

## THIRTEENTH DAY

**Tuesday, February 5, 2008**

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:06 o'clock p.m., with Vice Speaker Chong presiding.

The invocation was delivered by Representative Angus L.K. McKelvey, after which the Roll was called showing all members present with the exception of Representatives Souki, Tokioka and Ward, who were excused.

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

## SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 5) was received and announced by the Clerk:

Sen. Com. No. 5, transmitting H.B. No. 2688, H.D. 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS TO PROVIDE FOR THE EXPENSES OF THE LEGISLATURE, THE AUDITOR, THE LEGISLATIVE REFERENCE BUREAU, AND THE OMBUDSMAN," which passed Third Reading in the Senate on February 4, 2008.

## INTRODUCTION

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

Representative Karamatsu introduced the 5th grade students from Honowai Elementary School. They were accompanied by their teachers, Ms. Sheri Schmitt, Ms. Sharon Okino; and educational assistant, Ms. Noreen Pan.

## ORDER OF THE DAY

## COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
2169, HD1	Committee on Health, then to the Committee on Consumer Protection & Commerce
2170, HD1	Jointly to the Committee on Health and the Committee on Human Services & Housing, then to the Committee on Finance
2171, HD1	Committee on Health, then to the Committee on Finance
2853	Committee on Economic Development & Business Concerns, then to the Committee on Consumer Protection & Commerce
3251	Jointly to the Committee on Human Services & Housing and the Committee on Health, then to the Committee on Finance
3333	Committee on Economic Development & Business Concerns, then to the Committee on Finance

## STANDING COMMITTEE REPORTS

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 108-08) recommending that H.B. No. 3407, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3407, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Thank you very much, Mr. Speaker. May I have a ruling on a potential conflict? I am a partner in a gas station. Thank you," and the Chair ruled, "no conflict."

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

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.B. 3407, repealing the service station anti-encroachment laws. Gas prices are sky-rocketing and as we work towards reducing the dependency on fossil fuels, we need to take a look at policy changes that will affect the issue now.

"Divorcement or anti-encroachment laws as it is known now, are roadblocks to competition and increase the costs of gasoline distribution. Published economic studies from both the Federal Trade Commission and the National Bureau of Economic Research have found that anti-encroachment laws tend to increase retail prices by as much as 2.6 cents per gallon. This 2.6 cents per gallon of regular unleaded gasoline costs consumers \$100,000 annually.

"Without anti-encroachment laws, existing refineries would be allowed to build additional service stations in advantageous locations and new entrants will have a choice of operating their own stations instead of using franchised dealer's stations. The increased competition will reverse the negative effect of regulation, facilitating a fair return on dealers' service stations.

"Repealing anti-encroachment laws was one of several recommendations made in the Stillwater Report and I am glad that we are taking it up.

"The bottom line is with an increase in competition, the potential for reduced retail price increases. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3407, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 109-08) recommending that H.B. No. 3079, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3079, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EFFICIENCY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 110-08) recommending that H.B. No. 2811, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2811, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Higher Education.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 111-08) recommending that H.B. No. 3211, pass Second Reading and be referred to the Committee on Human Services & Housing.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3211, entitled: "A BILL FOR AN ACT RELATING TO CLOTHESLINES," passed Second Reading and was referred to the Committee on Human Services & Housing.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 112-08) recommending that H.B. No. 3139, pass Second Reading and be referred to the Committee on Labor & Public Employment.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3139, entitled: "A BILL FOR AN ACT RELATING TO THE FIRST-TO-WORK PROGRAM," passed Second Reading and was referred to the Committee on Labor & Public Employment.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 113-08) recommending that H.B. No. 3055, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3055, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT ENFORCEMENT," passed Second Reading and was referred to the Committee on Judiciary.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 114-08) recommending that H.B. No. 2935, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2935, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 115-08) recommending that H.B. No. 3009, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3009, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred to the Committee on Judiciary.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 116-08) recommending that H.B. No. 3321, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3321, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise with reservations on Stand. Com. No. 116 with written comments regarding how a bill that has come out has stood the notion of the original bill on its head. Courts that were going to be in Kapolei have been reversed to Downtown and vice versa. It's a transportation issue as much as it is legal. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, thank you for the opportunity to express my opposition to HB3321 HD1, which seeks to establish the Family Court in Kapolei as the location where all divorce, annulment and separation proceedings are to be heard.

"Mr. Speaker, this bill, if enacted, would present numerous difficulties to a variety of the stakeholders in the judicial system, including petitioners, agency representatives, as well as members of the judiciary. As currently crafted, this bill provides a method for any one of the numerous parties involved in divorce proceeding to obstruct and inconvenience other stakeholders by refusing to agree to a change in location. This is also critical for any type of proceeding that involves domestic violence as there are a number of parties involved including social workers, volunteers and case managers.

"Mr. Speaker, I also oppose this bill because I believe it is premature. There have been calls for studies to be conducted to determine if a new 4th circuit is needed. Until this determination has been made, the legislature should not assign the division of the court's responsibilities.

"Thank you for this opportunity to offer my opposition to this measure."

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

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

"Thank you, Mr. Speaker. On the same measure, I have some reservations. This is as originally introduced was to allow the parties in a divorce or annulment to select, if they all agreed, they could meet in town rather than go to Kapolei. I think we're trying to make things just reasonable so that people don't have higher legal fees because of having to pay travel time for lawyers if the people all reside in town. Thank you."

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

"Thank you Mr. Speaker, in support. I just wanted to briefly say that the reason that we changed the bill to say that the parties, in cases like these, would be heard in Kapolei, unless it stipulates to meeting in town. This is to support the intent of the Judiciary to really to move Family Court to Kapolei. It is also based on a lot of the testimony that was heard last year that said that the majority of the clients were from Leeward or other parts of the island that were more convenient to go to Kapolei. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3321, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 580, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Judiciary.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 117-08) recommending that H.B. No. 2657, 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 H.B. No. 2657, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TENANT SCREENING AGENCIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 118-08) recommending that H.B. No. 3107, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3107, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like a ruling on a potential conflict on Standing Committee Report No. 118-08. My law firm may represent many owner-builders who could potentially be impacted by this legislation. Thank you," and the Chair ruled, "no conflict."

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

"Mr. Speaker, on Stand. Com. 118-08, I have a reservation on this matter. I think this is too much. The title says that it is owner-builder permit disclosure. It's not really disclosure that this bill is asking for. It is mandating owner-builders to use licensed contractors, or subcontractors in altering, improving, demolishing, or repairing any building or structure.

"I think that this measure impedes upon the rights of individuals who want to improve their homes or extend their homes by mandating that subcontractors use it, and it will definitely increase the cost of homes. This is going into the privacy of people's lives in improving themselves. I am voting with extreme reservations. Thank you."

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

"Thank you, Mr. Speaker. I'm also rising with some strong reservations on this measure."

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

"Mr. Speaker, I would like a ruling on a potential conflict please. I have contractors in the family. Thank you," and the Chair ruled, "no conflict."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3107, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDER PERMITS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 119-08) recommending that H.B. No. 3363, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3363, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JUVENILE COURT RECORDS," passed Second Reading and was referred to the Committee on Education.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 120-08) recommending that H.B. No. 2195, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2195, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. Rep. No. 120 maybe I should mention I have a conflict since I'm aging. But actually I'm in favor of this measure and I would ask that remarks in favor of this measure be inserted in the Journal," and the Chair "so ordered."

Representative Marumoto's written remarks are as follows:

"I am in favor of HB 2195, HD 1, Relating to Aging. I support the efforts of the Legislature to increase funding for care of our elders, and to ensure that the needs of older adults and their family caregivers are maintained.

"The bill appropriates funds designed to increase the reach of necessary services such as adult day care, respite care, assisted transportation, attendant care, case management, chores, home-delivered meals, homemaker, transportation and personal care. These services are expensive for many seniors to access. As such, it enables more elders to maintain their lives at home with their families, without resorting to even more costly residential care homes.

"I support any and all efforts to assist our *kupuna*, and their beleaguered caregivers and their families."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2195, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Finance.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 121-08) recommending that H.B. No. 3377, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3377, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I would like to begin by saying that I appreciate all the hard work each Committee Chair has put into this increasingly complex measure. That being said, vehicle ignition interlocks have been acknowledged by all sides of this issue as an important tool in the deterrence of people driving cars under the influence of alcohol. All sides, from prosecutorial to the public defender, from enforcement to administrative, are ready to move ahead and begin sifting through the enormous number of statute revisions and implementation issues that will need to occur for this program to become law.

"While concerns have been raised about implementation and oversight, this is exactly the kind of input that we need to craft an effective, well-thought out, and well-implemented program. With a delayed effective date and a taskforce to address these issues, we who crafted this legislation both recognized the need for further discussion and responded to the urgency that tragedy creates on our crowded highways. I ask you, my colleagues for your support, in moving this important legislation forward. Thank you, Mr. Speaker."

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

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.B. 3377, which establishes an ignition interlock statute. The ignition interlock system would provide an economical and technically feasible solution to help reduce the rising number of alcohol-related fatalities and injuries. Hawaii is one of only five states without an ignition interlock statute, and only three other states have alcohol-related traffic fatality percentage rates higher than Hawaii. In fact, there were 79 alcohol-related traffic fatalities in 2007. Those 79 deaths represent 49.1% of all Hawaii's traffic fatalities last year.

"States such as New Mexico, West Virginia, and Ohio who have implemented some form of an ignition interlock system have seen significant decreases in relapse rates. With modern safeguards, ignition interlock systems are difficult to circumvent when properly installed and monitored. Measures such as periodically requiring a retest while the car is running or a camera taking a picture of the person blowing into the receptacle, need to be incorporated to prevent possible circumventions.

"The program will give our courts an alternative to full license suspension and it allows offenders to maintain their responsibilities like picking up the kids or driving to work, while reminding them that their behavior has a direct impact on their right to drive.

"H.B. 3377 coincides with part of the Minority Caucus Package for Safe and Sober Streets. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3377, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 122-08) recommending that H.B. No. 3246, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3246, HD 1, pass Second Reading and

be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Just to say I am in strong support of Stand. Com. Report 122."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3246, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Second Reading and was referred to the Committee on Judiciary.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 123-08) recommending that H.B. No. 3196, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3196, HD 1, pass Second Reading and be referred jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3196, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL MOTOR VEHICLE SURCHARGE TAX," passed Second Reading and was referred jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns.

Representatives Souki and Yamashita, for the Committee on Transportation and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 124-08) recommending that H.B. No. 2406, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 2406, HD 1, pass Second Reading and be referred to the Committee on Education, seconded by Representative B. Oshiro.

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

"Thank you, Chair. I'm sorry. I was so excited about speaking on this that I was on the wrong page. I rise in support of Stand. Com. Report No. 124, Relating to School Buses. If I may, I'd like to give a short speech on this because I'm afraid I won't get to give a speech after this.

"For years in Hawaii there's been opposition to this law because of outdated research which was done many years ago. But it is a fact that children do die in seat belt accidents across the United States at an average of 11 per year. And just because no one in Hawaii has died in a school bus crash, it's no reason for us to ignore the facts.

"The American Association of Pediatrics estimate 6,000 to 10,000 children are injured in school bus crashes each year and would have been spared injury if they were wearing lap/shoulder belts. Seat belts would help reduce or prevent injuries in roll-over crashes and side crashes more than mere compartmentalization, the current safety method used for school buses.

"According to the 2007 National Highway Safety Administration Notice of Proposed Rulemaking, shoulder/lap seat belts would make a child safer on large school buses. Many children stand on the bus.

This practice could be eliminated if students were required to wear safety belts. This would also aid the discipline problem.

"Let's not quibble about the costs when it comes to safety. Employing seat belts on school buses is not prohibitively expensive if it's done on a graduated schedule and calling for newly acquired buses to have seat belts first. Prevention is the new cost-saving strategy in healthcare. Would we wait to give a diabetic insulin until he lapsed into coma? Would we prefer spending the money on rehabilitation from brain injury before acting to decrease risks? Of course not.

"Seat belt laws have been passed in New York, New Jersey, Florida, Texas, Kansas and California. Hawaii should follow their lead. How can we insist that children be placed in booster seats, car seats and seat belts in private cars, yet send them off to school beltless. This is a no-brainer. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. In support. May I have the comments of the good Representative of Mililani enter the record as if they were my own? As one of the introducers of the bill I'd just like to let the Members know that the impetus of this legislation didn't come from a special interest group or a lobbying firm. It came from countless emails, letters and phone calls from grandparents, parents and even kids themselves who think that we need to look at this issue. Thank you."

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

"Thank you, Mr. Speaker. I stand in strong support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2406, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUSES," passed Second Reading and was referred to the Committee on Education.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 125-08) recommending that H.B. No. 3101, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3101, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 126-08) recommending that H.B. No. 2253, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2253, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AMENDING OR REPEALING VARIOUS PROVISIONS OF CHAPTER 281, HAWAII REVISED STATUTES, INTOXICATING LIQUOR, FOR THE PURPOSE OF CLARIFYING LANGUAGE, CORRECTING ERRORS, AND DELETING UNNECESSARY AND OBSOLETE PROVISIONS,"

passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 127-08) recommending that H.B. No. 2228, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2228, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 128-08) recommending that H.B. No. 2259, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2259, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AEROSPACE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 129-08) recommending that H.B. No. 2395, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2395, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 130-08) recommending that H.B. No. 2415, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2415, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 131-08) recommending that H.B. No. 2473, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2473, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamashita and Tsuji, for the Committee on Economic Development & Business Concerns and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 132-08) recommending that H.B. No. 2417, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2417, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO AGRICULTURAL COOPERATIVES," passed Second Reading and was referred to the Committee on Finance.

Representatives Yamashita and Tsuji, for the Committee on Economic Development & Business Concerns and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 133-08) recommending that H.B. No. 2739, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 2739, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support. Enterprise Zones are a valid and proven means to stimulate growth in frontier economies. In recent years the Legislature has sought to provide stimulus through this tool in areas such as Kapolei.

"Kapolei, the "Second-City," also known as the "New City" and relief district for urban pressure, has been given Enterprise Zone status with the intent of nurturing such growth. Though well-intentioned, some of the provisions of the Enterprise Zone designation have proved cumbersome in some instances, and discouraging in others. The current law provides for a mandatory ten percent increase in workforce to qualify for the credit. With our low unemployment rate and extensive background reviews in mind, this bill will allow a three year respite from the workforce increase requirement.

"This bill will give young businesses and satellite offices of established businesses the time they need to get on their feet and find qualified employees. In keeping with the intent of the original legislation, beyond the three initial years a business will be asked to provide proof of workforce increase at a more significant level, namely fifteen percent. As such, this measure will continue to create the jobs Enterprise Zones were designed for while providing businesses with a time incentive to invest in these zones. Thank you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2739, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 134-08) recommending that H.B. No. 2245, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2245, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 135-08) recommending that H.B. No. 2458, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2458, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On page 8, Stand. Com. No. 135. I am in support. I just wanted to point out for the Members of the Finance Committee, and the other Members of this body that the College Savings Program started about six years ago without this particular tax deduction on the front end because we could not afford it back then. We just transitioned from the initial company Delaware Investments to this company called Upromise which uses Vanguard as its financial tool.

"However, in the transition, because we had as a state, almost no leverage, Vanguard now charges each participant \$20 a year, whereas Delaware Investments, the prior company that managed the 529 Program, charged nothing. So in the hearing I asked the Budget Director whether she could request Upromise to waive the \$20 charge to any current and new member that participates in the 529 program if this bill passes. If this bill passes, what it means to that particular company is a tremendous windfall because many people who are now invested in Fidelity, other Vanguard products outside of Hawaii, TIAA-CREF out of California or New York, will then point the deposits for their kids and grandkids and relatives to our program, because we will be the only one that Hawaii residents can utilize to partake in this tax deduction.

"So I would strongly urge the Members of the Finance Committee and the other Members who are concerned about this to make your concerns known to the Administration and specifically to the Budget Director. Thank you, Mr. Speaker."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in support of Standing Committee Report 135-08, Relating to College Savings Programs.

"House Bill 2458, HD1 provides an opportunity for Hawaii families to invest in their children's future by allowing them to claim an annual maximum income tax deduction of \$10,000 per individual. This tax deduction is needed to help those families who want their child to go to college and don't want to be penalized by the government for saving for their child.

"The cost of a college education is rising every year. In 2006-2007, the University of Hawaii at Manoa's tuition for a Hawaii resident student was a little over \$4300 a year for a full-time student. During the 2008-2009 school year, it will cost almost \$6000 to attend the University of Hawaii for one school year. This figure does not include the cost for books, parking, and other fees. In a little over two years, the price to attend college at the University of Hawaii has increased over \$1700.

"In Hawaii, many of our families have parents working two or three jobs to make ends meet. We need to give them an opportunity to save so their children will be able to attend school and provide a better future not just for their families, but also for Hawaii."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2458, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COLLEGE SAVINGS PROGRAMS," passed Second Reading and was referred to the Committee on Finance.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 136-08) recommending that H.B. No. 3226, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3226, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Judiciary.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 137-08) recommending that H.B. No. 1062, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1062, HD 1, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I would like to stand in support on Stand. Com. Report No. 137-08, Relating to Tuition Assistance. I would like to submit written comments and remind Members that this is to help our National Guardsmen. Thank you."

Representative Yamane's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in strong support of this measure. H.B. 1062, HD 1 extends the tuition assistance program for the Hawaii National Guard to include all commissioned and general officers and all National Guard members pursuing graduate degrees.

"This is an excellent opportunity to recognize and reward the selflessness, and sacrifices of our National Guard members. Members of the Hawaii National Guard represent our islands through humanitarian efforts within our State and country, and wartime operations internationally. We must as a legislative body, recognize these 'ambassadors' of our State by assisting our Hawaii National Guard members in achieving their educational goals. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1062, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUITION ASSISTANCE," passed Second Reading and was referred to the Committee on Higher Education.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 138-08) recommending that H.B. No. 2007, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2007, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Legislative Management.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 139-08) recommending that H.B. No. 2147, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2147, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

"Thank you, Mr. Speaker. I did have some strong reservations in regards to S.C.R. 139. This measure actually tries to provide incentives to lessen your time by doing earned time basically. I have some serious concerns as to how that would work out. Basically we need to have incentives that support changed behavior once back in the community. So although I have very strong reservations on this bill, I'd like to see how it might come up in a later form. Thank you."

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

"In support. Thank you. As Chair of the Public Safety & Military Affairs Committee, I had the opportunity to go to Kentucky and see our female inmates. I spoke to the warden and we had this discussion about Kentucky. They have this earned time program and it was from that discussion that I decided to bring it back and bring it forth to this legislative body to at least have this discussion about the possibility of giving incentives for our inmates to participate in programs that are offered by the Department.

"What one of the testifiers at our hearing said was that when he understood that there might be an earned time program because he actually was in a jail in Thailand for heroin trafficking, and they had earned time program there. He said that because it was an incentive for him to get involved in the program that the first year he was involved in it, it didn't mean anything to him. The second year he was involved, because he had a long sentence, he started paying attention. By the time the third year came around, he actually said it made sense to him what they were trying to teach him in the program. He said if there hadn't been an incentive he would have never even taken the program.

"So he was grateful that there was an incentive because that was the hook. That's what got him in the program and he said eventually he got the message. I don't think this precludes the Hawaii Paroling Authority from considering the record of the inmate and all the other things that go into determining if someone gets a reduced sentence. So I encourage the Judiciary Committee to further this discussion. Thank you."

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

"I just want to note my reservations. I just really believe that we should be keeping prisoners in prison longer. We started this Session and a baby was thrown off a bridge. And a guy who had 67 arrests who was supposed to have a 20-year sentence killed a woman in broad daylight. I just feel like we're kind of going in the wrong direction and we need to get tougher on criminals and not give incentives to get out earlier. But I'll just vote with reservations because I'm on the Judiciary Committee."

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

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

"In strong support, Mr. Speaker. I don't think this measure is to address hardcore criminals. There are criminals, and there are hardcore criminals, and I think there can be reformed criminals. I think that this gives an opportunity for those people to make better of their lives and give them hope. So this is a tool, Mr. Speaker."

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

"Also in strong support. I really have to commend the Public Safety Committee for taking on this issue. We're looking at vast overcrowding of our prisons, and it is going to be addressed just like

with our roads – by building more. We really have to look, really, really re-think our drug laws, our laws about keeping people in jail, and really defining who needs to be kept in and who needs to be let out sooner. That's the only way we're going to address the problem."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2147, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Second Reading and was referred to the Committee on Judiciary with Representative Thielen voting no.

Representatives Ito and Morita, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 140-08) recommending that H.B. No. 2828, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2828, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE SUPER SUCKER," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 141-08) recommending that H.B. No. 2457, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2457, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 142-08) recommending that H.B. No. 2547, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2547, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS FOR MAUI PREPARATORY ACADEMY," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 143-08) recommending that H.B. No. 2614, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2614, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Har's written remarks are as follows:

"Mr. Speaker, one of the most important ingredients in a strong education is diversity. The Department of Education provides the public with education that is tailored to fit our educational needs, but broad enough to appeal to a wide array of students. Separate from the DOE's paradigm of education, private schools in Hawaii allow parents choice in pedagogy, diversity in education, and oftentimes a more focused approach to education than a larger institution can provide. The Island Pacific Academy was founded in 2003 to implement contemporary research about cognitive development in

young minds. The Academy is also proud to focus on values such as community service and personal accountability.

"Diversity is also a large part of strong community building. Island Pacific Academy, though situated in Kapolei, services a varied student population from all along the Leeward coast up into Central O'ahu. Approximately thirty to thirty five percent of these students receive tuition assistance, transcending socio-economic barriers and encouraging larger-scale community building. This bill will issue Special Purpose Revenue Bonds to assist Island Pacific Academy in expanding their student body's programs and opportunities. An additional classroom building and a gymnasium are part of their expansion goals. Additional classes will allow the Academy to serve a larger portion of the community. A gymnasium will allow their athletic programs to be more competitive and offer a wider array of physical education to that energetic age.

"Perhaps most remarkable, Mr. Speaker, is the financial responsibility that this Academy has shown over the last few years. Act 109 of the Regular Session of 2004 authorized \$20 million in Special Purpose Revenue Bonds for Island Pacific Academy's educational facilities. As of this year, the Academy has paid down over three quarters of the debt service for the original Act. This demonstrates investor confidence and community support, a support that we in the Legislature should be proud to mirror. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2614, entitled: "A BILL FOR AN ACT RELATING TO ISLAND PACIFIC ACADEMY," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 144-08) recommending that H.B. No. 2660, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2660, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR ATHLETICS IN PUBLIC SCHOOLS," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 145-08) recommending that H.B. No. 2971, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2971, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 146-08) recommending that H.B. No. 3219, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3219, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 147-08) recommending that H.B. No. 3220, pass Second Reading and be referred to the Committee on Judiciary.



Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3220, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

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

"Mr. Speaker I'd like to ask for a ruling on a potential conflict of interest in regard to Stand. Com. Report 147-08. I'm currently representing a charter school in an appeal before the Board of Education. Thank you," and the Chair ruled, "no conflict."

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

"Yes, in strong support of 147-08. Charter schools are really proving themselves, especially in my community, to be the real innovators and the real leaders in experiential types of learning. They need all the help they can get in this approach. If we can't break down the Department of Education, then we can break out and create better ways to do things. Thank you."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on Standing Committee Report number 147-08, Relating to Education.

"This bill allows the Board of Education to remove members of the Charter School Review Panel. I am supportive of requiring the Review Panel to abide by the "sunshine" law, but I am worried about the possible controversy that could occur with this legislation. When the Board of Education abruptly removed the Executive Director of the Charter School Administration, the unfounded decision brought even greater distrust between charter schools and the Board of Education.

"I believe this bill is too broad and needs to be revised. As written, the Board of Education can remove a Charter School Review Panel member without cause. This could give the Board of Education the power to remove anybody who does not totally agree with them. This could render the Review Panel as nothing more than a "rubber stamp" panel. We need an independent and strong review panel that will review and monitor charter schools without the fear of being reprimanded by the Board of Education. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I just wanted to clarify my vote with reservations and offer short comments. With regard to this Charter School bill, I'm not sure as to why the Charter School community did not come out to testify. And so I'm unclear as to whether or not this is a good bill for them or not.

"There are two parts of this bill. One of which is for the Board to be able to take people off the Charter School Panel, and with that I just don't know if that's a good thing for them especially since the Charter School Panel just started up. The second part of the bill is fine with me in regards to sunshine and having them subject to the Sunshine Law. Thank you."

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

"With reservations on the same measure, Mr. Speaker. I think instead of frightening and making fearful the members of the Charter School Board, we need to encourage them so they don't have to say something and then fear removal. If we sat on this Floor and every time we spoke we could have a vote of confidence, I don't think anybody would be standing up and speaking.

"If we're going to have strong Charter Schools, we need to be innovative and creative and that means speaking out and not fearing that you're going to be removed. I know some people would like them to be removed. In fact maybe the whole Charter School System should be removed in some people's opinion. But they're there, they're working, we need to give them an opportunity, and this is just the kind of a bill that may tend to frighten them rather than encourage them. Thank you."

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

"On the same measure, in strong support. If the Charter School Commission were there, were working and were getting things done, this bill wouldn't be necessary."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3220, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Judiciary.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 148-08) recommending that H.B. No. 2141, as amended in HD 1, pass Second Reading and be referred to the Committee on Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2141, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 149-08) recommending that H.B. No. 2015, 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 H.B. No. 2015, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 150-08) recommending that H.B. No. 2413, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2413, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Belatti's written remarks are as follows:

"I am writing in support of House Bill No. 2413 to provide an income tax credit to physicians practicing in medically underserved areas of our State. In order to address the need for medical access to the poor and uninsured in these underserved areas, this bill aims to reduce the burden of high malpractice insurance premiums for physicians who start a new practice and those already practicing in underserved areas.

"In addition to increasing medical reimbursements, mandating direct payment to providers, and funding scholarships for healthcare workers, this measure is an important piece to an overall strategy to solving Hawaii's healthcare crisis.

"Thank you for this opportunity to offer my strong support for House Bill No. 2413."

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

"Thank you, Mr. Speaker. I just wanted to get a ruling on a potential conflict of interest. This bill would give a tax credit on doctors working in medically underserved areas against their medical malpractice. I do work in those areas, but I don't pay medical malpractice because I'm an employee and it wouldn't apply to me specifically. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2413, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAXATION," passed Second Reading and was referred to the Committee on Finance.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 151-08) recommending that H.B. No. 2569, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2569, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Finance.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 152-08) recommending that H.B. No. 3146, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3146, 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.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 153-08) recommending that H.B. No. 2435, as amended in HD 1, pass Second Reading and be referred to the Committee on Human Services & Housing.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2435, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," passed Second Reading and was referred to the Committee on Human Services & Housing.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 154-08) recommending that H.B. No. 2495, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2495, HD 1, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture, 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 on Stand. Com. Report No. 154-08, with strong reservations. The purpose of this bill is to protect Hawaii's fragile environment by prohibiting the use of polystyrene foam commonly known as Styrofoam as a disposable food service or a product.

"There are so many uses for Styrofoam that are much larger. On all kinds of packing material, there's no restriction on that. This would mostly hit the fast food operations. It would create a huge expense for them. I'm sure they buy all these things in bulk, although I didn't look at when this would kick in, maybe that's been considered. This is such a small thing.

"There was a big article in the paper this weekend about how we're losing the battle. Garbage is not decreasing, and we passed a bottle bill to do something about that when we knew that the bottle bill would only maybe at best, make up about 3 percent of solid waste. These Styrofoam things crush into hardly anything. Again this is sort of a feel-good thing, but I think it could cost the operators who use these things a lot of money. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2495, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," passed Second Reading and was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Agriculture.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 155-08) recommending that H.B. No. 2529, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2529, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FOOD SAFETY," passed Second Reading and was referred to the Committee on Judiciary.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 156-08) recommending that H.B. No. 2510, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2510, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Legislative Management.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 157-08) recommending that H.B. No. 2289, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2289, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. 157-08 I would like to vote in opposition of this measure. If you look at the bill, it looks like it's a very good bill, however there are some implications on the negative end on this because every year we are reducing long-term care providers and not developing new ones. Part of the reason why we're losing them is because of over-regulation. Creating an Ombudsman is a duplicative service because there are now departments that monitor long-term care.

"What we need to be looking at are ways to improve the payment for long term care as opposed to giving the money to people who can micro-manage them more. We don't have a lot of abuse and neglect of long-term care. I think this is now an agency where providers that are being micro-managed, and creating ways to help them develop themselves, and paying them better is the way we should be going because we're all aging, and there's a great disparity of the number of people needing care and the care providers. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2289, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE OMBUDSMAN," passed Second Reading and was referred to the Committee on Finance with Representative Cabanilla voting no.

Representative Tsuji, for the Committee on Agriculture presented two reports:

(Stand. Com. Rep. No. 158-08) recommending that H.B. No. 2451, pass Second Reading and be referred to the Committee on Higher Education; and

(Stand. Com. Rep. No. 159-08) recommending that H.B. No. 2452, pass Second Reading and be referred to the Committee on Higher Education.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.B. No. 2451 and H.B. No. 2452, pass Second Reading and be referred to the Committee on Higher Education, seconded by Representative B. Oshiro.

Representative Tsuji rose to speak in support of both measures, stating:

"Thank you, Mr. Speaker, I'd like to collectively rise in support of these two measures, 158-08 and 159-08. Thank you Mr. Speaker, I rise in strong support of these two measures. These are about education, preservation and also sustainability of taro in Hawaii. These bills are meant to improve our taro farmers' ability to sustain themselves and to expand and improve their long-term success. I stand steadfast and unwavering in strong support of these two measures and I urge my colleagues to do the same. Mahalo."

Representative Meyer rose to speak in support of both measures with reservations, stating:

"Thank you, Mr. Speaker. On Stand. Com. Report Nos. 158 and 159, I voted with reservations in Committee. I did that because when we heard these bills along with a few others that I wish we were also voting on, but I don't see them here today, we had had some very compelling testimony from some taro farmers. One in particular was from Waipio Valley who came down from the Big Island.

"There had been a taskforce this past summer, pulling everybody together and working I think from the Department of Ag and some people from the University. That testifier made it very clear that they felt that all these bills were premature and they would prefer that nothing be done. They would like to continue the conversation that they were having that they felt was extremely fruitful.

"So I haven't seen any emails. I've seen nothing that would lead me to believe that they have changed their mind. If I find that so, it will

certainly take away any reservation that I have. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 2451, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Higher Education; and

H.B. No. 2452, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Higher Education.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 160-08) recommending that H.B. No. 602, as amended in HD 1, be recommitted to the Committee on Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 602, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was recommitted to the Committee on Education.

## ADJOURNMENT

At 12:40 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, Wednesday, February 6, 2008. (Representative Sonson was excused.)