

TWENTY-FIRST DAY

Friday, February 16, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:07 o'clock p.m., with the Speaker presiding.

Representative Angus L.K. McKelvey introduced Master Ivan Kamana Oke Kai Levy, grandson of his office manager, Ms. Leticia Mercado, who then delivered the invocation. The Roll was called showing all members present with the exception of Representatives Luke, Takai, Takamine, Takumi and Waters, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 267 through 269) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 267, dated February 13, 2007, transmitting the 2006 Annual Report prepared by the Department of Hawaiian Home Lands, pursuant to Section 222, Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 268, dated January 26, 2007, transmitting the State of Hawai'i Agencies' Energy Initiatives: Leading by Example FY 2005-2006.

Gov. Msg. No. 269, dated February 5, 2007, transmitting the 2006 Annual Report of the State of Hawaii Community-Based Economic Development Technical and Financial Assistance Program.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 26 through 29) were received and announced by the Clerk:

Sen. Com. No. 26, transmitting H.B. No. 1073, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," which passed Third Reading in the Senate on February 15, 2007.

Sen. Com. No. 27, transmitting S.B. No. 155, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDERS," which passed Third Reading in the Senate on February 15, 2007.

Sen. Com. No. 28, transmitting S.B. No. 605, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHER LICENSING," which passed Third Reading in the Senate on February 15, 2007.

Sen. Com. No. 29, transmitting S.B. No. 945, entitled: "A BILL FOR AN ACT RELATING TO ETHICS," which passed Third Reading in the Senate on February 15, 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 Takai, Takamine and Takumi were excused.)

S.B. No. 155, SD 1
S.B. No. 605, SD 1
S.B. No. 945

INTRODUCTION

The following introduction was made to the members of the House:

Representative Cabanilla introduced Austrian Consul General Martin Weiss and Austrian Honorary Consul J. Hans Strasser who were here to celebrate the 30th anniversary of the Austrian Consulate in Hawaii.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

The following bills were referred to committee by the Speaker:

<u>S.B.</u> <u>Nos.</u>	<u>Referred to:</u>
650, SD1	Committee on Education, then to the Committee on Labor & Public Employment, then to the Committee on Finance
776	Committee on Transportation
1486	Committee on Public Safety & Military Affairs, then to the Committee on Finance
1513	Committee on Transportation
1956	Committee on Judiciary

STANDING COMMITTEE REPORTS

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 483) recommending that H.B. No. 1814, 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. 1814, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 484) recommending that H.B. No. 136, 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. 136, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AIDS RESEARCH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 485) recommending that H.B. No. 692, 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. 692, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 486) recommending that H.B. No. 403, 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. 403, entitled: "A BILL FOR AN ACT RELATING TO THE EAST KAUAI IRRIGATION SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 487) recommending that H.B. No. 119, 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. 119, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL WATER SYSTEMS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 488) recommending that H.B. No. 1793, 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. 1793, HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Mr. Speaker, I'm rising with reservations on Stand. Comm. Report No. 488. This relates to agriculture in the Ewa Plains. Mr. Speaker, there seemed to have been some legal issues that were brought up, and I would like to request that you consider reassigning this to Judiciary. The question would be whether or not, if someone is already in the process, whether this bill could actually take away their rights to proceed and would be construed as a taking. So, I think this is something that the Judiciary Committee should consider rather than Water, Land. Thank you."

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

"I'm rising in opposition to this measure. This bill, as written prohibits the State Land Use Commission from accepting, processing, and taking action on any boundary amendment requests to reclassify certain lands generally known as East Kapolei in Ewa.

"HB No. 1793 completely ignores the county planning process, in particular, the Ewa Development Plan. This long-range plan recently adopted by ordinance, did not designate the subject area for urban development in a cavalier manner. The past agricultural role of development plans was known as, 'the Plan', and was being prepared and adopted. However, it was decided that given the many public policies and priorities to address the development of these lands, it was necessary to create the desired housing and employment opportunities of a Second City. Preservation priority was placed on other more valued agricultural lands above the H-1 Freeway. This is testimony from the City and County of Honolulu. I believe that this is a county measure and it has already been decided. Thank you, Mr. Speaker."

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

"Mr. Speaker, I rise in strong support. The antecedence for H.B. 1793, H.D. 1 is lodged within the sentiments of the Ewa Neighborhood Board which unanimously approved the action 17 to 0 at its Legislative Committee meeting, and passed a measure 8 to 1 at the Board's meeting on February.

"The Committee is very concerned that these precious ag lands are being developed according to an Ewa Development Plan that failed to actually account for the number of homes to be built at the time that the EDP was last organized, and this was three years ago, Mr. Speaker. The new owner has just recently revealed its plan for these 1,600 acres that are currently being farmed. The value of this acreage is contained in the bill's preface and I invite you to read it.

"So, Mr. Speaker, the bill was amended beautifully by the Committee of Agriculture and I owe a lot to the wisdom of the Committee Chair, who permitted the EDP to go on as planned, but adds one more most important feature. He takes care of the farmers that are displaced per Section 4 of H.D. 1. Where do they go, Mr. Speaker? Who is going to lend them a helping hand? This body has taken action to assist many farmers throughout our State where operations ceased, so we may not extend the same courtesy or privilege to the Ewa Plain?

"Mr. Speaker, I also want to add that our farmers are our endangered species. We need to protect them. We need to protect our precious land. When the people of Kunia got displaced, we, as a body, came forward to help them, Mr. Speaker. It is true that the original bill did not want development in the area because of the many reasons that I have noted in the preface of that bill. We now build three feet by one mile grass. We plant grass and we call it the 'green belt'.

"Mr. Speaker, we come from an agrarian history and we need to protect them. We want sustainability. But the Chair of Agriculture has changed the bill into a compassionate bill and he had every right to do that. We need to protect our farmers, and this bill only asks that we help the farmers before they can apply for a permit to change the zoning.

"When the developer bought the land, Mr. Speaker, the State did not promise to reclassify those lands. They bought them as agricultural zoned. And to talk about the Ewa Development Plan, Mr. Speaker, many years ago, through the wisdom of the engineers of Campbell Estate, they said, for the Ewa Development Plan to work, they have to build an underwater tunnel from Iroquois Point to town. Representative Oshiro at the time drafted a Resolution to study that tunnel. But because it was a Resolution, and there's no funding for it, they came forward and said we cannot build a tunnel. That matter was discontinued. That interest discontinued. However, Mr. Speaker, the problem of transportation still exists and the need for a thoroughfare for the people of the Leeward side still needs to be addressed. 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. 1793, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representative Meyer voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representatives Tsuji and Yamashita, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 489) recommending that H.B. No. 80, 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. 80, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was

referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Tsuji and Yamashita, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 490) recommending that H.B. No. 1220, 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. 1220, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL MARKETING," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Tsuji and Yamashita, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 491) recommending that H.B. No. 396, 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. 396, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Tsuji and Yamashita, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 492) recommending that H.B. No. 1662, 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. 1662, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 493) recommending that H.B. No. 1452, 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. 1452, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 494) recommending that H.B. No. 226, 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. 226, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 495) recommending that H.B. No. 644, 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. 644, HD 1, pass Second Reading and

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

Representative Thielen rose and asked that the Clerk record 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 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. 644, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A BIOENERGY MASTER PLAN," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Morita and Tsuji, for the Committee on Energy & Environmental Protection and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 496) recommending that H.B. No. 1641, 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. 1641, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PESTICIDES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Takai, Takamine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 497) recommending that H.B. No. 825, 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. 825, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 498) recommending that H.B. No. 1440, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1440, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 499) recommending that H.B. No. 18, 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. 18, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Judiciary with Representatives Takamine, Takumi and Thielen being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 500) recommending that H.B. No. 24, 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. 24, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 501) recommending that H.B. No. 33, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 33, HD 2, 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."

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise with reservations on this bill. The ARC (a non-profit agency providing 24-hr care, treatment, habilitation and home to hundreds of adults with mental retardation or developmental disabilities) testified in opposition to this bill. Thomas Huber, Volunteer President, testified that this measure may force The ARC to sharply curtail or terminate their services. I would guess that this bill would have a stunning effect on many similar organizations. We are extremely fortunate to have people to work for these non-profits. The workers are probably not getting paid living wages and some probably see their work as compassion care or fulfilling for reasons other than financial. The reward is not always financial. My concern is that a law like the one proposed in this bill would harm more than it would help. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 33, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII LIVING WAGE LAW," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 502) recommending that H.B. No. 867, 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. 867, 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."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 867, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 503) recommending that H.B. No. 1294, 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. 1294, 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 Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 504) recommending that H.B. No. 758, 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. 758, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

At 12:22 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 12:23 o'clock p.m.

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

Representative Evans 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 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. 758, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 505) recommending that H.B. No. 1082, 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. 1082, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOARDS OF WATER SUPPLY," passed

Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 506) recommending that H.B. No. 1500, 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. 1500, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1500, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 507) recommending that H.B. No. 275, 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. 275, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM ATHLETE AGENTS ACT," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 508) recommending that H.B. No. 938, 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. 938 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."

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

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 an aye vote with reservations for her, and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 938, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICIANS AND PLUMBERS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 509) recommending that H.B. No. 966, 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. 966, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. May I declare a potential conflict? On Standing Committee Report 509, my two sons are contractors and my husband is a contractor," and the Chair ruled, "no conflict."

Representative Thielen continued, stating:

"Thank you. I would like to cast a no vote."

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 966, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Finance with Representatives Marumoto and Thielen voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 510) recommending that H.B. No. 1338, 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. 1338, HD 1, entitled: "A BILL FOR AN ACT MAKING EMERGENCY APPROPRIATIONS FOR THE DIVISION OF CONSUMER ADVOCACY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 511) recommending that H.B. No. 1833, 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. 1833, entitled: "A BILL FOR AN ACT RELATING TO UNFAIR BUSINESS PRACTICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 512) recommending that H.B. No. 1306, 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. 1306, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENHANCED PENALTIES FOR SECURITIES VIOLATIONS COMMITTED AGAINST ELDERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 513) recommending that H.B. No. 1313, 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. 1313, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CODE OF FINANCIAL INSTITUTIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 514) recommending that H.B. No. 1335, 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. 1335, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 460, HAWAII REVISED STATUTES, OSTEOPATHY," was referred to the Committee on Judiciary with Representatives Takamine, Takumi and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 515) recommending that H.B. No. 10, 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. 10, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 516) recommending that H.B. No. 1118, 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. 1118, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the

Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 517) recommending that H.B. No. 1359, 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. 1359, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 518) recommending that H.B. No. 1478, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1478, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE PHARMACY ASSISTANCE PROGRAM," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 519) recommending that H.B. No. 522, 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. 522, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL CARS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 520) recommending that H.B. No. 1020, 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. 1020, entitled: "A BILL FOR AN ACT RELATING TO TOURISM WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 521) recommending that H.B. No. 1017, 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. 1017, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII TOURISM AUTHORITY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 522) recommending that H.B. No. 1718, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1718, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRUISELINE INDUSTRY," was referred to

the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 523) recommending that H.B. No. 1479, HD 1, 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. 1479, HD 1, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1479, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE SUPPORT FOR SMALL BUSINESSES," was referred to the Committee on Consumer Protection & Commerce with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 524) recommending that H.B. No. 1268, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1268, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INNOVATION IN EDUCATION," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 525) recommending that H.B. No. 916, 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. 916, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKFORCE DEVELOPMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 526) recommending that H.B. No. 1659, 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. 1659, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

"A no vote also on Stand. Com. Rep. No. 526. I think that the system that's set up by the bill is totally unworkable and won't help the State of Hawaii. Thank you."

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

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

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

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

Representative Ching rose and asked that the Clerk record 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. 1659, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Finnegan, Marumoto, Meyer, Pine, Thielen and Ward voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 527) recommending that H.B. No. 1897, 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. 1897, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HIGH TECHNOLOGY BUSINESS INVESTMENT TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Yamashita and Morita, for the Committee on Economic Development & Business Concerns and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 528) recommending that H.B. No. 334, 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. 334, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST SOPOGY INC., IN THE DEVELOPMENT OF RENEWABLE ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 529) recommending that H.B. No. 428, 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. 428, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 530) recommending that H.B. No. 1047, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1047, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 531) recommending that H.B. No. 1759, 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. 1759, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFINITION OF CONTRACTOR UNDER THE CONTRACTOR REPAIR ACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 532) recommending that H.B. No. 104, 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. 104, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Shimabukuro's written remarks are as follows:

"I rise in support of this measure. The purpose of this bill is to establish a process by which Medicaid fee-for-service individual provider reimbursement rates are increased annually for inflation and retroactively adjust for inflation, payments made to providers of hospital outpatient services, and other individual providers to account for the lack of a rate increase for the past five years.

"Hawaii's hospitals have annually lost millions of dollars because government reimbursement is far below cost. Between 2003 and 2005, Medicaid payments to hospitals covered only 73% to 78% of total Medicaid costs, creating a strain on the hospitals financial stability.

"We don't want to create a situation where hospitals start cutting corners or refusing patient just to save a few bucks. We want them to provide the best care possible and not have to worry about where the money will come from. We need hospitals to see patients as people who need care and not as a financial burden."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 104, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 533) recommending that H.B. No. 473, 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. 473, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEMPORARY ASSISTANCE FOR NEEDY FAMILIES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 534) recommending that H.B. No. 1364, 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. 1364, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE RENT SUPPLEMENT PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 535) recommending that H.B. No. 1409, 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. 1409, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 536) recommending that H.B. No. 1784, 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. 1784, HD 1, 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:

"Mr. Speaker, on Stand. Com. Rep. No. 536, I want to register with reservations. This bill will make a crime of human trafficking, which I think is great, but again, this bill does not have appropriation language or an impact study on how it's going to affect correctional facilities."

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"Human trafficking is one of the most obscene offenses which exist in the world today. It involves the commercial sex trade, sweatshops, domestic service, and other types of servitude. Victims are put to work by compulsion and receive only the most basic needs of food and shelter.

"This bill specifies that acts of human trafficking in depth in order to protect all victims of this crime. It also adds human trafficking to the list of offenses addressed by the Crime Victim Compensation Commission. Without this bill many trafficking victims will be unable to afford medical and mental health counseling services that are essential for recovery.

"Currently, there are 27 million slaves being trafficked around the world; more than any time in human history. We trust that this bill will not only send a message to predators that Hawaii has a zero tolerance for modern day slavery, but will also facilitate the healing process of human trafficking victims. I urge my colleagues to support this measure. Thank you."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, on HB 1784, I'm rising in strong support of this measure. Human trafficking worldwide affects over 27 million men, women and children and 200,000 of them are in the United States of America.

"These people are kidnapped, branded and forced into low-paying servitude or prostitution. Many are lured from other countries with false promises of well-paying jobs as nannies or housekeepers. In these cases, the 'employer' takes their documentation and then threatens them with jail or deportation if they complain.

"Women and children lured into prostitution are brutalized before they get to the United States and are cowed into cooperation. They could be hidden in plain sight. Makeshift brothels are often set up in basements of single family homes or in apartments. They are usually transient, moving locations from week to week, so as to not draw attention from neighbors or police. The victims rarely seek help for themselves as they are intimidated and often, tortured.

"Mr. Speaker, this bill will create the offense of human trafficking a Class A felony and a violent crime. This is an important part of legislation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1784, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRIME," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 537) recommending that H.B. No. 1531, 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. 1531, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 538) recommending that H.B. No. 1707, 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. 1707, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF CAVES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 539) recommending that H.B. No. 1442, 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. 1442, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. Yes, in support. This is in my district, Kikala-Keokea. We need to have this done so that the people can move on with their lives. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1442, entitled: "A

BILL FOR AN ACT RELATING TO KIKALA-KEOKEA," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 540) recommending that H.B. No. 245, 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. 245, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DESIGNATION OF A HAWAII ARCHEOLOGICAL SURVEY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 541) recommending that H.B. No. 1201, 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. 1201, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 542) recommending that H.B. No. 1353, 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. 1353, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 543) recommending that H.B. No. 1580, 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. 1580, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. The Office of Hawaiian Affairs continues to advocate for commitment to reestablish the relationship between the art of building and the making of community, through citizen-based participatory planning and design. This creation of a task force on Hawaiian homestead communities is an example of participatory planning with decision making capabilities.

"I support the intent of this bill. The Department of Hawaiian Home Lands (DHHL) does have one concern with this bill. It does not believe the Legislature has the authority to appropriate funding from the Native Hawaiian Rehabilitation Fund (NHRF), as proposed in section 2 of the bill. Decisions regarding the use of this fund rest solely with the Hawaiian Homes Commission.

"DHHL believes the objectives of this bill can be achieved through a concurrent resolution and recommends that this might be a more appropriate vehicle to consider. As a matter of information, DHHL has allocated funding from NHRF to support the implementation of Act 302 activities."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1580, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 544) recommending that H.B. No. 1791, 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. 1791, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IOLANI PALACE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 545) recommending that H.B. No. 1848, 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. 1848, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you. Mr. Speaker, I'd like to cast a no vote on the bill that's titled, Relating to Aquatic Resources. Mr. Speaker, I would encourage the Members to take a look at the voting record on this measure. Out of eight votes cast, three were with reservations, and three were no votes."

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

"Also, a no vote for me, Mr. Speaker. It's really bad policy that there's nothing for fisheries management, and I'd like to submit additional comments for the Journal. Thank you."

Representative Morita's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this bill. As I mentioned in decision-making on this measure in the Water, Land, Ocean Resources & Hawaiian Affairs Committee, it embarrasses me that this body would even consider this bill. To use 'science' as a guise to hinder the Department of Land & Natural Resources' ability to manage our fisheries is shameful. Last year the previous Chair of the Water, Land and Ocean Resources Committee heard a similar bill, House Bill 2881 on February 2, 2006 during a lengthy evening hearing at the Capitol. The Chair, in his wisdom, saw no value in passing a measure so controversial and had no redeeming value in managing our natural resources.

"The opening paragraphs of testimony submitted by the Department of Land and Natural Resources describes House Bill 1848, House Draft 1 as such:

HB 1848 would impose wide ranging conditions and restrictions on the management of marine fisheries resources. As proposed, this legislation will effectively eliminate the ability of the Department of Land and Natural Resources (Department) Division

of Aquatic Resources to manage marine fisheries stock by imposing conditions so restrictive that they are impossible to meet, will severely restrict the Department's range of management options, and will create an autocratic advisory task force heavily slanted toward special interest groups that advocate fishing.

It will also impair the Department's ability to properly manage aquatic resources for the public trust as established in Article 11, Section 1 of the Hawaii state constitution, by forcing all management decisions to be made from the narrow perspective of (a) particular ocean user group or ethnic groups at the expense of all other constituencies.

"Mr. Speaker, the testimony of the Department of Land and Natural Resources is very detailed in its opposition of this measure so I would like to submit the entire testimony for inclusion into the Journal.

"Mr. Speaker, House Bill 1848 gets its origin from model legislation passed around the mainland proposed by 'Right To Fish' groups. There is no 'science' behind these proposals. Hawaii would be the first State throughout the nation that would adopt this 'right to fish' which only benefits the fishers of today and not future generations nor the resource.

"Simply put, Mr. Speaker, this is a bill that does not deserve our support if we truly believe in our obligation to protect and enhance this public trust resource for today and future generations."

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

TESTIMONY OF THE CHAIRPERSON OF THE
BOARD OF LAND AND NATURAL RESOURCES

On House Bill 1848 – RELATING TO AQUATIC RESOURCES
SENATE COMMITTEE ON WATER, LAND AND AGRICULTURE
AND HAWAIIAN AFFAIRS

February 7, 2007

PETER T. YOUNG
GOVERNOR
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER OF WATER RESOURCE MANAGEMENT
ROBERT K. MORITA
SENATE CHAIRMAN
AQUATIC RESOURCES
BOARD AND AGRICULTURE
COMMISSIONER OF WATER RESOURCE MANAGEMENT
CONSERVATION AND CONTROL DIVISION
COMMISSIONER OF WATER RESOURCE MANAGEMENT
HONOLULU, HAWAII
STATE PRESERVE
KAWAUNAOI BOARD RESERVE COMMISSION
STATE PARK

HB 1848 would impose wide-ranging conditions and restrictions on the management of marine fisheries resources. As proposed, this legislation will effectively eliminate the ability of the Department of Land and Natural Resources' (Department) Division of Aquatic Resources to manage marine fisheries stocks by imposing conditions so restrictive that they are impossible to meet, will severely restrict the Department's range of management options, and will create an autocratic advisory task force heavily slanted toward special interest groups that advocate fishing.

It will also impair the department's ability to properly manage aquatic resources for the public trust as established in Article 11, Section 1 of the Hawaii state constitution, by forcing all management decisions to be made from the narrow perspective of particular ocean user group or ethnic groups at the expense of all other constituencies.

The Department strongly opposes this bill, and notes that the bill contains substantial elements of a similar measure that failed to pass the Legislature in 2006.

A 2006 audit of the Department's Division of Conservation and Resources Enforcement clearly underscored the need for the Department to take a more proactive role in natural resource management.

This bill would send the department in exactly the opposite direction, forcing it into a perpetually reactive mode by mandating lengthy and in some cases unattainable stock assessments prior to any management action, and by inhibiting and time-limiting the use of one of its most effective resource management strategies, area closures.

In addition, this legislation would dictate that the interests of one special interest lobby, fishermen, will essentially hold hostage the management of the marine resources that affect all of Hawaii's citizens, effectively disenfranchising a significant portion of Hawaii's population, and completely eliminating input from the visitor industry.

By mandating that any new area closures in marine systems be evaluated entirely on the basis of their impact to fishermen, this legislation precludes the establishment of area closures based on scenic or recreational values, or to promote biodiversity conservation.

Had such legislation been in place in 1967, we would never have been able to establish such landmark Marine Life Conservation Districts as Hanauma Bay, Molokini, and Kealakekua Bay, which are now renowned tourist sites enjoyed by thousands of people from around the world, many of whom are not fishermen.

In addition, this legislation requires that any management action that prohibits or limits fishing in any area currently open to public fishing be preceded by a stock assessment for each species involved, across the entire range of that species.

Given that stock assessments are lengthy projects, and that many species in Hawaii range across both the main Hawaiian Islands and the Northwest Hawaiian Islands, and in many cases throughout the Indo-Pacific, meeting this requirement would take years worth of field research and hundreds of thousands of dollars for each species involved, and would effectively put a moratorium on any management actions related to marine fish stocks for the better part of a decade.

For management actions involving gear types such as lay gill nets, which affect a large number of species simultaneously, meeting the law's mandates would require completing dozens of separate stock assessments, a process that would take decades, during which time destructive fishing practices could continue unchecked.

This would preclude any sort of meaningful marine management, much less any sort of proactive management.

In short, passage of this legislation would represent a disaster for marine fisheries management in Hawaii.

Furthermore, the proposed legislation's requirement that any management action that results in a restriction to fishing be based on a peer-reviewed studies, though a laudable ideal, is in practical terms often unrealistic, because the publication of such studies is inevitably subject to a lag of several years following the gathering and analysis of the data on which they are based.

This requirement, coupled with the stock assessment requirement discussed previously, would put the Department into a perpetually reactive rather than proactive mode in regard to fisheries management, resulting in greatly reduced effectiveness in regard to aquatic resource protection.

In addition, this measure is internally inconsistent by requiring that the science supporting management actions be evaluated not only from a scientific perspective, but also from the standpoint of traditional lore and practices. This is essentially a mixture of management based on science and management based on faith, and as such runs counter to the mandate of strict scientific rigor that the bill otherwise implies.

We completely agree with the mandate that all management actions for marine resources should be based on solid scientific analysis, and that they be followed up with sound and statistically defensible monitoring plans, but an examination of our recent actions in regard to various fisheries under our jurisdiction, particularly the Main Hawaiian Islands bottomfishery, will show that we already implement such protocols internally as a matter of standard operating practice (See Exhibit A).

For the past 50 years, peer reviewed studies reveal that stocks of coral reef and bottom fishes have declined by more than 50 percent, indicating that the traditional methods have been woefully inadequate in regard to protecting Hawaii's fishery stocks (See Exhibit B).

The most recent study of this type has concentrated on the Waikiki Fishery Management Area, and demonstrated a steady decline in the densities of all species studied in this area over the last 30 years, despite a history of alternating annual seasonal closures (see Exhibit C).

By contrast, recent analyses of area closures as applied to the bottom fishery of the Main Hawaiian Islands, the coral reef aquarium fishery in West Hawaii, and the State's network of Marine Life Conservation Districts have documented dramatic positive effects (see Exhibits D and E).

Based on the science at hand that is immediately applicable to Hawaii, area closures have been shown to be far superior to seasonal closures in regard to the management of many fishery stocks (see Exhibit F). Yet it is this very method that the current legislation proposes to convert to a measure of last resort.

This is all the more ironic in light of the fact that the Legislature itself has previously acknowledged the effectiveness of this approach by passing legislation in 1998 that established a network of closed areas for the aquarium fishery in West Hawaii.

As noted in the Department's 2004 report to the Legislature, these closed areas have increased the populations of the most heavily harvested aquarium fishes both inside and outside the closed areas, while during the same time period the overall take and dollar value of this fishery have increased.

This experiment has clearly demonstrated that area closures can be mutually beneficial for both fishes and fishermen.

By mandating that any area closure be automatically reopened after three years, this legislation also demonstrates a clear lack of understanding of fisheries biology, given that the reproductive

cycles of many reef and bottomfish are such that they do not reach reproductive maturity for 5-7 years.

As a result, the requirements of this bill would all but guarantee the failure of area closures as a management strategy by allowing fishermen to deplete recovering stocks prior to the point at which they become capable of once again reproducing.

The Hawaii Fishery Advisory Task Force proposed in this bill is heavily slanted toward and numerically dominated by fishing interests, and as set forth would guarantee that such interests could consistently dominate such a task force, given that "...concurrence of a majority of the members in attendance shall make any action of this task force valid."

As such, this task force is no more than an autocratic process masquerading as a democratic process, and would not provide a representative approach to marine resources management.

Instead, it would give policy guidance over to a minority special interest, in violation of the State's public trust responsibilities as set forth in Article 11, Section 1 of the State constitution.

Instead, we suggest that the functions proposed for this task force can more representatively and responsibly be accomplished within the framework of the scientific and native Hawaiian advisory bodies to the Board of Land and Natural Resources proposed in HB 1788.

Fishing is undoubtedly an important activity in Hawaii, and research by the Department and the Hawaii Coral Reef Initiative Research Program indicate that approximately 250,000 people in Hawaii participate in either recreational or commercial fishing at some time during each calendar year.

We believe their particular special interests, no matter how well funded and articulated, cannot be allowed to disproportionately dictate the aquatic resource management agenda for the remaining citizens of Hawaii, because this would once again violate the department's public trust responsibilities as specified in Article 11, Section 1 of the State constitution.

For these reasons, the Department has serious concerns about our ability to effectively manage the marine resources if this bill were to pass. As noted, the Department relies on the best available science and utilization of the various management tools available. This bill will unreasonably tie our hands, particularly at times when management options must be implemented in order to protect the resources. We oppose this bill.

Thank you for the opportunity to testify.

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

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

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

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

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

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

Representative Wakai rose and asked that the Clerk record a no vote for him, 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 Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1848, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AQUATIC RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Belatti, Berg, Bertram, Green, Hanohano, Morita, Pine, Shimabukuro, Thielen and Wakai voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 546) recommending that H.B. No. 1946, 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. 1946, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN LANGUAGE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 547) recommending that H.B. No. 402, 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. 402, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND CONSERVATION FUND," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Ito and Yamane, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 548) recommending that H.B. No. 249, 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. 249, entitled: "A BILL FOR AN ACT RELATING TO HUNTING TOURISM," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 549) recommending that H.B. No. 839, 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. 839, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCESS TO BEACHES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 550) recommending that H.B. No. 1028, 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. 1028, entitled: "A BILL FOR AN ACT RELATING TO WALKING TRAILS," passed Second Reading and

was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 551) recommending that H.B. No. 1029, 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. 1029, entitled: "A BILL FOR AN ACT RELATING TO BEACHES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 552) recommending that H.B. No. 1388, 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. 1388, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII OCEAN AND COASTAL COUNCIL," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 553) recommending that H.B. No. 959, 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. 959, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Ching's written remarks are as follows:

"Thank you Mr. Speaker. I rise in strong support of House Bill 959, Relating to Iolani Palace.

"The Association of Hawaiian Civic Clubs (AHCC) firmly supports HB 959, and any form of relief for 'Iolani Palace, a *wahi pana* rich in sacred, cultural, and historic significance. This was the site of Ka'ahaimauli heiau, the first western-style mausoleum for the remains of *ali'i*, and (at various times) the residence of Kalanimoku, Kamehameha III, Kekauluohi, Kamehameha IV and Emma, Kalama, and Kina'u. 'Iolani Palace served as the Kingdom of Hawaii's seat of government as well as the heart of the Kingdom's social structure, and was the setting of the coronation of Kalakaua and Kapi'olani. The historic significance of the palace and palace grounds are undeniable

"HB 959 seeks to exempt 'Iolani Palace from the standards and conditions related to the receipt of funds contained in chapter 42F, Hawaii Revised Statutes (HRS).

"The Chapter 42F conditions place too many restrictions on those who seek to provide stewardship, in the form of operation, maintenance and preservation, for 'Iolani Palace. The current stewards, the Friends of 'Iolani Palace, need to be able to apply directly for funding and grants, and should be able to apply directly for funding and grants, and should be able to receive such funding in a direct and timely manner to respond to immediate needs and concerns.

This exemption will ease the Palace operations and budget and will be useful for the Friends of Iolani Palace to ensure its ability to preserve, restore, interpret and share the sacred, cultural and historic significance of the palace.

"Passage of this bill would accord Iolani Palace the same exemption as that currently provided to the Bernice Pauahi Bishop Museum under §6E-40, HRS."

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

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I rise in support of HB No. 959, Relating to Iolani Palace

"Mr. Speaker, the purpose of this bill is to provide some financial relief for the costly maintenance and operation of Iolani Palace, which has the distinction of being the only official state residence of royalty in the United States. The bill would exempt the Palace from standards related to the receipt of funds in Chapter 42F (Grants and Subsidies).

"The bill will allow the exemption for the Friends of Iolani Palace, but not for providers contracting with the Palace.

"We should do more to assist in this effort, and HB No. 959 is a first step to do this. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 959, HD 1, entitled: "A BILL FOR AN ACT RELATING TO IOLANI PALACE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 554) recommending that H.B. No. 1516, 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. 1516, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I rise in opposition to this measure. Mr. Speaker, for some of the freshman class that were here, this issue of moving Honolulu Marine to Keehi Boat Harbor came before this body a couple years ago. I opposed it then and I oppose it now.

"To have the private sector to move out of Kewalo Basin, I didn't agree with the movement at that time and I still don't agree. I believe that having this boat repair, ship building facility is giving, number one, advantage. It could go out potentially to Barbers Point. My argument at the time was I thought the Department of Transportation should be at the table talking about the future of our harbors and where we should put ship building facilities. They should be appropriately put in commercial harbors or industrial areas. In fact they want to put this ship building facility at a small recreational boat harbor.

"Our small boat harbors are in disrepair all over. I would like to see this money that they're asking for, \$4 million, to be put into small harbors across the State instead of moving Honolulu Marine and really fixing the harbor or putting money into the harbor for this ship building company. I just think it's the wrong expenditure of money. Thank you."

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

"Thank you, Mr. Speaker. I'm rising with some strong reservations. I understand what the State's trying to do. They're trying to get them out of Kewalo Basin. Honolulu Marine still has quite a few years left on their lease. We've given them a pretty sweetheart deal on land over there at Keehi Lagoon. This bill as originally drafted asked for a \$4 million appropriation which I agree with the good Representative from Waimea. I'd like to see that kind of money go into the small boat harbors that are in such poor repair right now. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1516, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR IMPROVEMENTS AT AND THE RELOCATION OF HONOLULU MARINE, INC. TO KEEHI SMALL BOAT HARBOR," passed Second Reading and was referred to the Committee on Finance with Representative Evans voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 555) recommending that H.B. No. 38, 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. 38, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I rise in support of HB No. 38, HD 1.

"As a Representative from Kauai, I strongly support this bill that repeals the sunset dates of several laws that limit the liability of the State and county governments relating to public use of certain public lands, public beach parks and the acts of lifeguards.

"Kauai recently had an accidental death of a visitor who went beyond the guard rails, and the liabilities are yet to be determined. Fortunately, the liability protections in place with the present law should reduce the exposure of the State and county governments to substantial damages.

"I also strongly support the permanent exception from liability for the acts and omissions of county lifeguards while acting in the scope of employment. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 38, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF STATE AND COUNTY GOVERNMENTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 556) recommending that H.B. No. 845, 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. 845, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"With reservations, Mr. Speaker. I'm concerned, after looking at the measure, that it may adversely affect our tourism and charter boat industry. In addition, the prohibition against advertising may also affect First Amendment rights. So, I rise 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. 845, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SHARK FEEDING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 557) recommending that H.B. No. 1843, 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. 1843, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representatives Tsuji and Morita, for the Committee on Agriculture and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 558) recommending that H.B. No. 1179, 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. 1179, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support of Stand. Com. Rep. No. 558, H.B. 1179. In the year 2004, the Mayor of the County of Hawaii declared a state of emergency pertaining to the infestation of the coqui frog on the Big Island. In the succeeding years, the State Legislature has been generous in providing support.

"Throughout these years we must continue to support the war against coqui frog infestation and eradication on the Big Island which is in such a critical state. I rise in support. Thank you very much, Mr. Speaker."

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

"Mr. Speaker. Like the Representative from Hawaii Kai, I rise in support because we, too, have the same problem. It's growing. It's small, but we hope to learn from our colleagues from the Big Island."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1179, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE COUNTY OF HAWAII FOR COQUI FROG ERADICATION AND CONTROL," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Tsuji and Yamashita, for the Committee on Agriculture and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 559) recommending that H.B. No. 902, 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. 902, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 902, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL TAX CREDITS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Tsuji and Ito, for the Committee on Agriculture and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 560) recommending that H.B. No. 715, 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. 715, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Carroll's written remarks are as follows:

"As stated in the bill, the water on Lanai is provided by a private company that has increased its water rates to such a degree that agriculture is not economically feasible for any farmer. The creation of an agriculture industry necessitates assistance in payment for the water. The Lanai Water Company, a privately-owned company that provides water on Lanai, has offered a match of any water subsidy provided by the State to pay for the purchase of water by farmers on Lanai. It would be in the best interest of all for the creation of an agriculture industry on Lanai, to provide assistance to Lanai farmers in purchasing water.

"I humbly request the support of my colleagues to vote "yes" on HB No. 715 so our farmers on Lana'i who desperately need your assistance in making sure that farming and the agriculture industry continues.

"I thank you in advance for your support of HB No. 715."

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

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict. My sister is a farmer on Lanai. Lanai is really, really small, and so she is one of the few farmers there," and the Chair ruled, "no conflict."

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

Representative McKelvey's written remarks are as follows:

"Mr. Speaker, I rise in strong support. During these times of growing financial uncertainty; as we hear news of our economy cooling soon, this body may question why it should hoist the operations of a company already providing a service of water delivery to the people of Lanai. This body may even be worried that this will put one class of customers above another as those who are not farmers will not enjoy the same benefit of a subsidy. Yet the reality is that by doing this we will be helping the farmers of Lanai to succeed in producing locally grown crops that can compete across

the State due to the higher profit margin. Such success will undoubtedly breed more success and this will spur the growth of the agriculture industry and create great job opportunities.

"The timing couldn't be better, Mr. Speaker, as a new bio-diesel plant will be starting up in Maui in 2009 and will be looking to acquire local feedstock for Maui Electric's generators. Those of us who know Lanai, know that the community as a whole is ready to make the sacrifice of disparate rates *vis a vis* this bill to provide the growth of a stable economic source for the island – one that will have the added benefit of keeping the country, country. It will also benefit the entire State by diversifying its economy, providing an alternative food stream and create additional revenue for the State in additional G.E.T. taxes and property taxes for the County.

"In the long run this is an investment whose portfolio will be quite diverse in its aggressive returns for an island worthy of our Aloha."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 715, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF WATER FOR AGRICULTURAL USE ON LANAI," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 561) recommending that H.B. No. 1221, 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. 1221, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 562) recommending that H.B. No. 882, 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. 882, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE COLLEGE SAVINGS ACCOUNT PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 563) recommending that H.B. No. 1447, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1447, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOISE," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 564) recommending that H.B. No. 1590, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1590, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMINENT DOMAIN," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 565) recommending that H.B. No. 1256, 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. 1256, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PERFECTION OF APPEALS TO THE TAX APPEAL COURT," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 566) recommending that H.B. No. 1212, 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. 1212, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you. Mr. Speaker, I'm rising to cast a protest no vote against Stand. Com. Rep. No. 566. It's a protest no vote, Mr. Speaker. The bill is the Judiciary budget. My protest is that the Judiciary is forcing the Family Court to move out to Kapolei. They supposedly are going to keep one token courtroom Downtown. But what this does to people who represent East Honolulu, who represent the Downtown core, and who represent any area on the Windward side, what it does is it means that members who are involved in litigation are going to have to travel all the way to Kapolei for the myriad of hearings that are held on Family Court matters. It's going to be a very big expense in paying for the attorney's fees for that added travel time. It's going to be a very big emotional expense for families that have to go through that to get out to Kapolei.

"I note that the Family Court bar has tried valiantly to talk some sense into the Judiciary, but they have been able to really prevail. The Judiciary has been insistent on having a nice new building in Kapolei and saying that all the Family Court judges, with the exception of one that might ride circuit in here Downtown, all Family Court judges will be out there. That may suit the Family Court judges, but it certainly doesn't serve the people of Hawaii that don't live in those regions.

"So, it's a protest vote, Mr. Speaker, and I would hope that some sense could be brought to this before this bill gets through and that the determination of the Judiciary to put everyone out in Kapolei, that there could be some consensus building and a better solution to it than this bill will allow. Thank you."

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

"In strong support, Mr. Speaker.

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

"Mr. Speaker, with strong reservations. I share the comments with the previous speaker, the Representative from Kailua. And it pains me when I share the comments with the speaker from Kailua. I believe that the bulk of the population is in the East area and is going to create a terrible hardship on the population here. I would wish that the Finance Committee take a very good look at this measure. Thank you very much, Mr. Speaker."

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

"I am equally aggrieved as the Representative from Maui, with reservations. And to know that the Waimanalo Neighborhood Board unanimously voted that this is a fair and undue hardship for the people who have to go to the Family Court all the way out from Waimanalo to the other place.

"But I think we have to remember that we stated that, that was going to be a Second City. It's still not a Second City, and who are we putting the first burden to? It's a regressive thing for those people who have to go that far out and who totally can't afford that by time or by money. So, I agree with the speaker from Maui. We are aggrieved."

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

"Thank you, Mr. Speaker. I'm rising with some strong reservations. I couldn't agree with the Representative from Kailua more. I would hope that they would come up with some kind of a compromise. I think the Judiciary does need a building out there, but they don't necessarily have to move all of the Family Court out there. Thank you, Mr. Speaker."

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

"Mr. Speaker. In support. I just wanted to point out that if you go to Family Court on any given day and look around at who's sitting there, I would venture to say that over half, if not more, are people from the Leeward Coast. And these people are here for matters often with CPS, divorce, all kinds of different matters like that, very frequently low income clients. And I understand what they're saying it's a burden for Downtown attorneys to have to drive out that way, but who's been suffering with this burden all these years? It's been these people that have much less in terms of resources and have to get up at the crack of dawn while it's still dark.

"Hearings start at eight. You have to check in at eight, and you show up, and you sit there, and you have no idea when you're going to really get to go. And, so, if you're lucky enough to have a car, you have to go back to your meter. It's a real hardship. And these are the same arguments, Mr. Speaker, that people brought up when they brought other State and county services out to Kapolei, and now, if you talk to those government workers that are there and the people that go there, they really like being Kapolei. Now you're going against traffic, the parking is much easier, and it's also lessening our traffic situation that's been horrendous. It's going to be painful for now, but it's growing pains. And I think that eventually the move will help us all in the long run. Thank you."

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

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

Representative Cabanilla rose to respond, stating:

"Thank you, Mr. Speaker. Just one brief comment. There was an earlier discussion about the Ewa Development Plan, that we should forego the 16,000 homes because of the Ewa Development Plan.

"Now, the Courthouse is part of the Ewa Development Plan, and the same people that were opposing that measure are now against this issue, which is part of the Ewa Development Plan. And I think this matter now being discussed is contradictory, and I am totally confused where they really stand. Thank you, Mr. Speaker."

Representative Meyer rose to respond, stating:

"Mr. Speaker, just to add something and I hope to add some clarity. I was not against the Judiciary building being built in Kapolei. I think that the Campbell Estate was very generous and it is the Second City. I just question the wisdom of moving all the Family Court out there. You could have a Circuit Court and a Family Court. You don't have to take all the Family Court business out there. Thank you."

Representative Thielen rose to respond, stating:

"Thank you, Mr. Speaker. Second time on this. I understand what the Chair on Housing was saying, that 50 percent of the people that are in the Downtown Family Courtroom area are from the Kapolei area. Fine. Build 50 percent of the Family Courtroom out in Kapolei. Keep the other 50 percent downtown. Otherwise, we just totally flip and have the exact same problem with 100 percent of the people having to sit in the courtrooms out in Kapolei and they will be from that area. At least 50 percent of them will be. It makes no sense, Mr. Speaker."

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

"I stand in support of the measure, and I'd like to say in response to the last speaker's comments. I think 25 percent of the people are in Mililani, Wahiawa and North Shore area. So that makes 75 percent of the people living near Kapolei."

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

"I declare a potential conflict, Mr. Speaker. I actually practice in the Family Court, so I will be using that courtroom with pleasure," and the Chair ruled, "no conflict."

Representative Sonson continued in support of the measure, stating:

"I do feel sorry for the attorneys that are from Downtown and from Hawaii Kai and Kailua because they have to travel all the way down to the beautiful Second City of Kapolei. But you know, we built that H-3 so people from Kailua and Kaneohe shouldn't have such problem. Most of the hearings are in the morning and the drive is quite nice.

"Also, for the rest of the population are not heading for court. A lot less of these cars from the Leeward side will be traveling to town during the rush hours, so this is a good way to reduce traffic."

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

"Thank you, Mr. Speaker. I rise in support. Just to clarify. Look at Stand. Com. Rep. No. 566, H.B. 1212, Page 5, the Judiciary Committee zeroed out the money for the Kapolei Complex. The Judiciary was asking for \$15 million and we put zero. If you were at the hearing, we asked the Judiciary to consider keeping a few courtrooms in Honolulu and that's why we put the zero.

"To those of you who voted against the budget, might want to actually support the zero. And those of you out from Waianae and the Leeward side, might want to actually vote no, against this. Just to let you know what you're voting on and what the intent of the Judiciary Committee Chair was.

"Also, we're hoping that we can work with the Judiciary to include a few courtrooms in Honolulu, and, of course, have the bulk of the courtrooms in Kapolei. Thank you."

Representative Thielen rose, stating:

"Thank you, Mr. Speaker. I'll just change my vote to an aye with reservations. I'll watch that zero to see that the compromise is reached."

Representative Pine rose stating:

"I might as well change support to a vote with reservations. I'm in strong support for the Kapolei Complex, but against that zeroing out. 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. 1212, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 567) recommending that H.B. No. 26, as amended in HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 26, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise with reservations on this bill. It establishes salaries for the members of the Board of Education. I believe that this will set a precedent for other Boards and Commissions. My understanding is that the Land Use Commission's responsibilities and efforts are at least equivalent if not more than the Board of Education.

"Setting this precedent with the explanation of the Board members' deserving salaries because of the multitude of responsibilities they have could signal to others the lack of worth of other Board and Commission members' time and efforts. These volunteers and the positions they hold are extremely important. Let's not hold one group more valuable than the others."

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

"Thank you, Mr. Speaker. With strong reservations. The purpose of this bill is to compensate the members of the Board of Education, and this will become effective on July 1, 2007. I think that every election year we don't have any problem getting people to run for the Board of Education. This is kind of a changing of the game in mid-stream. It actually has two different amounts, one for the Chairperson, and one for regular members. I think there should be a lot of public hearings on this before we take this step. Thank you, Mr. Speaker."

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

Representative Brower 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. 26, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 568)

recommending that H.B. No. 520, 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. 520, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker. I rise in support of this bill with reservations. I was looking at the Committee Report. I think I might have preferred the original version of this bill that would have changed the formula in determining how much employers have to pay into the Unemployment Insurance Fund.

"Since it's over half a billion dollars already, I feel that we should do something now to change the formula to lower the amount paid into it, rather than throw it to the LRB for study. Sure we could study it and maybe we could change things depending on the study. But I think we should cut the flow of funds in to the Unemployment Insurance Fund now, either reduce it or have a moratorium. And I think five years would be fine. Thank you, very much."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 520, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 569) recommending that H.B. No. 988, 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. 988, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 988, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 570) recommending that H.B. No. 194, 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. 194, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

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

571) recommending that H.B. No. 200, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 200, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 572) recommending that H.B. No. 646, 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. 646, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 573) recommending that H.B. No. 116, 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. 116, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representatives Herkes and Evans, for the Committee on Consumer Protection & Commerce and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 574) recommending that H.B. No. 1006, 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. 1006, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 575) recommending that H.B. No. 906, 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. 906, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 576) recommending that H.B. No. 1361, 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. 1361, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 577) recommending that H.B. No. 1002, 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. 1002, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 1002, which I along with a number of colleagues introduced as part of our House Majority Package.

"This bill is one of many that have been submitted to address the housing crisis we are facing today. It targets the practice of real estate speculation, which is adversely affecting the affordability of homes throughout our islands. It penalizes, though a graduated anti-speculation tax, those who buy and re-sell real property within short periods of time; that is from less than 6 months, up to 24 months.

"Your Committee on Human Services and Housing took to heart much of the constructive criticism and helpful suggestions made by those who testified in public hearing. The HD1 before you reflects their input.

"In response to the Department of Taxation, which noted that the original bill appeared to punish every homeowner, regardless of whether the property in question was their primary residence, HD1 adds language that new tax shall not apply to properties that qualify for county homeowners' exemption.

"The Department further noted that the bill failed to consider military personnel and others who may have to sell due to unforeseen circumstances. The HD 1 addresses these concerns with language exempting military personnel selling property as a result of military relocation orders, as well as those who are compelled to sell a residence due to change in employment or for health reasons.

"The Hawaii Association of Realtors questioned why the sale of unimproved property was not subject to the proposed tax increases. Their testimony envisioned a scenario whereby an investor could demolish a property with existing improvements, evict the tenants, and sell the vacant lot to avoid the anti-speculation tax. In response to this concern, the HD 1 states that the sale of unimproved property shall be subject to this tax.

"Mr. Speaker, I believe House Bill 1002, in its amended form, is a good bill. It deserves the support of my colleagues and should be passed on to the Finance Committee for further consideration."

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

"Mr. Speaker, in opposition to 577. Mr. Speaker, I think this is in the right direction, but maybe a better or more improved vehicle could be found. You know, sometimes the Representative from Hawaii Kai talks about DNA, and at times I share some DNA with the Representative in that this is a tax increase. And so, in a sense he's like a brother from another mother. So, I'll leave it at that. Thank you."

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

"Thank you, Mr. Speaker. I've got some of that DNA. With reservations, please."

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

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

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

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

Representative Ward rose, stating:

"Mr. Speaker, just for your information. The DNA on which my colleague speaks of was genetically modified from the Representative from the Finance Committee. Just for your information."

Representative Shimabukuro rose to respond, stating:

"Mr. Speaker, I just want to follow up and just let the body know that the Committee on Human Services and Housing took heart in much of the constructive criticism and helpful suggestions that were made by those who testified, and the HD 1 reflects that input.

"In response to the Department of Taxation which noted that the original bill appeared to punish every homeowner, regardless of whether the property questioned was their primary residence. The HD1, adds language that the new tax shall not apply to properties that qualify for the county homeowner's exemption. The Department further noted that the bill failed to consider military personnel and others who may have to sell due to unforeseen circumstances. The HD 1 address these concerns with language exempting military personnel selling properties as a result of military relocation orders, as well those who are compelled to sell a residence due to change in employment or health situations.

"The Hawaii Association of Realtors questioned why the sale of unimproved property was not subject to the proposed tax increases and their testimony envisioned a scenario whereby an investor could demolish a property with existing improvements, evict the tenants and sell the vacant land to avoid the anti-speculation tax. In response, HD 1 states that the sale of unimproved property shall also be subject to the tax. I believe that this bill in it's amended form is a good bill and deserves support of my colleagues. It should be passed on to the Finance Committee. 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. 1002, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX," passed Second Reading and was referred to the Committee on Finance with Representative Brower voting no, and with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 578) recommending that H.B. No. 1942, 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. 1942, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in support of this bill. This starts to answer what I've considered unjust. Hawaii's broad based GE Tax taxes food, rent, rental housing, and necessary medical services. Not taxing the food recommended by the WIC program is a step in the right direction. Costs are rising, Mr. Speaker. The dollar is shrinking. Let's help our residents and families try to keep up with inflation especially when it comes to purchasing essential foods."

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

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

"Yes, in support. Mr. Speaker, the bill proposes to provide a tax exemption for WIC foods. These are the basic food items, and it's not only for the poor. It's for the entire State, the entire population. We feel that if they have a healthy start, they'll have less of a chance of having problems in the future, so, I humbly support this measure. Thank, you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1942, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 579) recommending that H.B. No. 471, 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. 471, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RENTAL APPLICATION FEES," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 580) recommending that H.B. No. 1737, 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. 1737, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 581) recommending that H.B. No. 1832, 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. 1832, entitled: "A BILL FOR AN ACT RELATING TO OUTDOOR ADVERTISING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 582) recommending that H.B. No. 260, 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. 260, entitled: "A BILL FOR AN ACT RELATING TO APPRAISALS OF RESOURCE VALUE LANDS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 583) recommending that H.B. No. 844, 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. 844, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PURCHASE OF REAL PROPERTY IN WAHIAWA, OAHU," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 584) recommending that H.B. No. 1621, 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. 1621, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 585) recommending that H.B. No. 652, 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. 652, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DAM SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representatives Ito and Tsuji, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Agriculture presented a report (Stand. Com. Rep. No. 586) recommending that H.B. No. 408, 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. 408, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representatives Ito and Souki, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Transportation presented a report (Stand. Com. Rep. No. 587) recommending that H.B. No. 250, 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. 250, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representatives Cabanilla and Yamashita, for the Committee on International Affairs and the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 588) recommending that H.B. No. 31, 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. 31, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 31, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Marumoto and Ward voting no, and with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Cabanilla, for the Committee on International Affairs presented a report (Stand. Com. Rep. No. 589) recommending that H.B. No. 1547, HD 1, as amended in HD 2, 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. 1547, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in strong support of HB1547 HD2.

"I was privileged to attend the first ever International Symposium on Tollways and Highways held in Athens, Greece last summer. The information that I garnered to tackle our lane deficient islands was fantastic and promising. It resulted in the introduction of numerous public-private-partnership bills that are now before us.

"Over 500 engineers and financiers from over 22 countries shared their expertise at the symposium. Not too long ago, Athens held the Summer Olympics whereby they constructed over 90 miles of highways in less than five years. How did they do it? The answer lies in providing the means to have the private sector involved. Without the private sector, here is what happens:

"The North-South Road in Ewa being constructed today is roughly 3 miles long and took the State DOT almost a decade to merely plan and design. Another example is when the Legislature in 1999 provided \$4 million to the State to build a bike path known as the Leeward bikeway yet today, the State has yet to build an inch.

Simply put, the State does not have the personnel, resources, and financial reserve to do what needs to be done.

"Colleagues, we are in a transportation crisis. Let's bring the next International Tollway and Highway Symposium here in order to have hundreds of transportation experts and financiers from all over the globe assist us in resolving our crisis. For your information, the government of Greece contributed roughly a quarter of a million dollars to host the symposium.

"I urge all of my colleagues to vote yes on this measure. Thank you Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1547, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INTERNATIONAL AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 590) recommending that H.B. No. 189, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 189, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CRUISE SHIP FEES," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 591) recommending that H.B. No. 714, 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. 714, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 592) recommending that H.B. No. 1446, 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. 1446, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 593) recommending that H.B. No. 349, pass Second Reading and be referred to the Committee on Tourism & Culture.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 349, entitled: "A BILL FOR AN ACT RELATING TO COUNTY REGULATION OF COMMERCIAL BICYCLE TOURS," passed Second Reading and was referred to the Committee on Tourism & Culture with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 594) recommending that

H.B. No. 277, 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. 277, entitled: "A BILL FOR AN ACT RELATING TO FEES FOR WINDSHIELD PLACARDS FOR PERSONS WITH DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 595) recommending that H.B. No. 534, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 534, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PASSENGER SAFETY," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 596) recommending that H.B. No. 772, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 772, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INVASIVE SPECIES," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 597) recommending that H.B. No. 931, 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. 931, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 598) recommending that H.B. No. 1426, 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. 1426, entitled: "A BILL FOR AN ACT RELATING TO DEFERRED PLEAS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 599) recommending that H.B. No. 1429, 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. 1429, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 600) recommending that

H.B. No. 1609, 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. 1609, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I'm rising in support of Stand. Com. Rep. No. 600, HB 1609. This bill will expedite the repair of vital State roads and highways.

"Kamehameha Highway in my district runs along the shoreline from Kualoa all the way to Laie. Storms and high surf have undermined sections of the highway in my area, Kaaawa being one of the most critical. Under present law, the Department of Transportation must comply with the County Special Management Area Permit requirements before they can begin repairs no matter how urgent the situation is. By allowing the Department of Transportation to be exempted from this process, the public will be assured of access to all areas served by the highway the integrity of the road can be preserved in a more timely fashion.

"Mr. Speaker, I would encourage all my colleagues to support this important measure."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1609, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAYS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 601) recommending that H.B. No. 1101, 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. 1101, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 602) recommending that H.B. No. 1205, 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. 1205, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC ABSTRACTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 603) recommending that H.B. No. 252, as amended in HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 252, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

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

Representative Pine 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. 252, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCE TAXES FOR SPECULATIVE SALES," was referred to the Committee on Finance with Representatives Brower and Marumoto voting no, and with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 604) recommending that H.B. No. 1631, 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. 1631, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY BUSINESS INVESTMENT TAX CREDIT," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 605) recommending that H.B. No. 1752, 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. 1752, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 606) recommending that H.B. No. 704, HD 1, as amended in HD 2, 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. 704, HD 2, be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

Representative Carroll's written remarks are as follows:

"Referred to by native Hawaiians as *kalo*, taro (*Colocasia esculenta*) is a crop of great cultural and spiritual significance to Hawaii's indigenous people, the *kanaka maoli*. More than simply a highly-prized food staple, the *kalo* plant is also considered to be the divine ancestor of man. As documented in the *kumulipo*, the sacred Hawaiian genealogical chant charting the creation of the universe, the sky father, Wakea, and the earth mother, Papa, conceived a daughter named Hoohokulani, with whom Wakea later conceived a second, stillborn son named Haloa-naka. Out of his grave grew the first *kalo* plant. Soon thereafter, Wakea and Hoohokulani had a second son, also called Haloa, who became the first human being. Therefore, in kinship terms, taro is the elder brother of the Hawaiian people, nourishing and watched over them for generations.

"This spiritual relationship between *kalo* and the *kanaka maoli* is expressed metaphorically in the concept of *'ohana*, the Hawaiian word for family. Like the family system, taro sprouts forth from a single root which, when finally harvested, is reborn yet again via root cuttings that are broken off and then replanted for the next season. Thus, in Hawaiian epistemology, life itself will not die so long as the living waters of the soul continue to nourish it. As testament to the strength of this world view, native Hawaiian farmers have used their horticultural skills to successfully maintain roughly seventy varieties of taro, the majority of which are unique to the Hawaiian Islands.

"The cultivation of *kalo*, then, intrinsically ties the interdependency of the past, present, and future as the essence of procreation and regeneration, thereby forming the foundation for any sustainable practice. *Kalo* not only expresses the spiritual and physical wellbeing of the *kanaka maoli* and their heritage, but also symbolizes the environmental, social, and cultural values important to the State. This relationship is symbolized in the use of the *kalo* plant upon the crown of King Kalakaua and, today, in the logo of the Office of Hawaiian Affairs, along with many commercial enterprises across the State.

"The purpose of this Act is to acknowledge, preserve, and perpetuate the importance and use of *kalo* in the heritage of the State by establishing a five-year moratorium on the testing, propagating, cultivating, raising, and growing of genetically modified taro in Hawaii."

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

Representative Sagum's written remarks are as follows:

"Mr. Speaker, I rise in support of HSCR 606, HB No. 704, HD2: Relating to Genetically Modified Organisms.

"Your Committee on Energy & Environmental Protection heard impassioned testimony from taro farmers to cease and desist on improving the taro species by genetic modification. Their concerns came from many fronts: their heritage of the *kalo* plant, the possible side effects of genetic modification to taro and other crops, and the finances being spent in an area that did not need or want help.

"I agree with the five year moratorium that the amended bill places on testing, propagating, cultivating, growing and raising genetically engineered taro. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 704, HD 2, entitled: "A BILL FOR AN ACT RELATING TO GENETICALLY MODIFIED ORGANISMS," was referred to the Committee on Consumer Protection & Commerce with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Tsuji, for the Committee on Agriculture presented a report (Stand. Com. Rep. No. 607) recommending that H.B. No. 1114, 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. 1114, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 608) recommending that H.B. No. 1830, 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. 1830, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I stand in opposition to this measure, as I have stood many years now on this measure. Maybe I can have a ruling on a conflict. Mr. Speaker, I am an adopted child," and the Chair ruled, "no conflict."

Representative Ching continued, stating:

"I am an adopted child and had a very good fortune to have been adopted by my own side of the family, my father's side. And I'm grateful every year of my life when I see how wise my father was because now that I'm a mother, I understand even more how important this tie is.

"Mr. Speaker, I strongly oppose this measure. I appreciate, and I want to underscore, I truly appreciate the intent of this bill because protecting our State's children from harm and abandonment is, indeed, a noble cause. The issue of safe haven bills are a difficult issue to address because while attractively titled, the bill is so well-intentioned, it's a well-intentioned attempt of public policy that however comes with unintended adverse consequences.

"First of all, I'd like to point out that this bill is unnecessary because while the problem of new-born abandonment may be a problem in other states, the State of Hawaii does not experience these problems as do mainland states. It is perhaps because of the support system and the connectivity and the tradition that our island holds, called *hanai*. The colleagues who may speak Hawaiian, they understand *hanai*, and that it translates to 'gift'. Because the understanding of Hawaiians was that their child was a gift, and that to give my child to someone was the most highest compliment and the best gift I could give to someone. So, there in the extended family it is commonly recognized as integral part of the nuclear family.

"In Hawaiian cultural practice of open adoption called *hanai*, it is still common practice. And there is no evidence that this measure will effectively address that problem. It is basically, with no offense at all intended, it is a mainland solution to a problem here where we have more culturally sensitive solutions, and a different kind of environment. Research indicates that even states with safe haven laws, women continue to leave babies in unsafe areas.

"To quickly explain what I think this measure addresses, Mr. Speaker, is that in the case of some women who have had, or having a child who is going to give birth, perhaps, they are distressed, perhaps they are frustrated, they are fearful. But instead of taking a look at the white pages, or the yellow pages, instead of reaching out to anyone they have confidence in, these individuals, this bill of course presumes, will leave a child in a rubbish can or unsafe situation. In thinking about the profile of a person who does that, you think about the profile of a person who is either, like I said,

distressed, or perhaps, not aware or educated as to the services involved. That's the real problem, Mr. Speaker.

"The problem is education. They are not aware of the services available to them. So, basically, you have a person who we are afraid is going to be using this measure saying let's drop off the baby with absolute no guarantee. I appreciate the amendment to this bill that says it will be requested. On page 8 it says here, provided the newborn is unharmed. But they will not prevent the child from being dropped off, if the person decides to still drop it off anonymously. There's no way to guarantee that and no way to enforce it.

"So, essentially, it boils it down to what my opposition to this measure is this. We would be opening the door to what we call 'woodworking' in the Legislature. To those who would usually go to a grandparent or a parent, and give their child to a parent and say, 'Look mom and dad, I have a ...'"

Representative Pine rose to yield her time, and the Chair, "so ordered."

Representative Ching continued, stating:

"Thank you. Instead of what is currently the situation with most people who would have the, I suppose, sense of mind to just look in the telephone book, you're going to get those types of people dropping off children. People who currently, the profile of a person, a mother who would go to their mom or dad or aunt or uncle and say, 'I have a problem. Can you help me?' And grandma and grandpa will take the baby and loves it and raises it. It's great. It's these kinds of people who will be using this bill because I contend that the profile of a person, and I ask my colleagues in this House, the profile of a person who would drop off a baby in a trash can is not going to be aware of Hawaii Revised Statutes. That's not the profile of a person who knows the law has changed. So, we have a problem. Our heritage is important. We know it is the strength of our people and with this bill, we cut it off for all children and their children, and their children. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support, Mr. Speaker, strong support. I have complete respect to the speaker from Liliha and Nuuanu. Mr. Speaker, we've got 47 states right now. We've got 47 states that have already enacted safe haven laws. In fact, there are only three states, Alaska, Hawaii, and Nebraska that have yet to enact this type of legislation. Mr. Speaker, all three states that I've named have legislation before them in their Sessions today.

"Mr. Speaker, this is very important. We are talking about the life of a newborn baby. Mr. Speaker, the testimony that we heard at the Health hearing was compelling. We had a paramedic that said that she delivered and saved ten babies. That's evidence that shows that we are having babies that are being delivered on the spot. In fact, I was concerned there was a 12 year-old that didn't even know she was pregnant. That was the testimony of one of the paramedic. So concerned are the paramedics that they had asked that the language be amended to place them as also a safe haven, which we did.

"Mr. Speaker, regarding the concerns of the Department of Human Services, they too have a concern. And when I asked questions, the answer by the Department representative was this, and I quote, 'This is not common.' I'm kind of perplexed by that answer, 'This is not common,' because I asked her again, 'How can you say this is not common if we are losing a life? A life of a newborn baby?'"

"Mr. Speaker, the bottom line is this. It comes down to a balancing test. Unfortunately, the Department of Human Services looks at it as a balancing test. Again, the word I use is 'perplexed' because if you're weighing the life a newborn baby versus a medical data that we can get from the mother, to me, it doesn't even preclude logical reasoning. We are talking about life here. And a life is so

important versus any medical history or data that we can get from the other. I just don't comprehend it.

"And I want to say another thing. If we have babies that are put in dumpster, they are not going to be a statistic. We are not going to know, because that will never come up. They're never going to be seen and charged. We will never have that data because that's going to be gone with the trash. We need this legislation, Mr. Speaker.

"Finally, Mr. Speaker, if we won't help our newborn babies, who are the most innocent and vulnerable in our population, who will? This measure will. Again, 47 states already have it. Three states are looking at it right now. I'd hate to be number 50 and lose any more. If we can save just one life, it's well worth it. Thank you, Mr. Speaker."

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

"Mr. Speaker, I'm rising in opposition to this measure. I guess I'm a little perplexed with the argument here because this is about the fifth year that I have introduced a bill on late term abortions, and I can't even get that bill heard. If we are so concerned about the life of a baby, that bill should have been heard."

The Chair then stated:

"Representative Meyer, you are out of order with that statement."

Representative Meyer continued, stating:

"Well, it's a matter of weeks and months. One baby is born, the other is still *in vitro* so I think that the arguments that the Representative from Liliha makes ..."

Representative B. Oshiro rose to a point of order, stating:

"Mr. Speaker, point of order. You have already made a ruling so unless she is challenging your ruling, you should ask her to sit down. Thank you."

The Chair responded, stating:

"Representative Meyer, please proceed with the bill that is before us and not the issue ..."

Representative Meyer continued, stating:

"I have gotten up in opposition of the bill, but with the sentiments of the value of life and value of these babies. We are talking about a difference of weeks when we talk about late-term abortion and the babies that are unwanted. Thank you."

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

"Thank you, Mr. Speaker. I am in support of this measure. Just very briefly, I do respect, again, the comments from the Representative from Liliha. My concern is that sometimes faxes from the mainland find their way to Hawaii, and it has been a very big problem on the mainland with young mothers abandoning babies.

"We have very high teen pregnancy rates in Hawaii in some areas, and we just don't want to see that happen, so we want to err on the side of protecting those children and we will do everything we can, I think, legislatively to encourage were possible extra biographical information for these children because they will be loved, whether they are *hanai* or adopted or just taken in by the hospital to be safe. We want them to have family history, but we want them to have life first and foremost. Thank you, Mr. Speaker."

Representative Ching rose to respond, stating:

"I just want to comment. I did want to offer also that I do have a bill that is Project Cuddle that approaches the real solution, which is education. We have absolutely no proof that any child will be saved, but I will guarantee you lives will be ruined.

"I ask that my colleagues bear in mind babies that we so love and adore, and we are so concerned about and it's like two parents who love a child, but just differently and want different things for them. Children grow up. Babies grow up. They're not just cute things for us. They grow up. And if you talk to adopted children, if you have interviewed people of adoption circle, they will tell you, I would give my right arm to have any shred of information. This guarantees ruining lives, but it does not guarantee saving them. Thank you."

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

"I rise in support of the measure with a heavy heart, and with restricted freedom to make a lot of comments. As an adoptive parent, I speak from experience that abandonment is better than abortion. Abandonment is better than infanticide. Abandonment is better than death. I think that's what this bill is all about. It's not about raising adopted kids, which I am learning every day about. It's about keeping them alive from the beginning and giving them an alternative that is safe.

"And I wanted to mention one other thing. I was inspired by the EMS personnel who testified before the Committee who said, 'Put me into this bill because I had this happen to me.' They're abandoning kids. So, this is for the good, and notwithstanding all of the comments from my colleague, this is the only right thing to do at this time. And other issues that involved some of her comments, I think can be taken on another measure."

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

"Mr. Speaker, I'm in favor of this measure. I want to thank the Health Chairman for introducing this measure as part of the Keiki Caucus package. I think it's a very necessary bill because I do believe it will save lives. If we do not pass this, a mother can be charged with child abandonment and this would give her a degree of immunity. And rather than just abandon a child, we want them to leave them in a safe place. Thank you very much."

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

Representative Bertram rose in support of the measure and asked that the remarks of Representative Mizuno 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. 1830, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Ching and Meyer voting no, and with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 609) recommending that H.B. No. 1167, 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. 1167, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I would like a ruling on a potential conflict. I work for a homeless veteran shelter and I notice that this deals with homeless shelters," and the Chair ruled "no conflict."

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

"Thank you. A potential conflict, Mr. Speaker. My daughter-in-law, Laura Ellis Thielen is in charge of the Homeless Alliance Group," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1167, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HOMELESS SHELTER PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 610) recommending that H.B. No. 220, HD 1, as amended in HD 2, be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 220, HD 2, be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. This measure would limit the amount of non-economic damages that will be awarded to medical tort actions. The cost of malpractice insurance is really driving a lot of very fine physicians out of our State, obstetricians, orthopedic surgeons. Huge costs played a pretty big part in the financial woes of Kahuku Hospital out in my district. I noticed that on the Committee Report virtually all the testifiers were in favor of this. Thank you, Mr. Speaker."

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

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

"Thank you, Mr. Speaker. I rise with reservations. As this body well knows, there is a perfect storm brewing out there with rising healthcare costs and an aging population, shortages in doctors and nurses and a lack of access to health care for all of the communities in this State, and in particular our rural communities.

"I appreciate that tort reform is being considered by this body, and I look forward to the continued and lively debate that should occur in the Judiciary Committee. I also look forward to the debate among all of our members and in the public discourse. I urge that with this measure that we as a body, also continue to look at other parts of the solution, including increased reimbursements to our medical facilities and providers. Thank you, Mr. Speaker."

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

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in strong support of HB220, HD2. I am thankful that the House has decided to take a serious look at the role that medical liability insurance costs is contributing to the access to healthcare issue. The situation is not a healthy one with these premiums rising sometimes 10 times more than the year previous. Our hospitals are facing skyrocketing malpractice premiums because all of the licensed hospital malpractice insurance companies have left

Hawaii. The State hospital system saw premiums increase from \$1.5 million to \$4.9 million when it had to obtain coverage from surplus lines companies. Kahuku Hospital saw their premium go from 40,000 to 400,000. This increase was one of the major cost items that we will be funding in an emergency funding request to continue emergency medical services on the North Shore.

"Mr. Speaker, there are too many signs and figures to ignore. We need to do something significant this year to help with this problem of lack of access to healthcare to rural areas or in emergency situations. Thank you, Mr. Speaker."

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

"If we could, on Stand. Com. Rep. No. 610? Just a vote with reservations, and as we go forward on this measure we should all try to follow the money. 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. 220, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TORTS," was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 611) recommending that H.B. No. 770, as amended in HD 1, be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 770, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTS," was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 612) recommending that H.B. No. 381, 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. 381, HD 1, pass Second Reading and be referred to the Committee on Judiciary, 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 Finnegan rose and asked that the Clerk record an aye vote with reservations 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 Ching rose and asked that the Clerk record an aye vote with reservations for her, and the Chair "so ordered."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Meyer, Pine, Thielen and Ward voting no, and with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 613) recommending that H.B. No. 56, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 56, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, please register a vote with strong reservations for me."

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

"Thank you, Mr. Speaker. Very briefly, I rise in support. This bill is meant to give us access to make a plan for universal healthcare, should this situation continue to degenerate in both the United States and the State of Hawaii. We had a previous speaker mention the 'perfect storm' of healthcare which are really the buzz words for 'we're in trouble,' 'doctors are leaving,' 'nurses are leaving,' 'hospitals are closing,' 'providers don't think that they can stay available to the community to preserve healthcare for the communities.' And, yes, I do hope that we'll make up a lot of ground by looking at these issues, such as we mentioned earlier, like reimbursement, possibly tort reform. But importantly, planning does play a part, and this bill does not force anything on anyone. It just asks us to plan.

"If we don't plan for the future, when the future hits us, it's going to be a punch in the face with no access to healthcare for our people, parents or children. I think we'll regret it, so I think we should plan. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In support. Mr. Speaker, this will have a commission or authority, if you will, of members to look at our healthcare situation. We all agree that we are having a big problem in healthcare in Hawaii. We need to find a solution to this. I think this will be a first step in the right direction.

"In addition, Mr. Speaker, this does not guarantee that we are going to put universal healthcare for everyone. Maybe Hawaii is not ready for universal healthcare, but it will find solutions to provide affordable, accessible quality health care to Hawaii citizens. Therefore, I support this measure and I'd like to have the words of the speaker from Kona to be placed in the Journal as if they were my own. Thank you," and the Chair "so ordered." (By reference only.)

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

"I'm rising again with reservations. I just want to make sure it goes in the Journal. I really believe we need to promote private healthcare in Hawaii, look at the Certificate of Need, look at how we're expanding the Hawaii Health Systems Corporation when I don't think we should be. I think that we need to build long-term care facilities.

We need to get long-term care people out of these acute beds. There are a lot of solutions that can be done, but I do not agree with Universal Healthcare. 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. 56, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," was referred to the Committee on Finance, with Representative Marumoto voting no, and with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 614) recommending that H.B. No. 531, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 531, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Takumi, for the Committee on Education presented a report (Stand. Com. Rep. No. 615) recommending that H.B. No. 1722, 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. 1722, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 616) recommending that H.B. No. 483, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 483, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHECK CASHING," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 617) recommending that H.B. No. 963, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 963, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 618) recommending that H.B. No. 1757, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1757, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 619) recommending that H.B. No. 1792, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1792, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRUG ABUSE," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 620) recommending that H.B. No. 323, 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. 323, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AUTOMOBILE THEFT," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 621) recommending that H.B. No. 1656, 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. 1656, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SERVICE OF PROCESS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 622) recommending that H.B. No. 970, 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. 970, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 623) recommending that H.B. No. 1279, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1279, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE INNOVATION ECONOMY," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 624) recommending that H.B. No. 1379, 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. 1379, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 625) recommending that H.B. No. 106, 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. 106, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 626) recommending that H.B. No. 855, 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. 855, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 627) recommending that H.B. No. 856, 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. 856, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VOCATIONAL REHABILITATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representatives Sonson and Evans, for the Committee on Labor & Public Employment and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 628) recommending that H.B. No. 1817, 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. 1817, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 629) recommending that H.B. No. 1095, 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. 1095, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 630) recommending that H.B. No. 1096, 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. 1096, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE MORTGAGE CREDIT CERTIFICATES," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 631)

recommending that H.B. No. 1137, 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. 1137, 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. 1137, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 632) recommending that H.B. No. 1170, 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. 1170, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A WEST HAWAII PERMANENT HOUSING PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 633) recommending that H.B. No. 150, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 150, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Shimabukuro's written remarks are as follows:

"The housing crisis continues to affect individuals and families across the State. As a result of rising rents and the loss of inventory of affordable housing, the State is experiencing an increase in the number of homeless individuals living in the streets, beaches and parks.

"Our public housing projects are in need of repair and renovation contributing to the inability of the State to provide housing to the less fortunate. The urgency of the crisis in housing requires immediate State action.

"We must appropriate funds to the homeless, housing development, and public housing programs to enable these programs the ability to implement services to accomplish these priorities.

"This bill appropriates funds to the Hawaii Housing Finance Development Corporation through the Rental Housing Trust Fund homeless programs for people in need.

"Of importance is money for the public housing programs to repair and renovate their properties to enable the residents of public housing to reside in safe and decent housing and the ability to improve the quality of their lives."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 150, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was referred to

the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 634) recommending that H.B. No. 832, 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. 832, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 635) recommending that H.B. No. 1602, 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. 1602, entitled: "A BILL FOR AN ACT RELATING TO INFRASTRUCTURE," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representatives Ito and Shimabukuro, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 636) recommending that H.B. No. 1072, 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. 1072, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 637) recommending that H.B. No. 16, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 16, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

"Mr. Speaker for 637, I'd just like to vote with reservations. My only concern about this bill, Mr. Speaker, is that it doesn't go far enough. It repeals the provisions requiring transfer of public health nurses from the Department of Health to the Department of Education. I'd like to see it go further and repeal the school health aides also. Thank you."

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

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

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

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

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

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

Representative Evans rose and asked that the Clerk record an aye vote with reservations for her, 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 Sonson rose to speak in support of the measure, stating:

"In support. I'd just like to remind this body, or at least those who voted for Act 51, that the schools, through their principals, will make the decision for their own school, so we can hold them accountable. This is part of the bargain. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 16, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," was referred to the Committee on Finance with Representatives Manahan and Sagum voting no, and with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 638) recommending that H.B. No. 32, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 32, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROCUREMENT," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 639) recommending that H.B. No. 212, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 212, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I'm rising in support of Stand. Com. Rep. No. 639, with reservations. I spoke in Committee and I'd like the body here to know that this is about giving money to the Department of Health to

develop a healthcare workforce map and database. My reservations are it should be there already if they are making decisions. We have SHPDA making decisions constantly on the Certificate of Need. This is the kind of information they have to have to make those decisions, so I'm very disturbed they're asking for money now when, in fact, they've been making decisions all along, supposedly having this information. 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. 212, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 640) recommending that H.B. No. 1672, 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. 1672, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE SERVICE AGENCIES," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 641) recommending that H.B. No. 223, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 223, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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. 223, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE SERVICES," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 642) recommending that H.B. No. 1365, 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. 1365, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII DEFERRED COMPENSATION PLANS," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 643) recommending that H.B. No. 1366, 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. 1366, entitled: "A BILL FOR AN ACT RELATING TO SEPARATION INCENTIVES," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 644) recommending that H.B. No. 763, 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. 763, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION LAW," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 645) recommending that H.B. No. 854, 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. 854, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 854, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTINUED TEMPORARY TOTAL DISABILITY BENEFITS TO INJURED EMPLOYEES," passed Second Reading and was referred to the Committee on Finance with Representatives Ching, Finnegan, Marumoto and Meyer voting no, and with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 646) recommending that H.B. No. 1750, 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. 1750, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 647) recommending that H.B. No. 937, 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. 937, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"I'm sorry. I didn't speak up fast enough. On Stand. Com. Rep. No. 647. I'd like to cast a vote with strong reservations."

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

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

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

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

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

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

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

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

"Thank you very much, Mr. Speaker. In support. On Stand. Com. Rep. No. 647, Members, this is a very good deal. If you'll just focus on what it is, instead of what it is not. The purpose of this bill is stated right there. If you heard the testimonies of those who were against it, it is because they were reading more into it than what's in the bill. It is just merely an instrument to improve the qualifications of electricians. It does not deal with any other industries, such as, plumbing, labor or anything else. Just electricians. It is a bill so that the quality, qualifications of electricians will get better so they can serve the public better, so that your homes won't catch on fire if it's wired improperly. If you have any reservations of the bill on what it does, please don't add anything to it, and I'm sure you won't have any reservations anymore. Anyway, thank you so much, Mr. Speaker, for this time."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 937, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTRICAL AND PLUMBING TRADES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Magaoay, for the Committee on Legislative Management presented a report (Stand. Com. Rep. No. 648) recommending that H.B. No. 314, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 314, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SMALL BUSINESS," was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 649) recommending that H.B. No. 1260, 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. 1260, entitled: "A BILL FOR AN ACT RELATING TO SENTENCING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 650) recommending that H.B. No.

1240, 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. 1240, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW ENFORCEMENT OFFICERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 651) recommending that H.B. No. 211, 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. 211, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST NOT-FOR-PROFIT CORPORATIONS THAT PROVIDE HEALTH CARE FACILITIES TO THE GENERAL PUBLIC," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 652) recommending that H.B. No. 705, 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. 705, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HANA HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 653) recommending that H.B. No. 717, 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. 717, entitled: "A BILL FOR AN ACT RELATING TO MOLOKAI GENERAL HOSPITAL," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 654) recommending that H.B. No. 877, 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. 877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 655) recommending that H.B. No. 1373, 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. 1373, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR EARLY INTERVENTION SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 656) recommending that H.B. No. 1890, 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. 1890, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH CARE SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 657) recommending that H.B. No. 232, 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. 232, HD 1, entitled: "A BILL FOR AN ACT RELATING TO QUALIFYING MEDICAL INFORMATION TECHNOLOGY," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 658) recommending that H.B. No. 455, 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. 455, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY PLANNING," passed Second Reading and was referred to the Committee on Finance with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 659) recommending that H.B. No. 670, 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. 670, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFORMATION PRACTICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Souki, Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 660) recommending that H.B. No. 1076, 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. 1076, entitled: "A BILL FOR AN ACT RELATING TO AFFORDABLE HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Shimabukuro and Evans, for the Committee on Human Services & Housing and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 661) recommending that H.B. No. 1457, 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. 1457, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AT-RISK PERSONS ON HAWAII

ISLAND," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Shimabukuro and Evans, for the Committee on Human Services & Housing and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 662) recommending that H.B. No. 1695, 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. 1695, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 663) recommending that H.B. No. 214, 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. 214, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH COUNSELORS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Takai, Takamine and Takumi being excused.

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

(Stand. Com. Rep. No. 664) recommending that H.B. No. 527, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary; and

(Stand. Com. Rep. No. 665) recommending that H.B. No. 1825, 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 reports of the Committee be adopted, and that H.B. No. 527, HD 1, pass Second Reading and be referred to the Committee on Judiciary; and H.B. No. 1825, HD 1, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, seconded by Representative B. Oshiro.

Representative Ward rose to speak in opposition to Stand. Com. Rep. No. 665, stating:

"I stand in opposition. This is on Stand. Com. Rep. No. 665, there will be no smoking on the beaches of Hawaii. I think what this body has done, and I speak as a freshman now, is we've gone very fast, very long, and very effective in terms of discouraging smokers in our youth, and discouraging those who smoke to quit. However, Rome was not built in seven days. I think what we're doing here by taking a broad sweep at tourists, at those who when they said they can't smoke in the restaurants, they said, 'Okay, well, at least I can go outside.' Well, it's 20 feet. And now when you go to the beach, I think it's too much, too fast. It's too extreme. We'll be looked upon as fanatics. If we're going to do this, let's wait until it mellows and marinates to where that would be acceptable.

"Right now, I don't think the timing is right or the intention. And the anger by which this is generating in our community is not healthy for a civil society. And for those who smoke, and I stand as one of those reformed who smoked for 23 years. I don't like smoke. But to the extent that we're pummeling the smokers, I think this bill goes to the extreme, particularly because our beaches, are our environment, and we have to give enjoyment for all people.

"The original intent of the bill, if I may say, from the author's point of view, as the Representative from Maui has indicated, it was originally a 'butt' bill. Let's get the butts off the beach. No pun intended. To get the butts off the beach was the intention, and the only way to get the butt off, is to get the smoker off. And I think that throws the baby out with the bath, Mr. Speaker. Thank you very much."

Representative Bertram rose to speak in support of Stand. Com. Rep. No. 665, stating:

"Thank you, Mr. Speaker. I rise in support of my bill. I must say, that as it did start out as an anti-litter law, but also realize you know, you can't go with litter. You have to go for support from a broad array of people. My organization, Greenways Maui is part of the Maui Tobacco-Free Coalition which is also looking at the other health benefits of banning smoking in various areas, especially the beach.

"The beaches have become basically the world's biggest ashtray. And it has been my experience just not only personally, but because I live near a beach. When I go swimming, I'm picking up butts, and when I come back out, there's more butts. And cigarette butts are the highest percentage of litter that's found on beaches. The Audubon Society and others who have put in testimony talking about the effects on birds and other native species, as well as fish. If this is the only way, and I really do see it as the only way of getting these butts off the beach, and it also increases our health, and I think we can do both.

"I've seen people walking in the water with their cigarette in their hand. And if we can get all the cigarette smokers to be responsible citizens and actually getting 5,000 signatures to get these butts off the beach, then I would be supportive of this, but, unfortunately, that's not the case. So this, to me, seems the best way to start addressing this issue the right way."

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

"Thank you, Mr. Speaker. Mr. Speaker, I rise in strong support for this bill and the bill before it, the bill relating to flavored tobacco. Mr. Speaker, my colleague from East Honolulu said that smokers are being pummeled. Actually, I think smokers have pummeled a lot of our population, including my son, who was a nonsmoker and developed throat cancer. He's now in his fourth year of remission, but that came about because of the people that were smoking in our society back in that time.

"I'm firmly in support of everything we can do to eliminate the use of those products where they would impact nonsmokers. If the smoker wants to shut himself or herself into a car and puff away, fine. Or do something else where it's out of the breath of a non-smoker, fine. That's really unfortunately, a death sentence for them, but if they're addicted to it, it's going to be very difficult for them to stop smoking. I sympathize with that because the tobacco industry is part of making those products addictive.

"I just read in the paper now, Mr. Speaker, where the tobacco industry is now targeting women and putting together kind of a jazzy cigarette package that is designed to entice girls, young women and mature women into smoking because they look at us as the good target, an easy target to get addicted to that cancer-causing product. I think that we should eliminate these.

"I think we should become the Health State and the Smoke-free State. And I strongly, strongly support these kinds of bills and I applaud my colleague from Maui for introducing this. Thank you."

Representative Evans rose to speak in opposition to both measures, stating:

"Mr. Speaker, are we discussing Stand. Com. Rep. No. 665? My remarks are going to be for 665 and 664 and I'm standing in opposition. Stand. Com. Rep. No. 665 prohibits smoking on beaches, but also in 664 when they amended the bill, they inserted language banning smoking on beaches. So really it is about both bills.

"This body, if I'm not mistaken, has passed a law that says not only can a youth not buy cigarettes, but in fact they can't use cigarettes, the same as with alcohol. So already it's outlawed for children. I'm a believer that we should have restrictions on secondhand smoke, but like last year when I voted no on the smoking bill, I think it's too far when you do a complete ban. I believe there should be designated areas. Thank you."

Representative Brower rose to speak in support of Stand. Com. Rep. No. 665, stating:

"Thank you, Mr. Speaker. In cautious support of this bill. I agree with the previous Representative. Also understand the concerns of our Representative from Hawaii Kai. And I appreciate our enthusiasm from the Representative from Maui. I am sometimes conflicted on his stance with medicinal marijuana and this, but that's okay."

Representative Cabanilla rose to speak in opposition to Stand. Com. Rep. No. 665, stating:

"Mr. Speaker, I rise in opposition of Stand. Com. Rep. No. 665. I don't condone smoking Mr. Speaker, but I believe this is a civil rights issue. I don't agree with everything that my neighbor does, however I have to respect their rights as a citizen.

"This bill bans smoking in beaches and parks. I think we're going too fast, just like the other Representative mentioned. We should have some civil liberties left for us even though it's not good. If that's what we decide to do, that we should have the freedom to do that.

"I see this to be an enforcement issue. There are a lot of things that police can work on instead of tagging or following people who smoke. I believe that this is an anti-business, anti-tourist initiative that we're passing here for our State. And I think that we have, in previous legislation, we have punished smokers a lot like increasing their taxes so we can fund our Medical School. If we eradicate smoking altogether in this State, Mr. Speaker, what shall we do with the Medical School? Thank you."

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

"Very brief comments, Mr. Speaker in support of Stand. Com. Rep. Nos. 664 and 665. I want to clarify the Health Chair's intent and some of our colleague's intent. The intent is definitely not to be disrespectful to smokers. They're our neighbors and our family members. They're my family members.

"The idea is this: that nicotine in cigarettes is very addictive. We were manipulated by 'Big Tobacco' for decades. They put our neighbors and our family in harm's way by giving us a product that is very addictive and now it's hard to quit. We don't want to be disrespectful, and I really do take to heart a lot of the testimony that was given to us, that people feel estranged from society because there's no place for them to go if they're smoking. The last thing we want to do is hurt our neighbors. But as we go forward, it's at least my inclination as a doctor, and as a person who feels strongly that I don't want my mother or my father to suffer from chronic lung disease or cancer when they've been subjected to an addictive chemical against their will with no proper disclosure, that we do have to fight back the big tobacco companies.

"We will find a way, I hope, to treat our neighbors who do smoke equitably. We'll try to be fair, we'll try to be balanced in our

legislation, but we also have to be extremely careful and mindful that there be no access to cigarettes for our minors who, whether or not it's against the law, they get it. Whether or not it's against the law, they get targeted with ad campaigns and with the media and with movies. So we have to go that direction.

"We have to both be respectful and loving of the people who do smoke, but we also have to protect this generation and the next so that they don't have the same problem that we're seeing now which is severe chronic lung disease and just a lot of fatal cancers that are from tobacco. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker, in strong support and I ask that the words of the Representative from the Big Island be entered as my own," and the Chair "so ordered." (By reference only.)

Representative Ching continued, stating:

"I just wanted to make three points. Number one, beaches are where a lot of children and families go, so you certainly don't want to put your children at risk of any secondhand smoke.

"Number two, to share experiences, Wailana Restaurant is a favorite. And Wailana Restaurant was very concerned when we first made the law that we would not allow smoking in places like where they have the *karaoke* there at the Wailana. I'll tell you something. If you talk to the manager today, they've got more people than they ever have had ever in that area now that it's smoke free.

"So I think that while there's respect for the rights of others, there's also the respect for health. And their point is we could invest in the wellness industry. Hawaii is a Health State. The wellness industry could be a really important part of the economy."

Representative Meyer rose to speak in opposition to both measures, stating:

"Thank you Mr. Speaker. I'd like to register a no vote on Stand Com Report Nos. 664 and 665, and I would like to make one comment. Wailana may be doing well, but the *karaoke* in the Temple Valley Shopping Center is about to close down because of the smoking ban."

Representative Lee rose to speak in support of Stand. Com. Rep. No. 665, stating:

"Mr. Speaker, I stand in strong support and not only because of the concerns I have about secondhand smoke, but another concern that now that I'm a grandmother and I take little children to the beach, stepping on a lighted cigarette butt is very painful and can produce a severe burn."

Representative Ward rose to respond, stating:

"Mr. Speaker, just to add two comments or implications on the discussion so far. One I would suggest is drawn from the fact that litter is concern. I would suggest the Water, Land, Ocean Resources and Hawaiian Affairs Committee look at stronger litter laws. Right now it's only a few bucks. If you litter on the beach, I think it would be easy to get the fines to a point where they're very serious about getting the butts off the beach.

"Number two, I think we're entering into an arena where we want give caution, but outlaw high risk behaviors. We've got a lot of high risk behaviors out there that are much worse than smoking. I won't elaborate on them, but I think we see them with bare heads on motorcycles that go by every day. We don't say 'Hey, you can't do that.' In fact, we know we're being charged thousands of dollars of taxpayers' money when there's a head injury. And there are other high risk behaviors of which when you're intimately involved with

people, you are not outlawing that high risk behavior of which then you consequently suffer.

"So I think as we get on this slippery slope, once we the body of the people of the State of Hawaii set off as this Legislature, start saying 'You shall not do these kinds of behaviors.' We forget in the beginning and the origins of the land of the free and the home of the brave, that it was individual freedom that made us all escape the tyranny of government. And I think as we objectively and anecdotally consider each one of these behaviors, we're forgetting a bigger picture of who we are and what we belong to. Letting those other high risk behaviors go unnoticed makes us a bit absentminded in our judicial concerns here. Thank you, Mr. Speaker."

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

Representative Chang rose and asked that the Clerk record a no vote for him on Stand. Com. Rep. No. 665, and the Chair "so ordered."

Representative Bertram rose to respond, stating:

"Second time, just to clarify that we did take away the parks restrictions so it's just the beach. So they can still puff away and stop at the beach."

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

"Just a vote with reservations, Mr. Speaker, and the words of the Representative from Hawaii Kai entered into the Journal as my own. And also the words of the Representative from Kona entered into the Journal as my own. I think they're both correct."

The motion was put to vote by the Chair and carried, and the reports of the Committee was adopted and H.B. No. 527, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TOBACCO," passed Second Reading and was referred to the Committee on Judiciary with Representatives Evans and Meyer voting no, and with Representatives Takai, Takamine and Takumi being excused; and

H.B. No. 1825, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SMOKING," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representatives Cabanilla, Chang, Evans, Meyer and Ward voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 666) recommending that H.B. No. 410, 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. 410, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Carroll's written remarks are as follows:

"The purpose of this bill is to ensure parity in emergency health care for residents and visitors of the Haiku region of Maui by providing twenty-four-hour advanced life support ambulance service.

"The Haiku region of Maui is located at the northern tip of the island of Maui and lacks twenty-four-hour, locally-based, advanced life support ambulance service. The nearest ambulance service is located in Makawao, which is forty-five minutes away and the next

closest is in Hana, a full ninety minutes away. Both wait times are unacceptably long and endanger the health of residents of the Haiku region of Maui.

"I urge my colleagues to please provide emergency services to our growing community that desperately needs this service now. Mahalo!"

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 410, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR AMBULANCE SERVICE FOR THE HAIKU REGION OF MAUI," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 667) recommending that H.B. No. 679, 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. 679, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR CLINICAL TRIAL UNITS FOR HIV AND AIDS IN HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 668) recommending that H.B. No. 1371, 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. 1371, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 669) recommending that H.B. No. 1495, 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. 1495, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PALLIATIVE CARE RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 670) recommending that H.B. No. 1599, 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. 1599, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY PLACEMENT," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 671) recommending that H.B. No. 206, 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. 206, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 672) recommending that H.B. No. 818, 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. 818, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"On Stand. Com. Rep. No. 672, I would like to vote with reservations and I would like to state my reservation. It's a bill relating to long-term care and asking for an appropriation for the Ombudsman and other members for the Long-term Care Committee. I would like to request that this funding that we're appropriating every day for all these programs and studies, that it be shifted to the direct care providers.

"In the newspaper yesterday, Mr. Speaker, and also in the Committee on Human Services, I have learned that we are now outsourcing the elderly. And the reason for that, Mr. Speaker, this is a matter that's very close to me, it's because we don't pay enough to the long-term care providers, the nursing homes, and the care homes. And we continue to battle whether we should pay for family care providers. But yet we pay hundreds of thousands of dollars for people to do oversight on the people that are willing to take care of them.

"The reason why we don't have nursing homes, Mr. Speaker, is because there's overregulation. The businesspeople that want to deal with this want to walk away from it. And last year we funded a raise for the care homes and the foster home. A one hundred dollar raise they received, when for the last twelve years that they did not get any increase. Mr. Speaker, we need to shift this funding to those people who want to turn those patients, clean them up, feed them, walk them, push their wheelchair. That's the people we should be paying. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 818, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LONG-TERM CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 673) recommending that H.B. No. 624, 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. 624, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PAROLE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 674)

recommending that H.B. No. 625, 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. 625, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 675) recommending that H.B. No. 831, 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. 831, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Magaoay's written remarks are as follows:

"Mr. Speaker, I rise in strong support of House Bill 831.

"Mr. Speaker, I believe that the passage of HB No. 831, HD1, will remove a stumbling block that prevents veteran burial grants from reaching those that need it the most.

"Filipino veterans of the New Filipino Scouts are entitled to receive burial grants from the Office of Veterans' Services. However, to qualify for these grants, the Filipino veteran's survivor or an interested party must produce an itemized paid invoice of the services rendered on the behalf of the deceased veteran. Due to the tremendous costs of funeral, burial and transportation services, some families and friends of these veterans cannot afford to pay the costs up front.

"The purpose of this bill is to remove this stumbling block by instead, requiring the submission of an itemized unpaid invoice. This measure would allow grants to be received by those who are in the most financial need, and not just those who can afford to front the costs. These veterans have served bravely for this great country, and it is only right that they receive these benefits.

"Thank you, Mr. Speaker, and I ask my colleagues to support me on this bill."

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

Representative McKelvey's written remarks are as follows:

"Mr. Speaker, I rise in the utmost support for this measure. This bill, in sum, would allow the State to assist the family members of the New Filipino Scouts so their loved one's remains can be sent back to the Philippines for interment.

"This small sum of money pales to the costs paid by these warriors in defense of our very own. I know there is a program to intern New Filipino Scouts at military burial places in the U.S. and designated ones abroad where they fell, but right now living Scouts who are close to passing will be unable to return to their homeland simply because of money. That is why it is important not to wait until next year as many of these brave New Filipino Scouts are passing every day and time is running out for us to do the right thing.

"I also want to thank Chair Evans personally, Mr. Speaker, for acting on this important piece of legislation before the deadline, as

this bill is not only very important to my constituents whose family served the war, but also to me personally as both my father and my great uncle served in this worldwide struggle between good and evil. I also hope my colleagues on the Finance Committee will be able to secure the funding for this legislation and not let dollars and cents stand in the way of what is merely the right thing to do. For all their blood, sweat and sacrifice, the least we can do as a State and a nation is to be able to provide for proper services for them and their families."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 831, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERAN BURIAL GRANTS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 676) recommending that H.B. No. 1389, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1389, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to state a possible conflict on Stand. Com. Rep. No. 676. I'm an owner of a timeshare in Kona," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1389, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARES IN LAND COURT," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 677) recommending that H.B. No. 1499, 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. 1499, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 678) recommending that H.B. No. 1667, 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. 1667, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF REVENUE BONDS FOR THE PURCHASE OF LAND TO DEVELOP KALAELOA COMMUNITY DEVELOPMENT DISTRICT," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep.

No. 679) recommending that H.B. No. 1899, 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. 1899, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising with some serious concerns on the Kawai Nui Marsh bill. I will be voting in favor of it, but with some reservations.

"Mr. Speaker, this situation between the City and the State has been going on for, I think it's about like eighteen years. The Department of Land and Natural Resources traditionally takes care of our natural resources. The City and County put together the flood control project and the City and County is like the housekeeper. They are responsible for the flood control project, the maintenance of the canal area, and doing the typical maintenance work that they do throughout the Island of Oahu. They have tried to 'weasel out' of doing that job and have tried to say, 'Okay State, you take over everything.' The liability, the day to day maintenance, even though the State is not staffed to do that, and is not funded to do that. It's never been the State's role.

"The Committee Report mentions that the Department of Land and Natural Resources supported the bill with amendments. DLNR did not support the bill as written. So if anyone feels that they're on board with this, they aren't. The last time this happened, last year, you'll remember, Mr. Speaker, we were trying to get a bill through under the Chairmanship of the Chair Ezra Kanoho and we had it done properly. We did it so the State took care of the natural preserves. They would be able to do all of the project improvements with the federal funding that's out there waiting for this split to happen. The City was going to continue with its typical housekeeping maintenance work. Well, now this bill, all it does in the Committee Report it says that, 'Okay, Committee on Finance, please review the bill to ensure that it's clear that maintenance responsibility of the flood control project is to remain with the City and County of Honolulu.' But unfortunately, the language of the bill provides other than that.

"So we're putting together a bill that is going up to the Governor, if it goes in this shape, it's going to be vetoed. And we lose ultimately, we lose that federal funding. Kawai Nui Marsh is a Ramsar listed wetlands site of international significance. As long as we let the City out of its maintenance responsibility and its liability for the maintenance, the bill is going to be, or the proposed law, will be faulty. And it won't be signed by the Governor because it goes right against what the Department of Land and Natural Resources is saying. Don't let the City balk on this responsibility. And we as the State entity can make sure the City takes care of what it's supposed to do, what it does traditionally throughout the whole island, and let the State go back in to doing the wetland and natural resources work that it should do and can do with the federal funding.

"Unfortunately, look at the language of the bill. The newly added language that came out of this HD 1, parses on to the City and County of Honolulu as part of the Oneawa Canal Widening Project, shall also be vested in the State and fee simple. Well, no. That's precisely what cannot happen. So to make a claim on page 1 of the Committee Report that DLNR is fine. DLNR is not fine. And I think that the next Committee, and unfortunately it's not the subject matter committee, but I'm hoping that the next Committee will correct it and listen to the testimony of DLNR, make sure the State keeps the natural resources, makes sure the City and County takes care of its housekeeping responsibilities and its liability. Thank you."

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

Representative Chong's written remarks are as follows:

Mr. Speaker, I stand in support of HB 1899, HD1, Relating to Kawai Nui Marsh.

"Mr. Speaker, for over 17 years the dispute between the State and the City has prevented the restoration of the Marsh. Now in the present both the Hannemann Administration and the Lingle Administration have continued this dispute. Although the prior speaker has said the City needs to meet their responsibility, Act 314, SLH 1990 clearly defines that the State is to take the entire Marsh. This makes sense in the long term since the restoration will affect the entire Marsh in the end. This bill seeks to provide a compromise that the State take all the land and the City continue to maintain the levy."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1899, HD 1, entitled: "A BILL FOR AN ACT RELATING TO KAWAI NUI MARSH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 680) recommending that H.B. No. 1003, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1003, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENERGY," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 681) recommending that H.B. No. 228, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 228, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH INSURANCE," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 682) recommending that H.B. No. 639, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 639, HD 2, entitled: "A BILL FOR AN ACT RELATING TO SOLID WASTE," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 683) recommending that H.B. No. 1866, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1866, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MIXED MARTIAL ARTS," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 684) recommending that H.B. No. 485, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 485, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC PROCUREMENT," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 685) recommending that H.B. No. 1868, HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1868, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREATIVE MEDIA," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 686) recommending that H.B. No. 70, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 70, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Cabanilla's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure.

"I want to make my position clear to my colleagues and constituency that I am against taking any existing roads and turning them into a cash cow – tolling them after we already paid for them with our taxes. However, the bill permits the Governor by way of the Department of Transportation to embark upon doing just that. Does anyone here really believe this Administration or a future one would initiate a policy and practice that would take existing roads and make the end user pay another fee, additional tax, or toll to use that road?

"I do not believe that the Governor would initiate such a maneuver. It is for that reason, by leaving the option open for the Governor to consider tolling existing roads, that the language is in this bill. To alleviate the transportation crisis we are in, we must exercise the ability to include all options available and permit these options to be heard. Again, it would be the Governor's prerogative to toll existing roads, whereby such a decision would have to go through a scrutinizing process including public hearings and the like.

"I urge all of my colleagues to vote yes on this measure that is intended to permit our State to design and construct new roads with private financing. This may include utilizing the shoulder lane, or expanding it on a freeway or highway to accommodate a toll road lane as well as utilizing the medial strip, all of which fall under the term 'existing roadway.' Take away the term 'existing roadway,' and we lose out on these two options aforementioned. Thank you Mr. Speaker."

Representative Brower rose and asked that the Clerk record a no vote 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."

Representative Meyer rose in support of the measure, stating:

"Mr. Speaker, in strong support of HB No. 70, HD 2."

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

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

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

Representative Berg 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. 70, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRANSPORTATION," was referred to the Committee on Finance with Representatives Brower and Har voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 687) recommending that H.B. No. 760, as amended in HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 760, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 760, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A LIVING WAGE FOR WORKERS ON SERVICE CONTRACTS," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 688) recommending that H.B. No. 1745, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1745, HD 2, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

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

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

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

Representative Har 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. 1745, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT," was referred to the Committee on Finance with Representatives Ching, Marumoto and Meyer voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 689) recommending that H.B. No. 1767, 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. 1767, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

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

Representative 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. 1767, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PROCUREMENT CODE," passed Second Reading and was referred to the Committee on Finance with Representative Marumoto voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representatives Yamashita and Ito, for the Committee on Economic Development & Business Concerns and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 690) recommending that H.B. No. 147, 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. 147, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SURVEY AND ENGINEERING DESIGN FEES FOR THE DEVELOPMENT OF AN INDUSTRIAL PARK AT MANA, HILO, HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Yamashita and Ito, for the Committee on Economic Development & Business Concerns and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 691) recommending that H.B. No. 1083, 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. 1083, 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 Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 692) recommending that H.B. No. 1548, 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. 1548, entitled: "A BILL FOR AN ACT RELATING TO DRUG TREATMENT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 693) recommending that H.B. No. 1339, 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. 1339, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTOR LICENSING REQUIREMENTS DURING A STATE OF EMERGENCY OR DISASTER," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 694) recommending that H.B. No. 1400, 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. 1400, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 695) recommending that H.B. No. 424, 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. 424, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISASTER PREPAREDNESS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 696) recommending that H.B. No. 457, 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. 457, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"Mr. Speaker, Hawaii has more than 6,000 people behind bars – with more than 1,900 serving their sentences abroad. It is estimated that there are around 6,665 children who have parents incarcerated within our system. Research shows that children who have incarcerated parents suffer strong emotional reactions and are up to six times more likely to become a part of the criminal justice system themselves.

"Mr. Speaker, this bill seeks to help reduce those numbers. This program supports the expansion of parent-child interaction programs such as the SKIP program, at other State correctional facilities to

facilitate appropriate child visitation of incarcerated parents. These programs strengthen family relationships and have a positive effect on preventing recidivism. Mr. Speaker, in the words of one of the testifiers who is with the Makua Keiki Program:

"This program is such a valuable and important resource for families of incarcerated parents. It gives them hope and an opportunity to become functioning, loving, nurturing fathers, mothers and/or parents. It empowers people and families who are at rock bottom and believe the only alternative left to them is hurt and pain and to lash out at others. It is a lifeline, to better, secure, loving relationships. It empowers families and communities, and society."

"I urge all of my colleagues to vote in favor of this measure. 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. 457, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCARCERATED PARENTS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 697) recommending that H.B. No. 467, 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. 467, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"Mr. Speaker, current community based programs are less costly and more effective than incarceration and are a better solution to prison over-crowding for women offenders than sending prisoners to mainland prisons. Nevertheless, the current gender-responsive community based programs for women and girls in the State are inadequate. This bill appropriates funds to the Department of Public Safety and the Office of Youth Services for the expansion of gender-responsive community based programs for women and girls.

"Mr. Speaker, incarcerating women and girls in environments that are designed primarily for men and boys without appropriate programming to address their needs has resulted in recidivism caused primarily by parole violations and minor offenses. Women and girls need comprehensive reentry services and community wrap-around services with case management services. Effective programs link substance abuse, criminal justice, public health, housing, and employment services.

"I urge my colleagues to vote in favor of this measure. 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. 467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC SAFETY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 698) recommending that H.B. No. 920, 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. 920, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 699) recommending that H.B. No. 1182, 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. 1182, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PUNA DISTRICT POLICE STATION IN KEA'AU, HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 700) recommending that H.B. No. 1402, 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. 1402, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CORRECTIONAL INDUSTRIES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 701) recommending that H.B. No. 1549, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1549, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT INVESTIGATION," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 702) recommending that H.B. No. 1001, 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. 1001, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, thank you. I rise in support of this measure with a few brief comments. This bill continues to be a work in progress as one measure to address the affordable housing and affordable rental crisis facing all working families in this State. As amended, this bill strikes a balance between expediting the entitlement process for developers and protecting our limited and precious natural resources. I commend the Chair of the Committee on Human Services and Housing for her work at achieving this balance. Thank you Mr. Speaker."

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

"Thank you, Mr. Speaker. I do also commend the Chair of this Committee. I rise in support with strong reservations. I commend

the Committee, actually, for moving forward with this issue. My concerns have to do with the fact that both the City and County of Honolulu and the County of Maui rose in opposition of this and it appears as if we are encouraging them to do something they don't want to do, and perhaps we can do it through Resolution. Thank you."

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

"Thank you, Mr. Speaker. I rise in strong support of this measure. This House Draft is a culmination of a vast amount of input from stakeholders. Over the past few weeks a series of meetings was conducted with developers, Committee members, homeless people, the Hawaii Housing Finance and Development Corporation and fellow legislators prior to and during the crafting of the draft. All participants, as well as your Committee recognize and emphasize that we are in a housing crisis. However, we should exercise caution and not act hastily in our attempt to solve our housing problem.

"There are certain principles that we as a community should still uphold: protecting the environment, maintaining rural areas and executing our duty as trustees while maintaining the integrity of the ceded lands system. The challenge facing your Committee on Human Services and Housing was how to balance these principles with the need for an expedited permitting process as proposed by the original version of the bill, while providing and adequate amount of incentives to developers to meet our ultimate goal of providing housing to our low-income and work force families.

"In response, your Committee proposes a number of things. And in response to some of the earlier issues, we did require counties of populations greater than 500,000 to create expedited permitting processes and we give the option to those with less. So basically, giving the option to those Neighbor Islands to participate. And Mr. Speaker, I have many other comments I'd like to submit in writing, but I do want to commend all those that have helped to make this bill what it is today. Thank you."

Representative Shimabukuro's written remarks are as follows:

"Mr. Speaker, I rise in support of House Bill 1001, House Draft 1.

"This House Draft is the culmination of a vast amount of input from stakeholders. Over the past two weeks, a series of meetings was conducted with developers, community members, homeless people, the Hawaii Housing Finance and Development Corporation, and fellow legislators prior to and during the crafting of this draft. All participants, as well as your Committee, recognize -- and emphasizes -- that we are in a housing crisis. However, we should exercise caution and not act hastily in our attempt to solve our housing problem.

"There are certain principles that we as a community should still uphold: protecting our environment, maintaining our rural areas, and executing our duty as trustees by maintaining the integrity of the ceded lands system.

"The challenge facing your Committee on Human Services and Housing was how to balance these principles with the need for an expedited permitting process, as proposed by the original version of this bill, while providing an adequate amount of incentives to developers in order to meet our ultimate goal of providing housing to our low-income and workforce families. In response, your Committee proposes the following:

- 1) Requiring counties with populations greater than 500,000 to create an expedited permitting process that could potentially run in totality, from application to shovel, a total of one-year and ninety days. HHFDC could be engaged by the developer as a back-up authority in order to help process applications that the county does not expedite.

- 2) Focus on the segment of the population that earns 140% of the average median income and below for homeownership, and 80% of the average median income and below for rentals;
- 3) Allow leases for state-non-ceded-urban classified lands within the county development boundaries to promote infill, protect our rural communities and preserve ceded lands;
- 4) Create opportunities for mixed-use rentals by adopting a quota requirement with a sliding-scale, as similar to the requirements employed currently by the County of Hawaii;
- 5) Maintain compliance with certain environmental protection statutes, like chapters 343, 195D and 205A, while waving others. Compliance with our cultural resources statute is also required;
- 6) Create a county infrastructure capacity construction loan fund to aid counties in expanding and upgrading infrastructure. This fund will help facilitate the expansion needed to support new affordable housing within urban areas;
- 7) Provide tax credits to those who invest in low-income areas; and
- 8) Emphasize collaboration on executing this process and acceptance of dedicated infrastructure. Memoranda of Agreement between the State and counties would help facilitate this working relationship.

"Your Chair recognizes that this House Draft is a good start, but much work remains to be done as affordable housing is a multifarious issue. I urge my fellow members to support this bill. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. Mr. Speaker, I too commend the Chair of Human Services and Housing on working on this measure. It's a very difficult measure, a very complicated bill, but she's done outstanding work. We had a number of testifiers, both not only from the State but from the City and County, the counties throughout the islands, all of our State.

"Mr. Speaker, I think we have to give this bill a chance. We can always take a look at it in Finance and if it goes on, we can finish it up in Conference. But I would like to have the comments by the previous speakers be also placed in the Journal as if they were own. Thank you, Mr. Speaker," and the Chair "so ordered." (By reference only.)

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

"Thank you, Mr. Speaker. I'd like to rise in support. And when we first started working on this bill, I had some strong reservations, but I do commend the Chair of the Committee because she tried her best. And her heart, and the heart of the Committee was in the right place, trying to get the homes to the people as soon as we possibly could. I would like to say, that as a member of the great Finance Committee, we will deal with it there. So I know that a lot of great input from that that great Committee will be dealt with on that issue."

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

"Mr. Speaker, I rise in support of the measure. Testifier after testifier after testifier said the affordable housing system is broken. The housing system is broken. We got this notion of a broken trust, broken system, broken relationships between environmentalists, between developers, between the State, between the counties. It was all broken. This is a way to try it out. It's not a guarantee. And as the previous speaker said, we're going to pay homage to the Finance Committee.

"I wanted to mention that in the discussion within the Housing Committee, there was a proposal to sweeten the incentives to the counties by giving a percentage of the TAT tax, to increase it, so we can engage in this because we need twenty to thirty thousand affordable housing units, because right now at our best speed and with our biggest muscles we're only doing two thousand. So we've got to do something and this is a good beginning and the Chair should be commended. Thank you Mr. Speaker."

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

"Thank you, Mr. Speaker. It sounds like a lot of work has been done. I'm in support, but with slight reservations. It sounds like a lot of work has been done on this bill and it looks really complicated so I'm just going to take the time to look at it, but just note my reservations on the many changes."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1001, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 703) recommending that H.B. No. 811, 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. 811, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADULT PROTECTION," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 704) recommending that H.B. No. 1363, 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. 1363, HD 1, 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:

"Mr. Speaker, I rise with reservations. Looking at this bill, it appears that we're strengthening sentencing for criminal trespass to criminal trespass in the second degree. We're expanding it, so I want to add that we've not put in an appropriation language or an impact study on how it's going to impact our correctional facilities."

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

"Mr. Speaker, in support. We did in fact increase the penalties for trespassing in public housing projects and for my own district, which includes Mayor Wright Housing, this is a serious problem. This is a compromise solution from what the original bill was. We think that raising the penalty from a violation to a petty misdemeanor is justified under the circumstances and I hope everyone will support it. Mahalo."

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1363, HD 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS IN THE SECOND DEGREE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Herkes, for the Committee on Health and the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 705) recommending that H.B. No. 1067, 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. 1067, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support. We are facing, as they've been talking about in other issues, a crisis in our healthcare system. And one of the main problems of this crisis has been a real impediment to private investment in our healthcare system and the CON process has been one of the biggest impediments to that. I know there have been other efforts in previous years to try to address the CON process and they've been unsuccessful.

"So we're really looking forward to this year, actually being able to do something about this so that we can bring private investment into our healthcare system, and so we can actually get some results because the State is too small. The State can't do it alone. And we really have to look at ways that we could get private investment to be helpful in this. Right now we're saying, 'no'. So be it reforming the CON process, not only can we say for the rest of the State, 'yes' to private investment, but perhaps maybe, hopefully, prayerfully, we'll be able to get a hospital on Maui, as we are the only island in the State to have only one. We really need to do something today, this Session, to make sure that we can get our second hospital while the \$250 million is on the table to see something happen on our island."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1067, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFICATES OF NEED," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 706) recommending that H.B. No. 208, 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. 208, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 707) recommending that H.B. No. 822, 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. 822, entitled: "A BILL FOR AN ACT RELATING TO FAMILY CAREGIVERS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 708) recommending that H.B. No. 1514, 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. 1514, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 709) recommending that H.B. No. 355, 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. 355, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVERS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 710) recommending that H.B. No. 875, 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. 875, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 711) recommending that H.B. No. 1466, 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. 1466, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 712) recommending that H.B. No. 153, 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. 153, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. Rep. No. 712, I'd like to declare a potential conflict. I am a board member at the Waianae Coast Comprehensive Health Center," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 153, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 713) recommending that H.B. No. 204, 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. 204, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 714) recommending that H.B. No. 1120, 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. 1120, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 715) recommending that H.B. No. 1448, 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. 1448, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE ZONES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 716) recommending that H.B. No. 229, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 229, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RURAL HEALTH CARE," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 717) recommending that H.B. No. 1477, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1477, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RURAL PRIMARY HEALTH CARE TRAINING," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Chang and Evans, for the Committee on Higher Education and the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 718) recommending that H.B. No. 1720, 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. 1720, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONTINUE AND EXPAND THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK'S LONG-TERM CASE MANAGEMENT TRAINING PROGRAM FOR VICTIMS OF MAJOR NATURAL

DISASTERS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 719) recommending that H.B. No. 464, 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. 464, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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."

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

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

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"As a general principle, the more we know, the more capable we are to make good decisions. This bill mandates that sexual health educators who receive State funding teach not only abstinence, but also contraception. This comprehensive education will promote healthy behaviors as well as encourage optimal protection from STDs and unintended pregnancies.

"Student sexual behavior statistics allow us to see the dreadful reality of cause for concern: Testimony provides that nearly two-thirds of all high school seniors in the U.S. have had sexual intercourse; each year, approximately 9.1 million 15 to 24 year olds are infected with STDs; and The Centers for Disease Control & Prevention estimate that one-half of all new HIV infections occur among people under age 25, with the majority contracted through sexual intercourse.

"In addition, most parents believe that sex education should encourage young people to delay sexual activity and prepare them to use birth control and practice safe sex once they do become sexually active, according to interviews conducted for the Kaiser Family Foundation 2000.

"It would also be important to note that with the amendment on page 2, those who receive federal funding for abstinence only education will be exempt from this bill.

"I urge my colleagues to support this measure. Thank you."

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

"Mr. Speaker, is there anything between a no vote and with reservations? Probably not. Mr. Speaker, this bill raises the bar for intellectual honesty in a very small area of which I think we're hypocritical to pass it. With the Committee and the way the bill language reads because much of data is in the eyes of the beholder and the user, when somebody disagrees with people who don't testify and the way that they agree with, this kind of data comes out. And usually democracy is self-correcting and data comes out, but I think the way that we pass bills, we don't have enough information. We don't have enough scientific spin to the things that we do.

"If we pass it, I would hope that we could raise the bar for all of the other things that we pass when we have a lack of information, or someone who has a particular bent towards a particular bill and by their personal persuasion allows others to agree with it. This one says we are going to be scientifically astute and I just don't think that is a truism, nor a bar that we as a body can live up to. So I have very serious reservations."

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

"Thank you, Mr. Speaker. With all due respect to the speaker from Hawaii Kai, science is a discrete phenomenon. We use science, particularly in the area of health to guide us on best practices so that we make our people safest. I really don't know what he's talking about as far as, 'in the eye of the beholder' when we talk about science, in that what HB No. 464 endeavors to do is to really meet both parties halfway. To neither deny people their right to do sexual health education. If they're religious organization, if they want to focus from their perspective on abstinence, this would not repeal funding from those groups. And on the other hand, we do encourage, in this case, that resources be put in the system based on evidence-based medicine. If we ban evidence-based medicine, Mr. Speaker, we really will need to dissolve the Health Committee. Thank you."

Representative Finnegan rose in opposition to the measure, and asked that her written remarks be inserted in the Journal, and the Chair "so ordered."

Representative Finnegan's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this bill. As a mother who is keenly aware of my responsibility as a parent to prepare my children to make good life choices, I also realize that 'good choices' depends on the values that you keep.

"This bill requires those receiving State funding that provide sexual health education to provide medically accurate, factual information that is age-appropriate and includes education on both abstinence and contraception unless it would jeopardize federal funding for the recipient.

"In my opinion sex education should be handled in a delicate and loving way that teaches the values that I would like my children to uphold. I don't expect all parents to believe the way I do. If I find an organization that has the same values as I do, that organization should have the ability to receive State funding. I believe that is appropriate and as a taxpaying citizen those options should also be supported. This bill will stop organizations that believe in abstinence only sex education from receiving State funding. Mr. Speaker, I would like to see us support sex education that includes abstinence only or abstinence/contraception.

"I am also concerned what will be deemed medically accurate, factual information and age appropriate material. Bottom line Mr. Speaker is that we should not penalize organizations from receiving State funding should they choose to teach abstinence-only sex education or penalize the families that choose to send their children there. 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. 464, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representative Finnegan voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 720) recommending that H.B. No. 367, 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. 367, pass Second Reading and be

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

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

"On Stand. Com. Rep. No. 720, with reservations. The part of the bill that I have reservations on is the development of the pilot program at the University of Hawaii. This is for intervention, if someone comes into a hospital and it appears they have problems with drug abuse or alcohol abuse.

"I like the part of the bill that says it's telling physicians to offer screening and counseling. I believe that is appropriate. But actually intervention, I disagree with. I believe that if someone wants to change their drug or alcohol habit, they will ask for help. I don't believe that it's appropriate that we pay for this intervention program."

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

"Standing in strong support and I'll insert written comments. But this is a very important bill and I think it follows up on the work we've done in preventing addiction. It gets people when they're starting and not when they're ending."

Representative Lee's written remarks are as follows:

"Mr. Speaker, I rise in support of this measure.

"Mr. Speaker, we know that the abuse of alcohol and drugs in our State is too high. We also know that screening, counseling and referral for those who are abusing are effective techniques in reducing such abuse. It is important then that we help reduce the abuse rate by ensuring that a referral to appropriate alcohol and drug abuse screening and counseling is offered to a patient when an examining physician in a primary care or emergency room setting has good reason to suspect substance abuse by the patient.

"Mr. Speaker, this bill does just this. By investing in treatment we will reduce our incarceration rate and therefore reduce the cost to the State in the long-term. I urge my colleagues to support this measure. 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. 367, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 721) recommending that H.B. No. 1764, 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. 1764, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict of interest. HHSC is one my clients, but I only advise them on procurement matters," and the Chair ruled, "no conflict."

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

"Mr. Speaker, same request please. If you could rule on a potential conflict of interest. I do contract work as a practicing emergency physician at HHSC," and the Chair ruled, "no conflict."

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

"Thank you, Mr. Speaker. I ask for the same ruling. I have a spouse that works part-time as a healthcare worker at HHSC," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1764, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF REVENUE BONDS TO ASSIST HAWAII HEALTH SYSTEMS CORPORATION OR ANY OF ITS REGIONAL SUBSIDIARY CORPORATIONS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 722) recommending that H.B. No. 1828, 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. 1828, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I'm sorry Mr. Speaker. Very briefly. Although I don't expect a lot of attention in opposition on this measure. I just wanted to mention that I'm in strong support. The economic impact of this bill is estimated to be \$15,000 per year possibly. So it's very, very, very *manini* considering our budget of billions, but the goal of this bill is to provide some people cost reimbursement if they go and are part of the organ donation system.

"If they're going to get tests, if they have to fly to another island to get their tests and ultimately give a kidney or donate blood products that are special for people that might need bone marrow transplants. It almost doesn't rise to the level of a bill because it's such a small amount of money and so few people. The people that do provide organ donation to other people who are suffering are truly wonderful people and are so giving that I think that it's a good thing for us to pass. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1828, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 723) recommending that H.B. No. 231, 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. 231, HD 1, 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:

"Mr. Speaker, on Stand. Com. Rep. No. 723, I have some reservations on this. I like the direction this is going in, where this bill would exempt healthcare providers from paying the excise tax, but it seems to be limited only to the county surcharge, so that would

be half a percent. Perhaps maybe the title makes it so they can't do anything different, but that seems like a small amount of relief for healthcare. What we'd really like to see is all the excise tax taken off of those providers. Thank you."

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

"Thank you, Mr. Speaker. In support. With reference to the previous speaker, some very, very nice Republicans came to me and asked me to submit this bill which I do support, which is exempting them from the general excise tax county surcharge. I think the premise is that the general excise tax issue on healthcare is a big issue, but they wanted to make the statement that paying some of the extra tax from healthcare for rail didn't resonate with them. And that was, I thought, a reasonable position. So I supported some of my Republican friends and put this bill in."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EXCISE TAX ON HEALTH CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 724) recommending that H.B. No. 541, 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. 541, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 725) recommending that H.B. No. 582, 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. 582, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 726) recommending that H.B. No. 1465, 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. 1465, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Strong support for HB No. 1465, HD 1 with some very serious concerns. My concern is that the State Department of Health doesn't seem to understand healthcare. What this bill calls for is two 40-foot completely equipped medical vans that will give these very remote areas a level of urgent care. And they will be used as clinics during the day and can be driven to emergencies when and if they occur. These vans are \$350,000 each. As my colleague from Kona says, that's about the cost to paint one of our hospitals.

"We have to start thinking less about hospitals and more about these kinds of mobile vans that we can use in rural areas. The bill just before this, where they're asking for a million five for emergency medical services for Mililani, we could put four of these vans there.

"I live 30 miles from a hospital. If you look at the area between Pahala and Nalehu, and if you want to get to Ka'u Hospital where my colleague from Kona does emergency work, and you have flooding in Kawa Flats, then you've got not access at all to that hospital, and that flooding occurs all the time. Then you're 60 miles away from the nearest hospital. And we just have to start thinking about less about hospitals and more about these mobile services. And when the Department of Health says that these emergency vans are no better than ambulances, I really wonder about their capability. We have a dental clinical van on the Big Island that goes around the island, provides valuable service.

"I just hope that this bill can move on and that the Department of Health will take a good hard look at these rural areas there that we're talking about that's bigger than Oahu. There is no Department of Health facility there. That just increases my concern. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1465, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY MEDICAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 727) recommending that H.B. No. 1467, 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. 1467, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A TWO-YEAR HEPATITIS C DEMONSTRATION PROJECT," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 728) recommending that H.B. No. 1534, 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. 1534, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR COVERAGE OF CERTIFIED SUBSTANCE ABUSE COUNSELORS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 729) recommending that H.B. No. 71, 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 Committees be adopted, and that H.B. No. 71, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce, seconded by Representative B. Oshiro.

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

"I rise with reservations on Stand. Com. Rep. No. 729. This bill has something to do with nurse aides and putting more requirements for them for any Medicare or Medicaid programs. These are your

small nursing homes and foster homes. As I mentioned in my previous speech, Mr. Speaker, we should be heading in a direction that is more friendly and more favorable to these types of providers.

"It is despicable, Mr. Speaker, that we are sending our *kupunas* to the mainland. And we are doing that because of regulations such as this which makes it very difficult for them to survive. Putting more regulations and oversight on this programs will cost them more money because now they have to have more qualifications and they have to be paid more for those substitute care providers in those care homes and nursing homes, Mr. Speaker. I want them to be paid more, but I don't want too much encumbrance for them to be hired and to work in this facilities.

"These are our unsung heroes, Mr. Speaker. And we should be yielding in favor of them. The people that came and testified for this were the Hawaii Coalition of Care Home Administrators and also DCCA. We need to move away from this type of oversight, Mr. Speaker." Thank you.

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 71, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NURSE AIDES," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 730) recommending that H.B. No. 807, 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. 807, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I stand in support of Stand. Com. Rep. No. 730. And just briefly, I'd just like to say that there are several caregiver bills we're talking about and a lot of them came out of the Interim Committee on Family Caregiving that took place this summer.

"The headlines in the paper this morning should really make us think about how we can encourage our family caregivers to take their loved ones back into their homes. But we need to help them. And Kupuna Care Services is one way we can help caregivers help keep their loved ones at home."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 807, entitled: "A BILL FOR AN ACT RELATING TO CAREGIVING," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 731) recommending that H.B. No. 817, 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. 817, entitled: "A BILL FOR AN ACT RELATING TO SAGE PLUS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented

a report (Stand. Com. Rep. No. 732) recommending that H.B. No. 824, 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. 824, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 733) recommending that H.B. No. 1704, 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. 1704, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I ask for a ruling on a potential conflict. Again the same thing, I advise HHSC," and the Chair ruled, "no conflict."

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

"Mr. Speaker, I stand in strong support of Stand. Com. Rep. No. 733. I was not quite aware of when it was coming forward and I commend Representative Nakasone for putting this forward. As you know, as I've spoken before about Maunalani and our real effort right now to create a health system, or health system for Maui which would include Maui Memorial. This will make it a stronger entity to deal with Maunalani and in creating something for Lahaina as well. So I strongly support this."

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

Representative McKelvey's written remarks are as follows:

"Mr. Speaker, I stand in support of the measure before us. This bill will serve as an important tool to help us achieve a victory in the health crisis in Maui and maybe act as a model for the State as a whole. Long this Session, you've heard of my plea on behalf of my community to establish a small footprint hospital in West Maui. Contrary to the rumoring and vicious naysayer in the 'we hate Maui Memorial and want to destroy it all costs' crowd, this emergent/emergency care facility – which is being done by a private firm – needs an independent Maui Memorial if it is to flourish.

"Contrary to popular belief by these very same few, I wholeheartedly support the quest of Kihei for a second hospital, but it must be made clear, not at the expense of one for West Maui. I firmly believe that Malulani or a derivatives thereof, can serve the needs of the Kihei community AND Mr. Speaker, co-exist if they work with Maui Memorial instead of against it.

"This bill is necessary so that Maui Memorial can compete and improve and be both an active player in the future of Maui healthcare services and provide a greater long term care bed and specialty care. This will allow Malulani to pursue other agreed upon services and acute care beds for South Maui.

"Unfortunately Maui Memorial's hand are tied when it comes to being able to address the problems of rural care in Maui County and to work with other entities in both West Maui and South Maui. Under the current scheme, they cannot participate as an equal partner in state-of-the-art healthcare delivery for us in West Maui or in South

Maui and will be unable to keep up with the demands of modern medicine. I hope this body, for the sake of true integrated healthcare delivery system in Maui, can support this important bill. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1704, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 734) recommending that H.B. No. 1200, 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. 1200, entitled: "A BILL FOR AN ACT RELATING TO THE BUDGET OF THE OFFICE OF HAWAIIAN AFFAIRS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 735) recommending that H.B. No. 1831, 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. 1831, entitled: "A BILL FOR AN ACT RELATING TO GAME MANAGEMENT AREAS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 736) recommending that H.B. No. 1578, 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. 1578, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I'm rising to cast a no vote on Stand. Com. Rep. No. 736. This is the gillnets bill and the delay of the implementation of DLNR's regulations. Thank you."

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

"I would also like a strong no on this measure. It's in line with HB No. 1848, HD1 and is extremely bad policy."

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

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

"Strong opposition as well."

Representative Belatti rose and asked that the Clerk record a no vote for her, 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 Green rose and asked that the Clerk record an aye vote with reservations for him, and the Chair "so ordered."

Representative Shimabukuro rose and asked that the Clerk record a no vote 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 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 Hanohano 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. 1578, HD 1, entitled: "A BILL FOR AN ACT RELATING TO OCEAN RESOURCES," passed Second Reading and was referred to the Committee on Finance with Representatives Belatti, Bertram, Morita, Shimabukuro and Thielen voting no, and with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 737) recommending that H.B. No. 1948, 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. 1948, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Carroll's written remarks are as follows:

"This bill establishes Aha Moku Commission to assist in the formation regional Aha Moku Councils which shall serve in an advisory capacity on all matters regarding the management of the State's natural resources. It requires the Department of Land and Natural Resources to seek advisory assistance from the Aha Moku Councils in developing a comprehensive set of best practices for natural resource management. (H.B. 1948 H.D. 1)

"DLNR supports the intent of this measure but has concerns over how both the Commission and the Councils will be structured, and how council members will be selected. The Department also has concerns over the range of authorities granted to these councils.

"DLNR feels that there is no guarantee that selection of Commission member would be transparent or inclusive.

"The DLNR feels that "such a poorly designed mission is inappropriate for a cabinet level entity. The Department considers such as lack of detail to be a serious flaw in the bill.

"The DLNR feels that based on these concerns, they feel that this bill would instead be best served in the form of a native Hawaiian advisory group, as proposed in H.B. 1788. The Department welcomes an advisory body to make recommendation concerning Native Hawaiian matters.

"OHA supports the bill with amendments. They feel that "Native Hawaiian natural and cultural resource management skills, methods and abilities must be incorporated into the State's resource management plans."

"OHA feels that the "environment must survive with the culture and vice versa."

"OHA stated, "their only concerns lie with the possible creation of a too-burdensome bureaucratic layer that may so delay the management process of Hawaii's natural and cultural resource that could border on being irresponsible."

"OHA supports the intent of the bill but feels that the language is too broad."

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

Representative McKelvey's written remarks are as follows:

"Mr. Speaker I rise in the strongest support possible. This bill is a ground breaking measure that not only will it preserve and protect the cultural practices endemic to Hawaii and help to create educational knowledge of the ancient Native Hawaiian ways to our keiki, it would also provide a level of accountability over State government that has been needed far too long.

"I will tell you what this bill is not, Mr. Speaker, and that is sovereignty. What this bill is Mr. Speaker, is a system of community participation that all local people can be involved with, regardless of their background. The *Mokus* would be a way for agencies who draft rules and regs in high rises in Honolulu to ensure that the community is heard when it comes to the impacts on Native Hawaiian, and by extension, local practices in the areas of fishing, gathering and so on. These councils would operate on very little money, but it offers us a way to pay a big debt in a monumental way that will help to provide redress through the empowerment of the citizenry and not to another agency or group.

"The *Mokus* have already shown fruit as talks between our *kapuna* and the Department of Education in the quest of this bill have yielded a commitment to the adoption of education on the ways, practices and arts of the ancient Hawaiian people. In fact Mr. Speaker, I dare say that if the *Moku* system had been in place this summer, we wouldn't be having all this *pilikia* with the gill nets and DLNR.

"This is a good bill Mr. Speaker, and one that should also have an intangible return in helping to build bridges between all of us and our host culture through orderly empowerment of the average 'braddah'."

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

"Strong support as well."

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

"Mr. Speaker, strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1948, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NATIVE HAWAIIANS," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 738) recommending that H.B. No. 1905, HD 1, as amended in HD 2, 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. 1905, HD 2, entitled: "A BILL FOR AN

ACT RELATING TO DAM SAFETY," passed Second Reading and was referred to the Committee on Judiciary with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 739) recommending that H.B. No. 23, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 23, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CRIMINAL HISTORY RECORD CHECKS," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 740) recommending that H.B. No. 681, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 681, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC INTEREST ATTORNEYS," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 741) recommending that H.B. No. 1493, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1493, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE CRIME VICTIM COMPENSATION COMMISSION," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 742) recommending that H.B. No. 1326, HD 1, as amended in HD 2, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1326, HD 2, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"On Stand. Com. Rep. No. 742, with reservations. This also is to increase prosecution of fraud and my concern is that there's no language in here for an appropriation or impact study for our correctional facilities."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1326, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE FRAUD," was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 743) recommending that H.B. No. 629, 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. 629, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE RULES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 744) recommending that H.B. No. 661, 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. 661, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"I rise with reservations and just a few short comments. As originally drafted, this bill would have adopted a comprehensive public funding system for election campaigns for us, the State House of Representatives. As amended, it would now apply to elections of the County Councils. I think this body could demonstrate some real leadership, and if you believe that this is a good form of campaign finance reform, that we should apply it to ourselves. Thank you very much."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 661, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 745) recommending that H.B. No. 1550, 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. 1550, 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 Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 746) recommending that H.B. No. 962, 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. 962, entitled: "A BILL FOR AN ACT RELATING TO CHRONIC KIDNEY DISEASE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 747) recommending that H.B. No. 1469, 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. 1469, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR THE DEVELOPMENTAL DISABILITIES DIVISION OF THE DEPARTMENT OF HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 748) recommending that H.B. No.

1475, 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. 1475, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SOCIAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 749) recommending that H.B. No. 1597, 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. 1597, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 750) recommending that H.B. No. 827, 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. 827, entitled: "A BILL FOR AN ACT RELATING TO THE ELDERLY," passed Second Reading and was referred to the Committee on Finance with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 751) recommending that H.B. No. 109, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Human Services & Housing 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. 109, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was adopted, passed, and recommitted to the Committee on Human Services & Housing for further consideration, with Representatives Takai, Takamine and Takumi being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 752) recommending that H.B. No. 110, as amended in HD 1, be adopted, passed, and recommitted to the Committee on Human Services & Housing 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. 110, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," was adopted, passed, and recommitted to the Committee on Human Services & Housing for further consideration, with Representatives Takai, Takamine and Takumi being excused.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representatives Takai, Takamine and Takumi were excused.)

THIRD READING**H.B. No. 1248, HD 1:**

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 1248, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NAME CHANGES," passed Third Reading by a vote of 48 ayes, with Representatives Takai, Takamine and Takumi being excused.

H.B. No. 1249, HD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 1249, HD 1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS," passed Third Reading by a vote of 48 ayes, with Representatives Takai, Takamine and Takumi being excused.

H.B. No. 1513, HD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 1513, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION OFFENSES," passed Third Reading by a vote of 48 ayes, with Representatives Takai, Takamine and Takumi being excused.

At 2:31 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 1248, HD 1
H.B. No. 1249, HD 1
H.B. No. 1513, HD 1

ANNOUNCEMENTS

Speaker Say: "The Chair would like to share with all, thank you for your indulgence in getting done very, very quickly, on behalf of the Neighbor Island colleagues and those living far away. From me to all of you, have a nice President's Day 3-day weekend."

Representative Ching: "I would just like to announce that it is Chinese New Year, the Year of the Golden Boar. It's supposed to be a very good year for prosperity. It comes around only once every 600 years. So I wish everyone here a *kung hee fat choy*."

ADJOURNMENT

At 2:33 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, Tuesday, February 20, 2007. (Representatives Takai, Takamine and Takumi were excused.)