

FIFTY-SIXTH DAY

Wednesday, April 23, 2008

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:09 o'clock p.m., with the Speaker presiding.

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

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 314 through 321) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 314, informing the House that on April 22, 2008, the following bill was signed into law:

H.B. No. 2165, entitled: "A BILL FOR AN ACT RELATING TO NURSING." (ACT 023)

Gov. Msg. No. 315, informing the House that on April 22, 2008, the following bill was signed into law:

H.B. No. 2441, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION." (ACT 024)

Gov. Msg. No. 316, informing the House that on April 22, 2008, the following bill was signed into law:

H.B. No. 647, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY." (ACT 025)

Gov. Msg. No. 317, informing the House that on April 22, 2008, the following bill was signed into law:

H.B. No. 2523, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION." (ACT 026)

Gov. Msg. No. 318, informing the House that on April 22, 2008, the following bill was signed into law:

H.B. No. 2696, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF THE JUDICIARY HISTORY CENTER." (ACT 027)

Gov. Msg. No. 319, informing the House that on April 22, 2008, the following bill was signed into law:

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." (ACT 028)

Gov. Msg. No. 320, informing the House that on April 22, 2008, the following bill was signed into law:

S.B. No. 3068, SD 1, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION." (ACT 029)

Gov. Msg. No. 321, informing the House that on April 22, 2008, the following bill was signed into law:

H.B. No. 3161, SD 3, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION." (ACT 030)

The following messages from the Governor (Gov. Msg. Nos. 322 and 323) were announced by the Clerk and were received for possible consideration at a later date:

Gov. Msg. No. 322, transmitting S.B. No. 868, SD 2, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 22, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 868

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 868, entitled "A Bill for an Act Relating to Boards and Commissions."

The purpose of this bill is to expressly except communications to state boards and commissions initiated by the Legislature and its committees from the requirement in section 26-35(a) (1), Hawaii Revised Statutes, that boards and commissions communicate with the Governor and the Legislature only through the head of the department to which the board or commission is administratively attached.

I believe communication between persons at all levels of the legislative and executive branches is vital to our ability to fulfill the responsibilities each of us is assigned by the Constitution and laws of the State.

It is my understanding that individual members of boards and commissions and their staffs testify regularly and respond to requests from individual members and committees of the Legislature in order to formulate state policy and enact laws to effectuate them. Boards and commissions also take official positions on bills pending before the Legislature and, when doing so, coordinate this testimony through the appropriate department and agency to which they are attached. Inasmuch as the means for the Legislature and executive branch boards and commissions to communicate with each other are already in place and, more importantly, are being used regularly, this bill is not needed.

For the foregoing reasons, I am returning Senate Bill No. 868 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 323, transmitting S.B. No. 2898, SD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU

April 22, 2008

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2898

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2898, entitled "A Bill for an Act Relating to the Agreement Among the States to Elect the President by National Popular Vote."

The purpose of this bill is to add a new chapter to the Hawaii Revised Statutes that will cause Hawaii to join an interstate compact or agreement among the member states to award their electoral votes to the national popular vote winner for the office of the President of the United States regardless of the popular vote winner in each member state.

Under this bill, Hawaii's four electoral votes would be awarded to the presidential slate that receives the most votes as determined by the national popular vote regardless of which candidate won the popular vote in Hawaii. Had this compact been in effect since statehood, in four elections Hawaii's electoral votes would have gone to a candidate whom the majority of voters in Hawaii did not want--Richard Nixon rather than Hubert Humphrey in 1968, Ronald Reagan rather than Jimmy Carter in 1980; George Bush rather than Michael Dukakis in 1988, and George W. Bush rather than John Kerry in 2004.

Given the potential under the interstate compact that Hawaii's electoral votes would be awarded in a manner that does not reflect the will of the majority of the voters in Hawaii, this bill would disenfranchise Hawaii's voters and is not in the best interest of the citizens of the State of Hawaii.

For the foregoing reason, I am returning Senate Bill No. 2898 without my approval.

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 699) was received and announced by the Clerk:

Sen. Com. No. 699, dated April 22, 2008, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 3377, Senator English discharged as Chair; Added
SD 2 as conferee.
 Senator Gabbard added as Chair.

S.B. No. 2365, Senator Hooser discharged as Co-Chair.
SD 1, HD 1 Senator Menor discharged as conferee;
 Added as Co-Chair.

INTRODUCTIONS

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

Representative Berg introduced 2nd and 3rd grade students from Hanahauoli School and their teachers, Ms. Gloria Del Rosario, Ms. Kathy Galdeira and Ms. Maile Ostrem; UH Students, Ms. Chevelle Acosta and Ms. Cher Garard; and parents, Ms. Aubrey Hawk, Ms.

Rose Chismar, Ms. Shelly Hee, Ms. Susan Scott, Ms. Cheryl Dunn, Ms. Tyny Wary, Ms. Jill Tsuchitori, and Ms. Janet Marlette.

Representative Ito introduced his former Committee Clerk, Mr. Ikaika Hussey.

Representative Tokioka introduced his calabash niece, Miss Elle Uyeda from Hanahauoli School.

Representative Waters introduced his friends from Hanahauoli School, Rylan Dunn and his mother, Ms. Cheryl Dunn Takabayashi; and Maddy Hawk and her mother, Ms. Aubrey Hawk.

Representative Bertram introduced Charter School administrators from Kihei, Mr. Gene Zarro and Mr. Mark Christiano.

Representative Hanohano introduced Charter School administrators from the Big Island, Mr. Steve Hiramaki, Mr. Curtis Muraoka and Mr. David Rizor.

Representative Carroll introduced Ms. Susan 'Netra' Halperin, owner of Child's Play Psychotherapy in Wailuku who was her shadow for today.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>S.C.R.</u> <u>Nos.</u>	<u>Re-referred to:</u>
220	Committee on Education
225, SD1	Committee on Tourism & Culture

SUSPENSION OF RULES

Representative B. Oshiro moved that the rules of the House be suspended for the purpose of considering certain bills on Third Reading and Final Reading on the basis of a modified consent calendar, seconded by Representative Meyer and carried. (Representatives Nakasone, Nishimoto and M. Oshiro were excused.)

UNFINISHED BUSINESS

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1951-08) recommending that S.B. No. 69, SD 2, HD 2, as amended in HD 3, 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. 69, SD 2, HD 3, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Third Reading by a vote of 49 ayes, with Representatives Nakasone and M. Oshiro being excused.

At 12:19 o'clock p.m., the Chair noted that S.B. No. 69, SD 2, HD 3, passed Third Reading.

Conf. Com. Rep. No. 1-08 and S.B. No. 2400, SD 1, HD 1, CD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 2400, SD 1, HD 1, CD 1, entitled: "A

BILL FOR AN ACT RELATING TO DECRIMINALIZATION OF MINOR OFFENSES PURSUANT TO ACT 124, SESSION LAWS OF HAWAII 2005," passed Final Reading by a vote of 49 ayes and with Representatives Nakasone and M. Oshiro being excused.

Conf. Com. Rep. No. 2-08 and S.B. No. 2784, SD 1, HD 1, CD 1:

Representative Caldwell moved that the report of the Committee be adopted and that S.B. No. 2784, SD 1, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2784, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," passed Final Reading by a vote of 49 ayes and with Representatives Nakasone and M. Oshiro being excused.

At 12:20 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 2400, SD 1, HD 1, CD 1
S.B. No. 2784, SD 1, HD 1, CD 1

CONFERENCE COMMITTEE REPORTS

Representatives Souki, Shimabukuro and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2245, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 6-08) recommending that S.B. No. 2245, SD 1, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6-08 and S.B. No. 2245, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO UNATTENDED CHILDREN IN MOTOR VEHICLES," was deferred for a period of 48 hours.

Representatives Chang, Green, Herkes and Lee, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2146, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 7-08) recommending that S.B. No. 2146, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7-08 and S.B. No. 2146, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," was deferred for a period of 48 hours.

Representatives Ito and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2170, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 8-08) recommending that S.B. No. 2170, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8-08 and S.B. No. 2170, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LAND," was deferred for a period of 48 hours.

Representatives Herkes, B. Oshiro and Tokioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3008, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 9-08) recommending that S.B. No. 3008, SD 2, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 9-08 and S.B. No. 3008, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," was deferred for a period of 48 hours.

Representatives Herkes, B. Oshiro and Tokioka, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 3023, SD 2, HD 2, presented a report (Conf. Com. Rep. No. 10-08) recommending that S.B. No. 3023, SD 2, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 10-08 and S.B. No. 3023, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representatives Shimabukuro and Rhoads, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2511, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 51-08) recommending that H.B. No. 2511, HD 1, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 51-08 and H.B. No. 2511, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL ASSISTANCE," was deferred for a period of 48 hours.

Representatives Herkes and B. Oshiro, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 3331, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 52-08) recommending that H.B. No. 3331, HD 2, SD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 52-08 and H.B. No. 3331, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

Representatives Tsuji, Ito and Herkes, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2810, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 53-08) recommending that H.B. No. 2810, HD 1, SD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 53-08 and H.B. No. 2810, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO WATER RATES," was deferred for a period of 48 hours.

FINAL READING

The following bills were taken from the Clerk's desk and the following action taken:

Representative Caldwell then moved to agree to the amendments proposed by the Senate to the following House bills, seconded by Representative B. Oshiro and carried. (Representatives Nakasone and M. Oshiro were excused.)

H.B. No. 1402, H.D. 2, S.D. 2
H.B. No. 1978, H.D. 1, S.D. 1
H.B. No. 2009, S.D. 1
H.B. No. 3140, S.D. 2
H.B. No. 3197, S.D. 1

The Chair addressed the Clerk who announced that the record of vote forms for the aforementioned bills had been received, and a quorum was present at the respective decision making sessions with a majority of the managers present voting in the affirmative.

H.B. No. 1402, H.D. 2, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1402, H.D. 2, on the following showing of Ayes and Noes:

Ayes, 3 (Evans, Sonson and Har). Noes, none. Excused, 1 (Pine).

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1402, H.D. 2 and H.B. No. 1402, H.D. 2, S.D. 2, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," passed Final Reading by a vote of 49 ayes, with Representatives Nakasone and M. Oshiro being excused.

H.B. No. 1978, H.D. 1, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 1978, H.D. 1, on the following showing of Ayes and Noes:

Ayes, 3 (Waters, Rhoads and Pine). Noes, none. Excused, 1 (McKelvey).

Representative Caldwell moved that H.B. No. 1978, HD 1, SD 1, pass Final Reading, 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 speak with very serious reservations about this measure. The bill extends, for another three years, the prohibition against urinating or defecating within the boundaries of Downtown Honolulu. While no one wants that to occur, we also have to look at the responsibility of government.

"The Mayor of the City and County of Honolulu has not put up adequate restrooms in that area. People such as ourselves can walk and go into a restaurant, and if we have to use the facilities there we can do so. People that don't have that ability to go into a restaurant and pay for a meal, don't have adequate restrooms to be used. This is something that City government has not taken care of and we're continuing to criminalize a behavior while not affording the people any opportunities to have a facility to use in the Downtown area.

"I think the bill is still wrong, I think that at least we could have done a Resolution to the City to say they need to put up public restrooms in the Downtown urban core, and we didn't even do that. Thank you."

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

"I'm standing in support, but I also would like to add that I share the concern of my colleague from Kailua because that's the same story with downtown Waipahu. We have two shopping centers there and there's no where you can use a public restroom. Thank you."

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

"Mr. Speaker, I rise with reservations. Mr. Speaker, Hawaii is not a Third World country; Downtown Honolulu, Waipahu or other places. We are not a Third World country. It's regrettable that we have to have a bill that says such basic hygienic and human standards have to be met.

"I guess my WR is really 'with regret' that I will vote for the bill, but it seems as though having to have this on the books at this level is a little bit of a deterioration of the standard of who we think we are, and who we know we are except for some areas. And I know there are various reasons why, people with drugs and other difficulties, and with a lack of facilities have done that. But to bring to this level, to make it a formal decree through the law here in House Bill 1978, to me, is with regrets. Thank you."

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

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

"In support, Mr. Speaker. I think there are actually more public bathrooms in the Downtown area than the previous speakers give the area credit for. The Honolulu Police Substation is open 24 hours a day to anyone. I've asked them repeatedly, whether anyone can use the toilet, and I've been assured over and over and over again that they can. The River of Life will take anybody. They don't care what you look like. That's during the day from 9:00 in the morning, to 8:00 or 9:00 at night. There are public toilets in Aala Park. There are public toilets in all the Downtown government office buildings like our own where no one is turned away. I do agree to the extent that we need better signage for people to be pointed to the right place, and I have worked on that over the years as a member of the Downtown Neighborhood Board and also as a Member of the Legislature.

"I think those who live in the Downtown area are really sick and tired of having people *shishi* in the bus stops in front of their buildings, on the walls of their buildings, or in the staircases of the buildings. It's a problem and it is regretful that people don't have the common decency enough to do that. But before my predecessor, Representative Hiraki, passed this law in the first place, and there was really no legal impediment for anybody doing whatever they wanted, wherever they wanted. So that's why this is necessary. Mahalo."

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

"Thank you, Mr. Speaker. I'm rising with reservations and would ask that the words of the speaker from Kailua be entered into the Journal as if they were my own. Another concern I have with this is that it makes this behavior in Honolulu a crime, but it's not a crime in Waipahu, or Kaneohe, or Kahaluu, or anywhere else. And I would wonder if this would pass Constitutional muster. Thank you."

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

"Thank you, Mr. Speaker. I rise with reservations as well, and would like to build on the comments from the Representative from Kailua. If we are able, next Session, to hold the counties more accountable to fulfilling their responsibilities relating to the Uniform Plumbing Code, I think that would deal with the problem, as opposed to the symptoms. Thank you."

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

"Mr. Speaker, in support of this landmark and visionary piece of Legislation. Sometimes there aren't bathrooms because people shouldn't be there. And even in areas where there are bathrooms,

there still are problems of people relieving themselves outside of the bathrooms. So I think I see this as a pilot project, and it is needed. Thank you."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.B. No. 1978, H.D. 1 and H.B. No. 1978, H.D. 1, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ORDER," passed Final Reading by a vote of 49 ayes, with Representatives Nakasone and M. Oshiro being excused.

H.B. No. 2009, S.D. 1:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 2009, on the following showing of Ayes and Noes:

Ayes, 2 (Evans and Har). Noes, none. Excused, 1 (Finnegan).

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2009 and H.B. No. 2009, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Final Reading by a vote of 49 ayes, with Representatives Nakasone and M. Oshiro being excused.

H.B. No. 3140, S.D. 2:

In accordance with the Conference Committee Procedures agreed upon by the House of Representatives and the Senate, the managers on the part of the House recommended that the House agree to the amendments proposed by the Senate to H.B. No. 3140, on the following showing of Ayes and Noes:

Ayes, 3 (Shimabukuro, Rhoads and Ward). Noes, none. Excused, none.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3140 and H.B. No. 3140, S.D. 2, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII PUBLIC HOUSING AUTHORITY," passed Final Reading by a vote of 49 ayes, with Representatives Nakasone and M. Oshiro being excused.

H.B. No. 3197, S.D. 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 3197 and H.B. No. 3197, S.D. 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF TRANSPORTATION FOR THE STATE HIGHWAY SYSTEM," passed Final Reading by a vote of 49 ayes, with Representatives Nakasone and M. Oshiro being excused.

At 12:28 o'clock p.m., the Chair noted that the following bills passed Final Reading:

H.B. No. 1402, H.D. 2, S.D. 2
H.B. No. 1978, H.D. 1, S.D. 1
H.B. No. 2009, S.D. 1
H.B. No. 3140, S.D. 2
H.B. No. 3197, S.D. 1

SUSPENSION OF RULES

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing

to amendments proposed by the Senate to certain House bills. (Representative Nakasone was excused.)

RECONSIDERATION OF ACTION TAKEN

Representative Caldwell moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative B. Oshiro and carried. (Representative Nakasone was excused.)

H.B. No. 2326, HD 2, SD 1
H.B. No. 2589, HD 2, SD 2

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative Caldwell moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative B. Oshiro and carried. (Representative Nakasone was excused.)

H.C.R. No. 93, HD 1, (SD 1)
H.C.R. No. 226, (SD 1)
H.C.R. No. 245, HD 1, (SD 1)

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. No. 93, HD 1, SD 1

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 93, HD 1, and H.C.R. No. 93, HD 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING PARTICIPATION IN THE STATEWIDE PURPLE RIBBON AND PURPLE ARM BAND CAMPAIGN AGAINST DOMESTIC VIOLENCE," was Adopted, with Representative Nakasone being excused.

H.C.R. No. 226, SD 1

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 226, and H.C.R. No. 226, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII'S JOHN A. BURNS SCHOOL OF MEDICINE TO CONDUCT A SURVEY OF CURRENT AND PROSPECTIVE STUDENTS TO EXAMINE AND DEVELOP A PLAN TO ADDRESS RURAL HEALTH PROFESSIONAL SHORTAGE AREAS IN THE STATE," was Adopted, with Representative Nakasone being excused.

H.C.R. No. 245, HD 1, SD 1

Representative M. Oshiro moved that H.C.R. No. 245, HD 1, SD 1, be Adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. In opposition. I just feel the work of the Tourism Chair in helping to move forward this Hawaii Cruise Industry study was really, really important. This is the only way we can assess impact fees through the Cruise Ships vis-à-vis the Alaska Law. I just hate to see a good Resolution replaced with another good Resolution. But that's my concerns, and that's why I'm in opposition."

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

"Thank you, Mr. Speaker. I stand in strong support. And thank you to the previous speaker. I just wanted to say that during our discussions on some of the issues regarding moving forward with some of the needed harbor improvements, these issues will impact tourism and I think this is a positive step to looking forward to the future. Thank you, Mr. Speaker."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on the measure.

"Mr. Speaker, this Resolution before us is very different than the one we voted for on the Floor before it was sent to the Senate. The Resolution was originally strongly urging public and private entities to work together in good faith to complete the ongoing study entitled the "Hawaii Cruise Industry Study," intended to assess the current and potential impacts of the cruise industry on each island and the state until the year 2018.

"The amended Resolution now is requesting the Auditor to conduct an audit of the Aloha Tower Development Corporation, particularly with regard to its lawsuits relating to its development contracts, projects, and procurement practices, and the justification for its existence.

"I am concerned the Resolution before us was not given a thorough hearing on the House side. I was in support of the Cruise Industry Study, but now I have reservations on this Resolution because we were not able to openly discuss this amended Resolution with the Aloha Tower Development Corporation, the Auditor, or most importantly, the public.

"I am concerned when we amend Resolutions like we amended this Resolution without a proper hearing. It sets a bad precedent and we will erode the trust of the public. Mahalo."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 245, HD 1, and H.C.R. No. 245, HD 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT AN AUDIT OF THE ALOHA TOWER DEVELOPMENT CORPORATION, PARTICULARLY WITH REGARD TO ITS LAWSUITS RELATING TO ITS DEVELOPMENT CONTRACTS, PROJECTS, AND PROCUREMENT PRACTICES, AND THE JUSTIFICATION FOR ITS EXISTENCE," was Adopted, with Representative Nakasone being excused.

ANNOUNCEMENT

Representative Manahan, for the Committee on Tourism & Culture, requested a waiver of the 48-hour advanced notice rule to hear SCR No. 225, SD 1, Acknowledging the Work of the State Foundation on Culture and the Arts in Supporting Arts and Culture in Hawaii, and Requesting that as Agencies Move from the No. 1 Capitol District Building, the Vacated Space Shall be Assigned to the State Foundation on Culture and the Arts and the State Art Museum, on Thursday, April 24 at 2:00 p.m. in Conference Room 423, and the Chair "so ordered."

ADJOURNMENT

At 12:33 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Thursday, April 24, 2008. (Representative Nakasone was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 23, 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 following bills have this day passed Final Reading in the House of Representatives:

S.B. No. 2400, SD 1, HD 1, CD 1
S.B. No. 2784, SD 1, HD 1, CD 1

House Communication dated April 23, 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 agreed to the amendments made by the Senate and passed the following bills House Bills on Final Reading:

H.B. No. 1402, H.D. 2, S.D. 2
H.B. No. 1978, H.D. 1, S.D. 1
H.B. No. 2009, S.D. 1
H.B. No. 3140, S.D. 2
H.B. No. 3197, S.D. 1

House Communication dated April 23, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 8, 2008, and gives notice of intent to agree for the following House Bill:

H.B. No. 2326, HD 2, SD 1

House Communication dated April 23, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 10, 2008, and gives notice of intent to agree for the following House Bill:

H.B. No. 2589, HD 2, SD 2

House Communication dated April 23, 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 agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

H.C.R. No. 93, HD 1, SD 1
H.C.R. No. 226, SD 1
H.C.R. No. 245, HD 1, SD 1