

## TWENTY-FIRST DAY

Friday, February 15, 2008

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:07 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Reverend Daiya Amano of Izumo Taisha Kyo Mission of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. No. 262 and 263) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 262, dated February 13, 2008, transmitting the Report to the Twenty-Fourth Legislature, State of Hawaii, 2008, Pursuant to Section 52 of Act 213 Session Laws of Hawaii 2007, Requiring a Report by State Health Planning and Development Agency to Develop and Maintain a Secure Statewide Comprehensive Health Care Workforce Map and Database.

Gov. Msg. No. 263, dated February 15, 2008 [*sic*], transmitting the Department of Accounting and General Services' Report on the Feasibility and Cost of Establishing a Team of Specialists to Assist Departments in the Review of Business Processes and Procedures.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 16 through 18) were received and announced by the Clerk:

Sen. Com. No. 16, transmitting S.B. No. 2399, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," which passed Third Reading in the Senate on February 14, 2008.

Sen. Com. No. 17, transmitting S.B. No. 2982, entitled: "A BILL FOR AN ACT AUTHORIZING THE RESALE OF RESERVED HOUSING UNITS BY THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," which passed Third Reading in the Senate on February 14, 2008.

Sen. Com. No. 18, transmitting S.B. No. 3061, entitled: "A BILL FOR AN ACT RELATING TO THE FIRST-TO-WORK PROGRAM," which passed Third Reading in the Senate on February 14, 2008.

On motion by Representative B. Oshiro seconded by Representative Meyer and carried, the following Senate bills passed First Reading by title and further action was deferred: (Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi were excused.)

S.B. No. 2399  
S.B. No. 2982  
S.B. No. 3061

## INTRODUCTIONS

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

Representative Manahan introduced 5th grade students from Puuhale Elementary School and their teachers, Ms. Sandi Kekina and Mr. Kennison Pang.

Representative Mizuno introduced organizers of the Invisible Children of Uganda's Peace March and Capitol Sleepover:

President, Ms. Sara Ortiz; Vice President, Mr. Duda Beseeg; Ms. Lacy Greninger, Ms. Chelsea Travis, Ms. Aya Sato, Mr. Christopher McGuire, and Mr. Paul Tran.

Representative Ward further recognized the members of the Invisible Children of Uganda.

## ORDER OF THE DAY

## COMMITTEE ASSIGNMENTS

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

<u>H.R.</u> <u>No.</u>	<u>Referred to:</u>
65	Jointly to the Committee on Tourism & Culture and the Committee on Public Safety & Military Affairs

<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
77	Committee on Public Safety & Military Affairs, then to the Committee on Legislative Management
78	Committee on Legislative Management
79	Jointly to the Committee on Tourism & Culture and the Committee on Public Safety & Military Affairs
80	Committee on Education
81	Committee on Tourism & Culture

The following bill was referred to committee by the Speaker:

<u>S.B.</u> <u>No.</u>	<u>Referred to:</u>
2549, SD1	Jointly to the Committee on Energy & Environmental Protection and the Committee on Transportation, then to the Committee on Finance

## COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
877, HD1	Committee on Health, then to the Committee on Finance

1474, Committee on Health, then to the Committee on Finance  
HD1

1476 Committee on Health, then to the Committee on Finance

1975, Committee on Finance  
HD1

2013, Committee on Health, then to the Committee on Finance  
HD1

2015, Committee on Health, then to the Committee on Finance  
HD1

2016, Committee on Health, then to the Committee on Finance  
HD1

2040 Committee on Finance

2119, Committee on Health, then to the Committee on Finance  
HD1

2151, Committee on Health, then to the Committee on Finance  
HD1

2514 Committee on Human Services & Housing, then to the  
Committee on Finance

2700 Committee on Finance

2718 Committee on Finance

2954 Committee on Transportation, then to the Committee on  
Consumer Protection & Commerce

3181, Jointly to the Committee on Water, Land, Ocean  
HD1 Resources & Hawaiian Affairs and the Committee on  
Energy & Environmental Protection, then to the  
Committee on Judiciary

At this time, the Chair announced:

"Members of the House, at this time on your Order of the Day there are 37 pages of measures before us, a total of 218 measures. The Chair would like to request that we try to get through this by 2:00 since we have meetings and hearings at 2:00. If we're not finished by 2:00, the Chair would like to recommend that we all come back at 5:00 to finish. So if we can finish by 2:00, then we don't have to come back and we can start our long weekend early."

#### STANDING COMMITTEE REPORTS

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 453-08) recommending that H.B. No. 1980, 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. 1980, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 454-08) recommending that H.B. No. 3197, 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. 3197, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE STATE HIGHWAY SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 455-08) recommending that H.B. No. 3407, as amended in HD 1, be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3407, HD 1, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker on Stand. Com. Rep. No. 455, I would like a ruling on a potential conflict. I am a partner in a gas station. 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. 3407, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GASOLINE DEALERS," was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 456-08) recommending that H.B. No. 3367, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3367, HD 2, be referred to the Committee on Finance, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3367, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WIRELESS ENHANCED 911," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 457-08) recommending that H.B. No. 3109, 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. 3109, entitled: "A BILL FOR AN ACT RELATING TO DISPENSING OPTICIANS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 458-08) recommending that H.B. No. 2139, 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. 2139, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANATOMICAL GIFTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 459-08) recommending that H.B. No. 2888, 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. 2888, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 460-08) recommending that H.B. No. 2171, 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. 2171, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 461-08) recommending that H.B. No. 2063, 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. 2063, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 462-08) recommending that H.B. No. 2759, 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. 2759, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 463-08) recommending that H.B. No. 3326, 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. 3326, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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. 3326, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 464-08) recommending that H.B. No. 3413, 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. 3413, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HANA HEALTH,"

passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 465-08) recommending that H.B. No. 2298, 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. 2298, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 466-08) recommending that H.B. No. 3332, 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. 3332, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

Representative Har 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. 3332, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRE-PACKAGED MEAT," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 467-08) recommending that H.B. No. 2173, HD 1, as amended in HD 2, 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. 2173, HD 2, 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, stating:

"Mr. Speaker, on Stand. Com. No. 467, Relating to Health, I have a very brief comment in support. Just as a heads up that as many of us stand here on the Floor, that a society is judged by how it treats its most vulnerable. This is where really the 'rubber meets the road', because the most vulnerable, those who have lost their mind and need treatment, this is a bill which comes and then fails because of various concerns in the Judiciary.

"I would just make a plea that these are the people who need medicine. We can't actually share information and medicine with them that gives them back their consciousness, and their sanity and their ability to live again. These people are so vulnerable and right now doctors, psychiatrists can treat them because the medicine that gives them back their reality that they need. And this bill can do it. But every time it gets torpedoed to the Judiciary. So I would plea, if we're going to stand and say that we want the most vulnerable to be protected, this bill is where the 'rubber meets the road'. Thank you very much."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2173, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 468-08) recommending that H.B. No. 2776, 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. 2776, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 469-08) recommending that H.B. No. 2675, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2675, HD 1, pass Second Reading and be referred jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Finnegan 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 Finnegan's written remarks are as follows:

"Mr. Speaker, I stand in support, but with strong reservations. The difficulty with this issue is that marijuana, an illegal substance, is legal for the purpose of medication as long as you go through a certification process. I had the chance to speak personally with police officers who work in this area and they have had trouble with patients operating beyond what the current law allows. This starts to widen the gray area of legal and illegal use of marijuana making it difficult to enforce the laws prohibiting illegal use of marijuana.

"I believe that the existing parameters for medical marijuana are liberal and that the amendment to increase the amount of plants per certified user is moving toward legalizing marijuana. I am against legalizing marijuana. Thank you, Mr. Speaker."

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

Representative Har rose and asked that the Clerk record a no vote for her, 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."

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

"Yes on Stand. Com. No. 469, in strong support. Just to mirror what the Representative from Hawaii Kai was talking about, the vulnerable in our State and the people who need medicine, this is another group of people who need that same protection for the medicine that they need for the various ailments that they have. They're not only trying to get it from the doctors, but once they try to get it, they're vulnerable not only to some thugs, but also from our own law enforcement agencies that are not following State policy.

"So I would like to ask you to really think and look into your hearts for what we've promised these people seven years ago when we made this available to them. Are we going to do that? Or do we take it away? Because right now it's a promise not being fulfilled, and we have to do something to help these folks. Thank you."

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

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

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

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

"Thank you, Mr. Speaker. On that same report, I have very strong reservations."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2675, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL MARIJUANA," passed Second Reading and was referred jointly to the Committee on Public Safety & Military Affairs and the Committee on Judiciary with Representatives Har and Ward voting no, and with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 470-08) recommending that H.B. No. 3163, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3163, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL FUND FOR DISABILITY BENEFITS," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 471-08) recommending that H.B. No. 2952, as amended in HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2952, HD 1, be referred to the Committee on Finance, 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 Marumoto rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

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

Representative Finnegan 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 Ward rose and asked that the Clerk record a no vote 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. 2952, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the Committee on Finance with Representatives Thielen and Ward voting no, and with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 472-08) recommending that H.B. No. 2094, 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. 2094, HD 1, pass Second Reading and be referred to the Committee on Finance, 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 Marumoto rose and asked that the Clerk record a no vote for her, and the Chair "so ordered."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2094, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan, Marumoto, Meyer and Thielen voting no, and with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 473-08) recommending that H.B. No. 96, HD 2, 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. 96, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 474-08) recommending that H.B. No. 2330, HD 1, as amended in HD 2, 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. 2330, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ELECTRIC VEHICLES," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 475-08) recommending that H.B. No. 509, HD 1, as amended in HD 2, 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. 509, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 476-08) recommending that H.B. No. 1982, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1982, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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. 1982, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CUSTOMER SERVICE," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 477-08) recommending that H.B. No. 2007, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2007, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan 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 Finnegan's written remarks are as follows:

"Mr. Speaker, I stand in support, but have some reservations. I don't support the requirement of the Auditor conducting a financial and management audit of each commissary located in a Hawaii, correctional facility, as well as commissaries located at out-of-state contracted correctional facilities where Hawaii inmates are confined. I do not like that we are putting emphasis on the commissaries when the Department of Public Safety is willing and is moving toward rectifying some of the complaints that prisoners are making. In the PSM Committee the concern was about having Hawaii products in the commissaries. Another concern was that prices were high. The Department testified that they were committed to changing the way they purchased and sold products and it will most likely bring down prices.

"I think that a requirement to conduct performance audits of private prisons on the mainland that house Hawaii prisoners is a reasonable request. The part of the conversation that is lost in all of the discussion is there are prisoners, I do not know to what extent, confined on the mainland and would rather be in a mainland facility than in a Hawaii facility. There is no doubt that the ideal situation is to have prisoners in Hawaii to give them the best chance for successful reintegration into the community once they have served their sentences. However, the reality for now is that prisoners in a mainland facility cost less, have access to more programs, and relieve overcrowding of Hawaii prisons. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2007, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 478-08) recommending that H.B. No. 2267, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2267, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

Representative Ward 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."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2267, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance with Representatives Marumoto, Meyer and Thielen voting no, and with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 479-08) recommending that H.B. No. 2280, 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. 2280, entitled: "A BILL FOR AN ACT RELATING TO FINANCIAL EDUCATION," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 480-08) recommending that H.B. No. 2506, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2506, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer 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. 2506, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REORGANIZATION OF STATE AGENCIES," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 481-08) recommending that H.B. No. 2510, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2510, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 482-08) recommending that H.B. No. 3428, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3428, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN LANGUAGE," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 483-08) recommending that H.B. No. 3352, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3352, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Belatti 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 a no vote for him, and the Chair "so ordered."

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

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

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

"Mr. Speaker, I'm voting with reservations and have a comment. Mr. Speaker, we talk about, and I've spoken about micromanaging from the Floor. This is basically an uncivil relationship between a couple of organizations, and I don't think we should probably get in the middle of it. So I am with strong reservations. Thank you."

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

"Thank you. I have strong reservations for 483-08 also."

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. 3352, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AN AUDIT OF THE HAWAII DISABILITY RIGHTS CENTER," was referred to the Committee on Finance with Representatives Bertram, McKelvey and Rhoads voting no, and with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 484-08) recommending

that H.B. No. 2263, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2263, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," passed Second Reading and was referred to the Committee on Energy & Environmental Protection with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 485-08) recommending that H.B. No. 3228, 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. 3228, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 486-08) recommending that H.B. No. 3269, 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. 3269, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 487-08) recommending that H.B. No. 1972, 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. 1972, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I would like the Clerk to cast a no vote for me on Stand. Com. 487. As I understand it this bill, House Bill 1972, would establish a traffic advisory AM radio station and appropriate money to do it. Well anyone that listens to Perry and Price in the morning knows that every ten minutes we get our traffic updates and they're done very well. So I don't see why we need to spend taxpayers' money to create a different radio station that people probably won't even tune into because it won't be that interesting. Thank you."

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

"Thank you, Mr. Speaker. I rise in support of this measure. Just briefly to educate my colleague on the other side of the island. This is not an innovative approach. In fact, 20 other states already do this. And it's not only traffic, it can be for weather.

"If you recall, two years ago in October when the power went out throughout the entire island, those of us who had radios with batteries or we turned on our car radios and we went to KSSK to listen, what did we hear? We had a canned discussion about the constitutional amendment on the ballot in 2006. That is inappropriate from my

perspective. If we had a huge disaster, a catastrophic shutdown on the freeway or some other natural or man-made disaster, I think it's important for people to get up-to-the minute, all-the-time information, whether it's traffic or weather.

"This particular bill provides the opportunity for us to pursue this. It is a work in progress. It is going to take probably a few more sessions to get the bugs out, but I'm very appreciative of the Department of Transportation for their testimony in support of this bill. I've had numerous conversations with the Department of Transportation Services on the City side, and we're all moving forward on this. And I think today the people of this State, people across the world for that matter, expect information on-time and now. This as an opportunity to provide them with that information. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In strong support. As Chair of Public Safety, we've been considering the idea of advisory radio stations regionally around the State. I really like this idea of having an advisory radio station because we have visitors from around the world coming here that don't really understand sometimes when there's traffic congestion. It would be nice to see it publicized and be common knowledge that we have a certain radio station that people can turn to to get updated information. This is just the beginning of something I'd like to see for an emergency advisory radio station. Thank you."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. Again in support. Those of us on the Windward side without power tuned our radios to Perry and Price ... Oh I'm so sorry. I am in support of my own position, but in opposition to the bill. Thank you Mr. Speaker.

"Those of us on the Windward side tuned in to Perry and Price on AM radio and that radio station did an outstanding job during the electric blackout that lasted about over a day. I will say that if the bill goes forward, then maybe we should also put in a way that motorists can announce the potholes to the Mayor of the City & County of Honolulu and the location of the potholes, and those would be publicized on the radio. And then we might find a way for those potholes to be repaired. Thank you."

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 of this measure. Comments have been offered suggesting that this bill is unnecessary. It has been suggested our citizenry has only to tune into the existing network of radio stations in order to be kept up-to-date on recent traffic developments. Mr. Speaker, I would like to begin by saying that to an extent this is true. Our State's radio stations have taken the initiative in providing current information at reliable times. Unfortunately, these reliable times occur only within the morning and evening rush hour traffic periods. This bill would create a dedicated AM radio station that would inform the public during off-peak hours of traffic accidents and potential delays.

"From a courtesy standpoint, our hardworking population that does not work in a traditional office setting can inform clients and colleagues of their current situation. In addition, in the case of a major accident or police investigation, motorists can take the initiative to avoid the affected area long before the inevitable bottleneck that occurs at the site of the accident.

"Mr. Speaker, information is usually the key to peace of mind. In this case, a comprehensive understanding of why traffic is at a

standstill may decrease feelings of frustration, and along these lines, the feeling of anger known as 'road rage.'

"Mr. Speaker, I would like to conclude by saying that this measure is vital for those coming from the Leeward side of the island. With only one route into town, traffic is often backed up miles and miles away from its cause. A dedicated traffic alert system could help motorists plan ahead, make informed decisions on which routes to take, and give peace of mind to those already in the gridlock. For these reasons, I would like to register my strong support for this measure. 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. 1972, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC," passed Second Reading and was referred to the Committee on Finance with Representative Thielen voting no, and with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 488-08) recommending that H.B. No. 2250, 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. 2250, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. 488-08, please register a vote with strong reservations for me."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2250, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 489-08) recommending that H.B. No. 2951, 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. 2951, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 490-08) recommending that H.B. No. 3004, 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. 3004, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 491-08) recommending that H.B. No. 2004, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2004, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A STUDY ON ENERGY EFFICIENT TRANSPORTATION STRATEGIES," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 492-08) recommending that H.B. No. 3033, 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. 3033, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL INSPECTIONS," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 493-08) recommending that H.B. No. 2311, 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. 2311, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 494-08) recommending that H.B. No. 2911, 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. 2911, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 495-08) recommending that H.B. No. 2753, 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. 2753, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I think I may have a potential conflict of interest on Standing Committee Report 495. I believe this could affect the Chairperson of the Department of Land & Natural Resources. In the event that it does, I would like to declare a conflict," 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. 2753, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 496-08)



recommending that H.B. No. 2927, 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. 2927, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 497-08) recommending that H.B. No. 2348, 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. 2348, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 498-08) recommending that H.B. No. 2755, 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. 2755, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 499-08) recommending that H.B. No. 2964, 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. 2964, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 500-08) recommending that H.B. No. 2792, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2792, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. Report No. 500, I ask for a ruling on a potential conflict of interest. My law firm that I work at is working on a class action on behalf of the substitute teachers, but I am not working on that. Thank you," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. On Stand. Com. Report 500, I'd like to state a potential conflict. The proponents of the measure are currently in litigation with my law firm," 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. 2792, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 501-08) recommending that H.B. No. 2775, HD 1, as amended in HD 2, 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. 2775, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE EXECUTIVE OFFICE ON AGING," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 502-08) recommending that H.B. No. 3072, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3072, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

Representative Takai rose and asked that the Clerk record a no vote 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. 3072, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HIGHER EDUCATION COMMISSION," was referred to the Committee on Finance with Representative Takai voting no, and with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 503-08) recommending that H.B. No. 2910, 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. 2910, entitled: "A BILL FOR AN ACT RELATING TO TRADE SECRETS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 504-08) recommending that H.B. No. 2583, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2583, HD 2, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Finnegan 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 Finnegan's written remarks are as follows:

"Mr. Speaker, I stand in support with reservations. This bill is to make public, proposed salaries and/or changes to the excluded employees in administrative positions at the University of Hawaii. A very similar bill was vetoed by Governor Lingle in the past. It is understandable that the University of Hawaii Professional Assembly would want this bill to pass. There were some legitimate concerns raised in their testimony, "In the past five years, the salaries paid to UH administrators have gone up astronomically. This began with the salary paid to then President Dobelle that was two and a half times more than that being paid to President Mortimer. President Dobelle then proceeded to make additional new administrative hires at salary levels that were unprecedented in the history of the UH, and also increased the salaries of continuing executive administrators commensurate with these new salaries."

"The downside to a bill like this one is this very process could affect recruitment and negotiations for the people in these positions. It is important that we have the tools to negotiate for the very best people at the best price. I believe that this bill deserves to move forward because of some of the practices that have been brought to light; however, I am unsure at this time whether or not the risk of recruiting the best and the brightest is worth taking."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2583, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT OPERATIONS," was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 505-08) recommending that H.B. No. 3082, 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. 3082, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 506-08) recommending that H.B. No. 2672, 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. 2672, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PARKING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 507-08) recommending that H.B. No. 2710, 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. 2710, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RE-EMPLOYMENT OF RETIREES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 508-08) recommending that H.B. No. 2848, 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. 2848, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 509-08) recommending that H.B. No. 2974, 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. 2974, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 510-08) recommending that H.B. No. 3144, 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. 3144, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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. 3144, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII DEFERRED COMPENSATION PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 511-08) recommending that H.B. No. 2930, 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. 2930, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Finnegan 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 Finnegan's written remarks are as follows:

"Mr. Speaker, I stand in support with reservations. Raising the minimum wage suggests that everyone, no matter what kind of performance level you are at, should get a raise. The Chamber of

Commerce testimony states that this bill will not improve the quality of life for the minimum wage earners and will actually hurt those who are seeking entry level jobs. Economists uniformly agree that most employees earn far more than minimum wage and that a minimum wage increase actually causes a reduction in the number of entry level jobs because of the increased cost to employers to maintain such jobs.

"The real cost to business includes all of the other employee benefits and taxes that are tied to the employees' wages. This kind of change could contribute to the slow down of our economy. I would hope that we would make positive steps toward improving the economy for all of the people of Hawaii by passing an economic stimulus package like the U.S. President and Congress did on the federal level with tax relief."

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

"Thank you, Mr. Speaker. I also am voting no on 511. At this point there is no adjustment to the tip credit. This was argued extensively the last go around when we raised the minimum wage. Again, there is no accommodation for that.

"I believe that we should do that most definitely because the wait help is getting the bulk of their pay from tips. As we keep raising the minimum wage, we aren't making any adjustment. I think we absolutely need to do that. 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. 2930, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE MINIMUM WAGE," passed Second Reading and was referred to the Committee on Finance with Representative Meyer voting no, and with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 512-08) recommending that H.B. No. 2520, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2520, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to register a strong reservation on Stand. Com. Report No. 512 which is Temporarily Disability Insurance to be paid to caregivers. It doesn't seem that money is coming from the right place. It's not that they are disabled. It's just that they are taking care of someone who's ill. So I'm voting with reservation on that."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2520, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 513-08) recommending that H.B. No. 3168, 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. 3168, entitled: "A BILL FOR AN ACT

RELATING TO UNEMPLOYMENT CONTRIBUTION RATES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 514-08) recommending that H.B. No. 3166, 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. 3166, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 515-08) recommending that H.B. No. 3247, 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. 3247, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 516-08) recommending that H.B. No. 3139, 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. 3139, entitled: "A BILL FOR AN ACT RELATING TO THE FIRST-TO-WORK PROGRAM," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 517-08) recommending that H.B. No. 2368, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2368, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"On Stand. Com. No. 517, Relating to Education, I am voting with reservations because it's basically a good bill. It aligns our rules for standards for teachers with federal guidelines. It's good, but there is a 'poison' section, well in quotations, that knocks this out from being really good, in that it says that if you are an emergency teacher, we are going to cut you back from being able to teach on an emergency basis from four years down to three years.

"Mr. Speaker, do we not have a teacher shortage? Do we not have a crisis? To cut the emergency teachers back from four to three years just doesn't make any sense. So that's why I have reservations."

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

"I rise in support. Just for clarification, the only reason we have to change this is because we are conforming State law to the No Child

Left Behind law. The No Child Left Behind law requires that to be three years instead of four. Thank you, Mr. Speaker."

Representative Meyer 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. 2368, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 518-08) recommending that H.B. No. 2272, 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. 2272, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFIED COMMUNITY REHABILITATION PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 519-08) recommending that H.B. No. 2481, 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. 2481, HD 1, pass Second Reading and be referred to the Committee on Finance, 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 Meyer 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. 2481, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 520-08) recommending that H.B. No. 3083, 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. 3083, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL TAX QUALIFICATION OF THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 521-08) recommending that H.B. No. 3142, 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. 3142, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was

referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 522-08) recommending that H.B. No. 2479, 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. 2479, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer 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. 2479, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 523-08) recommending that H.B. No. 2387, 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. 2387, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 524-08) recommending that H.B. No. 2386, 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. 2386, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

Representative Meyer 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. 2386, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 525-08) recommending that H.B. No. 2388, 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. 2388, pass Second Reading and be

referred to the Committee on Finance, 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 Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2388, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Sonson and Evans, for the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 526-08) recommending that H.B. No. 3030, 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. 3030, pass Second Reading and be referred to the Committee on Finance, 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 Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3030, entitled: "A BILL FOR AN ACT RELATING TO LABOR," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 527-08) recommending that H.B. No. 2859, 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. 2859, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATE OF NEED," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 528-08) recommending that H.B. No. 2889, 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. 2889, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 529-

08) recommending that H.B. No. 3058, 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. 3058, entitled: "A BILL FOR AN ACT RELATING TO THE HOUSING LOAN AND MORTGAGE PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 530-08) recommending that H.B. No. 2596, 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. 2596, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 531-08) recommending that H.B. No. 2762, 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. 2762, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 532-08) recommending that H.B. No. 2558, HD 1, as amended in HD 2, 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. 2558, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented two reports:

(Stand. Com. Rep. No. 533-08) recommending that H.B. No. 3176, as amended in HD 1, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 534-08) recommending that H.B. No. 3177, as amended in HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.B. No. 3176, HD 1, be referred to the Committee on Finance; and that H.B. No. 3177, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on 533-08 and 534-08, I just have some brief comments in support. Right now the fine for these kinds of acts, of taking live coral rock, is \$500. We have incidents where people are actually going to the beach and conservation districts and taking the

coral because it's cheaper to pay the fine than it is to go and buy the rocks in the market place.

"I applaud the Administration, and DLNR for finally getting aggressive and being able to attach the market damage to the violations, so that there's a true disincentive in trying to protect our natural resources. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PENALTIES FOR DAMAGE TO STONY CORAL AND LIVE ROCK," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused; and

H.B. No. 3177, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES FOR VIOLATIONS WITHIN THE CONSERVATION DISTRICT," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 535-08) recommending that H.B. No. 2383, 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. 2383, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIRCUIT COURTS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 536-08) recommending that H.B. No. 3386, 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. 3386, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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. I'd like to register a vote with strong reservation on Stand. Com. Report 536 on page 15."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3386, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 537-08) recommending that H.B. No. 2008, 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. 2008, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 538-08) recommending that H.B. No. 2685, 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. 2685, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Stand. Com. No. 538, if you could note my reservations and short comments please. I think we need to be looking for space for our prisons. But one of the testimonies that really rung true for me was that we are going through a reclassification system, and with that we are expected to have a lot of different changes in regards to how we house our prisoners. Therefore this is a little premature and maybe it would help to get that information back so that we can plan better. Thank you"

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

"Thank you, I rise in support. The briefing that we had available to the public and to Members was on the reclassification system, the money that has been spent, and what the consultants have found. It appears that we have somewhere between 25 and 35 percent of our inmates who could be community based or minimum security status.

"I think if you look at the bill, it is very clear that the message we are sending is OCCC was originally built to be community based. In fact it is now turned into minimum security, medium security and mental health. There is one building in particular for mental health, so it's now become a hodgepodge of different classifications. It's actually become pretty unmanageable by the Warden. It appears not to be the very safest facility. I would offer to any of my colleges to come with me to OCCC to take a tour of it so they could understand what's happened.

"If you haven't seen the federal Detention Center and how it is being used for anyone who has less than three years of their sentence to serve; the federal Detention Center is not meant to be a long term facility. It's for the short term. So this bill is moving towards community based, minimum security beds and doing that here in Oahu. And the way we wrote the bill is to look at urban Honolulu which is close to our courts system and also is convenient for transportation. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2685, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 539-08) recommending that H.B. No. 2917, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2917, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 540-08) recommending that H.B. No. 2860, HD 1, as amended in HD 2, 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. 2860, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

At 12:42 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 541-08) recommending that H.B. No. 2541, 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. 2541, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOSPITAL-BASED DENTISTRY SERVICES IN THE COUNTY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Manahan, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 542-08) recommending that H.B. No. 2913, 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. 2913, entitled: "A BILL FOR AN ACT RELATING TO KIDNEY DISEASE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 543-08) recommending that H.B. No. 2113, 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. 2113, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I am in strong support of H.B. 2113, which provides a tax credit to taxpayer caregivers who care for qualified care recipients.

"Home and community-based care is becoming increasingly the preferred method of providing long-term care to the frail elderly and disabled who are unable to take care of themselves, partly because institutional care is so costly, but mostly because the elderly and disabled prefer to remain in their own homes. Such care, however, requires willing and able family caregivers who sacrifice much to provide care to their loved ones. Not only must they often forgo their own family's needs to care for another, some even experience financial sacrifice as they are forced to take paid or unpaid leaves of absence and even early retirement.

"By providing a tax credit, H.B. 2113 offers a small gesture to recognize the invaluable service provided by these caregivers. If not for their sacrifices, many more frail elderly and disabled persons would require nursing home care that eventually would cost taxpayers dearly in increased Medicaid and pass-through costs."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2113, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 544-08) recommending that H.B. No. 2170, HD 1, as amended in HD 2, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2170, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 545-08) recommending that H.B. No. 2197, 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. 2197, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 546-08) recommending that H.B. No. 2315, 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. 2315, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 547-08) recommending that H.B. No. 2576, 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. 2576, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

At 12:44 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 548-08) recommending that H.B. No. 2795, 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. 2795, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 549-08) recommending that H.B. No. 2573, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2573, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS COMPENSATION," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 550-08) recommending that H.B. No. 2862, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2862, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WIND ENERGY," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 551-08) recommending that H.B. No. 2863, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2863, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"In strong support with brief comments. If we are going to get renewable energy going in this State we have got to remove the red tape and the other bureaucratic hurdles. So I'm glad to see this measure going through. Thank you."

Representative Ching 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 Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I stand in support, with reservations. While I understand it is important to support alternative energy, the intent of H.B. 2863, I have concerns over the cost implications and impacts on Hawaii's regulatory authorities generated by this proposal. HB 2863 establishes a consolidated permit process for facilities that have the capacity to produce at least two hundred megawatts of electricity from renewable energy.

"Governor Lingle in her State of the State Address challenged all of us to move Hawaii away from oil dependence and to do so "more

rapidly than some would like and others believe possible." As Castle & Cooke point out, ten years is too long to be mired in redundant permitting process, which currently does not have explicit timetables. However, DBEDT cautions that HB 2863 significantly revises Hawaii's regulatory system for the permitting of renewable energy projects. As such, it is imperative that stakeholder agencies identify and fully examine the affected permitting statutes and regulations to ensure adequate understanding of potential impacts of the changes prior to a decision to implement. While I stand in support, I hope that the concerns of DBEDT can be addressed in this measure's next Committee."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2863, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 552-08) recommending that H.B. No. 2965, HD 1, as amended in HD 2, 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. 2965, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SECURITY," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 553-08) recommending that H.B. No. 2001, HD 1, as amended in HD 2, 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. 2001, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TELEPHARMACY," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 554-08) recommending that H.B. No. 1598, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1598, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Ward rose and asked that the Clerk record a no vote 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. 1598, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTHCARE," was referred to the Committee on Finance with Representative Ward voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 555-08) recommending that H.B. No. 3107, HD 1, be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3107, HD 1, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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



"Mr. Speaker, I'm voting no on Stand. Com. No. 555. And I'd like to make brief comments. This bill mandates and penalizes owner-builders when they build, repair, extend or demolish their homes. It mandates owner-builders to use a licensed subcontractor. I see it as an encroachment of private ownership, and an invasion of homeowner's rights. And it circumvents the intent of the owner-builder permit process.

"With the owner-builder permitting process, Mr. Speaker, you are assigned a City and County staff member to come and inspect your building efforts on a weekly or monthly schedule, depending on what stage you are in. But the one that is troubling to me is that even with repair, and extension, and even demolishing their homes, you now have to hire licensed personnel to do it. A lot of our constituents are very talented people Mr. Speaker, who can employ their talents in plumbing or flooring or even demolishing their homes. The introduction of this bill will mandate them to hire a subcontractor when they themselves could build it themselves. So I think we should refrain from invading our people's rights. Thank you."

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

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," was referred to the Committee on Judiciary with Representative Cabanilla voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 556-08) recommending that H.B. No. 2553, 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. 2553, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I am in support of SCR 566, HB 2553: Relating to Pawn Brokers and Second Hand Dealers. The intent of this bill is to require pawnbrokers and second hand dealers to change daily record transaction methods from a manual system to an electronic method through the use of the Internet or a computer disk.

"Property crimes are steadily on the rise in Hawaii, and experts generally agree that drug use is the driving force behind the high property crime rate. This is because stolen property can be easily sold for money to support the perpetrators' drug habits.

"A change in the reporting system would certainly help law enforcement by increasing the speed by which information is transferred from pawnshops or second hand dealers to the police department. Police could then cross check stolen items lists to pawnshop or second hand dealers merchandise and give them time to inspect items before they are re-sold. 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. 2553, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAWNBROKERS AND SECONDHAND DEALERS," passed Second Reading and was

referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Tsuji and Herkes, for the Committee on Agriculture and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 557-08) recommending that H.B. No. 1988, 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. 1988, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MACADAMIA NUTS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Tsuji and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 558-08) recommending that H.B. No. 2261, 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. 2261, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LOANS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Tsuji and Souki, for the Committee on Agriculture and the Committee on Transportation presented a report (Stand. Com. Rep. No. 559-08) recommending that H.B. No. 2843, 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. 2843, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 560-08) recommending that H.B. No. 2517, as amended in HD 1, pass Second Reading and be referred to the Committee on Energy & Environmental Protection.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2517, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Energy & Environmental Protection with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 561-08) recommending that H.B. No. 2977, 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. 2977, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 562-08) recommending that H.B. No.

3425, 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. 3425, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 563-08) recommending that H.B. No. 2083, 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. 2083, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer 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. 2083, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PROCESSING FACILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 564-08) recommending that H.B. No. 3301, 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. 3301, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 565-08) recommending that H.B. No. 3175, 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. 3175, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL MARINE FISHING REPORTS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 566-08) recommending that H.B. No. 2527, 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. 2527, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Cabanilla 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 Cabanilla's written remarks are as follows:

"Mr. Speaker, I am voting with reservations. The motivation behind Smart Growth tactics is to employ a scheme that penalizes the

motoring public. To lessen vehicle parking spaces in favor of preserving open spaces; to make driving a car as cumbersome as possible; to price out the masses from owning a car with exorbitant registration and fuel fees; to have car owners forfeit their cars by not building more roads making their commute a living nightmare and be manipulated into taking mass transit, are just a few of the ploys being disguised as Smart Growth when in fact such practice is a form of harmful growth.

"Smart Growth is harmful in terms of serving the economy. A successful, vibrant economy is dependent upon how efficiently it permits the flow of getting freight, goods and services besides people and their tools of the trade from point A to point B. Trails and greenway belts do not facilitate these ends. Oahu needs a route for another expressway, not for Smart Growth tactics that preserve open spaces for the ants, termites and weeds to thrive. Smart Growth philosophy is anti-car, anti-home with a yard, and can be compared to a movement that likens humans to live like hamsters in a cage. These high density developments associated with Smart Growth tactics are designed to cram humans into small confines and territory while the insects and weeds are given an enormous amount of land in which to perpetuate.

"I am voting with reservations because Hawaii needs to build more roads and lessen the motoring public's plight in traffic. We have a landscape lane deficient in the number of lane miles it offers its people. On the other hand, we have countless paths, trails and greenway belts. We are not hurting for more trails. We are hurting for more roads. This bill does not help the motorists, but rather competes with the needs of the motoring public and that is why the bill is flawed. The preservation of land to accommodate more roadway lane miles for the future is what this bill should be about. And if any right of ways, routes, or paths should be preserved, it should be for roads and HB3004 does that. This bill, HB3004, should take precedence over HB2527 and until such time it does, our priorities are skewed in the wrong direction."

Representative Meyer 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. 2527, entitled: "A BILL FOR AN ACT RELATING TO SMART GROWTH," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 567-08) recommending that H.B. No. 2687, 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. 2687, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 568-08) recommending that H.B. No. 2704, 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. 2704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HA'IKU VALLEY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 569-08) recommending that H.B. No. 2332, 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. 2332, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 570-08) recommending that H.B. No. 3286, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 3286, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I am in support of SCR 570, HB 3286: Relating to Mining. The bill amends Chapter 205 to allow for mining of sand, rock, gravel and other materials suitable for use and used in construction, and activities ancillary to mining, including processing and storage, within the agricultural districts as a permitted use.

"Rock is vital to our economy because it is an essential component of two basic building materials: concrete and asphalt. All of the islands do not presently have enough operating quarries to meet current demand for basalt aggregate. If we cannot meet the demand from local quarries, we would need to import rock and the cost of that will be two to four times the present cost.

"Therefore, it is essential that we find new means to develop new quarries to meet the local demand and eliminate the need to import rock. 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. 3286, entitled: "A BILL FOR AN ACT RELATING TO MINING," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 571-08) recommending that H.B. No. 2606, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 2606, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Meyer 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 Committees was adopted and H.B. No. 2606, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second

Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 572-08) recommending that H.B. No. 3374, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 3374, HD 1, 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 rise in strong support of this measure. This measure addresses the oftentimes striking disparity between the State's vision for land use and the county's plan for development. Our job as State lawmakers is to develop policy that is comprehensive and inclusive. It is in our best interests as citizens and lawmakers to collect as much information as humanly possible to make informed, intelligent decisions. I submit that in some instances, no matter how much information we have, we lack the subtle, sometimes imperceptible details that bare facts do not provide. We sometimes do not allow for a sense of history that will help us make these broad, sweeping policy decisions appropriately.

"Land use has statewide impact. As such, it behooves us to produce living policy documents that give a general outline for our vision of its use. To focus our vision, counties develop their general plans to incorporate their intimate knowledge of these areas. The problem is they have to come back to the State to get their plans approved. These plans are already subject to the public hearing process, and these meetings occur with the sector of the public that these plans affect the most.

"Twenty-two years after the enactment of Chapter 205, HRS, the Legislature revisited the land use process. Realizing that counties and small landowners should have a say in the use of their own lands, a process was put in place to expedite petitions requesting reclassification of lands. The Land Use Commission was given the authority to waive petitions pertaining to small parcels fifteen acres and under, and to give such authority to the counties. The intent of this review of land law was to allow counties the ability to carry out development, as this is a function of the counties, and to improve the efficiency of the process. This process also lifted the burden of small parcel decisions from the extremely busy LUC. As we move forward, the Legislature, the public, and the business communities are beginning to realize that a limited amount of land necessitates much larger scale development decisions. It has been twenty-three years since our last review, and this measure will update our laws to effectuate the intent of that 1985 review.

"This measure seeks to expedite the counties' responsibilities to use their lands for the public good in changing economic climates. County general plans are still subject to the public hearing process for approval. By providing an exemption from what is essentially duplicative in the petition process, reclassification can occur in areas where certain economic opportunities such as sugar are no longer feasible. Specific proposed projects are still subject to permitting, and will remain under the watchful eye of the public. I therefore ask you, my colleagues, for your support on this measure. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, on Stand. Com. Report No. 572-08, I am in support. May I have the written comments of the Representative from Kapolei entered into the record as if they were my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3374, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

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. 573-08) recommending that H.B. No. 3179, 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. 3179, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF RENEWABLE ENERGY PRODUCER," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 574-08) recommending that H.B. No. 3211, as amended in HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3211, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

Representative Ward 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. 3211, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CLOTHESLINES," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 575-08) recommending that H.B. No. 2797, 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. 2797, entitled: "A BILL FOR AN ACT RELATING TO THE KALOKO HOUSING PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 576-08) recommending that H.B. No. 2662, 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. 2662, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 577-08) recommending that H.B. No. 2666, 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. 2666, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AN AFFORDABLE RENTAL HOUSING DONATION TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 578-08) recommending that H.B. No. 2897, 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. 2897, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR ASSET BUILDING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 579-08) recommending that H.B. No. 2904, 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. 2904, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFRASTRUCTURE DEVELOPMENT REVOLVING FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 580-08) recommending that H.B. No. 2707, 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. 2707, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Ward 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. 2707, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 581-08) recommending that H.B. No. 2708, 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. 2708, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 582-08) recommending that H.B. No. 3362, 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. 3362, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 583-08) recommending that H.B. No. 3372, 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. 3372, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERIOUS OFFENSES COMMITTED BY MINORS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 584-08) recommending that H.B. No. 2380, 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. 2380, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 585-08) recommending that H.B. No. 2551, 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. 2551, entitled: "A BILL FOR AN ACT RELATING TO HOMELESSNESS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 586-08) recommending that H.B. No. 3059, 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. 3059, entitled: "A BILL FOR AN ACT RELATING TO LOW-INCOME HOUSING TAX CREDITS," passed Second Reading and was referred to the Committee on

Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 587-08) recommending that H.B. No. 2668, 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. 2668, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 588-08) recommending that H.B. No. 2990, 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. 2990, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 589-08) recommending that H.B. No. 3401, 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. 3401, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 590-08) recommending that H.B. No. 3403, 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. 3403, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 591-08) recommending that H.B. No. 3229, 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. 3229, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 592-08) recommending that H.B. No. 3275, 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. 3275, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OWNER-BUILDER PERMITS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Evans and Ito, for the Committee on Public Safety & Military Affairs and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 593-08) recommending that H.B. No. 2543, 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. 2543, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A SHOOTING RANGE IN WEST HAWAII ON THE ISLAND OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 594-08) recommending that H.B. No. 2271, 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. 2271, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST CASTLE MEDICAL CENTER AND ITS AFFILIATES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Morita and Ito, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 595-08) recommending that H.B. No. 2159, 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. 2159, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 596-08) recommending that H.B. No. 3213, 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. 3213, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 597-08) recommending that H.B. No. 2504, 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. 2504, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIGHTING," passed Second Reading and was

referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 598-08) recommending that H.B. No. 2505, 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. 2505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 599-08) recommending that H.B. No. 2552, 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. 2552, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 600-08) recommending that H.B. No. 2501, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2501, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIOSECURITY," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 601-08) recommending that H.B. No. 3150, HD 1, as amended in HD 2, 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. 3150, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 602-08) recommending that H.B. No. 2503, pass Second Reading and be referred jointly to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2503, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred jointly to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 603-08) recommending that H.B. No. 3001, 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. 3001, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising to speak against noise. Mr. Speaker, this is Stand. Com. Report No. 603. Mr. Speaker, the testifier that spoke against this said it's going to pit neighbor against neighbor, and it's going to be particularly hard for pet owners. I understand that it's noisy in the Downtown corridor, but this bill would apply broadly, not just in the Downtown area. I think it could cause a lot of difficulties, a lot of lawsuits, and I don't believe it is good policy. Thank you."

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

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

"In support of Stand. Com. Report 603, Mr. Speaker. I just want to say that I think it's too late with regards to neighbors being pitted against neighbors. Those who make noise and keep others awake at night have already pitted neighbors against neighbors. Mahalo."

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

"Mr. Speaker, with reservations with a few comments. Being one that lives in Waikiki during the Session, I want you to know that there is noise all night long. I guess my reservation is that this is going to be very hard for the police department to enforce. So I just want to vote with reservations."

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

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

"Mr. Speaker, in support. Prior to being in office, I was an eight-year member of the Waikiki Neighborhood Board. I think the Legislature needs to send a message that we're serious about noise enforcement. I think that the police do an outstanding job, but could do a better job in this area. It's very important to get the ball rolling on this. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3001, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Second Reading and was referred to the Committee on Judiciary with Representative Thielen voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 604-08) recommending that H.B. No. 2550, 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. 2550, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 605-08)

recommending that H.B. No. 2017, 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. 2017, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 606-08) recommending that H.B. No. 2813, 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. 2813, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 607-08) recommending that H.B. No. 2539, 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. 2539, entitled: "A BILL FOR AN ACT RELATING TO WORKPLACE TRAINING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

At 1:05 o'clock p.m., Representative Thielen requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:07 o'clock p.m. with Vice Speaker Chong presiding.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 608-08) recommending that H.B. No. 2988, 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. 2988, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on SCR 608-08, I've been ask to request a ruling on a potential conflict. I am a member of the Hawaii National Guard, and I'd like this ruling to be on this day, as well as any other day, as well as any other Committee hearings."

Vice Speaker Chong: "So ordered."

At 1:18 o'clock p.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:19 o'clock p.m.

At this time, the Chair announced:

"Going back to the prior request by Representative Takai on the request for a ruling on a potential conflict. The Chair misstated. I should have said, 'no conflict' instead of '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. 2988, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 609-08) recommending that H.B. No. 2963, 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. 2963, entitled: "A BILL FOR AN ACT RELATING TO NATURAL DISASTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 610-08) recommending that H.B. No. 1989, 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. 1989, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 611-08) recommending that H.B. No. 2530, HD 1, as amended in HD 2, 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. 2530, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Evans and Shimabukuro, for the Committee on Public Safety & Military Affairs and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 612-08) recommending that H.B. No. 2764, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 2764, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Finnegan 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 Finnegan's written remarks are as follows:

"Mr. Speaker, I stand in support with reservations. This bill establishes a Bill of Rights for children of incarcerated parents. I believe in the goals that this bill sets to achieve. In a litigious society such as ours, this bill could come with a belated and huge price tag. The threats of such liabilities need to be remedied because the money spent on lawsuits and awards should be going to services for children.

"The language in this bill gives children of incarcerated parents the right to be "heard", "considered", "well cared for", and "supported". As a non-incarcerated parent, I come across times my children do not feel heard, considered, or supported. It is difficult to have a Bill of Rights for minor children. Sometimes it takes a long time before they understand that the decisions made on their behalf were in their best interest. It would be irresponsible to the taxpayers of Hawaii and these children to pass a bill that exposes us to such lawsuits.

"I want the very best for Hawaii's children. This bill needs work."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2764, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Evans and Shimabukuro, for the Committee on Public Safety & Military Affairs and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 613-08) recommending that H.B. No. 2763, 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. 2763, entitled: "A BILL FOR AN ACT RELATING TO THE CHILDREN OF INCARCERATED PARENTS TASK FORCE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Evans and Sonson, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 614-08) recommending that H.B. No. 2066, 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. 2066, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Meyer rose and asked that the Clerk record an aye vote with reservations for her, 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 Committees was adopted and H.B. No. 2066, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Evans and Sonson, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 615-08) recommending that H.B. No. 2790, 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. 2790, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Please cast a no vote for me on Stand. Com. No. 615 with some comments. Mr. Speaker, this bill is an opportunity to acknowledge, reward and help recruit Adult



Corrections Officers and Youth Correction Officers by enhancing their retirement benefits. This is something I want to support, but the other side of the coin is this.

"Last year the Legislature passed a law to establish a policy framework to enable the Employees' Retirements System to eventually eliminate this \$5.1 billion unfunded liability. This body put a three year moratorium on retirement benefit enhancement including any reduction of retirement age when there is an unfunded accrued liability. A \$4.1 billion unfunded liability threatens retirement benefits for future retirees who we have already made retirement benefit promises to. We cannot continue to make promises without fulfilling the ones we have already made. The Finance Chair and you, Mr. Speaker, have periodically warned us about the Governmental Accounting Standards Boards, the GASB requirements. Thanks to the hard work of our leadership, healthy interest earnings and the State & county employers, what was once a 43 year estimated time to become fully funded is now reduced to approximately 25 years. That's very good.

"So what will this look like in dollar terms? State and county employer's contributions are currently \$489 million for this fiscal year. Starting June this year it will be increased by \$72 million per year thus totaling \$561 million. This is a substantial increase in future expenditures. I believe that this group of workers deserves enhanced retirement benefits, but the moratorium was set in law for a reason. Disregarding it would be schizophrenic and not fiscally responsible to taxpayers or future retirees.

"Past Legislatures have made conscious choices to put our retirement system in disrepair like our school buildings and University facilities. Let's keep our promise to our State and county workers. Look around you and look around the State departments. These workers deserve to have the security of the retirement benefits that they have already been promised. Thank you, Mr. Speaker."

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

"On that same measure, I vote with reservations. May I have the comments of the previous speaker put into the Journal as if they were my own? And brief additional comments. I also share the opinion of the Attorney General. I believe this bill is unconstitutional due to the defective title. Thank you."

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

"Thank you, Mr. Speaker. I am in strong support. As the Chair of Public Safety & Military Affairs, I felt it was important to have our Committee focus on the subject matter. In terms of the financing, I hope the Chair of Finance really looks at that issue. What we were talking about was that should we be even considering enhancing retirement for the officers. I believe, based on what the responsibilities are and the kinds of stress that they have, that it's worth us considering it.

"Regarding the moratorium, I don't think it's schizophrenic. In fact the moratorium was only for three years. If you heard the testimony from the Director of the Employees' Retirement System you would think we wouldn't give anybody retirement enhancements for 25 years because he said we have an unfunded liability for 25 years out in the future. So at some point in time, if we really want to deal with an unfunded liability issue, let's introduce a bill, address that issue and move it forward because we've got all these State employees and especially our public safety officers that have a lot of responsibility and they protect us.

"I think that could be a separate issue, this unfunded liability. I want Finance to, if they chose not to hear the bill because of that argument then that's fine. But I think the public safety officers, and in our Subject Matter Committee, I think it's very worthy of looking in

and promoting the discussion of that, of their retirement benefits. Thank you."

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

"Thank you, Mr. Speaker. I'd like to register a no vote on 615. I think after we've shorted the retirement Fund for quite a number of years, and we have this large unfunded liability, we have to take this seriously. Every year we've got some reason to want to enhance someone's retirement, or make it so we don't have to work as long. Recent articles have shown that our public workers are in many cases getting paid better than people are in the private sector. And I don't think there is any argument that they have benefits far exceeding anything that the private sector is giving their employees.

"So the question is how much can the taxpayers afford with collective bargaining, we have set up now where we've got rid of the right to strike, and it's arbitrary. Every time the contract comes up, the wage is going to go up. That's why our public workers are getting paid very reasonably. So I think we have a responsibility to make sure that our Retirement Fund doesn't get depleted. Every time you have an enhanced situation like this bill is calling for it's going to cause a shortage in that Fund. Thank you, Mr. Speaker."

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 Committees was adopted and H.B. No. 2790, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT CORRECTIONS OFFICERS AND YOUTH CORRECTIONS OFFICERS," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan and Meyer voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Evans, Morita and Green, for the Committee on Public Safety & Military Affairs and the Committee on Energy & Environmental Protection and the Committee on Health presented a report (Stand. Com. Rep. No. 616-08) recommending that H.B. No. 2076, 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. 2076, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. No. 616, Relating to Depleted Uranium, with reservations and a brief comment. Mr. Speaker, this body, our body, our minds are supposed to be the center of objectivity, center of reason, calm and I guess, not fear mongering and spooking the people of Hawaii.

"Over 50 years ago, these Davy Crockett weapons used this uranium. Some of the best minds have said that it's like trying to find a 'needle in the haystack' after the fact. With the ways and methodology in the ways and the amount of the resources it would take to really do it properly, it kind of puts us on a wild goose chase. In the meantime, there are people panicking the community, or at least by some of the emails I get. They are really spooked by this kind of stuff.

"And, I know some of it has come out of some parts of the community, and some parties who feel very strongly about this. And it's a platform issue for some. But I think we have to be a bit more calm and a bit more collected about how we deal with these very volatile topics. We've got to find out if there is uranium. We've got to handle those who may have been exposed. But I think we have to be

sober and sensitive to the implications as to what we do as a body in this directions. Thank you."

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2076, entitled: "A BILL FOR AN ACT RELATING TO DEPLETED URANIUM," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Shimabukuro and Ito, for the Committee on Human Services & Housing and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 617-08) recommending that H.B. No. 2050, 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. 2050, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 618-08) recommending that H.B. No. 3140, 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. 3140, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 619-08) recommending that H.B. No. 2468, 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. 2468, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 620-08) recommending that H.B. No. 2511, 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. 2511, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 621-08) recommending that H.B. No. 2665, 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. 2665, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 622-08) recommending that H.B. No. 3399, 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. 3399, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 346, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 623-08) recommending that H.B. No. 3400, 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. 3400, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 624-08) recommending that H.B. No. 3427, 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. 3427, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 625-08) recommending that H.B. No. 2492, 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. 2492, entitled: "A BILL FOR AN ACT RELATING TO PLANNED COMMUNITY ASSOCIATIONS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 626-08) recommending that H.B. No. 2598, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2598, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 627-08) recommending that H.B. No. 2376, 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. 2376, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 628-08) recommending that H.B. No. 2664, 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. 2664, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"On Stand. Com. Report 628-08 please, in opposition. Thank you, Mr. Speaker. This is in regards to the emergency powers of the Governor. Without going into a long speech, basically the Governor's emergency powers are there for a reason. No matter how you try to carve it out or want to have control over what she has control over, we won't make it safe for the people of Hawaii by doing that. We are basically just handcuffing her hands in responding to emergency situations.

"There are many examples that were shared with us in Committee in regards to things that would have not been helped regarding the floods, earthquakes and other natural disasters. So if you take a look at some of the testimony dealing with or were severely impacted by the spring floods of 2006, or the October 15, 2006 Kiholo earthquake. If the Governor had not had the authority to take swift and decisive action the negative impact to agriculture would have been much greater.

"There are all kinds of different types of situations like that. So Mr. Speaker, I'm speaking in opposition to this and I hope we reconsider this 'handcuffing the Governor' bill."

Representative Meyer rose in opposition to 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 am in opposition to House Bill 2664 that would limit the Governor's authority to call an emergency in this State.

"This bill would put our citizens at risk by limiting when the head of state can proclaim a state of emergency. Under this bill, the Governor cannot call an emergency without meeting certain criteria determined not by those experienced in emergency situations, but by this Legislature which is only in session four months a year and clearly wants to limit the Governor's Executive powers.

"In an emergency, the Governor must have the ability to immediately take action and deploy resources that in her mind, and with the advice of experts, comprises the best, safest, and most effective means to address the problems created by a disaster. The existing law does not require the Governor to wait until the public is harmed, but under this bill, the Governor would be legally prohibited from providing any disaster relief or taking pre-emptive actions, including the issuing of a pre-landfall declaration in the face of a hurricane or *tsunami* threat.

"Requiring strict criteria on when the Governor is able to proclaim a state of emergency is not efficient or realistic. For example, in 2005 heavy rains and flooding created severe damage and landslides in my district. The Governor was able to work with DLNR and Civil Defense to take immediate action to mitigate additional damages. Just a few months ago, there were several areas along Makiki Stream and ditch near Keeaumoku/Wilder Streets and Nehoa Street that sustained storm damage. With this bill, these projects would not be able to get needed funding because they do not meet the criteria for the Governor to proclaim a state of emergency.

"Finally, the Department of Agriculture testified in the Public Safety Committee that if the Governor had not had the authority to take swift and decisive action after the October 15, 2006 earthquake, the impact to our State's agriculture industry would have been much greater than what was initially reported.

"I urge this Legislature to vote no on this bill and not to let partisan politics put our citizens in danger. Thank you."

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

"Thank you, Mr. Speaker. I would like a strong no vote on that, too, for the safety of our residents."

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

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

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

"I'd like to vote with reservations on 628-08, Relating to Disaster Relief. I believe we need to have some flexibility in that particular area. Thank you, very much."

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

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

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

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

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

"Yes, I'm rising in support. I think it's important that we move this bill forward for further discussion. We want to make sure that when the Governor exercises emergency powers, that if you look at the Standing Committee Report, if they can show that it's of harm and damage. I believe this bill that was introduced may have come about out of concerns that maybe emergency powers are becoming a very gray area in what you define 'emergency' as, and what do you define as not an emergency. So I think moving this forward and keeping the discussion alive is very important. We've got a ways to go on this. Thank you."

Representative Finnegan rose to respond, stating:

"Thank you. Still in opposition, Mr. Speaker. Just a brief comment. Basically, it is very difficult to put words to try and craft some kind of language as to when the Governor can use her Executive power or

declare or exercise emergency powers. And what brings to mind for me is the day I when I was at home and my dad basically fell on the floor. He backed up and fell on the floor. His eyes were open, but he had a stunned look on his face and he wasn't responding. And so I looked at him and I basically called 911. That's what you do when you see someone like that.

"He fell pretty hard. It looked like it was going to cause harm or damage. I cannot see someone telling me that before you call 911, why don't you call a neighbor and see if they see the same thing, too. Or why don't you do some checks and balances before you exercise this ability to go and call 911? Emergency is emergency.

"Now I'm sure that she just doesn't pick up the phone and say, 'Okay we're going to call this an emergency.' That's what is wrong with this bill. You don't allow the flexibility and freedom for the Governor to act in a quick manner. No matter how you try to do that, that's part of what the Executive powers entail. That's part of the Executive powers.

"So I hope we don't move forward in this manner because I don't think it is safe for our State. Thank you."

Representative Souki rose to respond, stating:

"Thank you, very much. In rebuttal to my good friend, the Chair from Waikaloa. This item should not be a partisan item. When there is an emergency, that power should go to one person. If there is an emergency after the 2008 Session, who is going to be able to make the call and coordinate the efforts to resolve this problem?"

"So I believe this bill will take a little more work. It's a work in progress I'm sure. So as it moves along, let's make the correct changes. Our first responsibility is to protect the people of the State of Hawaii. When you take the emergency power away from a person who can protect the people, I believe it is essentially wrong. Thank you, very much."

Representative Evans rose to respond, stating:

"Thank you. I just want to make some further comments that the example of someone falling down and calling an ambulance is, that is one example. But I want to also give you another scenario. And that is if someone has a cold and they are not feeling well and they show up at our emergency rooms. I think that if you go to some of our hospitals, what you will find is, if it's not a true emergency, they take them and sit them in a chair, and they send a nurse to work with them. But they have the ability to make a decision when they walk in that room and say, 'You go over there and we'll get a nurse over there', whatever. But here, if you're having a heart attack, asthma attack, we need to get you help right away. So there is discernment. There is decision making.

"My whole point about this bill in supporting it moving forward is just to have this discussion. I don't think it's partisan. People may want to turn it into partisanship, but I think it's like, what is it? Because if you, if the Governor uses her emergency powers, there's a lot of things that change in terms of our laws and what can and can't be done when you reach that point. I don't want to keep our Governor from being able to make that decision. But I think that it doesn't hurt to have that discussion about criteria, and what is discernment in terms of what is an emergency. Thank you."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I'm still in strong opposition, but I would like to request that the remarks from the Speaker Emeritus from Maui be entered into the Journal as if they were my own, with the exception of the portion where he talks about it being a work in progress and moving it along. I instead would like to say that I hope the Finance Committee would not give this bill a hearing. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2664, entitled: "A BILL FOR AN ACT RELATING TO DISASTER RELIEF," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan, Meyer and Thielen voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 629-08) recommending that H.B. No. 2857, 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. 2857, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Evans and Sonson, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 630-08) recommending that H.B. No. 2849, 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. 2849, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In regards to 630-08 on page 30, if you could note my no vote and allow me written comments. The written comments will reflect the same comments I had on a similar bill earlier."

Representative Finnegan's written remarks are as follows:

"This bill is an opportunity to acknowledge, reward, and help recruit police dispatchers by enhancing their retirement benefits. This is something that I want to support, but the other side of the coin is this.

"Last year, the Legislature passed a law to establish a policy framework to enable the Employees' Retirement System to eventually eliminate its \$5.1 billion unfunded liability. This body put a three year moratorium on retirement benefit enhancements including any reduction of retirement age when there is an unfunded accrued liability. A \$5.1 billion unfunded liability threatens the retirement benefits for future retirees whom we have already made retirement benefit promises to. We cannot continue to make promises without fulfilling the ones we have already made.

"The Finance Chair and Speaker periodically warn us about the Governmental Accounting Standards Board (GASB) requirements. Thanks to the hard work of our leadership, healthy interest earnings, and the State and county employers, what once was a 43 year estimated time to become fully funded, is now reduced to approximately 25 years.

"So what will this look like in dollar terms? State and county employers' contributions are currently \$489 million for this fiscal year. Starting June of this year it will be increased by \$72 million per year thus totaling \$561 million. This is a substantial increase in future expenditures.

"I believe that these groups of workers deserve enhanced retirement benefits, but the moratorium was set in law for a reason. Disregarding it is schizophrenic and not fiscally responsible to taxpayers and future retirees.

"Past legislatures have made conscious choices to put our retirement system into disrepair like our school buildings and University facilities. Let's keep our promise to our State and county workers. Look around you, look around the State departments, these hard workers deserve to have the security of the retirement benefits that they have already been promised."

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

"Thank you, Mr. Speaker. I also want to register a no vote on Stand. Com. No. 630. This is the same problem where we are going to change the law and have a group of people receive an enhanced retirement by being able to retire at 25 years rather than 30 without having put in; where they were not in a contributory plan. You have all the problems where those who already retired after the law passes in one year. If we pass the law, they'd all have to decide that they were going into the contributory program. But some will have just one or two years and it's just going to short the Retirement Fund. Thank you."

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 Committees was adopted and H.B. No. 2849, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALLOWANCE ON SERVICE RETIREMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan and Meyer voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 631-08) recommending that H.B. No. 2919, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Transportation and the Committee on Tourism & Culture.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2919, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIR POLLUTION CONTROL," passed Second Reading and was referred jointly to the Committee on Transportation and the Committee on Tourism & Culture with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 632-08) recommending that H.B. No. 3444, 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. 3444, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Morita, Ito and Tsuji, for the Committee on Energy & Environmental Protection and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 633-08) recommending that H.B. No. 3410, 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. 3410, HD 1, pass Second Reading and

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

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

"Thank you, Mr. Speaker. On Stand. Com. Report 633-08, biodiesel market stimulation, please cast a vote with serious reservations for me."

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

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 Committees was adopted and H.B. No. 3410, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BIODIESEL," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 634-08) recommending that H.B. No. 1895, 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. 1895, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIAN CHILDREN," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 635-08) recommending that H.B. No. 2686, 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. 2686, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 636-08) recommending that H.B. No. 3016, HD 1, as amended in HD 2, 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. 3016, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LAW ENFORCEMENT," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 637-08) recommending that H.B. No. 2823, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2823, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm rising to request to have a no vote cast for me on Stand. Com. Report 637 which is capping the liability of dam and reservoirs owners. That's House Bill 2823. I would like a no vote."

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

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

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

Representative Meyer 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. 2823, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DAM SAFETY," was referred to the Committee on Finance with Representative Thielen voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 638-08) recommending that H.B. No. 2914, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2914, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SKILLED NURSING FACILITIES," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 639-08) recommending that H.B. No. 2567, HD 1, as amended in HD 2, 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. 2567, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 640-08) recommending that H.B. No. 3019, 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. 3019, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 641-08) recommending that H.B. No. 2434, HD 1, as amended in HD 2, 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. 2434, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL PROTECTION," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 642-08) recommending that H.B. No. 2302, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2302, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL PROPERTY," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 643-08) recommending that H.B. No. 2438, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 2438, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Stand. Com. Report 643-08, in support. A significant number of states have already adopted fire-safe cigarette legislation. In fact, it was one of the most successful measures passed by state Legislatures in 2007. Fire-safe cigarettes is a statewide issue as it relates to the safety to our smokers and non-smokers. This measure, House Bill 2438, HD 1 will save lives and prevent property damage. 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. 2438, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTES," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 644-08) recommending that H.B. No. 3085, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 3085, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"On Stand. Com. No. 644-08, I am voting with reservations. I'd like to point out that this is increasing penalties on white collar crime and they are adding the Class C felony penalty for intentional false filings. As Chair of Public Safety, there is no financial impact analysis on how this impacts the Department of Public Safety. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3085, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 645-08) recommending that H.B. No. 3172, 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. 3172, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC FILINGS IN THE BUREAU OF CONVEYANCES AND THE OFFICE OF THE ASSISTANT REGISTRAR," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 646-08) recommending that H.B. No. 3098, 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. 3098, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ACTIVITIES REGULATED BY THE INSURANCE COMMISSIONER," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 647-08) recommending that H.B. No. 3331, 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. 3331, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like a ruling on a potential conflict please. On Stand. Com. Report No. 647-08, I represent numerous condominium associations. 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. 3331, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 648-08) recommending that H.B. No. 2291, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2291, HD 2, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

Representative Ward rose, stating:

"Mr. Speaker, on Stand. Com. Report 648, Relating to Health Insurance, the universal healthcare bill. May I cast a no vote and give a few remarks? Mr. Speaker, this bill establishes the State Health Authority to provide medical assistance for all citizens of Hawaii."

At 1:22 o'clock p.m., Representative McKelvey requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:23 o'clock p.m.

Representative Ward then rose, stating:

"Mr. Speaker, I stand corrected and I shall sit down in favor of the new bill which was inserted inside of it. Thank you."

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

"On Stand. Com. Report 648, I am voting with reservations and I have a few comments. What happened in Committee is we, and I think it was great that we asked HMA to come in and give us a comprehensive look at how to deal with tort reform and the issue of position, retention and recruitment. I really like the fact that they did this.

"It's just not enough time to really look at the details. I'm looking forward to the next Committee getting really into the details of this and the impacts."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2291, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Judiciary with Representative Rhoads voting no, and, with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 649-08) recommending that H.B. No. 1992, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1992, HD 2, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Rhoads rose and asked that the Clerk record a no vote 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. 1992, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL LIABILITY," was referred to the Committee on Judiciary with Representative Rhoads voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 650-08) recommending that H.B. No. 2242, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2242, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

Representative Shimabukuro's written remarks are as follows:

"The homeless crisis and desperate need for affordable housing in Hawaii has received national attention.

"With the price of housing continuing to climb, cities and counties throughout the Nation are establishing inclusionary programs to help provide for the needs of fixed and lower income residents who live or work in their communities.

"Inclusionary Zoning is a zoning ordinance or land use policy which either mandates or encourages developers of housing to include a specified percentage of housing that is affordable to lower and/or moderate income households to insure that an adequate supply

of housing for residents of all income levels is provided for the maintenance of a balanced community.

"This bill only enables, not requires, counties to impose inclusionary zoning at the subdivision and permitting stages of development. It was suggested to me by the Kauai County housing department, and was supported by the Hawaii County housing department and Chuck Wathen. Mr. Wathen is a private developer who heads the nonprofit Housing Hawaii. Housing Hawaii is a consortium of private and nonprofit entities focused on increasing affordable housing in Hawaii. Mr. Wathen was acting as an individual in support of this measure, and provided me with a large volume of research supportive of inclusionary zoning. I will be citing much of the research Mr. Wathen provided me in these remarks.

"The bill was opposed by many in the private development community, who cited constitutional "takings" concerns, among other things. I wish to focus my remarks in response to these concerns.

"The authority for local governments to adopt zoning ordinances and other land use policies and regulations such as inclusionary zoning is the "police power." This power emanates from the Tenth Amendment to the United States Constitution, which reserved to the states their inherent powers. The police power entitles communities to take actions and adopt laws and policies that protect the public's health, safety and welfare. See *Euclid v. Amber Realty Company*, 272 U.S. 365 (1926).

"Hawaii's counties have the authority to establish inclusionary zoning programs under HRS Section 46-4 (a), which states "The powers granted herein shall be liberally construed in favor of the county exercising them."

"Hawaii would be wise to follow the example set by California, which has very successfully implemented inclusionary zoning, and seen a dramatic improvement in the availability of affordable housing. The California Housing Element Manual, written by the California Affordable Housing Law Project of the Public Interest Law Project, was recently updated in February 2007. The Manual states:

"The California Constitution expressly authorizes cities and counties to exercise the police power, providing that either "may make and enforce within its limits all local, police, sanitary, and other ordinances or regulations not in conflict with the general laws." California Constitution, Article XI, section 7. Even before *Euclid*, the California Supreme Court found that local governments could legitimately employ their police powers to protect the general welfare by enacting zoning ordinances creating residential zones reserved for single-family housing. *Miller v. Board of Public Works*, 195 Cal. 477 (1925).

Over the years, the courts have held the police power to be quite broad, especially in the context of local land use law. It has been deemed "elastic," expanding to meet ever changing conditions of the modern world. See *Euclid* at 387, *Agins v. City of Tiburon*, 447 U.S. 255, 260-63 (1980). The depth and elasticity of the police power provide local governments with broad discretion to determine use and development of the finite supply of land within their borders. Any controls or regulations that are not unreasonable and bear some relationship to the general welfare of the community are permissible unless proscribed by preemptive state or federal laws or by the federal or California constitutions. Inherent in the police power, then, is the power to exclude or condition development. California Housing Element Manual, 2nd Edition [Feb. 2007]—Chapter 18

The exclusionary aspect of the power has manifested itself over the years in the form of policies and practices that have excluded affordable housing. "Exclusionary zoning" as it came to be called further exacerbated patterns of racial and economic segregation

and contributed to a substantial regional imbalance between the location of jobs and housing. Fortunately, the power of local government to exclude affordable housing has been circumscribed somewhat in recent years by judicial and statutory limitations. State courts have taken the lead in the constitutional realm, with the New Jersey Supreme Court holding that the New Jersey Constitution obligated local governments to use their land use powers to affirmatively plan for and make available the reasonable opportunity for low and moderate cost housing to meet the needs of people desiring to live within the community. See *Southern Burlington County N.A.A.C.P. v. Township of Mount Laurel*, 336 A.2d 713, *appeal dismissed and cert. denied*, 423 U.S. 808 (1975) (*Mount Laurel I*).

Following this lead, the California Supreme Court adopted the regional welfare standard in *Associated Homebuilders of the Greater East Bay, Inc., v. City of Livermore*, 18 Cal. 3d 582 (1976): [I]f a restriction significantly affects residents of surrounding communities, the constitutionality of the restriction must be measured by its impact not only upon the welfare of the enacting community, but upon the welfare of the surrounding region. *Id.* at 601.

The local power to regulate land use has also been limited by statute. Beginning in the 1960's, Congress and state legislatures started to recognize the disastrous effects that unfettered local discretion can have on racial integration, the environment and the provision of affordable housing. Federal and state laws—especially state mandated local planning laws and fair housing laws—placed significant limitations on local power to exclude housing, balancing the need for affordable housing and equal opportunity with the need for local decision making. Generally, these laws not only restrict exclusionary or discriminatory land use policies, but also require communities to affirmatively plan for inclusion of affordable housing.

California has taken the lead nationally, mandating that all local governments adopt a housing element as part of the local general plan, that "makes adequate provision for the housing needs of all economic segments of the community." Cal. Govt. Code §65580 *et seq.* California's fair housing laws also expressly prohibit discriminatory land use policies (Cal. Govt. Code §12955 *et seq.*) and discrimination against affordable housing (Cal. Govt. Code §65008). And the state's "anti-NIMBY" law requires local government to approve certain affordable housing developments unless certain rigorous findings are made (Cal. Govt. Code §65589.5)."

"Furthermore, a study from the California Affordable Housing Law Project of the Public Interest Law Project and Western Center on Law and Poverty dated December 2002, "Inclusionary Zoning: Legal Issues and Inclusionary Zoning: Policy Consideration and Best Practices" determined that Inclusionary Zoning is Constitutional. The study states:

"An implementing ordinance that provides clear obligations, standards for compliance and a system for monitoring compliance is a great advantage to local government. It helps ensure that the community will receive the benefit of the inclusionary requirement from all developments by making the inclusionary component part of the locality's zoning laws and development application process. It also will set out the mechanism for the community to verify compliance, including substantiation of the continued affordability of the housing it has produced. . . A land use or zoning regulation enacted as legislation with general applicability to all developments is better protected from a legal attack under the taking clause of the state and federal constitutions than is a general statement as policy that can be applied on an *ad hoc* basis by local staff/counties." [*sic*]

"I end quoting the study here.



"Another study entitled "Inclusionary Zoning [sic] California: 30 Years of Innovation," done in 2003 by the California Coalition for Rural Housing and Non-Profit Housing Association of California found that many of the opposition to inclusionary zoning is unfounded:

Local officials cite a number of factors that complicate or undercut successful implementation of inclusionary programs. The principal obstacle is scarcity of land for development, noted by 59 percent of jurisdictions, followed by developer opposition, noted by 39 percent. Lack of funding and community opposition are obstacles in 31 percent and 19 percent of jurisdictions, respectively. Other respondents cite high land prices and inadequate public works infrastructure as challenges to the development of new affordable housing.

Developer opposition arises from the perspective that inclusion of affordable housing in market-rate developments is financially prohibitive and/or unfairly shifts costs to moderate- and above moderate-income families via higher sales prices and rents. Moreover, profit-motivated builders argue that they are unfairly forced to shoulder the financial onus for affordable housing provision that should rightly be borne by the public sector in partnership with below-market-rate developers in the business of developing and operating affordable housing.

In the face of enormous housing needs, expectations are shifting in the contemporary development scene. Accepting the task of building or supporting affordable housing will require for-profit developers to adapt. While it is not surprising that there is resistance, the market arguments that inclusionary policies will stifle construction or dramatically increase market-rate real estate prices have yet gone unproved. During the 1990s, construction rates and permit valuations remained steady or rose in inclusionary jurisdictions, as they did statewide. Anecdotal reports confirm that developers continue to build and that more newly constructed units are affordable as the result of local inclusionary programs.

"Inclusionary Zoning regulations can survive legal attack if they are specific and apply across-the-board. At the same time, the policy should afford the community the ability to provide exemptions for true hardship and alternative means of compliance, along with clear implementation procedures.

"To reach maximum effectiveness and meet the goal of inclusion, policies should require as many on site comparable affordable housing units as possible. This practice leads to sound planning by encouraging income-integrated communities and assisting in the prevention of unfounded stigma often attached to affordable housing.

"Inclusionary Zoning housing elements would include:

- The percentage of units that must be affordable in each income category.
- The duration of the affordability requirements.
- The alternatives to production of units (in lieu of fees, donation of land).
- The date by which the community will adopt an implementing ordinance.
- The intent and purpose of the ordinance.
- Finding demonstrating need for the ordinance.
- Definitions of key terms (income levels, affordability).
- Specific standards for determining compliance.
- Eligibility for exceptions or alternatives.
- Step by step procedures for applying its provisions.
- A system for enforcing and monitoring compliance.
- Specifying by income category the economic segments for who the units must be affordable.

"Thank you for your consideration of this important measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2242, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 651-08) recommending that H.B. No. 3100, 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. 3100, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED PENALTIES FOR INSURANCE VIOLATIONS COMMITTED AGAINST ELDERS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 652-08) recommending that H.B. No. 2435, HD 1, as amended in HD 2, 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. 2435, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EARLY CHILDHOOD EDUCATION," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 653-08) recommending that H.B. No. 2575, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2575, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Rhoads 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. 2575, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LANGUAGE ACCESS," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 654-08) recommending that H.B. No. 2579, 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. 2579, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CARE HOME REPAIR AND RENOVATION LOAN GUARANTEE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 655-08) recommending that H.B. No. 3130, 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. 3130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY CARE FOSTER FAMILY HOMES," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 656-08) recommending that H.B. No. 3251, 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. 3251, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"On Stand. Com. Report 656-08, Relating to Taxation. I would like a no vote please with a brief comment. Mr. Speaker, the component of this bill which attempts to build multi-family housing along a fixed guideway is well taken. Except it goes beyond, in my belief at least, it is premature in that it exempts the operator of a fixed guideway system from the GET tax.

"Number one, we are not having a fixed guideway system yet, even though it looks like it's coming. Number two, we don't have an operator. So why are we passing a bill that exempts the operator of a fixed guideway system when we have neither. I'm not sure if there's a subterranean meeting which I've missed, or if there's something that we want really the other one and we put this one. But why this one is in, it gives too much creditability to what otherwise is a very controversial issue with the GET associated to it. So to give an exemption now seems to be a bit premature to say the least. Thank you, Mr. Speaker."

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

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

Representative Finnegan rose and asked that the Clerk record an aye vote with reservations for her, 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 Committees was adopted and H.B. No. 3251, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representative Ward voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 657-08) recommending that H.B. No. 2581, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2581, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE FACILITIES," passed Second Reading and was referred to the Committee on Transportation with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Shimabukuro and Sonson, for the Committee on Human Services & Housing and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 658-08) recommending that H.B. No. 2765, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2765, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 659-08) recommending that H.B. No. 2186, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2186, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 660-08) recommending that H.B. No. 2256, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2256, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On 660-08, this is the insurance bill. Please ask the Clerk to cast a no vote for me. I believe this will hurt consumers that are carrying health insurance."

Representative Finnegan 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 a no vote 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."

Representative Meyer 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. 2256, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was referred to the Committee on Finance with Representatives McKelvey and Thielen voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 661-08) recommending that H.B. No. 2766, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2766, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRONIC MONITORING," was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 662-08) recommending that H.B. No. 3178, 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. 3178, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PENALTIES FOR VIOLATIONS ON PUBLIC LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 663-08) recommending that H.B. No. 3174, 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. 3174, entitled: "A BILL FOR AN ACT RELATING TO FEDERAL FISHERIES REGULATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 664-08) recommending that H.B. No. 3260, 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. 3260, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 665-08) recommending that H.B. No. 3429, 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. 3429, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 666-08) recommending that H.B. No. 3126, 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. 3126, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 667-08) recommending that H.B. No. 2807, 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. 2807, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to offer some comments with reservations as to 667-08. Mr. Speaker, this bill, Relating to Land Use, has as its subject matter, important ag lands. And I think what we saw in the past few weeks was a number of bills that looked at identifying important ag lands. I think that this bill does reflect some very thoughtful writing and crafting of this law, but I am concerned because it might be reworking the compromise that was decided by this legislative body in 2005.

"I'd also like to point out that one of the provisions in House Draft 1 of HB 2807 states and allows that 'in lieu of satisfying a State or county affordable housing assessment in the urban district, a project land owner subject to subsection (b) may fulfill the assessment by providing affordable housing in the rural district.'

"Language like this concerns me because it seems to me that we would want to have affordable housing in the urban area when we talk about mixed use development. We want to see a range of housing in the urban core. And so that kind of language concerns me, and as this moves forward, I hope we look at this more carefully. Thank you."

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

"Thank you, Mr. Speaker. I have the same strong reservation for Stand. Com. Report 667-08 and 666-08. It appears to me that we keep making efforts to reclassify important ag lands in the name of building affordable homes. But I believe that until we develop stipulations on who are eligible for affordable homes and set requirements and penalties as well for the resale of affordable homes for profit or for speculative buying, we will never be able to produce enough land or enough affordable housing.

"I think we need to look at what we are doing with affordable housing because we are just inviting more trouble as we go along. More affordable housing, more people to Hawaii, and we can't produce more lands for them. Thank you."

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

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

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

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

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

"Mr. Speaker, I am in support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2807, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 668-08) recommending that H.B. No. 2357, 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. 2357, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative Belatti 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 with reservations, stating:

"Thank you, Mr. Speaker. I have the same strong reservation for Stand. Com. Report 667-08 and 666-08."

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

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

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

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

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

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

"Mr. Speaker, I am in support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading and was referred to the Committee on Finance with Representative Berg voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

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. 669-08) recommending that H.B. No. 3181, 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. 3181, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I would like a no vote on 669-08, H.B. 3181, HD 1, that deals with safe harbors. I don't support safe harbors."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 3181, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENDANGERED SPECIES," passed Second Reading and was referred to the Committee on Finance with Representative Thielen voting no, and with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representatives Ito, Chang and Yamane, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Higher Education and the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 670-08)

recommending that H.B. No. 2429, 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. 2429, 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 with reservations, stating:

"Mr. Speaker, on Stand. Com. Report 670, Relating to Recreation which will transfer Aloha Stadium to the University of Hawaii, I am speaking in favor with reservations. It looks like somebody has done a lot of work on this bill since it was first introduced and heard. It's not half as wild as it used to be, however I still have reservations. So I will be voting yes, but with reservations. Thank you."

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

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

Representative Chang's written remarks are as follows:

"Mr. Speaker, I am rising in support of HB 2429, HD1. This past successful football season brought the spotlight not only on our outstanding team, but also on the deplorable conditions of our athletic facilities.

"The question in the public's mind is, 'Who is responsible?' The UH Administration? The Board of Regents? The Legislature? The Governor? Why was this not brought to their attention earlier instead of waiting until Colt Brennan complained of the lack of soap in the shower room?"

"Unfortunately the answer may be all of the above. Do we fault the Board of Regents or UH Administration for earmarking and giving a higher priority for funding much needed repair and maintenance to the upper campus? Education of our students is of course our highest priority. With limited funds to maintain the States highest educational institution, it is no wonder that attention to athletic facilities may have fallen by the way side for so many years.

"This bill is just the start, and as written may not be the answer to funding our athletic departments throughout the University of Hawaii System. But we need to think outside of the box, be innovative and harvest ideas from the private business sector, who will not be handcuffed by government bureaucracy.

"Can this new stadium corporation do a better job of operating, maintaining, managing and generating more income than the present Aloha Stadium Authority? Can this new corporation generate enough net income to transfer to the intercollegiate athletics program of the University? This bill specifies that the Legislature shall use its discretion to determine whether the debt service on the General Obligation Bonds would be reimbursed by the newly created Aloha Stadium Special Fund or paid only with general funds.

"I ask members to give this bill a chance as it moves to the Finance Committee where it will be scrutinized by both the UH System Administration and the Committee. This is another funding source for the University of Hawaii to help level the playing field with other intercollegiate athletic competitors. This bill will also help the core academic mission of the University by making available more funds for the upper campus."

Representative Finnegan 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. I'd like to register strong reservations on Stand. Com. No. 670."

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

"Mr. Speaker, I am in support."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2429, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECREATION," passed Second Reading and was referred to the Committee on Finance with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 671-08) recommending that H.B. No. 647, HD 1, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 647, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Herkes, Nakasone, M. Oshiro, Pine and Takumi being excused.

#### **INTRODUCTION OF RESOLUTIONS**

By unanimous consent, the following resolution (H.R. No. 66) and concurrent resolution (H.C.R. No. 82) were referred to Printing and further action was deferred:

H.R. No. 66, entitled: "HOUSE RESOLUTION ENCOURAGING THE HAWAII TOURISM AUTHORITY AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEDICATE FUNDS TO KEEP HAWAII'S BEACHES CLEAN AND SUSTAINABLE," was offered by Representative Morita, by request.

H.C.R. No. 82, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE HAWAII TOURISM AUTHORITY AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO DEDICATE FUNDS TO KEEP HAWAII'S BEACHES CLEAN AND SUSTAINABLE," was offered by Representative Morita, by request.

At 1:33 o'clock p.m., Representative Caldwell requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:33 o'clock p.m.

#### **ADJOURNMENT**

At 1:34 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, Wednesday, February 20, 2008. (Representatives Herkes, Nakasone, M. Oshiro, Pine, Saiki and Takumi were excused.)