

## EIGHTEENTH DAY

Tuesday, February 13, 2007

LINDA LINGLE  
Governor of Hawaii"

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:06 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Mr. Jonathan Ramil, legislative aide to Representative Magaoy, after which the Roll was called showing all members present with the exception of Representatives Takamine and Thielen, who were excused.

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

## GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 265) was announced by the Clerk and was received for possible consideration at a later date:

Gov. Msg. No. 265, transmitting S.B. No. 638, SD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS  
HONOLULU  
February 12, 2007

## STATEMENT OF OBJECTIONS TO SENATE BILL NO. 638

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 638, entitled "A Bill for an Act Making Appropriations to Provide for the Expenses of the Legislature, the Auditor, the Legislative Reference Bureau, and the Ombudsman."

This bill appropriates moneys for session and nonsession expenses of both houses of the Legislature for the period up to and including June 30, 2008, including but not limited to, the 2007 regular session, and pre-session expenses and the expenses of any committee or committees established during the interim between the 2007 and 2008 regular sessions; for the expenses of the Legislative Auditor, the State Ethics Commission, the Legislative Reference Bureau, and the Office of the Ombudsman for fiscal year 2007-2008; and for defraying expenses of the legislative information system and the legislative broadcast program.

The general fund expenditure ceiling for fiscal year 2006-2007 was exceeded by Act 246, Session Laws of Hawaii 2006.

A portion of the moneys appropriated by this bill is for fiscal year 2006-2007. Section 9 of Article VII of the State Constitution provides in part: "No appropriations in excess of [the general fund expenditure] ceiling shall be authorized during any legislative session unless the legislature shall, by a two-thirds vote of the members to which each house of the legislature is entitled, set forth the dollar amount and the rate by which the ceiling will be exceeded and the reasons therefor." This bill does not contain the legislative declaration required by Section 9 of Article VII of the State Constitution, and is therefore invalid.

For the foregoing reason, I am returning Senate Bill No. 638 without my approval.

Respectfully,  
/s/Linda Lingle

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 15 through 20) were received and announced by the Clerk:

Sen. Com. No. 15, transmitting S.B. No. 25, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATURE," which passed Third Reading in the Senate on February 12, 2007.

Sen. Com. No. 16, transmitting S.B. No. 95, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO VACANT POSITIONS IN THE DEPARTMENT OF EDUCATION," which passed Third Reading in the Senate on February 12, 2007.

Sen. Com. No. 17, transmitting S.B. No. 246, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," which passed Third Reading in the Senate on February 12, 2007.

Sen. Com. No. 18, transmitting S.B. No. 849, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF PLANNING," which passed Third Reading in the Senate on February 12, 2007.

Sen. Com. No. 19, transmitting S.B. No. 1540, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF LAND AND NATURAL RESOURCES," which passed Third Reading in the Senate on February 12, 2007.

Sen. Com. No. 20, transmitting S.B. No. 1968, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," which passed Third Reading in the Senate on February 12, 2007.

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

S.B. No. 25, SD 1	S.B. No. 849
S.B. No. 95, SD 1	S.B. No. 1540, SD 1
S.B. No. 246	S.B. No. 1968

The Chair then announced:

"Members, at this time the Chair hereby refers S.B. No. 26, SD 1 to the Committee on Finance."

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

The House of Representatives reconvened at 12:11 o'clock p.m.

The Chair then announced:

"The Chair stands corrected. If you look at the Senate Communications, it is S.B. No 25, SD 1. The Chair earlier stated it was S.B. No. 26. It should be S.B. No. 25 as shown on the Order of the Day."

## INTRODUCTIONS

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

Representative Magaoay introduced his legislative aide, Mr. Jonathan Ramil who delivered the day's invocation. He was accompanied by his parents, Retired Supreme Court Justice Mario Ramil and Mrs. Judy Ramil.	149, SD1	Committee on Finance
	246	Committee on Transportation
Representative Magaoay also introduced his staff, office manager, Mr. Larry Sagaysay, Ms. Dede Alo, and Ms. Judy Fomin.	849	Committee on Economic Development & Business Concerns, then to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs
Representative Cabanilla introduced Dr. Andrea G. Barthwell, member of the Board of Directors of Hythiam, Inc., and Mr. James Dorsey, Managing Director of Island Recovery Centers.	1083, SD1	Committee on Legislative Management, then to the Committee on Finance
Representative Takumi introduced members of the Kyoto YWCA in Japan.	1084, SD1	Committee on Legislative Management, then to the Committee on Finance
Representative Caldwell recognized 3rd grade students from Noelani Elementary School, accompanied by teacher, Mrs. Carolyn Ching; skills trainer, Ms. Kim Ballas; parent chaperones, Mrs. Cindy Hayakawa, Mrs. Kristen, Mr. Kerns, Mrs. Sharon Kunihiisa, Mr. Eric Funazaki, Mr. Tom Weber, and Dr. Pat Tschida.	1540, SD1	Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then to the Committee on Finance
	1968	Committee on Public Safety & Military Affairs, then to the Committee on Finance

### ORDER OF THE DAY

#### COMMITTEE ASSIGNMENTS

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

<u>H.R.</u> <u>Nos.</u>	<u>Referred to:</u>
24	Committee on International Affairs, then to the Committee on Economic Development & Business Concerns
25	Committee on Higher Education, then jointly to the Committee on Tourism & Culture and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then to the Committee on Finance
<u>H.C.R.</u> <u>Nos.</u>	<u>Referred to:</u>
40	Committee on International Affairs, then to the Committee on Economic Development & Business Concerns
41	Committee on Higher Education, then jointly to the Committee on Tourism & Culture and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then to the Committee on Finance
42	Committee on International Affairs
43	Committee on Education, then to the Committee on Legislative Management

The following bills were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
25, SD1	Committee on Finance
95, SD1	Jointly to the Committee on Education and the Committee on Labor & Public Employment, then to the Committee on Finance

#### COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
194	Committee on Higher Education, then to the Committee on Energy & Environmental Protection, then to the Committee on Finance
522, HD1	Committee on Consumer Protection & Commerce, then to the Committee on Finance
590	Committee on Health, then to the Committee on Finance
646, HD1	Committee on Energy & Environmental Protection, then to the Committee on Finance
654	Committee on Judiciary, then to the Committee on Finance
693, HD1	Committee on Agriculture, then to the Committee on Finance
714	Committee on Transportation, then to the Committee on Judiciary
899	Jointly to the Committee on Agriculture and the Committee on Energy & Environmental Protection, then to the Committee on Finance
978	Committee on Consumer Protection & Commerce, then to the Committee on Finance
1283, HD1	Committee on Human Services & Housing, then to the Committee on Finance
1368	Committee on Health, then to the Committee on Finance
1433	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1615	Committee on Agriculture, then to the Committee on Finance
1699, HD1	Committee on Health, then to the Committee on Finance

1734, Committee on Public Safety & Military Affairs, then to  
HD1 the Committee on Finance

### STANDING COMMITTEE REPORTS

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 318) recommending that H.B. No. 1370, 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. 1370, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE ADULT MENTAL HEALTH DIVISION," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 319) recommending that H.B. No. 1377, 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. 1377, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1377, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 320) recommending that H.B. No. 1378, 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. 1378, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 321) recommending that H.B. No. 225, 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. 225, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 225, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIGARETTE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representatives Chang and Shimabukuro, for the Committee on Higher Education and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 322) recommending that H.B. No. 814, 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. 814, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGING," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representatives Sonson and Magaoy, for the Committee on Labor & Public Employment and the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 323) recommending that H.B. No. 391, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 391, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I will be voting with reservations. I actually voted no in the Committee, but being that the Judiciary is going to hear it next, I decided to go with reservations. And some of my concerns were from the Attorney General's opinion. But before I go to that, one of the concerns that I have on this is just that it does not comply with the due process requirements for confiscating salaries. Who or what determines that a superior coerced a subordinate? How do you come to that determination would prevent the department heads from ensuring the deputy testified about department policy rather than personal views, and would harm the State by forcing, divulging pending or contemplated litigation.

"So, as we look at this in the future Committee I ask that we take these concerns into consideration and be able to craft a bill that might be able to get to the good intention of the bill. Thank you,"

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

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

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

Representative M. Oshiro rose to speak in support of the measure, stating:

"Mr. Speaker, I rise in strong support. Mr. Speaker, this is a fantastic bill that allows public employees to weigh in on the decision making process here in the Legislature. This bill would not compel or censure anyone for coming forward and stating a position of fact on any measure that we would be considering at this Session.

"It will not cause the divulgement of any material being considered by the Executive Branch on their policy. It will not force the Executive Branch to appoint a certain person and articulate a certain policy. What this bill simply does is track federal law that's in place and has been in place, Mr. Speaker, since 1912 under Presidents Theodore Roosevelt and Howard Taft. There is nothing new on the federal books. Mr. Speaker, it's just never been ruled unconstitutional or an abridgment of the separation of powers between the Executive Branch and the Legislative Branch.

"And so, I think this fantastic bill should be moved forward to the next Committee for further work. Thank you, Mr. Speaker."

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

"Yes, Mr. Speaker, I speak with reservations, strong reservations on this bill. I believe it's redundant and I don't believe we need this bill. Thank you very much."

Representative Ward rose, stating:

"Mr. Speaker, with your permission, I would like to ask the Chair of Finance if this includes us as the State employees who if we do that, will we also be liable under this. That's the question."

The Chair addressed Representative M. Oshiro, stating:

"Representative Marcus Oshiro, would you yield to the question of Representative Ward at this time? Or would you like to call a short recess?"

At 12:22 o'clock p.m., Representative M. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:26 o'clock p.m.

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 391, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE INQUIRIES," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representatives Souki and Evans, for the Committee on Transportation and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 324) recommending that H.B. No. 1608, 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. 1608, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 325) recommending that H.B. No. 894, 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. 894, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL DRIVERS' LICENSES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 326) recommending that H.B. No. 1175, 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. 1175, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

Representative Sonson 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. 1175, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takamine and Thielen being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 327) recommending that H.B. No. 1428, 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. 1428, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSFERS FROM THE GENERAL FUND TO THE STATE HIGHWAY FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representatives Yamane and Evans, for the Committee on Tourism & Culture and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 328) recommending that H.B. No. 575, 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. 575, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCIES," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representatives Chang and Yamashita, for the Committee on Higher Education and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 329) recommending that H.B. No. 180, 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. 180, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SMALL BUSINESS DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 330) recommending that H.B. No. 1278, 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. 1278, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL SITE CLEANUP," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 331) recommending that H.B. No. 1289, 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. 1289, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 332)

recommending that H.B. No. 668, 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. 668, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 333) recommending that H.B. No. 666, 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. 666, HD 1, 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:

"Thank you, Mr. Speaker. This is one of the other bills I spoke about on Friday that has to do with the possible funding of the purchase of Kukui Gardens. We've been keeping as many options open as possible. As I mentioned before, there's a compromise on the table, but it may end up being that eminent domain is the way that this body, the Senate and the Governor decide to go. This bill would also put the legislative groundwork in place to make that happen. Mahalo."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 666, HD 1, 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 Takamine and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 334) recommending that H.B. No. 320, 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. 320, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 335) recommending that H.B. No. 835, 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. 835, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 336) recommending that H.B. No. 487, 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. 487, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING PROGRAMS," passed Second

Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen 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. 337) recommending that H.B. No. 426, 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. 426, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOTROPIC MEDICATION," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen 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. 338) recommending that H.B. No. 528, 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. 528, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MINORS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 339) recommending that H.B. No. 1912, 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. 1912, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST BIODIESEL PROJECTS FOR ELECTRICAL GENERATION ON THE ISLAND OF MAUI," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 340) recommending that H.B. No. 1307, 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. 1307, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BUSINESS REGISTRATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 341) recommending that H.B. No. 312, 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. 312, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY-BASED ECONOMIC DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com.

Rep. No. 342) recommending that H.B. No. 1277, 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. 1277, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAX CREDITS," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 343) recommending that H.B. No. 1753, 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. 1753, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 344) recommending that H.B. No. 1755, 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. 1755, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 345) recommending that H.B. No. 1854, 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. 1854, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NEW MARKETS TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 346) recommending that H.B. No. 1879, 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. 1879, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MANAGEMENT OF STATE FUNDS," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented two reports:

(Stand. Com. Rep. No. 347) recommending that H.B. No. 861, be referred to the Committee on Finance; and

(Stand. Com. Rep. No. 348) recommending that H.B. No. 1081, be referred to the Committee on Finance.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.B. No. 861 and H.B. No. 1081, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.B. No. 861, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Takamine and Thielen being excused; and

H.B. No. 1081, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Takamine and Thielen being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 349) recommending that H.B. No. 618, 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. 618, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like a ruling on a potential conflict. I am a member of the Hawaii Army National Guard."

The Chair then ruled:

"No conflict because these are members of this particular class of Guard."

Representative Takai continued in support of the measure, stating:

"I'd like to speak briefly on this measure. Thank you, Mr. Speaker. In support. When on active duty in 2005, I had an opportunity to serve as the casualty assistance officer for Sgt. Deyson Cariaga's family. He was the first and only Hawaii Army National Guard soldier to be lost in Iraq. This bill, HB 618, not only sets up a Life Insurance Reimbursement Special Fund, but from my perspective, and more importantly, it sets up the Sergeant Deyson Cariaga Service Members Life Insurance Reimbursement Special Fund and it's in honor of him, Mr. Speaker. 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. 618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY RESERVE COMPONENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 350) recommending that H.B. No. 522, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Consumer Protection & Commerce 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. 522, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL CARS," was adopted, passed, and recommitted to the Committee on Consumer Protection & Commerce for further consideration, with Representatives Takamine and Thielen being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 351) recommending that H.B. No. 693, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Agriculture 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. 693, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," was adopted, passed, and recommitted to the Committee on Agriculture for further consideration, with Representatives Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 352) recommending that H.B. No. 646, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Energy & Environmental Protection 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. 646, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was adopted, passed, and recommitted to the Committee on Energy & Environmental Protection for further consideration, with Representatives Takamine and Thielen being excused.

#### ANNOUNCEMENTS

Representative Herkes for the Committee on Consumer Protection and Commerce requested a waiver of the 48-hour advanced notice requirement to hear HB 522 Relating to Rental Cars tomorrow at 2:00 p.m. in Conference Room 325, with decision making to follow, and the Chair "so ordered."

Speaker Say: "In the essence of time, the Chair would like all of you to look at pages A to Q on your Order of the Day for your respective Committee hearings."

Representative Mizuno for the Committee on Health requested a waiver of the 48-hour advanced notice requirement to hear HB No. 1514 Relating to Taxation on Thursday, February 15 at 8:30 a.m. in Conference Room 329, and the Chair "so ordered."

Representative Shimabukuro: "Mr. Speaker, I would like to invite all Members to a reception the Legal Aid Society of Hawaii is going to have today at 4:30 in Room 329."

Representative Brower for the Committee on Agriculture requested a waiver of the 48-hour advanced notice requirement to hear HB No. 1793 Relating to Agriculture on the Ewa Plain on Wednesday, for decision making at 1:30 in Room 312, and the Chair "so ordered."

Representative Brower: "In addition, Mr. Speaker, a reminder to all those in the Committee on Agriculture and Committee on Economic Development and Business Concerns that we're going to continue with our earlier meeting today after session in Room 325 for decision making only."

Representative Chong for the Committee on Water, Land, Ocean Resources and Hawaiian Affairs requested a waiver of the 48-hour advanced notice requirement to hear the following bills with decision making to follow, and the Chair "so ordered."

HB 1832 Relating to Outdoor Advertising,  
 HB 278 Relating to Animal Cruelty,  
 HB 1831 Relating to Game Management Areas,  
 HB 260 Relating to Appraisals of Research Value Lands,  
 HB 150 HD 1, Relating to Housing,  
 HB 1737 Relating to Land Use,  
 HB 416 Relating to Airports, and  
 HB 1499 Relating to Ocean Resources.

At 12:34 o'clock p.m., Representative Magaoay requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:35 o'clock p.m.

Representative Bertram: "Thank you, Mr. Speaker. We will be having a medical marijuana question and answer session. That will be tomorrow morning at 9:00 a.m. in Room 437. Mr. Brian Murphy, who is the head of Patients Without Time, an advocacy group from Maui, will be there to answer any questions. There will be free samples."

Representative Souki for the Committee on Transportation requested a waiver of the 48-hour advanced notice requirement to hear HB 714 Relating to Emergency Vehicles at 9:00 a.m. tomorrow in Conference Room 309, and the Chair "so ordered."

Representative Sonson: "Thank you, Speaker. I would like to announce that the Committee on Public Safety and Military Affairs and the Committee on Labor and Public Employment will reconvene at 1:45 in Conference Room 329 for decision making only on one bill. Also, we will be continuing with the Labor Committee only for decision making for all the bills we heard today and last Friday."

#### ADJOURNMENT

At 12:37 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Wednesday, February 14, 2007. (Representative Thielen was excused.)