

## FORTY-SECOND DAY

Tuesday, April 1, 2008

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:08 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative Tom Brower, after which the Roll was called showing all members present with the exception of Representatives Nakasone, M. Oshiro and Takai, who were excused.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 285 and 286) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 285, dated March 31, 2008, transmitting the Department of Human Services' Report as required by H.C.R. 344/H.R. 276, H.D. 1, adopted by the 2007 Hawaii State Legislature.

Gov. Msg. No. 286, informing the House that on March 31, 2008, the following bill was signed into law:

S.B. No. 2292, entitled: "A BILL FOR AN ACT RELATING TO AUTOMATED TELLER MACHINES." (ACT 004)

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 412 through 420) were received and announced by the Clerk:

Sen. Com. No. 412, transmitting S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING TUBERCULOSIS SCREENING AND TREATMENT FOR RESIDENTS OF PUBLIC HOUSING AND EMERGENCY TRANSITIONAL SHELTER HOUSING," which was adopted by the Senate on March 31, 2008.

Sen. Com. No. 413, transmitting S.C.R. No. 114, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING AN ADVISORY GROUP TO RE-ENGINEER THE DEPARTMENT OF EDUCATION'S OFFICE OF HUMAN RESOURCES," which was adopted by the Senate on March 31, 2008.

Sen. Com. No. 414, transmitting S.C.R. No. 115, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A PILOT PROJECT TO ALLOW A SCHOOL COMPLEX TO IDENTIFY CRITICAL DEPARTMENT RULES AND POLICIES THAT IMPEDE EFFECTIVE DECISION-MAKING, ADMINISTERING, AND TEACHING AND TO OPERATE FREE OF THOSE RULES AND POLICIES," which was adopted by the Senate on March 31, 2008.

Sen. Com. No. 415, transmitting S.C.R. No. 192, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING KAUAI COMMUNITY COLLEGE TO WORK WITH THE KAUAI POLICE DEPARTMENT TO EXPLORE THE DEVELOPMENT OF AN ASSOCIATE OF SCIENCE DEGREE PROGRAM IN CRIMINAL JUSTICE," which was adopted by the Senate on March 31, 2008.

Sen. Com. No. 416, transmitting S.C.R. No. 231, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO

DEVELOP AND IMPLEMENT A COMPREHENSIVE PLAN TO ASSIST THE BUREAU OF CONVEYANCES IN BECOMING A MORE EFFICIENT, EFFECTIVE, AND ACCOUNTABLE OPERATION, AND DEVELOP STRATEGIC INITIATIVES FOR THE BUREAU," which was adopted by the Senate on March 31, 2008.

Sen. Com. No. 417, transmitting H.B. No. 2524, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," which passed Third Reading in the Senate on March 31, 2008.

Sen. Com. No. 418, transmitting H.B. No. 2662, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," which passed Third Reading in the Senate on March 31, 2008.

Sen. Com. No. 419, transmitting H.B. No. 2847, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL LICENSE PERMITS," which passed Third Reading in the Senate on March 31, 2008.

Sen. Com. No. 420, transmitting H.B. No. 2860, H.D. 2, S.D. 3, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," which passed Third Reading in the Senate on March 31, 2008.

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

H.B. No. 2524, SD 1                      H.B. No. 2847, SD 1  
H.B. No. 2662, HD 2, SD 2          H.B. No. 2860, HD 2, SD 3

## INTRODUCTIONS

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

Representative Chang introduced the Cal State Fullerton Titans Women's Volleyball Team:

Ms. Cari Bailey of Rancho Cucamonga, California;  
Ms. Brittany Moore of Orange, California;  
Ms. Cami Croteaut of Orange, California;  
Ms. Genie Francisco of Long Beach, California;  
Ms. Alex Wolnisty of Riverside, California; and  
Ms. Deven Bukoski of Kula, Maui.

Representative Chang also introduced former Representative Kika Bukoski who was accompanying his daughter Deven, and the Cal State Fullerton team.

Representative Green introduced participants with Lupus Hawaii's Lupus Alert Day at the Capitol:

Cheryl Ann Jong, President;  
Chris Inoue, Director of Operations;  
Jeff Sakai, Board of Directors Chair;  
Ann Kwock, Board Vice Chair;  
Tracy Nakashima, Board Treasurer;  
Board Members – Elizabeth Ajifu and Sandy Niebling;  
Patient and Volunteers – Kevin Jong, Stephanie Schoenig, Amos Burnett, Lisa-Ann Burnett, Jasmine Quibilan, and Kimm Hirahara;  
Dannetter Wong-Tomiyasu, Department of Health Chronic Disease Branch Chief;  
Jill Tamashiro, National Kidney Foundation; and  
Duianne Ward, Arthritis Foundation Executive Director.

Representative Lee introduced the 3rd grade students of Mililani Ike Elementary School. They were accompanied by teachers, Mrs. Celeste Inake, Mrs. Randi Shibuya and Mrs. Mary Jane Tuvera; and chaperones, Mrs. Moore, Mrs. Tanaka, Mrs. White, Mrs. Dumlao, Mr. Voss, Ms. Debbie Hipolito, Ms. Terri Hironaka, Ms. Tracy Fogle, Ms. Joanne Vallestros, Ms. Rhoda Cruz, Mrs. Robin Boney, Mrs. Abramo, Mr. Colte, Mrs. Ho, and Mrs. Keliinoi.

Representative Mizuno introduced the students of Halau Lokahi Charter School and their teachers: Kumu Deena Betonio, Kumu Adeline Keama, Kumu Marge Hayes, and Kumu Tiane McNeil. They were accompanied by Halau director, Ms. Laara Albrett, and Representative's legislative staff, Josephine Besario and Dr. Leolani Oyama.

### ORDER OF THE DAY

#### COMMITTEE ASSIGNMENTS

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

#### S.C.R.

##### Nos.

##### Referred to:

5, SD1	Committee on Tourism & Culture
33, SD1	Jointly to the Committee on Human Services & Housing and the Committee on Health, then to the Committee on Finance
51, SD1	Committee on International Affairs, then to the Committee on Economic Development & Business Concerns
83, SD1	Committee on Education, then to the Committee on Finance
94	Committee on Higher Education, then to the Committee on Finance
106, SD1	Committee on Human Services & Housing, then to the Committee on Judiciary
108	Committee on Transportation, then to the Committee on Finance
109	Committee on International Affairs, then to the Committee on Public Safety & Military Affairs
110, SD1	Jointly to the Committee on Education and the Committee on Human Services & Housing
111	Committee on Education, then to the Committee on Finance
120	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
121, SD1	Jointly to the Committee on Higher Education and the Committee on Education, then to the Committee on Finance
158, SD1	Committee on Education, then to the Committee on Finance
180	Committee on Higher Education, then to the Committee on Finance

184	Committee on Higher Education, then to the Committee on Finance
220	Committee on Education, then to the Committee on Finance

#### COMMITTEE REASSIGNMENTS

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

#### H.R.

##### Nos.

##### Re-referred to:

106	Committee on Labor & Public Employment
161	Committee on Economic Development & Business Concerns
162	Committee on Economic Development & Business Concerns

#### H.C.R.

##### Nos.

##### Re-referred to:

124	Committee on Labor & Public Employment
192	Committee on Economic Development & Business Concerns
193	Committee on Economic Development & Business Concerns

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

#### S.B.

##### Nos.

##### Re-referred to:

2141, HD1	Committee on Human Services & Housing
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#### INTRODUCTION OF RESOLUTIONS (FLOOR PRESENTATIONS)

The following resolution (H.R. No. 328) was announced by the Clerk and the following action taken:

H.R. No. 328, entitled: "HOUSE RESOLUTION CONGRATULATING KUALOA-HE'EIA ECUMENICAL YOUTH (KEY) PROJECT ON IT'S 40TH ANNIVERSARY," was offered by Representative Meyer.

Representative Meyer moved that H.R. No. 328 be adopted, seconded by Representative Thielen.

Representative Meyer congratulated the Kualoa-He'eia Ecumenical Youth Project on its 40th anniversary, and introduced the honorees seated on the floor of the House:

Mr. Charles Toguchi, KEY Project Board President;  
Ms. Jacqueline 'Stookie' Mellow, Board Member;  
Mr. Eldean Kukahiko, Pastor of Hope Chapel, Kahaalu; and  
Mrs. Ann Kalahiki representing her husband, Mr. Randy Kalahiki, one of the founders of KEY Project.

Representative Thielen then introduced Mr. John Reppun, Executive Director of the KEY Project who was seated on the floor of the House.

Representative Meyer then introduced some of the Board Members and staff of the KEY Project who were seated in the gallery:

Ms. Emma Frias, Ms. Vicky Phillips, Ms. Leiana Manutai, Ms. Trixy Gasper, Ms. Michelle Heaviside, Ms. Lanette Mahelona, Ms. Darling Kukahiko, Mr. Kamuela Kalai, Ms. Velma Wong, Mr. David Knox, Mr. Elwin Spray, Mr. Richard Vermeesch, and Mr. Kevin Chang.

The motion was put to vote by the Chair and carried, and H.R. No. 328 was adopted with Representatives Caldwell, Nakasone, M. Oshiro, Saiki and Takai being excused.

The following resolution (H.R. No. 329) was announced by the Clerk and the following action taken:

H.R. No. 329, entitled: "HOUSE RESOLUTION RECOGNIZING AND HONORING THE SISTERS OF SAINT FRANCIS FOR THEIR NUMEROUS AND OUTSTANDING ACHIEVEMENTS AND THE TREMENDOUS ALOHA AND CARE THEY HAVE SHOWN TO THE PEOPLE OF HAWAII OVER THE PAST 125 YEARS," was jointly offered by Representatives Magaoay, Carroll, Ito, Karamatsu, McKelvey, Mizuno and Tsuji.

Representative Magaoay moved that H.R. No. 329 be adopted, seconded by Representative Ito.

Representative Magaoay commended and thanked the Sisters of St. Francis for their service to the people of Hawaii over the past 125 years, and introduced the honorees seated on the floor of the House:

Sister Agnelle Ching, Chief Executive Officer;  
Sister William Marie Eleniki;  
Sister Alicia Damien Lau;  
Sister Joan of Arc Souza; and  
Sister Ancilla Yim.

Representative Magaoay also introduced Sisters of St. Francis who were seated in the gallery:

Sister Francis Regis Hadano;  
Sister Norise Kaiser;  
Sister Agatha Perreira;  
Sister Marie Jose Romano;  
Sister Rose Annette Ahuna;  
Sister Rose Fatima Leite;  
Sister Miriam Dionise Cabacungan; and  
Sister Jovita Agustin.

Representative Magaoay then introduced other members of the St. Francis family: Cheryl Tamura, Pam Witty-Oakland, and Jerry Correa. They were accompanied by his legislative staff, Judy Fomin.

Representative Ching also thanked and commended the Sisters of St. Francis for their work and service to the people of Hawaii.

The motion was put to vote by the Chair and carried, and H.R. No. 329 was adopted with Representatives Nakasone, M. Oshiro and Takai being excused.

At 12:39 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:47 o'clock p.m.

#### STANDING COMMITTEE REPORTS

Representative Cabanilla, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1528-08), recommending that H.C.R. No. 90, be referred to the Committee on Economic Development & Business Concerns.

Representative Caldwell moved that the report of the Committee be adopted, and that H.C.R. No. 90, be referred to the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

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

"Thank you very much, Mr. Speaker. I am in opposition to Stand. Com. Rep. No. 1528-08, HCR 98. I have talked during the past few years on international trade agreements and I do believe that trade agreements are a good thing if it's based on fair trade. This is an example of quite the opposite. And I hate to take time on Second Reading. I know it goes to another Committee, but I just flag it out to the next Committee.

"I guess I could talk about how this particular trade agreement is based upon the model that CAFTA/NAFTA was drafted upon which has left 3 million manufacturing jobs out of the United States, affected trade deficits and caused a downturn in wages and working conditions for both workers in the United States and the affected countries.

"I guess I could also talk about how this particular trade agreement will impact Korean consumers. If you read carefully, the section on the pharmaceuticals and the medical devices chapter allows big drug companies in the United States to basically enter the Korean market and push brand-name drugs over generics.

"I guess I could also talk about why this is modeled after the U.S. Peru Trade Agreement which our two Congressional Representatives have voted no on, and why this particular Trade Agreement was passed on the last day and fast tracked on June 30, 2007. It still has to be submitted to the Congress, in which time they have 90 days to vote up or down.

"But what's most troubling about the U.S.-Korea Free Trade Agreement Mr. Speaker, is the lack of democracy for free speech that has accompanied this Agreement. Not so much in the United States because most Americans have never heard about the U.S.-Korea Free Trade Agreement, but in Korea itself. I think all of us know the demonstrations the rice farmers have had in '06 and '07 over this, and how car manufacturers are also concerned. But more importantly the steps that the Korean government has taken. I think we all know the state-run media has banned advertisements on Korean television that oppose the Trade Agreement. The current Administration has declared that they would cut off any government subsidies for organizations that oppose the Trade Agreement. And in fact, they have outlawed public demonstrations for anyone that opposes the agreement.

"I think all of us should be concerned when you cannot have a free and democratic dialogue on whether or not a trade agreement is good for your country. We should oppose that, not just on the basis of workers' rights, but also on the basis of democracy. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Mr. Speaker I rise in support of the Resolution with a few comments, and a request to insert comments in the Journal. First of all free trade actually promotes freedom and if you look at the trail of democracies, we have increased our number of democracies over the last 30 years by 50 percent. Free trade in that same period has increased all over the globe. So the disadvantages of free trade that the previous speaker spoke of I think are a bit disproportionately overly stressed.

"Secondly, free trade is really what ... How can I put it best? It is what much of the United States is trying to do with many places in the world to combat what the free block of traders in the Eastern European block have made. We have been able to do free trade as a way of exporting a group of countries with the United States to make it more possible if you will, to go against the \$250 million that the European Union has done. In terms of promoting democracy, free trade has actually opened up countries. It's made it easier to speak of global peace.

"And the bottom line Mr. Speaker and my last point is that globalization is reality. Trade barriers and protectionism are what led to wars. It started wars. It's kept people warring with one another. And the mindset of isolationism on the economic front is something that we have to avoid. Hawaii is in the global economy.

"The United States is in the global economy. The more relationships we have with people, with free and open trade, not protectionism and not all of these things that you've got to go on are similar of full standards. Of course we want to have labor protections; we want to have environmental protections. But we don't want to go back to our isolationism that led to so many of the conflicts in the past. And history is very clear on that. The rest of my remarks Mr. Speaker, will be inserted in the Journal. Thank you."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I rise in support of HCR 90, supporting the Free Trade Agreement with Korea (KORUS FTA). The KORUS FTA will be the most significant FTA in 15 years for the US, and will enhance trade, promote economic growth, and eliminate tariffs and non-tariff barriers to trade in goods and services.

"Mr. Speaker, Korea is the United States' 7th largest trading partner, importing 17% of Korea's exports. Between 2005 and 2006 there was an increase of 16.9% of exports from the United States to Korea. Within 3 years of entry into the agreement, 95% of the consumer and industrial products will become duty free. Products include industrial and consumer electronic machinery and parts, auto parts, power generation equipment, the majority of chemicals, medical and scientific equipment, motorcycles, and certain wood products. Korea will also allow remanufactured goods that will include medical equipment, machinery and auto parts.

"In addition, Mr. Speaker, \$1.6 million of US exports to Korea will become duty-free immediately. This list includes wheat, corn or feed, soybeans for crushing, hides and skins, and cotton, along with a range of high value agricultural products that include almonds, pistachios, bourbon whiskey, wine, raisins, grape juice, orange juice, fresh cherries, frozen french fries, frozen orange juice concentrate, and pet food.

"This expanded market benefits US farm products with two-year phase-out tariffs on avocados, lemons, dried prunes, and sunflower seeds. Those with five-year tariffs are chocolate and chocolate confectionary, sweet corn, sauces and preparations, other fodder and forage, breads and pastry, grapefruit, and dried mushrooms.

"Farm products that will benefit through tariff rate quotas include skim and whole milk powder, whey for food use, cheese, dextrin and modified starches, barley, popcorn, and soybeans for food use. Market access was also expanded for beef and pork products, pears, apples, grapes and oranges.

"The agreement also ensures that US automobiles can compete in Korea on a level playing field with the immediate elimination of Korean tariffs on most US priority passenger vehicles and trucks. There will also be an overhaul on the Korean system for taxing cars based on "engine displacement", including the Special Consumption Tax, the Annual Vehicle Tax, and the Subway/regional Development Bond. Korea has also agreed to address specific auto non-tariff barriers, including current standards, to ensure they do not impede the market access of US autos. An Auto Working Group is to be

created to serve as an early warning system to address regulatory issues that may develop. The agreement has an innovative expedited dispute settlement process for auto-related measures that violate the FTA, with a full snapback of MFN car tariffs in the case of a violation.

"Under this agreement, apparel products made in South Korea will qualify for preferential treatment if they use US or Korean fabric and yarn, which would support US fabric and yarn exports and jobs. Customs cooperation will allow for verification of claims of origin. A special textile tax safeguard will provide temporary tariff relief.

"Korea will take measures to ensure that anticompetitive practices by private parties and by government established monopolies do not undermine the benefits of the FTA, while ensuring due process protections. There will be stable legal framework for US investors operating in Korea. Investors will have the right to establish, acquire, and operate investments on an equal footing with local investors. They will be backed by a transparent, binding international arbitration mechanism.

"Korea will also provide market access commitments across all major service sectors, with significant progress in express delivery services, creating greater and more secure access to international delivery. Foreign legal services will be opened up for the first time. Research and development, legal, accounting, maintenance and repair of equipment, education, health, environmental, telecommunications, audio-visual, and services incidental to mining.

"Korea will make significant improvements in broadcasting and audiovisual services, including allowing within 3 years 100% foreign ownership of program providers by US firms, reducing quotas on animation and film, and increasing allowable content from a single country.

"Korea has committed to permit the US controlled companies to own 100% of Korean phone companies. Dominate phone companies provide cost-based interconnection and access to essential facilities, including submarine cable landing stations.

"Korea and the US agreed to non-discriminatory and duty-free treatment of all digital products, whether imported in physical form or over the internet.

"The agreement also ensures transparent, predictable, and non-discriminatory pricing and reimbursement of innovative and generic pharmaceutical products and medical devices. It would also enhance ethical business practices; improve predictability and transparency of the pricing and reimbursement system, and establish a Medicines and Medical Devices Committee. The agreement requires Korea to create an independent mechanism to review pricing and reimbursement decisions.

"The agreement between the US and Korea calls for protection and enforcement of a broad range of intellectual property rights, including trademarks, copyrights and patents consistent with US standards and will provide protection for emerging technologies. These standards include protections for product such as US software, music, text, and videos; and a more comprehensive protection for patents, trademarks and test data. A commitment to a patent linkage system to ensure adequate enforcement of pharmaceutical patent rights will be established.

"The FTA commits each country to enforce their own domestic environmental laws and adopt, maintain, and implement laws, regulations, and all other measures to fulfill obligations under the seven covered multilateral environment agreements (MEAs).

"On the issue of labor rights, the FTA creates an enforceable reciprocal obligation to adopt and maintain fundamental labor rights as stated in the 1998 International Labor Organization Declaration on Fundamental Principles and Rights at Work, including prohibition on the worst forms of child labor, which neither party may waive. A

cooperative mechanism for the governments to develop cooperative activities aimed at promoting and advancing fundamental labor rights also shall be established. Korea will provide US firms with non-discriminatory access to nine Korean central government entities that are not covered under the Agreement on Government Procurement (GPA).

"Strong transparency obligations including proposed regulations by the respective governments in advance, allow opportunity to comment on the proposed regulations, address significant substantive comments received, and publish regulations in an official journal of national circulation. Dispute settlement mechanisms provide for open public hearings, public access to documents, and the opportunity for third parties to submit views.

"The FTA's Technical Barriers to Trade build upon and reinforce Korea's commitments in the WTO Agreement on Technical Barriers to Trade. It promotes transparency in the way governments develop and apply technical regulations and related conformity assessment procedures. It also addresses concerns relating to specific emissions and safety issues.

"It also includes commitments on customs administration, rules of origin, and origin procedures that will ensure that the US and Korean private sector stakeholders lock-in and maximize the benefits of the FTA, including provisions on transparency and publication, efficient release of goods, automation, express shipments, advance rulings, importer focused origin procedures, and comprehensive product-specific rules of origin.

"Mr. Speaker, for all the reasons stated, I stand in support of this measure."

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

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

"In support Mr. Speaker, and just a short comment. Korea has been a very important ally to the United States. As a member of the Armed Forces, I have seen what they've done for this country. They have fought for us since World War II.

"And as far as trade agreements go, they're the sixth largest economy in the world now. They have moved on and actually, they do billions of dollars worth of trade with the United States currently. Putting this into statute, if you just legitimize what we currently have with them. We now do trade agreements with Korea and whether we like it or not, they are here to stay and have contributed to our economy. And so I stand in support, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in opposition and want to register a no vote. I ask that the words of the Representative from Pearl City be entered as my own. What I've been learning over the last few years here is the adverse impact of trade agreements on Hawaii. We've already had our honey bees compromised, and evidently according to the recent statement by the Department of Agriculture Director, the Department of Agriculture apparently feels hamstrung by the existing trade agreements to put measures in place that would protect our taro.

"So I think we need to be very deliberate about Hawaii's role and protecting especially Hawaii's trade, and I rise in opposition. Thank you."

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

"Thank you, Mr. Speaker. I also rise in opposition. And I guess the real operative word here is we want 'fair trade', not 'free trade'. We want fair trade that addresses social justice, labor and environmental issues. Thank you."

Representative Belatti 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.C.R. No. 90, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE KOREA-UNITED STATES FREE TRADE AGREEMENT," was referred to the Committee on Economic Development & Business Concerns with Representatives Belatti, Berg, Morita, Takamine and Takumi voting no, and with Representatives Nakasone, Sonson and Takai 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. 1529-08), recommending that H.R. No. 157, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 157, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO STUDY THE FEASIBILITY OF IMPLEMENTING A SMOKING CESSATION BENEFIT TO HAWAII QUEST BENEFICIARIES," was referred to the Committee on Finance with Representatives Nakasone, Sonson and Takai 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. 1530-08), recommending that H.C.R. No. 187, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 187, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HUMAN SERVICES TO STUDY THE FEASIBILITY OF IMPLEMENTING A SMOKING CESSATION BENEFIT TO HAWAII QUEST BENEFICIARIES," was referred to the Committee on Finance with Representatives Nakasone, Sonson and Takai being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1531-08), recommending that H.C.R. No. 358, 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.C.R. No. 358, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO ESTABLISH A TASK FORCE TO SOLICIT PUBLIC INPUT AND EXAMINE METHODS OTHER THAN THE PUBLIC PROCUREMENT CODE PROCESS TO OVERSEE PUBLIC, EDUCATION, AND GOVERNMENT ACCESS ORGANIZATIONS' EXPENDITURES AND ENSURE PROPER CHECKS AND BALANCES," was referred to the Committee on Finance with Representatives Nakasone, Sonson and Takai being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1532-08), recommending that H.C.R. No. 214, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee

was adopted and H.C.R. No. 214, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, MAINLAND AND FDC BRANCH, ON CONTRACT COMPLIANCE OF PRIVATE PRISONS THAT HOUSE HAWAII INMATES," was referred to the Committee on Legislative Management with Representatives Nakasone, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1533-08), recommending that H.R. No. 11, as amended in HD 1, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 11, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AN ELECTROCARDIOGRAM WIRELESS TRANSMISSION PROJECT TASK FORCE," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1534-08), recommending that H.C.R. No. 10, as amended in HD 1, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 10, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO ESTABLISH AN ELECTROCARDIOGRAM WIRELESS TRANSMISSION PROJECT TASK FORCE," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1535-08), recommending that H.R. No. 270, as amended in HD 1, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 270, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DEPARTMENT OF AGRICULTURE CONVENE A TASK FORCE TO DEVISE A PLAN WITHIN ONE YEAR TO TIMELY EXPEDITE THE INTRODUCTION AND DELIVERY OF HAWAIIAN CACAO TO THE MARKETPLACE," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 1536-08), recommending that H.C.R. No. 326, as amended in HD 1, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 326, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF AGRICULTURE CONVENE A TASK FORCE TO DEVISE A PLAN WITHIN ONE YEAR TO TIMELY EXPEDITE THE INTRODUCTION AND DELIVERY OF HAWAIIAN CACAO TO THE MARKETPLACE," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No.

1537-08), recommending that H.R. No. 160, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 160, entitled: "HOUSE RESOLUTION REQUESTING COUNTIES TO DEVELOP AND IMPLEMENT PROGRAMS TO ENCOURAGE RETAILERS TO INCREASE THE USE OF ENVIRONMENTALLY PREFERABLE ALTERNATIVES TO NON-BIODEGRADABLE PLASTIC BAGS," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1538-08), recommending that H.C.R. No. 191, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 191, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING COUNTIES TO DEVELOP AND IMPLEMENT PROGRAMS TO ENCOURAGE RETAILERS TO INCREASE THE USE OF ENVIRONMENTALLY PREFERABLE ALTERNATIVES TO NON-BIODEGRADABLE PLASTIC BAGS," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1539-08), recommending that H.R. No. 290, as amended in HD 1, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 290, HD 1, entitled: "HOUSE RESOLUTION URGING THE COUNTIES TO ADOPT AND IMPLEMENT GRAY WATER RECYCLING PROGRAMS FOR RESIDENTIAL IRRIGATION PURPOSES AS PROVIDED UNDER THE UNIFORM PLUMBING CODE STANDARDS," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1540-08), recommending that H.C.R. No. 353, as amended in HD 1, be referred to the Committee on Economic Development & Business Concerns.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 353, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE COUNTIES TO ADOPT AND IMPLEMENT GRAY WATER RECYCLING PROGRAMS FOR RESIDENTIAL IRRIGATION PURPOSES AS PROVIDED UNDER THE UNIFORM PLUMBING CODE STANDARDS," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1541-08), recommending that H.R. No. 223, as amended in HD 1, be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 223, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE RESEARCH CORPORATION

OF THE UNIVERSITY OF HAWAII AND THE INTERDISCIPLINARY TEAM REVIEWING CHAPTERS 341, 343, AND 344, HAWAII REVISED STATUTES, TO REVIEW THE FEASIBILITY AND IMPACT OF REQUIRING AN ENVIRONMENTAL IMPACT STATEMENT TO INCLUDE EFFECTS OF A PROPOSED ACTION AS A CONTRIBUTOR TO CLIMATE CHANGE," was referred to the Committee on Higher Education with Representatives Nakasone, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1542-08), recommending that H.C.R. No. 263, as amended in HD 1, be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 263, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII AND THE INTERDISCIPLINARY TEAM REVIEWING CHAPTERS 341, 343, AND 344, HAWAII REVISED STATUTES, TO REVIEW THE FEASIBILITY AND IMPACT OF REQUIRING AN ENVIRONMENTAL IMPACT STATEMENT TO INCLUDE EFFECTS OF A PROPOSED ACTION AS A CONTRIBUTOR TO CLIMATE CHANGE," was referred to the Committee on Higher Education with Representatives Nakasone, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1543-08), recommending that H.R. No. 238, as amended in HD 1, 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.R. No. 238, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO REPORT ON THEIR WORK TO ENSURE PROTECTION FOR NEWBORNS SUBSEQUENT TO THE PASSAGE OF ACT 7 OF THE 2007 SPECIAL SESSION AND TO CONDUCT A FEASIBILITY STUDY ON IMPROVING HAWAII'S BABY SAFE HAVEN LAW TO DETERMINE BEST PRACTICES FOR A SAFE SURRENDER BY REVIEWING BABY SAFE HAVEN LAWS IN OTHER STATES," was referred to the Committee on Judiciary with Representatives Nakasone, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1544-08), recommending that H.C.R. No. 284, as amended in HD 1, 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.C.R. No. 284, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO REPORT ON THEIR WORK TO ENSURE PROTECTION FOR NEWBORNS SUBSEQUENT TO THE PASSAGE OF ACT 7 OF THE 2007 SPECIAL SESSION AND TO CONDUCT A FEASIBILITY STUDY ON IMPROVING HAWAII'S BABY SAFE HAVEN LAW TO DETERMINE BEST PRACTICES FOR A SAFE SURRENDER BY REVIEWING BABY SAFE HAVEN LAWS IN OTHER STATES," was referred to the Committee on Judiciary with Representatives Nakasone, Sonson and Takai 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. 1545-08), recommending that H.C.R. No. 164, 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.C.R. No. 164, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE IMPACT OF ACT 226, SESSION LAWS OF HAWAII 2007, ON NURSE AIDES WHO ARE EMPLOYED IN STATE-CERTIFIED OR STATE-LICENSED HEALTH CARE SETTINGS TO PROVIDE A BASIS FOR THE LEGISLATURE TO DECIDE WHETHER TO AMEND ACT 226, SESSION LAWS OF HAWAII 2007," was referred to the Committee on Consumer Protection & Commerce with Representatives Nakasone, Sonson and Takai 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. 1546-08), recommending that H.C.R. No. 73, 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.C.R. No. 73, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO RECOMMEND TO THE FEDERAL GOVERNMENT FUNDING REFORMS FOR HAWAII'S MEDICAID AND QUEST PROGRAMS," was referred to the Committee on Finance with Representatives Nakasone, Sonson and Takai being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1547-08), recommending that H.C.R. No. 43, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.C.R. No. 43, 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. I stand in support of this Committee report, and HCR 43, HD 1. In 2007, our Heisman Trophy candidate and team leader Colt Brennan complained about the athletic department's failure to provide soap for its athletes. As we were to learn this was only the tip of the iceberg.

"Right after the 2008 Sugar Bowl game, head football coach June Jones announced that he was leaving for Southern Methodist University. Why did Coach Jones want to leave the University of Hawaii after leading the football team to their first undefeated regular season and first outright WAC title in school history?

"Mr. Speaker on March 27, 2008 before your Committee on Legislative Management, our new athletic director, Jim Donovan actually apologized to our Committee Members at that hearing. He had indicated that previous information provided to the Legislature in May of 2007 was not correct. In fact, Mr. Donovan went on to describe the information as, 'evasive and inaccurate financial information' which the athletic department provided the State lawmakers in May.

"I applaud our new athletic director for his candor. According to Donovan, the financial accumulated debt of the University of Hawaii athletic department over the past five years was approximately \$4.4 million, and not the \$2 million that Frazier and other administrators had indicated.

"For all of the foregoing reasons, I support the management financial audit of the UH Athletics Department, which will ultimately improve the Department's operations and benefit our new athletic director by identifying the Department's strengths and areas of

concerns and providing a starting point to manage on. 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.C.R. No. 43, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A MANAGEMENT AND FINANCIAL AUDIT OF THE UNIVERSITY OF HAWAII AT MANOA'S ATHLETIC DEPARTMENT," was referred to the Committee on Finance with Representatives Nakasone, Sonson and Takai being excused.

Representative Cabanilla, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1548-08), recommending that S.C.R. No. 52, as amended in HD 1, be referred to the Committee on Tourism & Culture.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 52, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM AND THE HAWAII TOURISM AUTHORITY TO IMPLEMENT PROGRAMS TO INCREASE VISITORS FROM TAIWAN, AND REQUESTING THE SECRETARY OF HOMELAND SECURITY TO EXPAND THE VISA WAIVER PROGRAM TO INCLUDE TAIWAN," was referred to the Committee on Tourism & Culture with Representatives Nakasone, Sonson and Takai being excused.

Representative Cabanilla, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1549-08), recommending that S.C.R. No. 53, SD 1, as amended in HD 1, be referred to the Committee on Economic Development & Business Concerns.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 53, SD 1, HD 1, be referred to the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. Rep. No. 1549, Requesting the President of the United States to Enter into a Free Trade Agreement with Taiwan, I'd like to request that my vote be recorded with reservations and if I could just make a couple comments too, please. Thank you.

"With regard to free trade agreements an argument was made earlier that free trade agreements actually spread democracy around the world. I think the jury is really still out on that. I think the freer the trade has gotten with the People's Republic of China, there's not any appreciable political change. It's still a totalitarian government. And in fact there's an academic argument these days that indicate that the free trade and the increased prosperity has resulted in, at least for some of the population in China as a result of trade with the United States, has resulted in the People's Party being able to hang on to power easily when they could without it.

"So I'm not sure that the argument that free trade promotes democracy actually holds up. Mahalo."

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

"Mr. Speaker I rise in support of the measure with just a couple of brief points about China. First of all I think we've learned from history, engagement is containment. As you engage people in trade, in diplomacy, in cultural exchanges, you tend to contain their more authoritarian or totalitarian tendencies and that's one of the ways that Glasnost and the whole movement of the Soviet Union to where it is today in which we are now in the process of doing with China.

"China of course is 5,000 years old. To move in 50 years, since Mao Tse-tung is probably a little bit more difficult to expect, but I think we should know and this body should know that mayoral races and below are all free and democratic.

"The peasants of China elect their own elected officials. If it goes to the mayor and above, it's all appointed. But it is evolving. Even Hong Kong, I think in 2019, is going to be able to elect its own Parliament and not have appointments from Beijing mixed with local elections that are right now in the Hong Kong populace.

"So it takes time to be democratic, it took us a long time before we kind of came out of the caves and became Jeffersonians and Hamiltonians and others. But I think the rest of the world as I said, statistically 50 percent in the number of countries that have been democratic in the last 30 years, is a definite march toward freedom, and free trade is one of the drivers of that. Thank you."

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

"Thank you, Mr. Speaker. In support. This Resolution merely asks the President, and I don't know if he's really going to listen to us, but this is not talking about a trade agreement that has been concluded. I will obviously wait until, if and when a trade agreement is concluded with Taiwan, to see whether or not it contains the kind of aspects of a trade agreement that we can all be proud.

"And one last point about Korea. The fact of the matter is trade has happened with Korea before, and it will happen after. Even if this trade agreement is passed, or not passed. We trade with Korea to the tune of \$74 billion a year; that's not going to change any time soon. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 53, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF THE UNITED STATES TO ENTER INTO A FREE TRADE AGREEMENT WITH TAIWAN," was referred to the Committee on Economic Development & Business Concerns with Representatives Nakasone, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1550-08), recommending that H.C.R. No. 349, be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 349, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE EFFECTS OF MEDICAL TORT REFORM ON ACCESS TO HEALTH CARE," was referred to the Committee on Legislative Management with Representatives Nakasone, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1551-08), recommending that H.C.R. No. 231, be referred to the Committee on Legislative Management.

Representative Caldwell moved that the report of the Committee be adopted, and that H.C.R. No. 231, be referred to the Committee on Legislative Management, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker I'm rising to cast a vote with serious reservations on HCR 231, which is requesting the Legislative Reference Bureau to study the cost of convening a



Constitutional Convention in 2010. I have serious reservations and Mr. Speaker I would like to just explain why.

"The Resolution is asking for what has been called the 'Cadillac of Constitutional Conventions'. I guess I should say the BMW or the Mercedes Benz, or the Jaguar of Constitutional Conventions. And by phrasing it that way, what it means is that the cost is going to come back to be significantly high. Instead, what the Resolution should do is to put together a group that could work out different ways of holding a Constitutional Convention where we could utilize existing government buildings, not have to pay lease rent for the period of time and also be able to utilize some of the existing staff.

"The difficulty I find with asking for a Jaguar or Mercedes Benz cost analysis is that there have been surveys that have been conducted that show that the higher the cost of a Con Con, the less likely the voters are to vote to hold a Con Con. So if you want to stop a Con Con from being held, you go and set up a system that's going to make the cost be very high. And I think that's a wrong way to do it.

"I think that people will really see through that, but why do that? Why have us pass a Resolution that's going to set up a high cost for holding the Con Con because then people will vote against it. Thank you."

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

"Thank you, Mr. Speaker. I also rise in support with reservations similar to the speaker before, and just ask to make a few comments. I support the intent of this Resolution which is to determine the cost of convening a Constitutional Convention. As this Resolution moves on to your Committee on Legislative Management, I hope we take this opportunity to craft an even better approach and process to consider a Resolution that draws on a broader group of government representatives and citizens to come up with a cost figure that is reliable, and draws on the best sources of information we have available. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, I guess I don't support this Resolution. The concerns I have are obviously, this is putting the cart before the horse. You might as well ask the Legislative Reference Bureau to figure out the cost of pork bellies in 2010, because the Legislature, if and when the citizens of the State vote to have a Constitutional Convention, then this body and the Legislature will determine the parameters, the conditions, the length, the number of delegates, where it's going to be held, the whole bit, probably in the '09 session. Until we know exactly what that is, it's very difficult, in my mind, to ask anyone to throw some tea leaves up in the air and decide it's going to come at this price or that price.

"Now frankly I think the reason for this is, if it comes on the high end and those who oppose a Con Con can point to it and say, 'Look, it's going to cost too much.' If it comes out on the low end, and those who support a Con Con can say, 'Look it's not going to cost all that much.' But in fact whatever number the LRB comes up with is going to be a squishy number, because it's going to be determinant upon us to decide how much this thing is going to cost, and the cost is going to be determined again, where it's held, how much people get paid, the number of delegates, where they're going to be housed, and the whole. So I just don't know what the whole point of this Resolution is. It's far too premature. Thank you, Mr. Speaker."

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

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

"Mr. Speaker, in support. I ask all the Members to read the Resolution. It's actually a well-written, well-documented Resolution. It lays a lot of Whereases in terms of the history of Con Cons, where they've been held in the past, what kind of cost, what kind of funding we've done. I don't know where they come up with this analogy of, I heard before a Cadillac, now it's a BMW or a Mercedes, Jaguar. I haven't driven any of those cars, so I don't understand the analogy here.

"But Mr. Speaker, what we are talking about here is telling the people of our State before they vote, what they're voting for in terms of cost. And that's I think a fair and reasonable thing that we can ask all of us to support. To ask someone to take a leap of faith and say, 'I support a Con Con' without knowing some basic costs is unreasonable, and I think is something that we should do to inform the public.

"We've done it before. LRB is the logical one to do it. They've worked on previous Con Cons, they have the institutional knowledge and history. And to think that somehow we're going to put together a citizens' taskforce that's going to meet, convene and come up with solid recommendations by September of this year is dreaming. We've got a resource. We work with them all the time. They're solid. They can put together this report, and it's not going to cost any money. Thank you very much, Mr. Speaker. I urge all Members support it."

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

"Mr. Speaker, I rise in opposition. Mr. Speaker, any of us who have been in sales and marketing know that if you ask the price, it means you can't afford it. And what we're doing here is putting out the price as a Trojan Horse to make sure it looks like it can't be afforded, because already the surveys have correlated that the more the cost, the less likely to have a Con Con.

"For thirty years we have not had a Con Con. This just feeds the fire of doubts, and if people have doubts, they blank votes. What did the Supreme Court say about blank votes? Blank votes are counted as, no. So what we're doing is really sabotaging this thing by talking about it, putting a price tag on it, and telling the people they can't afford it.

"Well I think it's the opposite. We can't afford not to have one. We can't afford not to have new ideas, new people. Some of the people sitting here actually came in from the Con Con in 1978: Representative Marumoto, Representative Souki, etc. These are good for democracy. It's good for governance.

"What we've got here, we're going show up on a bulletin board of here's how much it's going to cost you, because we're bleeding the people of Hawaii with the cost of living that this body year after year ..."

The Chair addressed Representative Ward, stating:

"Representative Ward, you are out order. Please refer ..."

Representative Ward: "The cost of living is not going up in Hawaii?"

Speaker Say: "We're not talking about the cost of living."

Representative Ward: "Because this Resolution is going to scare the people and say, 'Well, we can't really afford it.' That's my point, Mr. Speaker."

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

"Thank you, Mr. Speaker. I was going to vote for this Resolution, but I'd like to cast a no vote. For the record, I don't support a Con Con, but the price of a Con Con shouldn't be used as a reason to hold, or not to hold one. If our Constitution was flawed, we should be holding a convention to fix it, at any price.

"But I don't believe our Constitution is flawed. I don't believe there is anything in our Constitution that is broken. So again, we shouldn't let the cost of a Constitutional Convention drive our decisions. Thank you."

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

"Mr. Speaker, I wish to vote in favor, but let me explain. I'm actually opposed to the Constitutional Convention, but hearing the very sagacious remarks by the gentleman from the other side that this is going to probably be the 'poison pill' that's going to kill a Convention, then I will vote yes on this measure. Thank you, very much."

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

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. I would just like to respond to the Majority Leader's remarks about the Cadillac, or BMW, or Mercedes aspect. If it were really going to be fair, there would be a change on page 3, line 34. Go back to the Whereas, and it talks about when the original Con Con was held in '78 and how the government buildings were used to hold the sessions. The Honolulu Office of the IRS, old court rooms for committee meetings, auditoriums and conference rooms at the State Capitol.

"But you go into what LRB is asked to assume, and the Legislative Reference Bureau is to assume that the Con Con will be held at a leased facility in Honolulu. That's dollars. I mean, that's major dollars. So right off the bat it's setting up the stage to come back with a very high ticket price, and I think that that is wrong, and I think it's deceptive. Thank you."

Representative Finnegan rose, stating:

"Thank you, Mr. Speaker. I would just like to note my no vote. I would like to change it from an aye with reservations, to a no vote."

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

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

At this time, Representative Meyer moved that H.C.R. No. 231, be recommitted to the Committee on Judiciary, seconded by Representative Thielen.

Representative Finnegan then requested a roll call vote at the appropriate time on the motion to recommit, and upon a show of hands, failed to carry.

The motion that H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE COST OF CONVENING A CONSTITUTIONAL CONVENTION IN 2010," be recommitted to the Committee on Judiciary was put to vote

by the Chair and failed to carry with Representatives Nakasone, Sonson and Takai being excused.

(Main Motion)

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.C.R. No. 231, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO STUDY THE COST OF CONVENING A CONSTITUTIONAL CONVENTION IN 2010," was referred to the Committee on Legislative Management with Representatives Finnegan, Meyer, Morita, Pine, Takumi and Ward voting no, and with Representatives Nakasone, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1552-08), recommending that H.C.R. No. 267, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 267, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF ELECTIONS TO PROVIDE AN INFORMATIONAL BRIEFING AND DEMONSTRATION TO THE APPROPRIATE SENATE AND HOUSE COMMITTEES REGARDING THE OPERATION AND USE OF NEW ELECTRONIC VOTING SYSTEMS AND TO PROVIDE INFORMATION PRIOR TO CONTRACTING TO PURCHASE ANY NEW VOTING SOFTWARE OR EQUIPMENT RELATED TO ANY NEW VOTING SYSTEM," was referred to the Committee on Legislative Management with Representatives Nakasone, Sonson and Takai being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1553-08) recommending that H.R. No. 260, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 260, entitled: "HOUSE RESOLUTION URGING THE UNIVERSITY OF HAWAII TO EXTEND ITS LAND LEASE WITH THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO CONTINUE TO OPERATE THE MANOA INNOVATION CENTER," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1554-08) recommending that H.C.R. No. 312, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 312, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO EXTEND ITS LAND LEASE WITH THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO CONTINUE TO OPERATE THE MANOA INNOVATION CENTER," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1555-08) recommending that H.R. No. 208, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 208, HD 1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEVELOPMENT OF GOOD FAITH VALUATION STANDARDS AND NEGOTIATING PRACTICES FOR LONG-TERM INDUSTRIAL

AND COMMERCIAL REAL ESTATE LEASES IN HAWAII," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 1556-08) recommending that H.C.R. No. 246, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 246, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEVELOPMENT OF GOOD FAITH VALUATION STANDARDS AND NEGOTIATING PRACTICES FOR LONG-TERM INDUSTRIAL AND COMMERCIAL REAL ESTATE LEASES IN HAWAII," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1557-08) recommending that H.R. No. 22, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 22, HD 1, entitled: "HOUSE RESOLUTION RECOGNIZING THE COURAGEOUS CONTRIBUTIONS AND SERVICE OF THE FILIPINO VETERANS OF WORLD WAR II," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1558-08) recommending that H.C.R. No. 22, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 22, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING THE COURAGEOUS CONTRIBUTIONS AND SERVICE OF THE FILIPINO VETERANS OF WORLD WAR II," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented two reports:

(Stand. Com. Rep. No. 1559-08) recommending that H.R. No. 309, be adopted; and

(Stand. Com. Rep. No. 1560-08) recommending that H.C.R. No. 373, be adopted.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.R. No. 309 and H.C.R. No. 373, be adopted, seconded by Representative B. Oshiro.

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

Representative Carroll's written remarks are as follows:

"There are instances in the course of history where governments of all types and sizes carry out programs with the best of intentions that in fact hurt the public they are charged to protect. With the benefit of hindsight and further research in the field of medicine, we as a state can see now that the century-long policy of segregating those afflicted with Hansen's Disease to the Kalaupapa Peninsula was one of those acts.

"The fear and hysteria surrounding the spread of Leprosy at the time separated thousands of families from each other, disconnected mothers and daughters, fathers and sons, and husbands and wives. These *'ohana*, these *kama'aina*, these children, were thrust into a new world, all alone, with only each other to comfort. Out of this heinous policy of segregation and isolation the people of Kalaupapa bound together, found strength in one another and Ke Akua, and set out to be a model to the rest of Hawaii and the world of the fortitude of the human spirit.

"The story of Kalaupapa is known around the world, not for the disease or the policy that brought it there, but for the conviction, determination, and faith the people of the peninsula had and still carry with them today. The priests and volunteers who helped them in the early days and the residents who remained strong through the adversity and built upon the foundation they were given will always be remembered.

"With this resolution we recognize the mistakes of the past, honor those who came before, and express our gratitude and our thankfulness for all those who were sent to Kalaupapa, their families and descendants so that we may learn from the past."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 309, entitled: "HOUSE RESOLUTION EXPRESSING GRATITUDE TO THE RESIDENTS OF KALAUPAPA AND THEIR FAMILIES FOR THE SACRIFICES THEY MADE LIVING IN ISOLATION ON THE ISLAND OF MOLOKAI AND FOR BEING SEPARATED FROM SOCIETY," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused; and

H.C.R. No. 373, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING GRATITUDE TO THE RESIDENTS OF KALAUPAPA AND THEIR FAMILIES FOR THE SACRIFICES THEY MADE LIVING IN ISOLATION ON THE ISLAND OF MOLOKAI AND FOR BEING SEPARATED FROM SOCIETY," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1561-08) recommending that H.R. No. 210, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 210, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO EVALUATE THE POSSIBILITY OF USING A CONSERVATION LAND TRUST IN THE ALA WAI WATERSHED AREA," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1562-08) recommending that H.C.R. No. 248, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 248, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE CITY AND COUNTY OF HONOLULU TO EVALUATE THE POSSIBILITY OF USING A CONSERVATION LAND TRUST IN THE ALA WAI WATERSHED AREA," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented two reports:

(Stand. Com. Rep. No. 1563-08) recommending that H.R. No. 230, be adopted; and

(Stand. Com. Rep. No. 1564-08) recommending that H.C.R. No. 271, be adopted.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.R. No. 230 and H.C.R. No. 271, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Stand. Com. Report 1563 and 1564, I would like to register a vote with reservations. This is a Resolution that's urging the prevention of the sale of oil and gas leases and drilling in the Chukchi and Beaufort regions of Alaska. While I have not looked at a map to see exactly where they are, Alaska is one of our States and I think if we're looking for energy security, we need to look at where we can. If it's a gas lease, you're talking natural gas and it's probably the majority of electric generating plants on the Mainland use gas and that would be a very simple thing to do.

"As far as oil that's more controversial, but I think we should be looking for more oil within the United States of America. Thank you."

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

"Mr. Speaker, just real briefly in support with reservations. To me, the issue is actually not about oil or gas, but about self-determination of indigenous people. I guess I just share the same opinion of our Senior Senators in that this is for the decision of the native tribes to make as to whether or not they want to enter into leases. So I am with reservations."

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

"Mr. Speaker, with reservations. I think it's more on the issue of national security that I would have the reservations. And that Mr. Speaker, aside from Canadian oil, and I think another country basically most of the countries that we're getting our oil would rather see the demise of the United States, rather than the continuation of it. So we've got to get off of oil dependency.

"As we know, this body is very committed, the Governor is very committed, to renewable energy and using what we have and this is one way of using what we do have. Thank you."

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

Representative B. Oshiro rose to speak in support of both measures, stating:

"Mr. Speaker, in support. I'll be very brief. If people would actually read the Resolution, what this is about is the failure of the Department of Interior, the federal government through the Fish and Wildlife Service, to actually properly evaluate the effect that this will have on potentially threatened polar bears and Pacific walrus and other endangered and indigenous species.

"And unfortunately, because of political 'mearangerings' going on, the Department of Interior has refused to do its duty. So what this Resolution is asking is that until and unless the Department does its proper evaluation as to the potential effects this has on these threatened species, that it engage and not go down this road which could have potential and permanent affects on these endangered species. Thank you."

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

"Mr. Speaker, I have strong reservations on these measures. We have a scarcity of oil. The price of oil in the world is high, and because of that we should not be looking in curtailing the production of oil, but rather increasing it.

"Now this sounds blasphemous to the environmentalists, and I would like to see that we maintain the beautiful *aina* and not spoil it. But I just want to make mention that I've been to Alaska a few times. I've been to Prudhoe Bay. I flew over in a very low area so I could take a good look of the terrain and the land, and I was very impressed. I didn't see any spoilage of any of the land in that area. What I witnessed was caribou migration, thousands of caribou migrating from one area to the other, with the wolves and fox on the side. I witnessed polar bears around Prudhoe Bay. The oil lines have not damaged the area, but we have benefited from the oil.

"Until we can find some better alternative energy, we're going to still be dependent upon fossil fuel whether we like it or not. I would prefer to have solar. I would prefer to have hydro. I would prefer to have windmills. But that alone will not take care of the needs that we have for this community and for the nation. So Mr. Speaker, until we develop some other alternatives, we need to continue to explore and to use fossil fuel.

"Let me make mention that some of the foreign countries that are not that dependent on fossil as we are, like France and Japan and Asia, they use atomic energy. Now when we talk about atomic energy, everybody screams. Heavens what are we going to do? We're going to blow up the whole state. France has beautiful lights. You go to Paris. It's the City of Lights, lit up with atomic energy. Now I'm not saying that we should have that, but this is what they have.

"I think we're being kind of narrow in our thinking; that we cannot go beyond the windmills. And remember the fellow who tried to attack the windmills, Don Quixote. I think we have got to get away from that paradox and live in reality. The reality is that we need energy to continue to foster the welfare of this nation. Thank you."

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

Representative Morita's written remarks are as follows:

"Mr. Speaker, I rise in support of these resolutions. Some Members have concerns regarding this measure because of self-determination issues. I wanted to share with this body an opinion piece I wrote back in 2001 regarding the Arctic National Wildlife Refuge which addresses the issue of self-determination and the energy policy of the United States and its effect on indigenous cultures.

Several months ago full-page advertisements appeared in Hawaii's newspapers thanking U.S. Senator Daniel K. Akaka for his support of the Native Alaskan Inupiat and their right to self-determination with regard to their desire to drill for oil within the Arctic National Wildlife Refuge.

Each vote in the U.S. Senate is critical to defeat oil drilling in ANWR. Both Hawaii U.S. Senators seem to be placed in a difficult position. They are both champions for the right to self-determination for native Hawaiians and other indigenous groups and both are continuing the legacy of the late U.S. Senator Spark Matsunaga's vision for hydrogen and related clean energy issues. Now these laudable causes have converged to create a conflict where our Senators seem to be "caught" in the middle. But, the decision is difficult only if one wants to craft the issue of self-determination as exclusive to the Inupiat.

While I want to respect the right to self-determination of the Inupiat it should not be at the expense of other native peoples or based on a flawed energy policy. The Bush energy policy will signal the death of many other indigenous peoples of the world, especially Pacific Islanders suffering the effects of global warming and rising sea levels. Oil drilling in ANWR represents the continuation of over-consumption by the United States of finite resources without regard to the impacts on other areas or people of the world. The moral issues and consequences of the Bush energy policy is too great to use Native Alaskans as pawns in this debate pitting the interests of one indigenous peoples against another or to use Hawaii's own sovereignty issues as bargaining chips for the future. In the larger global picture, the United States must lead the world in seeking solutions surrounding climate change issues or we will be directly responsible for the genocide of indigenous cultures as the land base, the root and foundation of self-determination, of these island cultures cease to exist. And, of course, Hawaii being an island State may face the same perils in the near future.

The United States has the technology and resources to move towards a clean energy future. Our congressional leaders' role is vital at this critical time. They can and must separate the "red herrings" from the national energy policy debate. ANWAR is a red herring that will not enhance the U.S. position to build energy security.

The right of Native Alaskans to offer their ancestral lands for oil development should be debated at another time. The larger issue before us is the United State's ability to lead the world in clean and sustainable energy policy that offer real energy security and prosperity as its benefits reflects our moral obligations to other inhabitants of this earth. These mandates should be the essence of a national energy policy and the test of true vision and leadership."

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 230, entitled: "HOUSE RESOLUTION URGING THE PREVENTION OF THE SALE OF OIL AND GAS LEASES AND OF DRILLING IN THE CHUKCHI AND BEAUFORT SEA REGIONS OF ALASKA," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused; and

H.C.R. No. 271, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE PREVENTION OF THE SALE OF OIL AND GAS LEASES AND OF DRILLING IN THE CHUKCHI AND BEAUFORT SEA REGIONS OF ALASKA," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented two reports:

(Stand. Com. Rep. No. 1565-08) recommending that H.R. No. 83, be adopted; and

(Stand. Com. Rep. No. 1566-08) recommending that H.C.R. No. 101, be adopted.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.R. No. 83 and H.C.R. No. 101, be adopted, seconded by Representative B. Oshiro.

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

"In strong support of both measures."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 83, entitled: "HOUSE RESOLUTION RECOGNIZING PATSY TAKEMOTO MINK FOR CHAMPIONING THE CAUSE OF EQUITY IN ATHLETICS AND EDUCATION ON BEHALF OF ALL WOMEN IN THE UNITED STATES," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused; and

H.C.R. No. 101, entitled: "HOUSE CONCURRENT RESOLUTION RECOGNIZING PATSY TAKEMOTO MINK FOR CHAMPIONING THE CAUSE OF EQUITY IN ATHLETICS AND EDUCATION ON BEHALF OF ALL WOMEN IN THE UNITED STATES," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1567-08) recommending that H.R. No. 99, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 99, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AGRICULTURAL DIAGNOSTIC SERVICE CENTER, IN CONSULTATION WITH OTHER PUBLIC AND PRIVATE ENTITIES, TO CARRY OUT A SURVEY OF INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY, AND ASSESS WHETHER THE HAWAII AGRICULTURAL INFORMATION CENTER CAN MEET THE INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1568-08) recommending that H.C.R. No. 116, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 116, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AGRICULTURAL DIAGNOSTIC SERVICE CENTER, IN CONSULTATION WITH OTHER PUBLIC AND PRIVATE ENTITIES, TO CARRY OUT A SURVEY OF INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY, AND ASSESS WHETHER THE HAWAII AGRICULTURAL INFORMATION CENTER CAN MEET THE INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1569-08) recommending that H.R. No. 142, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 142, entitled: "HOUSE RESOLUTION URGING THE NATIONAL COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1570-08) recommending that H.C.R. No. 169, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 169, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE NATIONAL

COLLEGIATE ATHLETIC ASSOCIATION TO IMPLEMENT A PLAYOFF SYSTEM TO DETERMINE A NATIONAL CHAMPION IN THE FOOTBALL BOWL SUBDIVISION OF COLLEGIATE FOOTBALL," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1571-08) recommending that H.R. No. 193, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 193, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII'S JOHN A. BURNS SCHOOL OF MEDICINE TO PROVIDE ADMISSION PREFERENCE TO STUDENTS THAT MIRRORS THE DEMOGRAPHICS OF RURAL HEALTH PROFESSIONAL SHORTAGE AREAS OF THE STATE TO ADDRESS THE SHORTAGE OF PHYSICIANS ON OUR NEIGHBOR ISLANDS," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1572-08) recommending that H.C.R. No. 226, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 226, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII'S JOHN A. BURNS SCHOOL OF MEDICINE TO PROVIDE ADMISSION PREFERENCE TO STUDENTS THAT MIRRORS THE DEMOGRAPHICS OF RURAL HEALTH PROFESSIONAL SHORTAGE AREAS OF THE STATE TO ADDRESS THE SHORTAGE OF PHYSICIANS ON OUR NEIGHBOR ISLANDS," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1573-08) recommending that H.R. No. 234, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 234, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK DEDICATE ITS SCHOOL IN HONOR OF MYRON "PINKY" THOMPSON, BY CHANGING ITS NAME TO THE "MYRON THOMPSON SCHOOL OF SOCIAL WORK"," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 1574-08) recommending that H.C.R. No. 276, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 276, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK DEDICATE ITS SCHOOL IN HONOR OF MYRON "PINKY" THOMPSON, BY CHANGING ITS NAME TO THE "MYRON THOMPSON SCHOOL OF SOCIAL WORK"," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Cabanilla, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1575-08) recommending that H.R. No. 91, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 91, entitled: "HOUSE RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ENACT THE FILIPINO AMERICAN VETERANS EQUITY ACT OF 2007, OR SIMILAR LEGISLATION PROVIDING VETERANS BENEFITS TO FILIPINO VETERANS WHO SERVED OUR NATION IN WORLD WAR II," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Cabanilla, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 1576-08) recommending that H.C.R. No. 109, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 109, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING CONGRESS AND THE PRESIDENT OF THE UNITED STATES TO ENACT THE FILIPINO AMERICAN VETERANS EQUITY ACT OF 2007, OR SIMILAR LEGISLATION PROVIDING VETERANS BENEFITS TO FILIPINO VETERANS WHO SERVED OUR NATION IN WORLD WAR II," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 1577-08) recommending that H.C.R. No. 239, HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 239, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU AND THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO CONDUCT STUDIES ON THE POTENTIAL FINANCIAL AND ECONOMIC IMPACTS TO THE STATE AND THE STATE'S HEALTHCARE SYSTEM OF PROVIDING CARE FOR PATIENTS WITH CHRONIC KIDNEY DISEASE AT ALL FIVE STAGES," was adopted, with Representatives Nakasone, Shimabukuro, Sonson and Takai 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. 1578-08) recommending that S.B. No. 2401, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.B. No. 2401, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS: MAKING VARIOUS TECHNICAL AMENDMENTS TO THE HAWAII REVISED STATUTES FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, AND CLARIFYING LANGUAGE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1579-08) recommending that S.B. No. 2399, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 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," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1580-08) recommending that S.B. No. 2898, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 2898, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in opposition to Stand. Com. Rep. No. 1580 relating to the agreement. I just want to say that we're small. We shouldn't be inferior about it, but we should be proud. And I'll submit the rest of my comments in the Journal."

Representative Ward's written remarks are as follows:

"Mr. Speaker, I rise in strong opposition to this measure and appreciate the opportunity to speak against its passage.

"The Electoral College has been serving American politics for more than 200 years. But recently, due to a close election for the U.S. Presidency, some people at both the local and national level have been advocating a change in the way we elect our Presidents.

"So, Mr. Speaker, here we go again! This time the Senate has sent over SB2898 that will take away the advantage that a small state like Hawaii has over big states.

"This bill, like HB3013, is another misinformed attempt to enable the winner of the presidential election to be determined by national popular vote rather than the Electoral College. The bill adds a new chapter to the Hawaii Revised Statutes, to enact agreement that allows member states to determine the winner of a presidential election by "national popular vote."

"Our founding fathers knew better. They understood the nuances of political contests, particularly the importance of small states and the possible tyranny of large states overwhelming national presidential elections. They understood especially how small states could be affected if only the popular vote counted. For example if one voted in Hawaii's 2004 presidential election, it was a likely vote for John Kerry, but under the proposed new system, your vote would have gone to George W. Bush.

"Likewise, if someone in Hawaii's 1988 presidential election voted for Michael Dukakis the vote would have only counted for Bush (Senior), and in Hawaii 1968 presidential election between Hubert Humphrey and Richard Nixon, a vote for Humphrey would have become a vote for Nixon. Is this the kind of 'kapakahi' results we want in Hawaii?

"The best description in understanding the Electoral College is a sports analogy. In baseball's World Series, for example, the team that scores the most runs overall is like a candidate who gets the most votes. But to become the World Series champion, it is the team that wins the most games who becomes the winner of the series. So no matter how many runs (votes) you get, you still have to win the most games (state ballots). No one calls the World Series unfair just because the team that got the most runs loses, right? It is all about the games, just like in politics it is all about the states.

"Another downside for our nation with a proposed plurality ballot would be that "urban America," particularly the large states on the east coast (e.g. New York) and west coast (e.g. California) will be the

dominant player at the expense of "rural America." Stated differently, imagine the urban core of Honolulu deciding for the entire state of Hawaii who should be our next governor and you can see how this allows a national advantage of large states and large cities to dominate. I believe the values of farmers and small town Americans are just as important (if not more important) as big city values and voters, so the Electoral College is the best way to filter for these differences.

"The current Electoral College strengthens the status of minority groups, because the votes of small minorities within a state may make the difference between winning all of a state's electoral votes or none of them. It enhances the political stability of the nation by promoting a two-party system that protects that presidency from impassioned but transitory third party movements, and forces the major parties to absorb the interests of small states and minorities; and it maintains the federal system of government and representation. Each state is allocated a number of Electors equal to the number of its U.S. Representatives, plus its two senators, so Hawai'i has four electoral votes. All states have at least three electoral votes, no matter how small they are.

"Hawaii needs more tax relief for our over-burdened families, expanding access to quality healthcare while reversing the financial problems plaguing our doctors and hospitals, developing more transitional shelters and affordable housing while fixing potholes, harbors and airports; we do not need some national agenda about a grudge match to distract us from the tasks at hand.

"As one of the smallest states in the nation, it does not seem strategically wise to give up our comparative advantage offered us by the Electoral College. Senate Bill 2898 SD1 asks us to do this. Last year a similar bill was vetoed by Governor Lingle. The only thing left to say about this bill is: "Mahalo for your veto, Governor, get your pen ready for this year too." Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I am voting with reservations, in spite of the op-ed that was written by a colleague."

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

Representative Pine 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 a no vote for her, and the Chair "so ordered."

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

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

"Mr. Speaker, in strong support. And would like to thank that colleague for writing that article."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2898, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Belatti, Ching, Finnegan, McKelvey, Meyer, Pine and Ward voting no, and with

Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1581-08) recommending that S.B. No. 3105, SD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 3105, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai 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. 1582-08) recommending that S.B. No. 2882, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2882, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1583-08) recommending that S.B. No. 2459, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2459, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REMOTE DISPENSING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1584-08) recommending that S.B. No. 1617, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1617, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING CIVIL LIABILITY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1585-08) recommending that S.B. No. 2301, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 2301, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"On Standing Committee Report 1585-08, with reservations. This bill authorizes extended terms of imprisonment, and this bill does not include appropriation language to reflect the impacts on staffing and facilities of the Department of Public Safety. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2301, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRITERIA FOR EXTENDED TERMS OF IMPRISONMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1586-08) recommending that S.B. No. 2436, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 2436, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, with reservations. This bill adds a new offense to the Class C felony, and the bill does not include appropriation language to reflect the impact on staffing and facilities of the Department of Public Safety. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2436, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1587-08) recommending that S.B. No. 2456, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 2456, SD 2, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"With reservations. This bill adds a new offense of Class C felony and doesn't include appropriation language to reflect the impact on staffing and facilities of the Department of Public Safety."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2456, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HARASSMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1588-08) recommending that S.B. No. 2784, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2784, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1589-08) recommending that S.B. No.



2895, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 2895, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you Mr. Speaker, with reservations. This adds a new offense to Class C felony, and the bill does not include appropriation language to reflect the impacts on staffing and facilities of the Department of Public Safety."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2895, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PUBLIC ORDER," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1590-08) recommending that S.B. No. 3182, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 3182, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Once more, and the last one, actually. This bill extends sentencing and the bill does not reflect appropriation language for the impacts on staffing and facilities of the Department of Public Safety."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 3182, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXTENDED SENTENCING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1591-08) recommending that S.B. No. 3200, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 3200, SD 1, HD 1, pass Second Reading and be placed on the calendar for Third Reading, 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 S.B. No. 3200, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENTAL RETENTION OF ATTORNEYS," passed Second Reading, and was placed on the calendar for Third Reading with Representative Ward voting no, and with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

#### SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the

purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Nakasone, Shimabukuro, Sonson and Takai were excused.)

#### STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1592-08) recommending that S.B. No. 2258, SD 1, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2258, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 BOARD," passed Third Reading by a vote of 47 ayes, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1593-08) recommending that S.B. No. 2499, HD 1, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 2499, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

Representative Morita 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 Morita's written remarks are as follows:

"Mr. Speaker, I rise in support with some serious reservations about this measure in its current form. Mr. Speaker, I wholeheartedly support correcting the defective date in current statutes to make the *kalo* our State plant upon passage of Senate Bill 2499. However, the language in the House Draft 1 leaves me perplexed as to what the underlying motive is to further the delay making *kalo* our State plant.

"The House Draft 1 states that the "Act shall take effect only upon the completion of community dialogue with native Hawaiians and students from all islands and those who identify themselves as Hawaiians, to be completed by the department of education through its existing curriculum." The House Draft 1 puts the Department of Education in an unfair, difficult position with an unfunded mandate. When House Bill 659 was signed into law as Act 36 last year, there was no opposition to this measure during the numerous public hearings held on this measure. Unfortunately, this bill was adopted with a defective effective date.

"I need not remind this body the significance of the *kalo* to our Hawaiian culture. How can simple recognition of the significance of this one plant to our Hawaiian culture and its symbolism of sustainability turn into a political football putting the Department of Education right in the middle? Simply put, this is real *lolo*."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2499, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TARO," passed Third Reading by a vote of 47 ayes, with Representatives Nakasone, Shimabukuro, Sonson and Takai being excused.

At 1:28 o'clock p.m., the Chair noted that the following bills passed Third Reading:

S.B. No. 2258, SD 1  
S.B. No. 2499, HD 1

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1594-08)

recommending that S.B. No. 2169, SD 1, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1594-08 on S.B. No. 2169, SD 1, HD 1 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2169, SD 1, HD 1, were made available to the members of the House.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1595-08) recommending that S.B. No. 2080, SD 2, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1595-08 on S.B. No. 2080, SD 2, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2080, SD 2, HD 2, were made available to the members of the House.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1596-08) recommending that S.B. No. 2373, SD 1, HD 1, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1596-08 on S.B. No. 2373, SD 1, HD 2 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 2373, SD 1, HD 2, were made available to the members of the House.

### THIRD READING

#### S.B. No. 2425, SD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, S.B. No. 2425, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ARSON," passed Third Reading by a vote of 46 ayes, with Representatives Awana, Nakasone, Shimabukuro, Sonson and Takai being excused.

At 1:28 o'clock p.m., the Chair noted that S.B. No. 2425, SD 1, passed Third Reading.

### ANNOUNCEMENTS

Representative Herkes: "Thank you, Mr. Speaker. Mr. Speaker I can't let this day pass without remembering what happened 62 years ago this morning when a major tsunami hit these islands and caused deaths on all major Hawaiian Islands.

"Mr. Speaker, I saw that wave and I saw it wipe out a 100-ton span of railroad bridge on the Wailuku River in Hilo. That wave destroyed Hilo. We learned from that wave and we moved all buildings *mauka* of the road. Then came the 1960 wave and it wiped out all those buildings.

"After the 1960 wave, I helped clean up our hotel after that. The force of the water is unbelievable. There was sand embedded in sealed liquor bottles. There was a straw stuck in a telephone pole.

"This morning I was watching the History Channel and they were talking about the 2004 tsunami that killed 250,000 people. Mr. Speaker, what have we learned since then? I'm not sure. We're updating our tsunami inundation maps, but when are we going to use this information to amend our land use maps, our building codes to protect our people and our belongings from all major disasters that impact these islands?

"We seem to have a preoccupation with hurricanes and things like hurricane clips. They'd sure do a lot of good in a tsunami. And I have read that a crisis is a terrible thing to waste, but we've wasted them year after year after year. When are we going to learn?"

"The events of the 1946 and 1960 tsunamis are seared into my brain, and that's why I sound like a broken record on this issue. Thank you, Mr. Speaker."

Representative Caldwell: "Mr. Speaker, no matter what one's age it's very difficult when you lose a parent, and during the last year and this year several of us have lost parents, and we know what it's like to have that experience.

"Yesterday, the Governor of our State, Governor Linda Lingle lost her mom, and so at the end of today's session, I'd like to request, with the Speaker's permission, to have a moment of silence to reflect on that and to extend our sincerest condolences to the Governor. Thank you, very much."

Representative Souki: "Mr. Speaker, I would like to request a waiver of the 48-hour notification, please. The waiver is to hold a public hearing on the Aloha Airlines bankruptcy. It will be held at the Auditorium at 8:30 a.m. tomorrow. You will have the Committees on Transportation, Tourism, and Labor jointly holding the hearing. We hope to have representatives from the airlines, from the Governor's office, from the Hawaii Tourism Association, from the Hotel Association, and also from DBEDT. We hope that we'll have some enlightenment from the bankruptcy that has happened through this public meeting.

"Again, this informational briefing will be held in the Auditorium at 8:30 a.m., prompt. Thank you, Mr. Speaker."

Representative Yamane: "Mr. Speaker, just to clarify. This is an informational briefing and not a hearing. It will be held in the Auditorium."

Representative Ward: "Mr. Speaker, I have a national day announcement. On April 1, 1979 the nation of Iran was formed. Its 71 million people is larger slightly than the State of Alaska. And of it's many contributions oil, energy and the sport of kings, polo. Thank you, Mr. Speaker."

Representative Luke: "Mr. Speaker, on the Members' desk there is a notice for a Foodbank fundraiser and a *natto* sale. Our office is not selling *natto*. Clearly, the Majority Leader has too much time on his hands. So I beg you to give him more things to do so he doesn't waste his time doing an April Fool's joke. Thank you."

At this time, the House of Representatives stood for a moment of silence in memory of the late Ms. Mildred Cutter, mother of the Honorable Governor Linda Lingle.

### ADJOURNMENT

At 1:35 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, April 2, 2008. (Representatives Nakasone, Shimabukuro, Sonson and Takai were excused.)

### HOUSE COMMUNICATION

House Communication dated April 1, 2008, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments made by the Senate to the following House bills:

H.B. No. 2524, SD 1  
H.B. No. 2662, HD 2, SD 2  
H.B. No. 2847, SD 1  
H.B. No. 2860, HD 2, SD 3