawaii in conformity with the amendment to article X, section 6 of the Hawaii State Constitution, ratified by the voters on November 7, 2006. This Act also:

- (1) Increases the membership of the board of regents of the University of Hawaii;
- (2) Prohibits a board of regents member from serving more than two consecutive five-year terms; and
- (3) Requires the senate to consider the reconfirmation of an incumbent board member for a second term at least one hundred twenty days prior to the conclusion of the member's first term.

Additionally, the legislature renews its previously stated intent, as provided in Senate Bill No. 1256 (2005), that "the existing members of the board of regents of the University of Hawaii serve their full terms of office. As each term expires, the regent will be replaced by an appointed member screened and proposed by the candidate advisory council . . ." as provided in this Act.

SECTION 2. Senate Bill No. 14, Senate Draft 1, House Draft 1, is amended by amending Section 2 to read as follows:

SECTION 2. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"§304A- Candidate advisory council for the board of regents of the University of Hawaii. (a) There is established the candidate advisory council for the board of regents of the University of Hawaii to present to the governor pools of qualified candidates from which the members of the board of regents shall be nominated and, by and with the consent of the senate, appointed by the governor. The candidate advisory council shall establish the criteria for qualifying, screening, and presenting to the governor candidates for membership on the board of regents. The candidate advisory council shall be attached to the University of Hawaii for administrative purposes.

(b) Except as provided in subsection (c), within sixty days of convening its first meeting, the candidate advisory council shall present no fewer than two and no more than four qualified candidates to the governor for each vacant seat on the board of regents that has arisen due to resignation, death, or removal by the governor; provided that for all subsequent presentations to the governor, the candidate advisory council shall present no fewer than two and no more than four candidates for each seat on the board of regents to the governor within:

(1) Thirty days of a vacancy that arises by resignation, death, or removal by the governor; or

(2) One hundred twenty days prior to the expiration of a term.

(c) In making its presentations, the candidate advisory council shall:

(1) Develop a statement that includes the selection criteria to be applied and a description of the responsibilities and duties of a member of the board of regents and distribute this statement to potential candidates;

(2) Screen and qualify candidates for each position on the board of regents based on their background, experience, and potential for discharging the responsibilities of a member of the board of regents;

(3) Publicly advertise pending vacancies and actively solicit and accept applications from potential candidates;

(4) Develop and implement a fair, independent, and nonpartisan procedure for selecting candidates to serve on the board of regents; and

(5) Require each candidate to disclose any existing or anticipated contracts with the University of Hawaii or any existing or anticipated financial transactions with the University of Hawaii.

Upon submission to the governor, presentations of the candidate advisory council shall be made available to the public by the University of Hawaii.

(d) For each board seat to be filled, the governor shall select one nominee from among the candidate advisory council's presentations.

(e) The candidate advisory council shall consist of seven members to be appointed without regard to section 26-34 as follows:

(1) Two members shall be appointed by the president of the senate;

(2) Two members shall be appointed by the speaker of the house of representatives; and

(3) Three members shall be appointed by the governor;

provided further that each appointee satisfies the requirements for appointment provided in this subsection.

The candidate advisory council shall be selected in a wholly nonpartisan manner. If any member has not been appointed within one hundred eighty days of the effective date of this Act, the sitting members on the candidate advisory council shall make an interim appointment to fill the vacant seat. The interim appointee shall satisfy the requirements for appointment provided in this subsection and shall serve until the time when the appropriate appointing authority makes an appointment for the vacant seat as provided in this subsection. Appointees to the candidate advisory council shall have a general understanding of the purposes of higher education, the mission of the University of Hawaii system, and the responsibilities of the board of regents. Appointees shall be individuals who are widely viewed as having placed the broad public interest ahead of special interests, having achieved a high level of prominence in their respective professions, and being respected members of the community.

(f) Members of the candidate advisory council shall serve four-year terms; provided that one of the members initially appointed by the governor, the president of the senate, and the speaker of the house of representatives shall serve for terms of two years; provided further that terms for appointments of the initial members of the candidate advisory council shall be deemed to begin on July 1, 2007, regardless of the actual date of appointment.

(g) If a vacancy occurs, a successor shall be appointed in the same manner and subject to the same qualifications as the person's predecessor. The person appointed to fill a vacancy shall serve for the remainder of the term of the person's predecessor.

(h) The candidate advisory council shall operate in a wholly nonpartisan manner. No individual, while a member of the candidate advisory council, shall run for or hold any elected office under the United States or the State or any of its political subdivisions.

(i) The candidate advisory council shall convene its first meeting on or after thirty-one days from the effective date of this Act; provided that, if thirty days after the effective date of this Act, all the members to which the candidate advisory council is entitled have not yet been appointed, the candidate advisory council shall convene its first meeting upon the appointment of a majority of its members. The members of the candidate advisory council shall choose a chairperson from among themselves. A majority of all the members to which the candidate advisory council is entitled shall constitute a quorum to conduct business. The concurrence of a majority of all the members to which the candidate advisory council is entitled shall be necessary to make any action of the candidate advisory council valid. The candidate advisory council shall meet annually and at other times as necessary. The candidate advisory council shall be exempt from part I of chapter 92.

(j) Members of the candidate advisory council shall serve without compensation but shall be reimbursed for expenses, including travel, board, and lodging expenses, necessary for the performance of their duties."

SECTION 3. Senate Bill No. 14, Senate Draft 1, House Draft 1, is amended by amending Section 3 to read as follows:

SECTION 3. Section 26-11, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) The University of Hawaii shall be headed by an executive board to be known as the board of regents.

The board shall consist of ~~twelve~~ fifteen members. ~~[No more than six of the members shall be members of the same political party and at least part of the membership of the board shall represent geographic subdivisions of the State.]~~ At least one member shall be a University of Hawaii student at the time of the initial appointment.

This member may be reappointed for one additional term even though the member may no longer be a student at the time of reappointment. The governor shall reduce the terms of those initially appointed to each seat on the board of regents to provide, as far as practicable, for the expiration of three terms each year; provided that the term of the student member shall not be reduced.

The board shall have the power, in accordance with the Constitution of the State and with law, to formulate policy[;] and to exercise control over the university through its executive officer, the president of the university. The board shall have exclusive jurisdiction over the internal organization and management of the university."

Representative Ward moved that Floor Amendment No. 3 be adopted, seconded by Representative Meyer.

Representative Ward rose to speak in support of the proposed floor amendment, stating:

"I rise in support of the amendment. Everyone's asking in their mind, why does this bill need to be amended? I submit four very brief reasons, Mr. Speaker.

"Reason number 1, good news, bad news. The good news is that this legislation in question would implement the constitutional amendment passed last fall requiring the Governor to use a Candidate Advisory Council in the selection of a nominee to the Board of Regents. The good news is that the use of such Councils is considered a best practice by the Association of Governing Boards. That's the highest level that universities respond to.

"The bad news is that S.B. 14 is a 'Noah's Ark' in a full house of 'me too-ism' that politicizes the selection process. We further believe, this is a quote from the Association of Governing Boards. It says, 'We further believe that the governing board should not have designated slots because the public citizen trusteeship 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 interest.' It follows that, 'An advisory council or screening committee should not be composed of a collection of special interest representatives,' which leads to reason number 2, why this bill should be amended.

"In 2005 enabling legislation, essentially like S.B. 14, was vetoed by the Governor and those opposed to the adoption of the amendment last fall. It does not represent real reform, but rather another example of questionable practices endorsed by a legislature. Truths that are inconvenient remain true, nonetheless. We need best practice governance. The 'Noah's Ark' style of approach of S.B. 14 should be rejected by the House and replaced with a Governor-appointed Candidate Selection Committee, which leads to reason number 3, why this amendment should be passed.

"Because everything I just said, Mr. Speaker, is not Gene Ward, not the Representative from Hawaii Kai. It's the words of the President of the University of Hawaii, Mr. David McClain, and the Governing Association of Governing Boards. And I believe he is an authority on the University and I believe he is the same one we honored here, which leads to my final reason. We honor the University of Hawaii today, again, for the excellence, the heroes they brought. June Jones, Colt Brennan, all of the good things that are happening.

"The system has worked, the University has worked. It's producing good people. There are not constituents grouching about the DOE, the way they would be if the UH wasn't working. The point is, if it ain't broke, don't fix it. With this amendment, we'll fix what's broken in this bill."

Representative Meyer rose to speak in support of the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in support of the amendment. This amendment would do two things. It would amend Section 2, subsection (e). Instead of having the Governor participate only at about 14% as far as getting appointing somebody to the Advisory Board, it would change the makeup. The Governor would be able to appoint three members, rather than one. The President of the Senate and you, Mr. Speaker, would appoint two, making it more of an equitable balance there.

"This is a bit of a compromise, but I think it's a wise one. It gives the legislative members, the leadership, about 57% participation and the Governor about 43%, whereas, under the Constitution prior to it being amended, the Governor had 100% say as to who she would look at as possible Regents.

"The other amendment is in Section 3, subsection (a). The underlying bill sets up requirements that Board of Regent candidates must come from various geographical areas, further segmenting people that could serve on the Board. We've eliminated that and so there is not that requirement anymore.

"Others have talked about Richard Legon who is president of the Association of Governing Boards, and he makes it clear in his testimony. He says the Governing Board should not have designated slots and that's what these geographical representatives would be. You know, you would have the people on the Big Island fighting for things for Hilo and more money to start up a for-real college in Kona. You know, just sort of 'Balkanizing' the process.

"The thing that we need in a Regent is truly outstanding people who are independent and public minded, and looking out for the interest of the University System in totality. Our concern with the bill and why we have brought forth this amendment is we think the way it is outlined in S.B. 14, HD 1 goes way too far in politicizing the process and having the Governor appoint Regents.

"We did not change some of the other things. They are raising the membership on the Board of Regents from 12 to 15, and a lot of the other things, processes that are spelled out in this enabling legislation. I think that the general public, when they voted on the amendment to the Constitution, really didn't have a clear picture as to how the process would work in the first place, and the enabling legislation, while something was passed last year, it was vetoed. I think that it's very hard for people to know exactly what's going on in this building, and I don't think they had all the facts when they voted on that. I'll just leave it at that for now. Thank you."

Representative Takai rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. I rise in opposition to this floor amendment. The two prior speakers talked about politicizing the selection process. I submit to you, Mr. Speaker, that the current process where the Governor chooses her Regents is very political. And, in fact, if you take a look at their floor amendment in front of us, their suggestion, to me, is political. Two members appointed by the President, two members appointed by the Speaker, and three members appointed by the Governor. I don't think you can get any more political than that.

"In fact, Mr. Speaker, if you take a look at the underlying bill, S.B. 14, H.D. 1, you will notice that we purposely created the Candidate Advisory Council with balance. Three elected officials appointing three members; the Senate President, the House Speaker and the Governor. And we have four more or a clear majority of the Candidate Advisory Council being appointed by the Faculty Senate, by the Student Caucus, by the Emeritus Regents, and by the Alumni Association. If you take a look at our proposal, Mr. Speaker, I think that our proposal is the farthest thing from politicizing the selection process.

"Two years ago, Mr. Speaker, in the 2005 Session, we passed not only the constitutional amendment bill, but we also passed the codifying language, S.B. 1257. In her objections to S.B. 1257, the Governor wrote to us that if the constitutional amendment as proposed and S.B. 1256 is ratified, the statutory changes described in this bill could be introduced as legislation in the 2007 Session and enacted in time to meet the new constitutional requirements.

"I bring this up, Mr. Speaker, because I think the voters of this State knew very clearly what they were voting on. We let the voters decide and they've decided that we are going to create a Candidate Advisory Council with the intent of the Legislature in 2005. And which I believe today is reflected in S.B. 14 which suggests that these Candidate Advisory Councils will be comprised of these individuals selected by the seven constituencies.

"In addition, Mr. Speaker, I don't know what the introducer or the supporters of the floor amendment were thinking, but the idea of eliminating the geographic requirements for certain Regents confounds me. If you take a look at page 10 on S.B. 14, the underlying bill, right now we allow for two members from the county of Hawaii, two members from the county of Maui, and one member from the county of Kauai, and seven members from the City and County of Honolulu, with three additional members being selected at large. The University of Hawaii is a State institution. It's comprised of ten campuses, statewide. Why, then, would someone suggest that we eliminate the geographic requirements for these certain Regents? I don't understand.

"The introducer of this amendment also talked about our recognition of the University on its 100th anniversary, and the floor presentations that we did today, as well. I submit to him, as well as other Members of this body, that the proposal that we have put forth in House Draft 1, would provide the University with the opportunity to flourish and move them into the second century of promise. I think the amendments that they provide in this floor amendment does otherwise.

"So, Mr. Speaker, I urge all Members to vote down this floor amendment and to move forward on the proposal in H.D. 1. Thank you."

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

"Mr. Speaker, I just wanted to request a ruling on a possible conflict of interest. My wife works for the company that's owned by one of the current Regents. Thank you," and the Chair ruled "no conflict."

At this time, the Chair called for the question.

Representative Meyer rose stating:

"Mr. Speaker, I think we have a few more speakers on our side. I'll yield to Representative Marumoto."

Representative Marumoto rose to speak in support of the proposed floor amendment, stating:

"Thank you very much. I rise to speak in favor of the amendment. I favor this amendment because it would eliminate designated slots. Mr. Richard Legon testified. He's the President of the Association of Governing Board of Universities and Colleges. He said that a constituent-based council may make it difficult for the council to recruit and screen regent candidates who possess the broad vision and qualities to lead Hawaii's higher education in the challenges ahead.

"Also, Ms. Barbara Beno, President of the Western Association of Schools and Colleges Accrediting Commission for Community and Junior Colleges, that oversees the accreditation process for the seven community colleges in the UH System, expressed reservations about

the proposed Advisory Board stating that, 'a constituency based advisory body could contribute to the politicization of governance at the University of Hawaii.' Thank you very much."

Representative Chang rose to speak in opposition to the proposed floor amendment, stating:

"Thank you, Mr. Speaker. In opposition, and may I have the words of the Representative from Pearl City inserted as they were my own. And I have a few more comments.

"In 2006, the Legislature passed S.B. 1256 and as we know, the Governor vetoed it, calling it premature. The measure was reintroduced this year based on the voters' call for change. We want to respect and honor the voters' choice and realistically, Mr. Speaker, we have no other option. We have a responsibility to bring life to the expressed wishes of Hawaii's voters.

"The Constitution was amended to change the process and we have an obligation to act as agents for that change. With the support of this Senate, we have produced a solid, comprehensive, far-reaching bill. We gave an opportunity for interested parties to present concerns regarding our proposed Advisory Council as set forth in S.B. 14. When the Administration did not submit written testimony at the hearing on this bill, we contacted the Governor's education point person, her Senior Policy Advisor.

"We asked for the Governor's input on S.B. 14. Instead we received comments on S.B. 617, which had been introduced at the Governor's request stating that the Governor should choose the Council and appoint its Chairman. It was clear that they felt the Governor's wish to maintain control superseded the people's unequivocal call to remove politics from the equation. They continued to deny the need for change, ignore the call for change and opposed our efforts to bring about change.

"This bill stands for the reality of a Council of outstanding individuals who have a stake in our University System and rise above partisan politics and provincial concerns. The public has called for real change and S.B. 14, S.D. 1, H.D. 1, Mr. Speaker, delivers real change."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. I just want to respond to some of the comments that have been made here. Various speakers have alluded to the fact that the voters knew what was in that bill that was vetoed. I think most of us who have served here for many years know that the general public rarely knows what bills are being argued down here. Only the people that would be directly affected. Even then, it doesn't happen, such as the bar owners who have lost 50% of their business because of something that went on here and they didn't even know it was happening. So, to think that the voters at-large knew anything about this bill that the Governor vetoed is just specious. It's just not a fact.

"I want to read the amendment description and the question that was put before the voters back in November of 2006. The amendment description is to amend Article 10, Section 6 of the Hawaii Constitution to modify the appointment process for the University of Hawaii Board of Regents by requiring the Governor to nominate candidates for the University of Hawaii Board of Regents from a list of individuals submitted by a Candidate Advisory Council for the Board of Regents of the University of Hawaii.

"The question on the ballot was, 'Shall the Governor be required to select Board of Regents candidates from a pool of qualified candidates screened and proposed by a Candidate Advisory Council for the Board of Regents at the University of Hawaii as provided by law?'

"It didn't say anything about how that Advisory Council would be chosen. It didn't say anything about the geographic slots that would

be out there. It didn't say anything about how many people on that Advisory Board the Governor would be able to appoint. It didn't talk about the Candidate Advisory Council being free from the Sunshine Law. There's a whole lot of details that the public had absolutely no privileged information on. So, I would disagree with that.

"The question from the Representative from Pearl City about why would our amendment eliminate those geographical spots is that it limits the pool. It takes five Regents and says they must come, two from the Big Island, two from Maui, and one from Kauai. When you're looking for Regents, you're looking for the brightest you can find. You want people who are accomplished individuals, who are highly intelligent, who would want only the best for the University. Why would you want to limit that because they didn't live on one of those islands? What if you had some fabulous people here, but because now you have to pick these slots, you have to put these five aside. As far as the student member, we are ... "

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

Representative Meyer continued, stating:

"Thank you, Representative. We already have student representation with a student member on the Board of Regents. There's just too much politics. The idea that it's more political with the legislative leaders and the Governor. At least, they're looking out for the interest. When you have these further divisions, such as student members, faculty members, alumni members. These are constituencies that are looking out for their 'nitty gritty' stuff that they care about. The Regents are supposed to be way up here looking at a broad picture over the whole University System.

"I think that this amendment is a good compromise. It certainly is a compromise from the bill that the Governor preferred, so I think we are trying to look for a middle ground here. I just wanted to point out that under the system we've had for all these many, many years under many, many Governors, the Governor was responsible. The buck stopped there. She selected, Governor Cayetano, whoever, they always had a group of people who would recommend possible people for the Board of Regencies. But if they picked a 'lemon', you knew who took the blame. It was the Governor. With this system, we don't know where these names came from.

"And it still limits the pool. Under our amendment, we've kept much of the language of the underlying bill. The fact that the advisory group must send up two names, no more than four names, it's limiting, it's limiting our pool. And, again, as far as getting rid of the geographic representation, it's not that we allow for geographic representation. Our bill demands it. There's no wiggle room. Thank you, Mr. Speaker."

Representative Ward rose to respond, stating:

"Thank you, Mr. Speaker. Just to add on a couple of points. I think what we're bifurcating is professionalism and politicization. And the reason why we're citing the Association of Governing Boards is because they are the governing board of the universities who say what is the best practice. And granted, the amendment to the Constitution was the best practice. We're not arguing against the Advisory Council. That's the best thing to do. What the Governing Boards are saying, however, you don't politicize those and write them into the 'Noah's Ark', with a little bit here, and a little bit there.

"For example, if we had five Einsteins or Harlen Clevelands from Kauai. According to this bill, we couldn't appoint them because we didn't bifurcate according to the islands and regions. And the other reason why this bill may look political to some is because three out of seven was a compromise. If we went back to the normal, with the Governor appointing all 12, they say, 'That's unfair. You're being, we're being status quo.' But the reason why it looks like we still are ceding to the Majority and I can see they are really excited about this bill, is that we've got three out of seven, they've got the rest of them.

"So, that was a compromise, and if you want to say that's political, it's political, but be assured, Mr. Speaker, if I had a university in Hawaii Kai and I was a Regent and I didn't have money for my departments and I needed some of the things like Hilo, for sure I would politicize it by not voting for the UH System. I would vote for the Hawaii Kai University. And I think that is what this bill is trying to get away from.

"And, by the way, I'm not suggesting that we have one in Hawaii Kai, but if there was, this bill makes it perfect for my place, my interest to come first, rather than the State of Hawaii. And what we need are the scholars who would look at the big picture. Thank you, Mr. Speaker."

Representative Caldwell rose to speak in opposition to the proposed floor amendment, stating:

"Mr. Speaker, brief comments in opposition. One, is we heard a lot today about politicizing the process. This bill, the underlying bill, if you look at (d) 4, it says, 'Develop and implement a fair, independent and nonpartisan procedure for selecting candidates to serve on the Board of Regents.' That's what this bill is all about, Mr. Speaker. And yet, we've heard from those who support the amendment, that somehow it's making it more political.

"In their argument they talk about the Governor having only 14% of the say, and that the Legislature had 57% and 43%. It sounds like a lot of politics here between the Executive Branch and the Legislative Branch. What we're trying to do under this bill, Mr. Speaker, is give everyone a one-seventh say. You, Mr. Speaker, pick one out of seven, and so forth for this Board. So, it's actually diminishing politics, and defusing power to those who are not politicians in elected office. That is a good thing if we're really going to bring about autonomy to the University of Hawaii. It seems like the other side is more concerned about the politics and trying to reserve as much power for the Governor in selecting the Regents. It's the wrong way to go, Mr. Speaker.

"The other thing is, somehow it's been implied that there aren't qualified people on the Neighbor Islands. That is somewhat shocking when you think about the fact that just last week, and they've talked about this, we honored the University of Hawaii for its 100th Anniversary, and who sat on the floor right over here, Mr. Speaker? Mr. Robert Fujimoto, one of the great leaders from the Island of Hawaii and from Hilo. We need more Robert Fujimotos and there are Robert Fujimotos on every one of these islands, Mr. Speaker. The unfortunate thing is they're not selected. This bill would make sure that we pull from the diverse population of our State, and it is more representative.

"Just this Sunday, in the paper, it was pointed out that the Big Island, for example, is growing by 15%. The population is shifting. That needs to be recognized. And the talent from our Neighbor Islands has to be recognized. Why would we somehow think there aren't those qualified people there?

"And, finally, when they talk about electorate and whether they're qualified and know what they're voting on, I think we need to give more credit, and I think the majority of the members here give complete, absolute credit to the members who vote either for us, when we run, or on amendments, or on other bills or ordinances. They know what they're voting on. And anyone who can put down the electorate and somehow think that they aren't qualified and don't know what they're voting on, is, to me, very troubling in a democracy like ours.

"We heard our own Governor talk about letting the people decide. She was willing to allow those people to decide. We, here, the Majority, do accept the people's decision and we need to give them credit. They know what they're doing. Thank you, Mr. Speaker. I hope Members will vote down the amendment."

The motion that Floor Amendment No. 3, amending S.B. No. 14, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," be adopted, was put to vote by the Chair and failed to carry, with Representatives Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

(Main Motion)

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

"Thank you, Mr. Speaker. I rise in support of this measure. I just wanted to point out that the voters, again in 2006 voted for this. I believe the reason why they voted for this constitutional amendment was because they wanted to depoliticize the process of selecting the members of the Board of Regents. This measure does that and it does it quite well.

"In addition, Mr. Speaker, in 2005, as was mentioned before, we passed the bill, S.B. 1257, and the only reason why the Governor gave for why she vetoed this particular measure was because she did not want to prejudice the electorate on voting for the constitutional amendment. I believe that the constitutional amendment we have before us will move the University forward.

"And the last point, Mr. Speaker, I would like to make is this. Over the past few years, the Board of Regents has been comprised of members throughout the community, distinguished members of our community, including faculty members, retired faculty members, including former students and student leaders.

"So, I believe that the way we're moving with this particular measure is going to depoliticize the process selection of the university's Board of Regents and once again move the University to greatness. Thank you."

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

"Thank you, Mr. Speaker. I rise in opposition. Mr. Speaker, today we had some All-Americans on the floor and I take inspiration from all people who make it their focus to decide that excellence is their top priority.

"I used to teach class at Maemae about some of the elements of what might help people in terms of coaching. And my father always taught me, keep your eye on the ball. So, when he actually did teach me baseball, he said, 'Corinne, when you're hitting with the baseball bat, keep your eye on the ball.' To me, this piece of legislation, when I think about what I know what my constituents have talked to me about, is that they want an excellent University. That's the goal. That's the destination. That's the prize. When you going to keep your eye on the prize, it's about an excellent University. Because with an excellent University, we have people who are going to stay in Hawaii and build our economy, etc. And so the reason I would believe that I would vote to depoliticize a process would be again, towards the ultimate goal, to keep an excellent University.

"We ask, why would the front linesmen, the person who I think wants an excellent University, the President, the current President of the University, would not be in favor of a measure, and those who are on the frontlines again, of excellent universities, do not endorse having a situation where they do break it up and maybe would limit flexibility, because that's not what most people who want excellent universities might do. That's why I asked. I wanted to know, what does the UC System do? Because I know a lot of my high school graduate friends went there. A lot of them went to UC Berkeley or the UC System. And then there's an NYU System, which is noted for its excellence.

"The reason why I'm voting in opposition of this, Mr. Speaker, is because I think the ultimate goal, eye on the prize, is an excellent

University. So I want to vote for things that are going to accomplish that."

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

"Thank you. Mr. Speaker, I have some reservations on this measure. In selecting leadership for this State, I believe it's the purview of the Executive Branch. It's an Executive Branch function and I don't see the reason for the Legislature intruding on this function.

"The Governor selects her team or his team, the cabinet and other boards, commissions, leadership posts. I've seen a lot of bills that have intruded on this function. This year is kind of a creeping power grab. We have our checks and balances in control of the budget in Senate confirmation, and I don't think we have to also try and control the appointment process. For this reason, I wanted to express this deep reservation."

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

"Mr. Speaker. I rise in support. Just very briefly. I'd like to point out, the University has autonomy, and it's really not in the same stature or league as any other Executive agency, and so to make the comparison, I think is unfair. What we want from our University is an independent body that can truly guide itself towards excellence in education. And it's totally different than an administrative commission and/or board who are a part of the Governor's Cabinet. I don't think that that comparison is in any way meritorious."

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

"I rise in opposition for the very fact that what the argument is, what I hear the Majority arguing is in effect, what the data says is a bad argument. It doesn't work. I started my introduction as saying what the best practices are. What the good news is. What the bad news is, and the data says, is that's not the way to go. That's not the way the governing bodies of the universities of America are doing it. So, as policymakers, we want to have good drug policy. We want to have good affordable housing policies. We want to have good every-kind of policy, and we're saying is that the data says that this is bad policy. It's as simple as that, and it's no more than that. It's simply a bad practice, which those in the know and the professionals have said, because that's what the data says. It's a bad practice and that's what we're going to vote for."

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

"I'm rising in opposition to S.B.14. When this bill was heard in the Higher Ed Committee, the people that are probably the most affected and know more about it, presented testimony in opposition to this bill. From some of the comments we've heard from the other side, you might think that there was just unanimous accolades. That this is just a marvelous piece of legislation. Not so. President David McClain from the University of Hawaii testified against this. Mr. Ralph Wolf with the Western Association of Schools and Colleges, he said he didn't see any need for it. He's been overseeing the activities at the University, and checks on what the Regents are doing. There was no kind of mismanagement or any reason that we should suddenly have a full scale change of how things are done there.

"Ms. Barbara Beno, who is the President of the Western Association of Schools and Colleges, she, too, sent in testimony against this and showed all kinds of evidence that this is not the way to operate. And then finally, Richard Legon, President of the Association of Governing Board of Universities and Colleges, took the time to send testimony in trying to point out the very real

problems with this new approach that we're looking at taking. So for those reasons, I will be voting no."

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

"Mr. Speaker, I rise in support. We had a lot of debate, but I'd like to point out that, we're in Hawaii, and we're very unique from other states. We're an island state, and as a Neighbor Island legislator, I'm very pleased to see in this bill that we're looking at regional placements because the University is spread out across all the islands. We all have unique issues on our islands. On the Big Island where I am a Representative, we are very geographically challenged with the distances. I think having representation from the islands is very critical to what the future of our University is going to look like. I think we need that input, so I'm really pleased about that.

"The other thing is, I don't think anyone in this body should be surprised that other university leaders would comment that they don't particularly like this, because it's all about control. They're worried that the Legislature may be sticking their nose into how things are going to be managed by the University, but I think that's our job. I really do.

"I really am pleased that one of my colleagues pointed out that we try to give a lot of autonomy to the University, and that it was the Legislature that we gave that autonomy. But it's also our job to make sure that they're looking at how the University is run, and how the money is being spent. We have a responsibility, I think, to comment on what the future of the University is going to look like.

"I would say that this bill is all about the longer term vision of the University. I think we get caught up in this very short term, right now, what's happening. I think we need to look at this bill in terms of what is going to happen with the University over the long term. This is good policy to go in this direction and have that regional input. Thank you."

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

"I just rise with reservations. I do support this bill. I have reservations mainly because of what the Representatives brought up about testimony from the University of Hawaii and others who I do respect. But I also respect the House's intent to 'shake things up'. I'm one who believes in things like that and so I appreciate this opportunity to actually to see what we can do to shake this up. Thank you."

Representative Meyer rose to respond, stating:

"Thank you, Mr. Speaker. I'm sure you're getting tired of me popping up here, and I promise this is the last time. I just want to clarify one thing. The Representative from Waimea talked about university presidents testifying against this. Actually, the names that I had mentioned, only one of the four, was a university president, and that was David McClain. The others work for large organizations that oversee universities. Thank you."

Representative Marumoto rose to respond, stating:

"Very briefly, Mr. Speaker. It's my second time rising with reservations. The autonomy provision actually arose from the 1978 Constitutional Convention and I think the University was proposing it because they felt there was undue legislative influence. So that was just the genesis of this constitutional provision. Thank you."

The motion was put to vote by the Chair and carried, and S.B. No. 14, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 42 ayes to 3 noes, with Representatives Ching, Meyer and Ward voting no, and with Representatives Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen being excused.

At 1:43 o'clock p.m., the Chair noted that S.B. No. 14, SD 1, HD 1, passed Third Reading.

LATE INTRODUCTIONS

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

Representative Rhoads introduced his wife, Mrs. Cindy McMillan.

Representative Meyer introduced Mr. John Radcliffe, lobbyist with the University of Hawaii Professional Assembly.

ANNOUNCEMENTS

Representative Shimabukuro: "The Rural Caucus is going to be having a meeting tomorrow in Room 414 from noon to 1:00 p.m. We'll be serving refreshments and we'll have speakers from the Department of Agriculture who will be talking about IAL and other agricultural related legislation this Session. It's tomorrow, Room 414, from noon to 1:00 p.m."

Representative Evans for the Committee on Public Safety and Military Affairs requested a waiver of the 48-hour advanced notice requirement for decision making on H.C.R. No. 12, proposed House Draft 1 on Thursday, March 29, 2007, at 10:00 a.m., and the Chair "so ordered."

Representative Carroll for the Committee on Energy and Environmental Protection requested a waiver of the 48-hour advanced notice requirement to hear H.C.R. No. 265 on Thursday, March 29, 9:30 a.m.," and the Chair "so ordered."

Representative Awana: "Thank you, Mr. Speaker. Immediately following this session, we will be having our fellowship luncheon in Room 437. Thank you, Mr. Speaker."

Speaker Say: "Tomorrow, Members of the House, will be a recess day. So for those Chairs or Vice Chairs who need to schedule public hearings, please get your notices in on time as far as meeting the 48 hour requirement. I just want to make the Chairs and Vice Chairs aware of your public hearing notices at this point in time. Tomorrow is a recess day so there will be no session."

ADJOURNMENT

At 1:47 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 29, 2007. (Representatives Finnegan, Luke, M. Oshiro, Saiki, Takamine and Thielen were excused.)