

SIXTEENTH DAY

Friday, February 9, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:01 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Pastor James Tweedie of Mililani Presbyterian Church, after which the Roll was called showing all members present with the exception of Representatives Cabanilla, Meyer, M. Oshiro, Souki and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 258 through 260) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 258, dated January 30, 2007, transmitting the Hawaii Community Development Authority's Annual Report for fiscal year ending June 30, 2006.

Gov. Msg. No. 259, dated February 8, 2007, transmitting the Office of Youth Services' Report as required by Act 160, Section 38.3, Session Laws of Hawaii 2006.

Gov. Msg. No. 260, dated January 31, 2007, transmitting the Department of Defense's storm recovery expenditure report.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 7 through 11) were received and announced by the Clerk:

Sen. Com. No. 7, transmitting S.B. No. 618, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," which passed Third Reading in the Senate on February 8, 2007.

Sen. Com. No. 8, transmitting S.B. No. 840, entitled: "A BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," which passed Third Reading in the Senate on February 8, 2007.

Sen. Com. No. 9, transmitting S.B. No. 950, entitled: "A BILL FOR AN ACT RELATING TO TARO," which passed Third Reading in the Senate on February 8, 2007.

Sen. Com. No. 10, transmitting S.B. No. 958, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS," which passed Third Reading in the Senate on February 8, 2007.

Sen. Com. No. 11, transmitting S.B. No. 1531, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," which passed Third Reading in the Senate on February 8, 2007.

On motion by Representative B. Oshiro seconded by Representative Thielen and carried, the following Senate bills passed First Reading by title and further action was deferred: (Representatives Cabanilla, Meyer, M. Oshiro, Saiki, Souki and Takamine were excused.)

S.B. No. 618	S.B. No. 958, SD 1
S.B. No. 840	S.B. No. 1531, SD 1
S.B. No. 950	

DEPARTMENTAL COMMUNICATIONS

The following departmental communications (Dept. Com. Nos. 48 and 49) were received by the Clerk and were placed on file:

Dept. Com. No. 48, dated February 2, 2007, from David McClain, President, University of Hawai'i, transmitting the Annual Report on The Social Sciences Public Policy Center Public Policy Dialogs on Open Government.

Dept. Com. No. 49, dated February 2, 2007, from David McClain, President, University of Hawai'i, transmitting the Annual Report on the Hawai'i Energy Policy Forum.

INTRODUCTIONS

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

Representative Herkes introduced Leimana Damate and Bob Damate, his cousin from Ka'u.

Representative Tokioka introduced HSTA members, Avis and Leroy Kaona of Kauai, and Beverly Gotelli of HSTA.

Representative Morita introduced HSTA members Annie and Tommy Hashimoto, and Sharon Pomroy from the North Shore of Kauai.

Representative Carroll, on behalf of Representative McKelvey and herself, introduced Les Kuloloio, Orpha Kaina and DeAnn Kaina of Lahaina; 'Opuulani Albano, Vanda Hanakahi and Mac Poepoe from Molokai; and Winnie Basque from Lanai.

Representative Takai introduced HSTA member Ms. Faith Tomoyasu of Lehua Elementary in Pearl City.

Representative Ito introduced former Representative, Ululani Beirne of Kahana Valley.

Representative Carroll also introduced her Office Manager, Ms. Jan Lehner.

Representative Caldwell introduced and recognized all the teachers sitting in the gallery.

At 12:11 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:23 o'clock p.m.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following resolution was referred to committee by the Speaker:

<u>H.R.</u>	<u>Referred to:</u>
<u>No.</u>	
22	Committee on International Affairs

The following bill was referred to committee by the Speaker:

<u>S.B.</u>	<u>Referred to:</u>
<u>No.</u>	

139, Committee on Health, then to the Committee on Finance
SD1

COMMITTEE REASSIGNMENTS

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

H.B.

<u>Nos.</u>	<u>Re-referred to:</u>
116	Committee on Consumer Protection & Commerce, then to the Committee on Finance
136	Committee on Higher Education, then to the Committee on Finance
316	Committee on Labor & Public Employment, then to the Committee on Finance
454	Committee on Higher Education, then to the Committee on Finance
587	Committee on Higher Education, then to the Committee on Finance
652	Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then to the Committee on Finance
810	Committee on Higher Education, then to the Committee on Finance
877, HD1	Committee on Health, then to the Committee on Consumer Protection & Commerce, then to the Committee on Finance
1001	Committee on Human Services & Housing, then to the Committee on Finance
1356, HD1	Committee on Human Services & Housing, then to the Committee on Finance
1531	Committee on Higher Education, then to the Committee on Finance
1547, HD1	Committee on International Affairs, then to the Committee on Finance
1587	Committee on Judiciary, then to the Committee on Finance
1905, HD1	Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then to the Committee on Judiciary

STANDING COMMITTEE REPORTS

The Chair then announced:

"Members, at this time, the Chair will be taking Stand. Com. Rep. No. 253 on page 11, out of order."

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 253) recommending that H.B. No. 1905, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that notwithstanding the recommendations contained in Standing Committee Report No. 253, that H.B. No. 1905, HD 1, be recommitted to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, seconded by Representative B. Oshiro.

Representative Morita rose to speak in support of the motion to recommit, stating:

"I rise in support of the recommittal. And I just want to address why the recommittal is necessary. In its present form, the House Draft 1 deletes the Certificate of Authority to impound. And why this is important is that existing dams can be revisited and regulated by the State using newly adopted and stricter provisions.

"Under the 1987 Act, only construction is regulated thus there is little incentive for owners to maintain their dam, and little authority for the State to order a dam owner to repair a dam or drain a reservoir. The House Draft 1 deletes the State's right to maintain control of the dam when an emergency condition exists. The House Draft 1 does not have any provisions to regulate the loan program that's in the bill, in the House Draft 1. From the original version of 1095, there were so many issues that needed to be addressed in the existing statute.

"For example, the definition of dam is outdated in the 1987 Act. If the State happens to find an unreported higher moderate hazard classified dam that is less than 25 feet or that impounds less than 15 acre feet of water, the State cannot regulate it and force the owner to make the repairs or the State to make the repairs itself because it is not a dam by definition. This could be a dangerous situation, especially if you cannot locate the owner and an emergency condition exists. The definitions section in the 1987 Act should be updated, particularly the definitions for 'owner' and 'person' which are not included in this House Draft 1, and leaves ambiguity in the statute as to whom the law applies to.

"The unlawful section left as it is, is weak. And is one of the major findings of the Godbey investigation and report. The monetary penalties for violations of the 1987 Act are low, a maximum of \$500 per day and does not provide much incentive to comply with the law. Under the 1987 Act, the board's powers and authorities are vague. These are just some of the problems with the House Draft 1 and therefore it must be recommitted. So I ask the members to support the recommittal."

The motion was put to vote by the Chair and carried, and H.B. No. 1905, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DAM SAFETY," was recommitted to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, with Representatives M. Oshiro, Souki and Takamine being excused.

Representatives Chang and Sonson, for the Committee on Higher Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 211) recommending that H.B. No. 1011, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 1011, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1011, HD 1, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 212) recommending that H.B. No. 1119, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1119, entitled: "A BILL FOR AN ACT RELATING TO RURAL PRIMARY HEALTHCARE AND WORKFORCE DEVELOPMENT IN THE SHORT-TERM," passed Second Reading and was referred to the Committee on Higher Education with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 213) recommending that H.B. No. 1477, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1477, entitled: "A BILL FOR AN ACT RELATING TO RURAL PRIMARY HEALTH CARE TRAINING," passed Second Reading and was referred to the Committee on Higher Education with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 214) recommending that H.B. No. 1479, as amended in HD 1, pass Second Reading and 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.B. No. 1479, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE SUPPORT FOR SMALL BUSINESSES," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 215) recommending that H.B. No. 466, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 466, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"I just wanted to vote no on Stand. Com. Rep. No. 215 for the following reasons. I recognize that this is an attempt to help the rights of women to choose to have emergency contraception after they're raped. However, it does still require St. Francis Medical Center, or I guess it's now called the Hawaii Medical Center, to perform or give out emergency contraception. And while many may believe that since St. Francis sold the hospital to the Hawaii Medical Center, one of the basic agreements of that sale was to allow the Catholic sisters to continue to maintain its religious tenets. And therefore included these tenets as the condition of the sale and lease of the land under two medical centers.

"And so Hawaii Medical Center has agreed to comply with ethical and religious directives for the Catholic health care services. So there's varied concerns that while we're trying to protect the rights of one particular group, that we are taking away the rights of another group that is really trying to help bring healthcare to the people of Hawaii."

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

"I'd like to ask for a ruling on a potential conflict. My husband works for Hawaii Medical Center," and the Chair ruled, "no conflict."

Representative Ching continued, stating:

"I'd like to stand with strong reservations and I ask that the words of the Representative of Ewa Beach be entered as my own."

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

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

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

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

"Briefest of comments. Your Committee on Health believed, or I should say, I believed, that even though there is not a 'carve out' exemption for previous St. Francis, now the new body, we do believe that based on current statute, that people would have the right to refer treatment of someone who needs emergency contraception to another provider at the facility if it was their prerogative to give it. So we do think that that it is taken care of, but I look forward to further discussion of the matter."

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

"I rise in reservations. The matter is very simple. If you're in trouble, you should get emergency contraception. But if you happen to be in St. Francis and you can't, by virtue of the hundreds of years of whatever and however the doctrine is, all we have to do is exempt this one hospital and this bill goes 'lickety split'. One exemption. I think for the sake of the 99.999% of the people who are going to benefit from this, this tug of war has been much ado about nothing. All we have to do is give one exemption and this bill is over with. And I think we have to be more common sensical rather than political with the way this bill has been approached in the past. Thank you, Mr. Speaker."

The Chair then stated:

"Thank you, very much. This particular measure will be going to the Committee on Judiciary after this, so I hope the Judiciary Committee will have a lively debate on this matter."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 466, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representative Pine voting no, and with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 216) recommending that H.B. No. 1792, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1792, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"I rise in opposition to this matter. The measure today before us is very flawed in my opinion. It would fast-track the use of a specific drug treatment protocol for the problem of crystal methamphetamine that has not been clinically tested. The Director of the Department of Health who is charged with conducting the review in this measure

has expressed that the Department does not review or approve medical treatment protocols which she's being asked to do in this measure.

"The other thing I would point out, Mr. Speaker, is that while this protocol may be an option for the future there are other better ways in which we could invest the monies that would be used in this measure. For instance, on drug treatment programs and substance abuse education which this body has funded before.

"Again, while this may be a promising treatment I would urge that we not pass this because we simply cannot unnecessarily waste the monies when it can be used in other ways."

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

"Mr. Speaker, I stand in strong support of this matter. As you all know, we're the number one state in the whole union with the most crystal methamphetamine addicts. This is a drug that's fully approved by FDA. It's been in Hawaii for the last three years.

"In the hearing of the Committee of Health, Kahi Mohala, the Executive Director came forward and said they are now about to use it for their patients, and they're now having dialogue with HMSA to cover some of the costs of this treatment and we now have people in Hawaii that have actively used this drug PROMETA. I think the conflict here, there's a conflict, because there's also other people who are interested who have come forward and said that they have better treatment.

"There are now three states in the nation, Mr. Speaker, in which the criminal justice system has adopted the use of these drugs. Yes, we do have treatment for crystal methamphetamine, which is not medication, in our State. And I think that we should spur every race and implement means that had been proven elsewhere for the benefit of our people. I think that if you look at the affects of crystal methamphetamine or 'ice', we are the state of ice epidemic, in our State, we should be the leader of measures that will cure our people and decrease the number of criminality in our State. PROMETA has been here like I said for three years and it's also only been used by the rich and the famous.

"But unfortunately, Mr. Speaker, the people that are ice addicts do not have medical insurance or neither do they have money to be treated. So this bill is only a measure wherein we can implement public support or public appropriation for this type of people. Otherwise, it's available in this State. There are a few providers here in this State and I've had dialogue with every agency that has something to do with the approval of PROMETA.

"The bill says that we are to review studies done elsewhere. We are not putting any money for any studies here. We merely review and follow up, follow the rules as being implemented by other states. And as far as the Department of Health is concerned, they don't want to review. There are other agencies, Mr. Speaker, that we can approach to study this for our own implementation. Thank you very much."

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

"I'm rising with some strong reservations. I went to the Neal Blaisdell Center for a review of this program. The people that were involved with it from the very beginning were there. I was not convinced. What I did get was that it was a very expensive program. And I would like to see a lot more data and information as to the real value of it, but I note that in the Committee Report, that the Department of Health and even Elaine Wilson, who used to work in the alcohol addiction area in the Department of Health was against this bill."

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

"I stand in conditional strong support of this bill. Conditional strong support based on one statistic. In the Health Committee, one of the purveyors of the trials that this went through gave us the astounding statistic that 75 to 80 percent of those addicted to drugs were free. That tells me something is happening because that's a rate that no other program gets to. So I think that what we should do is pass, get it on Medicare, see if it works, fund it or throw it out."

Representative Cabanilla rose to respond, stating:

"I just want to address, Mr. Speaker, the issue about the cost of PROMETA. It will be expensive, but if you look at the effects of crystal meth, of ice addiction in our State, in our criminal justice system, when they come in and out of probation or incarceration or the families that are broken down because of this addiction and all the crimes that comes to our society because of that addiction. If you add those up, Mr. Speaker, we are better off paying the price for their treatment."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1792, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE," passed Second Reading and was referred to the Committee on Judiciary with Representative Belatti voting no, and with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 217) recommending that H.B. No. 1476, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1476, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 218) recommending that H.B. No. 1893, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1893, entitled: "A BILL FOR AN ACT RELATING TO PROFESSIONAL LICENSURE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 219) recommending that H.B. No. 1118, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1118, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 220) recommending that H.B. No. 1335, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1335, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 460, HAWAII REVISED STATUTES, OSTEOPATHY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 221) recommending that H.B. No. 1368, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1368, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL AND MEDICAL FACILITIES SPECIAL FUND," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 222) recommending that H.B. No. 843, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 843, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"On Stand. Com. Rep. No. 222, House Bill No. 843 HD 1, I'm standing in strong support. This is regarding Kahuku Hospital and I appreciate the Committee of Health hearing it. For us on the North Shore, it's really critical that we have this institution saved. This now goes to the Finance Committee. Hawaii HSC is the bearer of it.

"But also with this bill there's linkage involved. The Governor had an emergency appropriation and also a grant, and that's moving. So I'm asking the body to support that as we move on."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 843, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAHUKU HOSPITAL," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine 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. 223) recommending that H.B. No. 825, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 825, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Second Reading and was referred to the Committee on Legislative Management with Representatives M. Oshiro and Takamine 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. 224) recommending that H.B. No. 1008, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1008, HD 1, entitled: "A BILL FOR AN

ACT RELATING TO CHILDREN'S HEALTH CARE," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 225) recommending that H.B. No. 1691, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1691, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"This bill would allow an employee, only an employee, to elect to use accrued paid leave including vacation, personal or family leave, for any part of a four week period of family leave provided under the law. I'm going to go with reservations, but I'm very concerned about this bill. The measure puts Hawaii's statute in conflict with the federal Family and Medical Leave Act of 1993 and sets a different standard for Hawaii employers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1691, entitled: "A BILL FOR AN ACT RELATING TO FAMILY LEAVE," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 226) recommending that H.B. No. 1522, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1522, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I stand in strong support of Stand Com. Report 226 for civic responsibility and educating our children in these different disciplines. And I would like to ask if I can have written comments inserted in the Journal."

Representative Ching's written remarks are as follows:

"Thank you Mr. Speaker. I rise in strong support of House Bill 1522 - Relating to Education.

"I strongly support HB 1522 which would establish a grant program to increase Hawaii school student's understanding of civic responsibility through increased civic learning opportunities. We must be deliberate about preparing our youth to be willing and able to take their active role in civil society. Well-designed classroom, school-wide, and complex level programs that foster an understanding of fundamental constitutional principles through methods such as service learning, integration of current events, or simulations of democratic processes and procedures, together with required assessment and tracking of students' civic learning, will enhance educational accountability.

"Initiatives such as No Child Left Behind have placed enormous emphasis on reading and mathematics, and there is now a growing stress on science and technology. However, Hawaii school children should understand the electoral process and practice other aspects of civic responsibility while in school to be prepared for their roles as citizens in adulthood. In recent decades, increasing numbers of citizens of Hawaii and other Americans have become disengaged

from civic and political institutions and electoral activities such as voting. Recent figures show that Hawaii has the lowest voting incidence in the nation. By increasing opportunities for civic learning, this bill will help each generation of Hawaiians understand their rights and responsibilities as citizens as well as the importance of active, informed citizenship.

"I support HB 1522 as a way to engender personal, civic, and academic engagement in our school children and to promote a deep sense of civic responsibility in them, as well a joy in life-long learning."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1522, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 227) recommending that H.B. No. 1630, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1630, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TECHNOLOGY WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representatives Takumi and Sonson, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 228) recommending that H.B. No. 1508, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 1508, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I rise with reservations. This particular bill raises the salary cap of the Superintendent of Education, as well as the executive management team from, not all of them, from \$150,000 to \$200,000. And I actually had some questions for the Board of Education, but they weren't there at the hearing to answer them.

"And in regards to this, I know that we won't be looking into being prescriptive as to what are the outcomes that we expect for our raises, but what I wanted to ask the Board was, what is the system that they have to review the superintendent for raises? And because I don't know that I'm going to move forward with reservations."

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

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

"Thank you, Mr. Speaker. The first speaker was interested in knowing how the Board does the review. She could have asked me actually, but that's beside the point. How the Board of Education does a review of the Superintendent is on an annual basis. But the Superintendent also has a multi-year contract and that evaluation is done of course as all evaluations are in executive session. So the criteria that they use for the Superintendent is based upon the Superintendent's plan on how she will improve student achievement and all the different culture that they are going to judge as Superintendent.

"This bill really says ... Well, let's backtrack. The Superintendent currently gets paid \$150,000. That was her pay when she first got the job over five years ago and it has not budged because the ceiling is \$150,000. This bill merely lifts the ceiling to \$200,000. It is totally and entirely up the Board as to what degree, \$150,000 to \$200,000, they want to raise the Superintendent, again based on an evaluation that they review in executive session. I hope the first speaker is not implying that we here at the Legislature ought to get involved in evaluating the superintendent. I think that would be a tricky business indeed.

"And, to keep it in perspective, this current Superintendent, the future superintendent in fact, oversees the ninth largest school district in the United States. If you look at studies, Superintendents of districts in the United States between 100,000 and 200,000 students of which we are one with 180,000 students, gets on average \$228,000 in salary. Again, you want to take into account Hawaii's cost of living, \$200,000 at the top end is a reasonable amount. And again, that's not to say any superintendent will get that amount. It will be based upon the performance evaluation that's conducted by the Board. Thank you, Mr. Speaker."

Representative Finnegan rose to respond, stating:

"Still with reservations, Mr. Speaker. And just some additional comments. In regards to this particular bill and being able to ask the Board of Education, one of the things I just want to be consistent with is we passed out legislation that required principal performance-based contracts. And as we're going through that, we are expecting a certain agreement as to how we are going to pay principals. And I just want to make sure, because we are spending taxpayer money, that we do our job in reviewing maybe some of the guidelines. Is this performance-based? Those type of things.

"I'm not saying that the Superintendent deserves more or deserves less in comparison with the rest of the State. So it's just a matter of being consistent, saying that is this performance-based, what system is in place that would help us understand the review process."

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

"I'm rising with some strong reservations. I guess the first thing that comes up for me is that the top executive in this State who is the Governor makes \$112,000. I've heard the arguments in the past when the superintendent was Superintendent Aizawa, and he was going to step down. They were going to get a ... I can't remember whether he had a vote of no confidence, but they were looking for another Superintendent.

"And the salary at that time was about \$94,000 and in quotes from the Board of Education it was like it's very hard to get anybody to apply for the job. Actually, a lot of people applied. People from other states. Then when the ceiling was raised to \$150,000 it wasn't very long before it just jumped to the cap. I don't have a lot of faith in the Board of Education in that when the further a person is from the money that is earned, and tax money comes in and everything gets spread out. Nobody thinks about how they would spend their money or if they had an employee, what they would do.

"The Chair of Health alluded to the fact that the Superintendent gets a multi-year contract. I think a few years back, the Board of Education decided to renew it when it wasn't up because in their mind they were so happy with the work she was doing and that was good for her. But that was sort of an arbitrary decision made. It wasn't the time to renew the contract. My fear, I guess, is that we're just going to if we pass this, raise it to \$200,000, the Board may very well just say, 'Well, I think the Superintendent's worth it. Let's do it.' That's a huge increase. That's tax dollars. I'm not comfortable with that amount."

The Chair then stated:

"May I correct your statement earlier. It was not the Chair of Health. It was the Chair of Education."

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

"I'm in support. I just want to correct the previous speaker. It was not Dr. Aizawa. It was Dr. LeMahieu."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1508, entitled: "A BILL FOR AN ACT RELATING TO SALARIES," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representatives Takumi and Chang, for the Committee on Education and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 229) recommending that H.B. No. 1268, as amended in HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 1268, HD 1, pass Second Reading and be referred to the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

"On Stand Com Report 229, HB 1268 HD 1, I'm going with reservations on this one. I stated my concerns in the Committee hearing. I don't want to belabor it here. This still has a long ways to go. But in a nutshell, Mr. Speaker, this measure, this proposal has not had quite the degree of collaboration with all the stakeholders that I think goes into sound public policy. There's still time for that to occur. So I will withhold final judgment on this bill, apart from with the assurances that when in session, it will be a product that all of the stakeholders can say that we had a part in developing it."

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

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

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

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

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

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

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

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

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

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

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

"I speak with strong support. First of all Mr. Speaker, I do want to thank the Chair of Education for allowing this to pass out of Committee. This is a good bill that has a lot of promise. And it is quite comprehensive and so there are a lot of parts to this measure that we need to look in and through. But I would like to say that after reading a lot of the information on this bill and other innovations bills that what it did was it allowed for leveraging of existing resources. This is also bringing in things that are successful within the community, or within education and trying to bring that all together under one vision. So although, as we go forward, there's a lot of promise to this bill. There are a lot of good things that are going on in Hawaii that support the parts of this bill. I'm just very thankful that we get to continue the conversation on this."

Representative Takai rose to respond, stating:

"Still in opposition. My reason for opposition is that this is the Governor's bill, and in the hearing we talked a little bit about the collaboration that the Minority Leader just recently discussed. And the fact remains that I don't think to this date that there is enough collaboration and discussion going on in the Department of Education and the University of Hawaii. In fact, when the bill was crafted, my understanding is that neither the University of Hawaii nor the Department of Education was asked to participate. And that troubles me because the focus of this particular measure is at the University of Hawaii and our public schools. If this is in fact a true collaborative effort, those two partners must be involved."

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

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

"Just with strong support, Mr. Speaker. I don't think we should shoot down a great idea just because we left out a person in the discussion. We still have lots of time to include that person or that group and hopefully that will occur. I do want to note that there were multiple testimonies and some from the University of Hawaii strongly supporting this measure. And they were included in those discussions. And I also want to note that despite having numerous, numerous supporters, there was only one opponent. And he was a private citizen. So hopefully we can together as team in this body get those people who we think are left out and pass this measure."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1268, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INNOVATION IN EDUCATION," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representative Takai voting no, and with Representatives M. Oshiro and Takamine being excused.

Representatives Yamane and Ito, for the Committee on Tourism & Culture and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 230) recommending that H.B. No. 1169, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC SITES," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 231) recommending that H.B. No. 282, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 282, HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, seconded by Representative B. Oshiro.

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

"I rise in favor of this Committee Report. And I just would like to point out that the Committee Report mentions that no matter whether we know what happens to Aloha Stadium in the future, whether there will be a new stadium, your Committee finds that the needs of the existing stadium should not be ignored. So our priorities should be placed on addressing the immediate repair and maintenance needs of the stadium.

"The Director of the Department of Accounting and General Services pointed out that if a new stadium is desired, it would take a minimum of ten years to find a suitable site, to do the planning, the permitting, the appropriations and so meanwhile we need the stadium for UH games, for other events of statewide concern for other public events, especially for public high schools. For reasons of health and safety and ADA compliance, we should make sure that we tend to the immediate needs of the Aloha Stadium."

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

"I would like to vote no on this measure and I would like to briefly mention why even though I stand the risk of sounding like a broken record. My opposition is that acquisition of new land, and I know they're looking at land in Ewa, and it would be nice for us to have a stadium there. But we don't have the infrastructure to support it, Mr. Speaker. We've got traffic gridlocked every day and the only reprieve we have is on the weekend. I would really hate those two days be occupied by a whole bunch of people coming to Ewa."

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

"I rise with reservations. Basically, Aloha Stadium is right smack dab in the middle of my district and whatever happens, whether it is relocated or we fix up the existing stadium, will have big consequences or benefits on the district. And I haven't been able to ... I don't sit in this particular Committee, so I'm going to reserve my vote until Third Reading, but I did want to just note my reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 282, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ALOHA STADIUM," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representative Cabanilla voting no, and with Representatives M. Oshiro and Takamine being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 232) recommending that H.B. No. 1104, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1104, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION," passed Second Reading and was referred to the Committee on Water, Land,

Ocean Resources & Hawaiian Affairs with Representatives M. Oshiro and Takamine being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 233) recommending that H.B. No. 1435, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1435, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII ENDOWMENT FUND," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 234) recommending that H.B. No. 781, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 781, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I am in opposition to Stand. Com. Rep. No. 234, House Bill 781 HD1. This would really gut the Works of Art Special Fund, the State Foundation of Culture and Arts program. I'm not quite sure of everything it does but it looks like it would cut the funding for the acquisition and maintenance of the art by 50%. I think we should look at this very carefully."

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

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

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

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

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

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

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

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

"Mr. Speaker, in support. This measure is just an option. It's to give Culture and Arts the option of going up to 50% of their amount of special fund for repair and maintenance or capital improvement projects. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 781, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WORKS OF ART SPECIAL FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Marumoto and Thielen voting no, and with Representatives M. Oshiro and Takamine being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 235) recommending that H.B. No. 1352, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1352, HD 1, entitled: "A BILL FOR AN ACT ESTABLISHING A COMMISSION TO PLAN FOR THE FIFTIETH ANNIVERSARY OF HAWAII STATEHOOD," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 236) recommending that H.B. No. 1552, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1552, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 237) recommending that H.B. No. 158, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 158, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 238) recommending that H.B. No. 160, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 160, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 239) recommending that H.B. No. 893, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 893, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"On Standing Committee Report 239, with reservations. I just have some concerns of increasing the size of buses and that's for safety reasons that I vote with reservations."

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

"I'm rising with a similar concern, so at this point, aye with reservations."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 893, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 240) recommending that H.B. No. 375, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 375, entitled: "A BILL FOR AN ACT RELATING TO PEDESTRIANS' RIGHT OF WAY," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 241) recommending that H.B. No. 357, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 357, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 242) recommending that H.B. No. 806, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 806, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEDESTRIAN SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 243) recommending that H.B. No. 497, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 497, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"I'm rising in strong support of both 243 and 244. It's mainly because we've really been remiss. Hawaii has been historically behind the rest of the nation in spending on pedestrian facilities. It might be a good reason why we're killing so many bicyclists and pedestrians. We lead the nation in those regards."

"So this is just a small step, these first two bills, in actually trying to correct that history. We were 43rd in the nation for expenditure of available federal funds for bike pedestrian facilities. And it's really been because the State DOT is really not focused on walking and biking. Their focus is on automobiles."

"So this is just a first small step in the right direction toward sustainability, and I'm pleased that the Legislature is taking these

initial baby steps toward a sustainable pedestrian-oriented transportation system."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 497, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 244) recommending that H.B. No. 1823, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1823, entitled: "A BILL FOR AN ACT RELATING TO BICYCLE AND PEDESTRIAN SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 245) recommending that H.B. No. 989, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 989, entitled: "A BILL FOR AN ACT RELATING TO LEAVE SHARING," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 246) recommending that H.B. No. 1290, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1290, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 247) recommending that H.B. No. 1292, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1292, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 248) recommending that H.B. No. 505, as amended in HD 1, pass Second Reading and be referred to the Committee on Human Services & Housing.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 505, HD 1, pass Second Reading and be referred to the Committee on Human Services & Housing, seconded by Representative B. Oshiro.

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, the purpose of this bill is to make more lands available for the development of affordable housing by:

- 1) Authorizing the Department of Land and Natural Resources to issue 99-year term leases of ceded lands for the development of low and moderate income housing; and
- 2) Requiring DLNR to conduct a study and submit a report on the inventory of available ceded land and their suitability for the development of affordable housing to the 2008 and 2009 Legislatures.

"Mr. Speaker, affordable housing throughout the State is in a crisis state. Because of the very active real estate market, families who previously were able to afford affordable housing are now living with relatives or are homeless because they no longer can afford the increase in their rent. Many of OHA's beneficiaries fall within these parameters and are in need of affordable housing.

"Mr. Speaker, this bill will permit the use of ceded lands for the development of affordable housing. It is hoped that through this measure, families who are now living with relatives or on the beach will be able to live in brand new affordable housing.

"Mr. Speaker, I ask all of my colleagues to vote favorable on Standing Committee Report No. 248, H.B. 505, HD 1. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 505, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading and was referred to the Committee on Human Services & Housing with Representatives M. Oshiro and Takamine being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 249) recommending that H.B. No. 507, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 507, HD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative B. Oshiro.

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

Representative Ito's written remarks are as follows:

"Mr. Speaker, I am in support of Stand Com. Report No. 249, H.B. 507, HD 1.

"Mr. Speaker, the purpose of this bill is to preserve legislative oversight over small boat harbors statewide, by prohibiting the transfer of jurisdiction, duties, authorization, programs, records, equipment and materials, funding, or personnel relating to State small boat harbors to any county in any manner unless expressly provided by statute.

"Mr. Speaker, our State small boat harbors are a vital part of the State of Hawaii's intra-state transportation system. Passage of H.B. 507, HD 1, will ensure that the legislative branch of our State government continues to have oversight on issues like harbor divestiture, and continues to represent the best interests of the people of the State of Hawaii.

"Mr. Speaker, I ask all of my colleagues to vote favorable on Standing Committee Report 249, H.B. 507, HD 1. Thank you, Mr. Speaker."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 507, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING," passed Second Reading and was referred to the Committee on Legislative Management with Representatives M. Oshiro and Takamine being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 250) recommending that H.B. No. 1590, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1590, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 251) recommending that H.B. No. 1591, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1591, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 252) recommending that H.B. No. 1593, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1593, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 254) recommending that H.B. No. 1555, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1555, HD 1, pass Second Reading and be referred jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns, seconded by Representative B. Oshiro.

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

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

"No vote for me as well. I think I have to apologize to you, Mr. Speaker. I usually don't stand up on Second Reading bills because I know they have a long way to go, but on this particular measure, this bill takes two concerns that perhaps the Economic and Development and Business Concerns Committee, along with Tourism and Culture can take a look at as it goes to their Committees.

"First of all, the bill does not have anything in here that is called 'claw-back' provisions. And what 'claw-back' provisions are is anytime an entity, whether it be the State or the city, gives a subsidy of credit and abatement, any tax thing of that nature, they usually put in a 'claw-back' that says if you don't live up to your end of the bargain, then we can 'claw back' and take back that credit.

"What are some of the provisions, generally? Some of the provisions are, we will employ X number of people at an average wage of this amount. And there is an assurance from us as policymakers that this is indeed in the best interest of the State because it's an income generator, a job creator and of course, a tax generator as well. That is absent from this bill.

"The second point is a real minor point actually, is that it's odd to me that it's a \$75 million tax credit which we gave not that long ago for another world-class fish tank, and it seems like this is going to be applied as well. My understanding of tax credits is, it's not like a gift certificate where you can just kind of transfer it over to someone else. Now that may not be of any relevance whatsoever, but I just want the other two Committees as they look at it to take those two points into account."

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

"I also rise in opposition to this measure. I would like a no vote cast. Also, it was really difficult to support this measure in Committee because there are really no proponents for it. So it's really difficult to ascertain what the project was like. And I also would like to incorporate the words of the previous speaker of my colleague from Pearl City as my own."

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

"I rise in opposition to this measure. And first of all would like to incorporate the words of the Representative from Pearl City as if they were my own. Mr. Speaker, the Ko Olina tax credit was unnecessary back in 2003. This measure is unnecessary today. No developer has stepped forward to push an aquarium in Kakaako so I'm not too sure who this bill will benefit.

"We have a golden opportunity here to put \$75 million back into the State's financial plan. So let's take the first step forward in the right direction by simply wiping the Ko Olina tax credit off the books and then examine using that money in our financial plan for all of the other good, worthy government projects. This effort to me is more about taking advantage of an opportunity than it is about serving a good public need."

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

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

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

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

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

"No vote. And may I say a few words? This is not yet been mentioned so what I want to add is this year we came into the Session knowing we had issues about housing and I'd sure like to see a tax credit go for student housing that we need all across the State. And we could maybe get the private sector to build our student housing and put in some tax credit for that."

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

"I rise in support of House Bill 1555, HD 1. Mr. Speaker, the purpose of this bill is to provide tax credit for costs incurred in the development of a world class aquarium at Kakaako Makai on Oahu, up to a maximum of \$75 million to all qualified taxpayers in all years.

"Mr. Speaker, questions have been raised as to the future status of the Waikiki Aquarium which is operated by the University of Hawaii. This measure does not preclude the Waikiki Aquarium from formulating a partnership with the developer of the aquarium. Such a partnership can only enhance the Waikiki Aquarium's research capabilities as well as increasing the visitors count through a shared entrance fee arrangement. Furthermore, House Bill 155 does not preclude the University of Hawaii from developing their own aquarium and utilizing the tax credit or the design and construction costs.

"Mr. Speaker, in 1999 the Hawaii Community Development Authority commissioned PricewaterhouseCoopers to conduct an independent study to investigate the market and the financial potential for a world class aquarium in Kakaako. The Waikiki Aquarium also had input into the study, regarding the programming of the proposed aquarium. Mr. Speaker, this study concluded that a world class aquarium in Kakaako is both financially advantageous and sound investment for the future.

"Back in 1999, it was estimated that in opening year of the aquarium alone, it was predicted to draw an estimated 900,000 to 950,000 annual visitors. The study further stated that such an aquarium in Kakaako could capture upward of 750,000 visitors annually, fully financing its operation from visitor-spending revenues and ultimately creating a surplus that accommodates a meaningful level of debt financing. The study further states that the implementation of HCDA plans for the waterfront development at Kakaako will play an important role in the success of the aquarium by providing an exciting and attractive people place with significant parking. Thus, the aquarium may be only one element of a campus which accommodates other related activities.

"Mr. Speaker, HCDA entered into a development agreement with KUD International, LLC for 11.5 acres of the 221 acre development area. A June 18, 2004 report entitled, "Ocean Science Center at Kakaako Business Plan" concluded that a world class aquarium in Kakaako would be a major anchor for the Kakaako Makai development region through a shared vision branding theme built around science. The result could be a vibrant community, a thriving economy and a recognition of science attached to the name of Kakaako in the State of Hawaii. Mr. Speaker, this is an incredible opportunity for the State of Hawaii to invest its precious tax credit into a fiscally sound investment for our future. I urge my colleagues to pass HB 1555, HD 1."

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

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

"In support. I would first like to incorporate the words of the Chair of the Water and Land Committee on as if they were my own, but also to offer a couple of brief comments.

"This State for many years has talked about building a world class aquarium. And when you think about it, Mr. Speaker, a state like ours in the middle of the Pacific with tourism its number one industry, and with our population enjoying the Pacific every day, we should have an aquarium that can educate our children and our adults and also educate the tourists who visit our State everyday and our growth engine of Waikiki. And despite many attempts to develop public/private partnerships to build such aquariums, it hasn't succeeded.

"Most recently we saw an attempt and instead \$75 million went to Ko Olina on the promise that they'd build an aquarium out there which has never transpired. We've lost four years since then. This would allow a public/private partnership to come in, take advantage, build an aquarium, turn it over to UH at some point for them to run and for many, many generations in the future to take their children down there and learn more about the ocean the surrounds all of us.

"It's a good first step, it deserves serious consideration and I hope that this vehicle remains alive and that the Senate will look at it closely too."

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

"Mr. Speaker, one could argue that this is a revenue-neutral bill. I'm speaking objectively in favor. Because if they don't build it, there's no tax credit. But if they build it, there's going to be income that comes to the State. And I'm not saying we should always dangle tax credits for people to build it, but there's no money leaving the treasury unless it's built. And if money leaves the treasury, it comes back *vis-à-vis* the private sector and the stimulation of the economy. So it's value-neutral the way it is but if you put it into gear, that's when it has its benefits."

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

"I rise with reservations. As a member of the next two Committees I will remain open-minded as to what they will be sharing with us. My concern with this particular bill is that it is actually not value-neutral. It will represent the decision that we have with this that will represent how we feel about Hawaii's movement to diversify our economy away from the visitor industry as the primary source. And I have some concerns about the existing aquarium because we've invested a lot in that as well. So I will remain open-minded."

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

"Mr. Speaker, with reservations. And what prompts my reservation are some things that the Majority Leader has said. It is true that we've been down this road before and we tried it before, and it seemed as though that resulted in kind of a failure because we didn't put any type of assurances in the bill, or we didn't put some type of mechanism in the bill to require, or to get assurances that it's actually going to happen for the amount that we're providing the developer or providing people who are going to develop the aquarium.

"It seems like we've been down this road before, and it seems like despite the effort that we try to give similar type of tax credit for \$75 million, it didn't happen. And the message at that point in time when we first passed it was that people should be able to do it, or people would be willing to do it despite the \$75 million from the State. It seems like we're going down the wrong path again."

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

"I wish first to incorporate the words of the Chair of Education and the Representative from Salt Lake as if they were my own. And briefly in opposition, I think a lot has been said already. But one of the things that hasn't been said is that I think we still have the \$75 million tax credit on the books for Ko Olina. This bill doesn't even address that. So if this bill passes, not only will we have the \$75 million Ko Olina tax credit, but we'll also have this Kakaako tax credit. It already troubles me that we have on the books the Ko Olina tax credit.

"I've said for many years now my concerns regarding that. It also goes back to when we provided \$150 million to University when we gave them the funds necessary to construct the UH Medical School. Same concerns there, same concerns when I was in 2001, 2003 with the Ko Olina tax credit, I had the same concerns and those concerns have not been erased."

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

"In opposition. Just to add a few more words. I noticed that the Kakaako community I don't believe has weighed in on this yet so it may be very premature. And the other thing is the argument mentioned before about this would help the University in terms of research. Well, there's NELHA and other areas in the State that maybe that synergy of research and development is in the aquarium for that then we should keep ourselves open to different sites around the State."

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

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

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

"I am speaking in favor. I'm not addressing all of the comments made about the bill itself. I don't know enough about it, but I do support the vision that Chair Ito brought up mainly because I wasn't in favor of the aquarium we built on Maui at the time because I was against 'fish prisons'. But what I found was that the actual opportunities for education, for kids to sleep over and stay there and the educational facility that has become an exciting partnership that Chair Ito has talked about with the University, I think can be quite a learning tool. Not just for tourism, but for kids who don't get into the water and for the wonderful world that is under the water that many people aren't able to access."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1555, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred jointly to the Committee on Tourism & Culture and the Committee on Economic Development & Business Concerns with Representatives Belatti, Evans, Meyer, Morita, Nishimoto, Pine, Saiki, Takai, Takumi, Thielen and Wakai voting no, and with Representatives M. Oshiro and Takamine 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. 255) recommending that H.B. No. 436, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 436, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine 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. 256) recommending that H.B. No. 537, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 537, entitled: "A BILL FOR AN ACT RELATING TO PERINATAL CARE," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 257) recommending that H.B. No. 327, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 327, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL ABUSE," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 258) recommending that H.B. No. 329, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 329, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 259) recommending that H.B. No. 667, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 667, entitled: "A BILL FOR AN ACT RELATING TO KUKUI GARDENS RENTAL HOUSING COMPLEX," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 260) recommending that H.B. No. 997, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 997, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I rise in support of Stand. Com. Rep. No. 260. Mr. Speaker, Kukui Gardens is a large affordable housing complex located on a 22-acre parcel just outside of Chinatown in Palama. Kukui Gardens has 857 affordable units and 2,500 residents. Because the Department of Housing and Urban Development funded the Kukui Gardens complex it must remain affordable for 40 years. That 40 year period ends in 2011. After 2011, there is no legal impediment to raising the rents to market levels or to redeveloping the parcel.

"In early 2006, the current owner of Kukui Gardens put the complex up for sale and found a potential buyer, Carmel Partners. Understandably, the residents of Kukui Gardens are very concerned the potential sale of their homes and have fought to find a buyer who would keep the complex affordable after 2011. In response to these developments, last Session the Legislature passed, and Governor signed a bill giving the State authority to condemn the property.

"Since Act 288 became law, Carmel, the Kukui Gardens Resident Association and Faith Action for Community Equity which has been advocating on the residents' behalf, have reached a tentative compromise. This compromise would save half the complex for affordable housing and provide for the replacement of at least 200 of the lost units. Unfortunately, this would still result in the probable loss of about 200 affordable units, not a desirable result in the current tight rental market.

"To keep the Legislature's options open, I've introduced several bills including this one to try to ensure that the necessary vehicles are available to either accept the tentative compromise or to proceed with condemnation if that is the Legislature and the Governor's decision. Mahalo for your attention, and I respectfully urge passage of HB 997 and the other Kukui Gardens measures."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 997, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KUKUI GARDENS," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 261) recommending that H.B. No. 325, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 325, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL CARE," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 262) recommending that H.B. No. 1283, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1283, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representatives M. Oshiro and Takamine being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 263) recommending that H.B. No. 1257, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1257, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"On Standing Committee Rep. 263 with reservations. I just want to again mention that when we pass legislation that deals with

penalties and putting people in our correctional facilities, that we should always include an appropriation clause and a statement in there about what the impacts are going to be on our correctional facility system."

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

"I rise in strong reservation in this measure and I would like the words of the Representative from the Big Island as my own. But I also want to add a couple of comments here. The bill says that the purpose of this bill is to provide greater protection to victims of domestic violence. I am not sure at this point what greater protection means, but if you look at the offenses that are described right below in the Standing Committee Report, it also adds terroristic threatening in the first degree. Mr. Speaker, that could be anything."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1257, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE," passed Second Reading and was referred to the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 264) recommending that H.B. No. 1790, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1790, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PETROLEUM INDUSTRY," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 265) recommending that H.B. No. 1048, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1048, HD 1, pass Second Reading and be referred to the Committee on Agriculture, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1048, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED CROPS," passed Second Reading and was referred to the Committee on Agriculture with Representatives M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 266) recommending that H.B. No. 702, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 702, HD 1, pass Second Reading and be referred to the Committee on Transportation, seconded by Representative B. Oshiro.

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

"Mr. Speaker, instead of voting no on Second Reading on this measure, I'm voting with reservations and I would like to explain why. As an attorney that practiced environmental and land use law

for twenty years, I often would make sure that the government had to follow the environmental assessment and environmental impact statement procedures, both federally and under State law. I can understand why people are concerned that the Superferry has not been required to do that and I respect that.

"However, my reservations really relate to the carbon emissions from the various forms of transport. These figures may not be precise, but supposedly in passenger miles a plane will emit 290 grams of CO₂ per mile versus a ship emitting only 15 grams of CO₂ per mile. So it's about almost a one to twenty ratio. So your transport by ferry is a far superior means of transport for our island state, and it also helps us reduce global warming and do our part in that international effort.

"But I go back to the concern about the environmental review. Instead of a no vote as I did in the Committee, I am changing it to an aye vote with reservations."

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

"I stand on this measure with reservations. I understand why people are continuing to pursue the discussion on having an environmental impact statement, but I do believe that it may come because people don't have confidence in the Department of Transportation. But from someone who has monthly meetings on a regular basis with the Department of Transportation, the Superferry and the public get together for discussions, I can tell you that the Department and the people from the Superferry are constantly trying to address the concerns. The concerns tend to be fishermen coming to the Big Island, and coming there and fishing. And DOCARE's not there to control the fisheries.

"The other concern is invasive species and transporting invasive species one island or another. And a third one is potentially the hitting of whales. And the dialogue continues on a regular basis. We've been doing this for a couple of years. Constantly, what are we doing, how are we trying to address it, constantly coming up with plans and trying to work with the communities. And that's why I'm with reservations. I'm not sure we need the environmental impact statement."

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

"In strong support. Thank you very much."

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

"I'm rising in opposition to this measure. This is the bill that's referred to as the 'stop the Superferry bill.' I think that Superferry's going to be a wonderful thing for the State of Hawaii, giving our folks a less expensive way to travel between the islands. It will be good for small businesses. It's been a long time in coming and it would be a shame to have something like this stop it. I think that the ferry, we've seen it in the news, they've already got it out of the factory where it's being built. And some of the barges are already here. It's an exciting time for Hawaii."

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

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 702, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT," passed Second Reading and was referred to the Committee on Transportation with Representative Meyer voting no, and with Representatives M. Oshiro and Takamine 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. 267) recommending that H.B. No. 1359, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 1359, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"On Stand. Com. Rep. No. 267, House Bill 1359, with reservations. And just a heads up for the next Committee, Consumer Protection and Commerce. Take a look at whether or not, when we combine the Medicare Part D program with the Hawaii Rx Plus Program, whether that basically eliminates the possibility for the Department to negotiate with drug manufacturers.

"As you well know, Mr. Speaker, when the Hawaii Rx law, our Plus law passed, it asked the Department of Human Services to negotiate with drug manufacturers for secondary rebates and therefore lowering the cost even more for those in our State who are either uninsured or underinsured for drug coverage. With the Part D, it's a federal program obviously, and it does not allow, it is illegal to negotiate with the drug manufacturers. So when you combine the two, my concern is whether or not that then precludes the Rx Plus side of that new program from negotiating with drug manufacturers. I realize that the new Congress may change that. I'm not holding my breath."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1359, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine 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. 268) recommending that H.B. No. 1478, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1478, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 269) recommending that H.B. No. 1176, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Transportation.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1176, HD 1, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Transportation, 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 H.B. No. 1176, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Transportation with Representatives M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 270) recommending that H.B. No. 642, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 642, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representatives M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 271) recommending that H.B. No. 1267, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1267, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY SECURITY AND ENERGY EMERGENCY PREPAREDNESS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives M. Oshiro and Takamine being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 272) recommending that H.B. No. 837, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 837, HD 1, pass Second Reading and be referred to the Committee on Legislative Management, seconded by Representative B. Oshiro.

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

"I rise in opposition to 272. This would provide the legislative agencies with a normal exemption to exempt them from the procurement code when contracting for studies that come back to the Legislature. It seems fairly innocuous, but what is wrong with this, and why am I voting no is that the CPO, the Chief Procurement Officer, Aaron Fujioka, said that this bill sends a mixed message.

And I interpret that to mean that everybody else in the Executive departments and UH, the Judiciary and the counties, you must use the procurement system. But we at the Legislature want to be exempt. I think that is a mixed message. The CPO said that exemptions can be granted expeditiously, on a case-by-case basis. So we don't need this exemption and we don't need this bill."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 837, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Legislative Management with Representatives Finnegan and Marumoto voting no, and with Representatives M. Oshiro and Takamine being excused.

Representatives Yamashita and Tsuji, for the Committee on Economic Development & Business Concerns and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 273) recommending that H.B. No. 1923, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1923, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 274) recommending that H.B. No. 1456, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1456, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

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

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

"With reservations. I think we're moving forward on some legislation in regards to appropriating money for the tele-psychiatry and that sort of thing and I just want to note my reservations."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1456, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS," passed Second Reading and was referred to the Committee on

Consumer Protection & Commerce with Representatives Ching and Meyer voting no, and with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 275) recommending that H.B. No. 1698, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1698, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," passed Second Reading and was referred jointly to the Committee on Economic Development & Business Concerns and the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine 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. 276) recommending that H.B. No. 385, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 385, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine 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. 277) recommending that H.B. No. 485, as amended in HD 1, pass Second Reading and 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.B. No. 485, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 278) recommending that H.B. No. 678, pass Second Reading and 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.B. No. 678, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS," passed Second Reading and was referred to the Committee on Economic Development & Business Concerns with Representatives M. Oshiro and Takamine being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 279) recommending that H.B. No. 1677, as amended in HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1677, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIRE SAFETY," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representatives M. Oshiro and Takamine being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 280) recommending that H.B. No. 1440, as amended in HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1440, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Legislative Management with Representatives M. Oshiro and Takamine being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 281) recommending that H.B. No. 1324, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Health and the Committee on Human Services & Housing.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1324, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," passed Second Reading and was referred jointly to the Committee on Health and the Committee on Human Services & Housing with Representatives M. Oshiro and Takamine being excused.

Representatives Yamashita and Chang, for the Committee on Economic Development & Business Concerns and the Committee on Higher Education presented a report (Stand. Com. Rep. No. 282) recommending that H.B. No. 1279, as amended in HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 1279, HD 1, pass Second Reading and be referred to the Committee on Labor & Public Employment, seconded by Representative B. Oshiro.

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

"With reservations for the same concerns I raised on Stand Com. Rep. 229, House Bill 1268."

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

"This is Stand. Com. Rep. No. 282. Also with reservations. We were in the hearing yesterday and this bill has moving parts. If it is just about encouraging the Employees' Retirement Fund to invest its money in a certain way, then that should be by itself. But there's too many things going on and so we look forward to what the next Committee's going to do."

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

"Also with reservations. I guess the biggest concern I have is that aspect of dealing with the Employee Retirement System. We have a system that we just learned needs billions more in order to meet the needs of our retirees, and yet we have an Executive branch who's wanting to mandate the ERS that they take a sum of money, whether it be \$100 million, we heard a lot of debate on \$100 million yesterday, Mr. Speaker, and to invest it in a noble cause, but highly risky.

"You talk to any financial advisor and when they get into whether you want to invest in a high-tech start up company, you're looking at a high failure rate. Why would we want to gamble with the retirement money of our retirees and putting it in that kind of investment while at the same time, the same Legislature and this

same government is mandating that the ERS get the money, meet the needs of the retirees and meet the reserves that are not yet met. We're running in two different directions. I think we should step out of the picture and let the ERS do what they're supposed to be doing and meet the mandates that we provided."

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

"I rise with reservations to the bill, specifically the first part of the bill that removes the liability from the fiduciaries to do the venture capital type of investment."

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

"In strong support. In the Committee, actually we heard a lot of testimony and one of the things that I think is most attractive about this measure is that what they are saying is absolutely not telling the ERS what to do specifically with their money. It is much more about allowing them to invest in Hawaii companies. And they invest now a portion of their portfolio to mainland companies. In fact, the mainland sometimes invests in our companies.

"So essentially, to boil it down, to distill it down to a simple concept, we all know the concept, 'Buy Hawaii.' Buy Hawaii. We have a choice, Buy Hawaii. And that's what this is asking for. This is asking for if you have a choice and you file very strict prudent measures, the director of DBEDT was very clear on that, that this would not exempt fiduciary responsibility. That if you have a choice to invest, it makes common sense to me."

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

"If I could incorporate the words from the Representative from Liliha in strong support as well. And also just in addition, that is exactly right. We are fearful because we do have an unfunded liability in regards to the ERS and we need to be protective of that Fund. We also have to look at, though, and understand what the proposal is. And I don't believe that it's saying that we're being risky with our money or anything like that. In fact, the ERS does do the same type of due diligence that they do currently in their position. And so we need to understand it.

"Kamehameha was also a testifier in this. And the person that was representing Kamehameha was explaining how it works. And I don't quite understand it fully, but I intend to take this time to make sure that this money is safe, that we're exercising, they will be exercising their fiduciary duties, Mr. Speaker.

"The other parts of the measure, including the Mele program and some of the other things, are very good ideas that should keep on going and that we should still have discussion on. Like I said in an earlier bill, that it takes things that people are working on currently and it puts it together and says we are going to support this for future economic reasons."

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

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

"With strong reservations. I just wanted to make a record of part of this bill about supporting a state operated technology incubator and innovation center in the Kakaako district. Again, my concerns are, I was working with the community and their vision of what should be in Kakaako. And now today we've heard of an aquarium, now we're hearing about this State operated technology incubator, and then we hear about OHA, the Office of Hawaiian Affairs,

wanting a facility. So it just seems like we're all over the map. So maybe people are just throwing out, seeing what will stick this year, but I really want the community to weigh in on their vision."

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

"This bill was put on a stretcher and was carried out of Committee yesterday. It was a wounded bill. I rise with reservations. But again, this is a wounded bill and let me tell you why it's wounded. First, \$100 million is sort of a nice round figure, but an allocation of this size should be justified. And DBEDT Director, Ted Liu provided no rationale for coming up with this figure. Who's to say \$50 million, or a \$150 million wouldn't be a more appropriate figure?"

"Second, this bill creates a seven member advisory board. And again we are contemplating growing the size of government, when as I mentioned yesterday, the State already has this Hawaii Strategic Development Corporation, which Director Liu admitted yesterday, could administer this investment front or any investment front.

"Third, the bill includes language reducing the fiduciary responsibility of ERS trustees. That is not clear or it's not clear whether the State picks up some of that liability and Mr. Liu has not gotten an AG's opinion on that.

"Fourth, this measure does not require a private sector match. And I think this is the most important part about why this bill is wounded. At minimum, we should require other investors to join us. If it's not good for investment by the private sector and private investors, it's not a good investment for taxpayers. The idea of growing the tech sector is an excellent idea but this bill is not."

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

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

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

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

"I'm rising in support of this bill. I really appreciate the package that the Governor put together and a lot of thought was put into it. I might mention all the testimony yesterday was completely in favor of this. And just on the investment fund part of it, it really seemed clear to me that this is almost just a symbolic gesture more than anything else. They're just recommending that they consider this hundred million that they invest in Hawaii rather than wherever else they may invest. So it's not directing or anything like that. And there has been so much other financial monies put in by Kamehameha Schools and others that have already stepped forward, I think at least we should put a symbolic step forward as well by the State. So I do support this."

Representative Ching rose to respond, stating:

"I'm still in strong support and just to say I think I was in the same meeting. And if I were to characterize the testimony and what I think is first and foremost as the people, I would say some of the brightest minds and some of the most honest testimony were in such strong and overwhelming support. So I guess I was at the same meeting, but maybe you can see an accident and come out with a different interpretation."

Representative Har rose in support of the measure with reservations, and asked that the remarks of Representatives Caldwell

and Wakai be entered in the Journal as her own, and the Chair "so ordered." (By reference only.)

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

Representative Finnegan rose to respond, stating:

"Still in strong support. And I also just had one thing to add. In regards to the amount of the \$100 million, I believe that that suggestion did not originate from the DBEDT or the Governor's Office. In fact it was this very own body, this State House that had that as a suggestion all throughout last year until the end of Session and at no time did I hear that question come up as to why the significance of the \$100 million. So I just wanted to say maybe there is not an answer, and maybe we should ask other people on this Floor as to what that \$100 million is for."

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

"I rise with reservations. Very briefly to put on the last comment about the \$100 million. It actually wasn't a requirement that the ERS invest the \$100 million. It was actually looking at general fund appropriations. And secondly there was a prior comment as to the fiduciary responsibilities. If people would turn to page 21 and page 22 of the bill, it actually does relieve them of that fiduciary responsibility. So that is a primary concern and contrary to what the prior speaker may have said, she was wrong."

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

"With reservation. And some of my comments were already addressed by many of the speakers, but I wanted to just say on page 20, it is not a permissive language. It's a mandatory language. And even if it is a permissive language, what happens when we say the ERS may, or may consider it. The ERS looks at that as almost a mandatory language. If it is permissive language, then we shouldn't even put it in and allow that to be a permissive language.

"As far as other comments about buying local or supporting local companies, well you know it's fine if we're talking about different types of manufacturing goods or we're going out and supporting companies. In this situation, what we're talking about is a retirement system for retirees, and if we are going to jeopardize some of the benefits of the future retirees or present retirees, that's a big problem. The fiduciary responsibility that we need to take major consideration for. And because of these and because of some of the comments made by the previous speakers, I vote with reservations."

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

"With reservations for me. I am concerned about the drawdown, the statutory drawdown of the ERS. But that's one concern that I have. The other concern is this. You know if someone gives me or tells me that I could get \$20 million or \$10 million or whatever it is to do something, I'm going to gladly come to the table and say sure, give it to me.

"Many of these appropriations or some of these appropriations are going to the University of Hawaii. And that troubles me because if you take a look at the University of Hawaii's budget, let me give you an example. We all know that the UH Medical School's in dire need of additional funds. That's basic support for what we already have. \$3 million request and a \$4 million request. \$7.5 million more they need today to operate the medical school. I think all of you have been visited by people throughout the UH system and there's some unmet needs today that the University is requesting that the Legislature fund. And it troubles me when we have all of these things coming at us in addition over and above the basic needs of an institution like the University of Hawaii. Unmet needs, arts and

sciences. I mean we already saw just recently the report on the student housing facilities at Manoa. I don't understand. I don't understand how we can start coming up with these great ideas, \$50 million here, \$100 million here or whatever, when we can't take care of what we have right now."

Representative Takumi rose to respond, stating:

"Still with reservations. Just in response to the Representative from Maui about the testimonies that were in favor. I know it's very difficult as you read testimonies to kind of decipher their real meaning. Sometimes it gets subtle, sometimes a bit nuanced. When testifiers come before a Committee and say, 'I support the intent of a bill,' well if they supported the bill they would say 'I support the bill.' Good intentions do not necessarily mean good legislation. They're two different animals. And so I support the intent of this measure."

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

"I am standing in support of this measure because I believe there is a collective memory of some of us who were here in the '90s when it was this body that raided statutorily more than what is being asked now for innovation. It was this body that prior to that that's basically bled for decades any investments over 8%. The reason why the ERS is in trouble is because of us. So I don't think we can suddenly turn to the great protectorate of the ERS and not know that the blood on our hands in this body is directly of why it's so difficult.

"And when I hear pleas of individuals saying 'let us protect it,' well, up until a few years ago, we were there bleeding it and we were there robbing it. So now we're going to try to do something innovative and I could see the history that some may have forgotten that they need to remember. Bill moves on to the next Committee."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1279, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE INNOVATION ECONOMY," passed Second Reading and was referred to the Committee on Labor & Public Employment with Representatives M. Oshiro and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 283) recommending that H.B. No. 1003, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1003, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Higher Education with Representatives M. Oshiro and Takamine being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 284) recommending that H.B. No. 900, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 900, entitled: "A BILL FOR AN ACT

RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Higher Education with Representatives M. Oshiro and Takamine being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 285) recommending that H.B. No. 1615, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1615, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF A SHELLFISH AQUACULTURE INDUSTRY," passed Second Reading and was referred to the Committee on Higher Education with Representatives M. Oshiro and Takamine being excused.

Representatives Tsuji and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 286) recommending that H.B. No. 899, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 899, entitled: "A BILL FOR AN ACT RELATING TO INTEGRATED STRATEGIES FOR STATEWIDE FOOD AND ENERGY CROP PRODUCTION," passed Second Reading and was referred to the Committee on Higher Education with Representatives M. Oshiro and Takamine being excused.

Representatives Tsuji and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 287) recommending that H.B. No. 772, pass Second Reading and be referred to the Committee on Transportation.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 772, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," passed Second Reading and was referred to the Committee on Transportation with Representatives M. Oshiro and Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 288) recommending that H.B. No. 1023, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1023, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"With reservations on 288 as well. This constitutional amendment asks that the age to run for Governor and Lieutenant Governor be lowered to the age of 25. I was 25 years old once Mr. Speaker, and when I was 25 years old, I could run fast and I could stay up all night, but I wouldn't trade it for the knowledge that I had when I was 35. And when I look into this room, I don't see anybody here, correct me if you can, who is 24 years old. And I don't think that we're picking that poll from this office."

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

"I'm in support. I just want to share a short story with you folks. I received a phone call and numerous faxes from a young man named Reuben Perez and he wanted me to hear this bill. And I thought at first, 'Gee, I'm not going to pass this bill.' I don't think it's a good idea to change the Constitution for one young man who wants to run for Governor.

"At the urging of my Office Manager, I met with him and we sat down and he brought a handful of young adults with him. They were so excited about this bill and its purpose. I asked them, 'Are you running for Governor?' and he said 'No.' But the group of young people got together and they are trying to get other young people involved in the political process, and this was their idea to get other young adults involved. They feel that they're left out of politics and they don't really have a say in what happens in this building.

"So I was so jazzed when they came and talked to me about this, and encouraged them to talk to the rest of you. And I'll have them come talk to you, and talk to you, and everybody else if at all possible. I'm not optimistic that this is going to pass, but I thought it's a good idea to get these young adults involved. Thank you."

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

"I'm in strong support. I just want to mention to my colleagues that four years ago when I got elected, next to me was a young lady who was 20 years old that was elected. I was astonished by her abilities and her common sense. She represented her district extremely well. I think this is a wonderful idea.

"People can start to vote at 18. People can go to the war and fight for us at 18. I think there are many people capable and we have to remember it's up to the public to choose who represents them. So, I don't see this as a bad thing at all. Thank you."

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

"Thank you, Mr. Speaker. I'm in support. Just to comment as the mother of Kids Voting, I would like to thank the Judiciary Chair for his willingness to consider the voice of youth and to stretch the possibilities. Thank you."

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

"Mr. Speaker. I'm sorry. I know we don't have much time, but I'd like to speak in support as a grandmother. It reminded me of a quote that I once heard and that is, 'From the mouths of babes oft time come gems,' and we should remember that."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1023, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE V, SECTION 1, OF THE HAWAII CONSTITUTION, TO CHANGE THE AGE QUALIFICATION FOR THE OFFICES OF GOVERNOR AND LIEUTENANT GOVERNOR FROM THE AGE OF THIRTY YEARS TO THE AGE OF TWENTY-FIVE YEARS," passed Second Reading and was referred to the Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 289) recommending that H.B. No. 1239, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1239, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL," passed Second Reading and was referred to the

Committee on Finance with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 290) recommending that H.B. No. 1798, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1798, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives M. Oshiro and Takamine being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 291) recommending that H.B. No. 1453, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1453, HD 1, pass Second Reading and be referred to the Committee on Agriculture, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in serious reservations of 291. These are the genetically modified things that we all eat, whether we know it or not, or like it or not. And this bill says anyone who is creative or innovative is going to have to report to 'Big Brother' which is okay. But it says they have to get a certificate of approval, and I think that's going a bit too far.

"I think it's going to stifle the innovative and creative things of our farmers. And for those us who realize, I think on Kauai there is 80 percent of all of the corn or the seeds for the corn growing in America. And there are things that are already being done by the Department of Agriculture, the federal monitoring, the United Nations monitoring. And I must say, Mr. Speaker, this is more like the bill that would come out of a European Parliament because of the fear of the American agriculture and its prolific ability to produce.

"So, I think we're over reacting and my reservation is, in the bill it says they can notify, but I think notifying and getting a certificate of approval is reacting in the same spirit that we used to put out so much money and fear into the public about Y2K, and then suddenly after Y2K nothing happened. We have to be cautious, but let's not overly engineer it with fear. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support of this measure. I just want to bring to the body's attention that several days ago, there was a federal court decision broadly affecting field trials of genetically engineered crops, where the judge ruled that the USDA must halt approval on all new field trials until more rigorous environmental reviews are conducted.

"There are a lot of uncertainties about this type of science, and the federal court, in its judgment, has ruled that the public health and safety, and the environment are at risk mainly because of poor regulatory oversight. Thank you."

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

"Yes, because of my faith in the federal government, I want to vote with reservations, please."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1453, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS," passed Second Reading and was referred to the Committee on Agriculture with Representative Marumoto voting no, and with Representatives M. Oshiro and Takamine being excused.

At 1:52 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:57 o'clock p.m.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 292) recommending that H.B. No. 877, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Health for further consideration.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was adopted, passed, and recommitted to the Committee on Health for further consideration, with Representatives Marumoto, Meyer, Nakasone, M. Oshiro, Saiki and Takamine being excused.

Representative Cabanilla, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 293) recommending that H.B. No. 1547, as amended in HD 1, be adopted, passed, and recommitted to the Committee on International Affairs for further consideration.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1547, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS," was adopted, passed, and recommitted to the Committee on International Affairs for further consideration, with Representatives Marumoto, Meyer, Nakasone, M. Oshiro, Saiki and Takamine being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the rules were suspended for the purpose of considering a bill on Third Reading on the basis of a modified consent calendar. (Representatives Meyer, Nakasone, M. Oshiro, Saiki and Takamine were excused.)

At 1:59 o'clock p.m., Representative Finnegan requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 2:01 o'clock p.m.

THIRD READING

H.B. No. 1073:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 1073, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Third Reading by a vote of 46 ayes, with Representatives Belatti, Meyer, M. Oshiro, Saiki and Takamine being excused.

At 2:01 o'clock p.m., the Chair noted that H.B. No. 1073 passed Third Reading.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 23 and 24) and concurrent resolutions (H.C.R. Nos. 39 and 40) were referred to Printing and further action was deferred:

H.R. No. 23, entitled: "HOUSE RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, USING UNIVERSITY PERSONNEL AND RESOURCES AND PRIVATE CONSULTANTS AS NECESSARY, TO IMMEDIATELY UNDERTAKE PLANS TO BUILD A NEW STADIUM NEAR THE UNIVERSITY OF HAWAII WEST OAHU CAMPUS, DEMOLISH ALOHA STADIUM, AND PLAN FOR A PREDOMINANTLY LOW- AND MODERATE-INCOME HOUSING DEVELOPMENT, MIXED USES, AND A MASS TRANSIT STATION AT THE SITE OF THE ALOHA STADIUM," was jointly offered by Representatives Takai, Brower, Luke, B. Oshiro, Saiki and Takumi.

H.R. No. 24, entitled: "HOUSE RESOLUTION RELATING TO THE ESTABLISHMENT OF A "STATE OF HAWAII WORLD TRADE CENTER, HONOLULU"," was jointly offered by Representatives Karamatsu, Green, Hanohano, Har, Lee, Manahan, Mizuno, Brower, Carroll, Chong, M. Oshiro, Shimabukuro, Souki, Waters, Yamane and Yamashita.

H.C.R. No. 39, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII, USING UNIVERSITY PERSONNEL AND RESOURCES AND PRIVATE CONSULTANTS AS NECESSARY, TO IMMEDIATELY UNDERTAKE PLANS TO BUILD A NEW STADIUM NEAR THE UNIVERSITY OF HAWAII WEST OAHU CAMPUS, DEMOLISH ALOHA STADIUM, AND PLAN FOR A PREDOMINANTLY LOW- AND MODERATE-INCOME HOUSING DEVELOPMENT, MIXED USES, AND A MASS TRANSIT STATION AT THE SITE OF THE ALOHA STADIUM," was jointly offered by Representatives Takai, Brower, Luke, B. Oshiro, Saiki and Takumi.

H.C.R. No. 40, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE ESTABLISHMENT OF A "STATE OF HAWAII WORLD TRADE CENTER, HONOLULU"," was jointly offered by Representatives Karamatsu, Chang, Evans, Green, Hanohano, Har, Lee, Magaoay, Manahan, Mizuno, Sagum, Takai, Brower, Carroll, Chong, Ito, Luke, M. Oshiro, Shimabukuro, Souki, Waters, Yamane and Yamashita.

ANNOUNCEMENTS

Representative Tokioka announced that the Committee on Legislative Management will be conducting a public hearing at 2:00 p.m. in Conference Room 423 with decision making to follow.

The Chair then made the following announcements regarding Committee public hearings:

The Committee on Judiciary today at 2:05 p.m. in Conference Room 325.

The Committee on Economic Development and Business Concerns on Saturday, February 10 at 8:30 a.m., in Conference Room 325.

The Committee on Agriculture, Saturday, February 10 at 10:30 a.m. in Conference Room 329.

The Committee on Human Services and Housing and Committee on Health on Monday, February 12 at 8:30 a.m. in Conference Room 329.

The Committee on Human Services and Housing and Committee on Health, again at 8:31 a.m.

The Committee on Human Services and Housing, again on HB 1001 at 8:32 a.m.

The Committee on Transportation Monday, February 12, at 9:00 a.m., Conference Room 309.

The Committee on Water, Land, Ocean Resources and Hawaiian Affairs Monday, February 12 at 9:00 a.m., Room 312.

The Committee Water, Land Use, Ocean Resources and Hawaiian Affairs, Monday February 12 at 9:30.

Representative Chong: "Thank you, Mr. Speaker. Your Committee on Water, Land, Ocean Resources and Hawaiian Affairs will be voting immediately after session on the 9:00 and 9:30 a.m. agendas. Thank you."

Representative Mizuno: "Thank you, Mr. Chair. Our colleague, Josh Green, will be celebrating his 37th birthday this Sunday. Thank you, Mr. Speaker."

Representative Magaoay: "Thank you, Mr. Speaker. I'd like to ask the 15 members of the Filipino Caucus to stay for about five minutes for picture taking right after the session adjourns. Thank you."

ADJOURNMENT

At 2:05 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Thielen and carried, the House of Representatives adjourned until 12:00 o'clock noon, Monday, February 12, 2007. (Representatives Belatti, Meyer, M. Oshiro, Saiki and Takamine were excused.)