

TWENTY-FOURTH DAY

Thursday, March 1, 2007

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2007, convened at 12:05 o'clock p.m., with the Speaker presiding.

The invocation was delivered by Representative John Mizuno, after which the Roll was called showing all members present with the exception of Representatives Carroll, Nishimoto, M. Oshiro and Thielen, who were excused.

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, reading of the Journals was dispensed with and the Journals of the Fifteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth Days were approved. (Representatives Carroll, Nishimoto, M. Oshiro and Thielen were excused.)

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 275 through 282) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 275, dated February 20, 2007, transmitting the Department of Land and Natural Resources' report relating to the Division of Conservation and Resources Enforcement's monthly enforcement activities for January 2007.

Gov. Msg. No. 276, dated February 14, 2007, transmitting the Department of Public Safety's response to Act 160, Section 63.3, Session Laws of Hawaii 2006, requiring a report from the Department of Public Safety, Sheriff's Division, on the operation and maintenance of all vehicles within the division.

Gov. Msg. No. 277, dated February 22, 2007, transmitting the Department of Agriculture Annual Report, Fiscal Year 2006.

Gov. Msg. No. 278, dated February 15, 2007, transmitting the State of Hawaii Program Memoranda.

Gov. Msg. No. 279, dated February 21, 2007, transmitting the Department of Human Services' Report on Infant and Toddler Care.

Gov. Msg. No. 280, dated February 21, 2007, transmitting the Department of Human Services' Report on TANF outcomes and contracts.

Gov. Msg. No. 281, dated February 21, 2007, transmitting the Department of Human Services' Report on the Financial Plan for Federal TANF Funds.

Gov. Msg. No. 282, dated February 21, 2007, transmitting the following Department of Taxation's Reports:

1. Annual Report 2005-2006
2. Hawaii Income Patterns Businesses 2002
3. Hawaii Income Patterns Individuals 2003
4. Tax Credits Claimed by Hawaii Taxpayers 2003
5. Tax Credits Claimed by Hawaii Taxpayers 2004

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 52) was received by the Clerk and was placed on file:

Dept. Com. No. 52, from the Office of Hawaiian Affairs, transmitting their 2006 Annual Report.

INTRODUCTIONS

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

Representative Karamatsu introduced Ms. Leah Craft of the Small Business Development Center.

Representative Chang introduced his classmate, Mr. William Takabe, Hawaii County Director of Finance.

Representative B. Oshiro introduced members with the National Conference of State Legislatures Institute for State Tribal Relations: Dr. Kate Spilde Contreras, Ms. Sia Davis, Ms. Corina Eckl, Ms. Melissa Savage, Ms. Linda Sikkema and Ms. Andrea Wilkins

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>
68, SD1	Jointly to the Committee on Health and the Committee on Human Services & Housing, then to the Committee on Consumer Protection & Commerce
948, SD1	Committee on Judiciary, then to the Committee on Finance
1147, SD1	Committee on Education, then to the Committee on Finance
1665	Committee on Judiciary
1954, SD1	Committee on Judiciary
1957, SD1	Committee on Judiciary

COMMITTEE REASSIGNMENTS

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

<u>H.B.</u> <u>Nos.</u>	<u>Re-referred to:</u>
840	Committee on Finance
1244	Committee on Human Services & Housing, then to the Committee on Finance
1358, HD1	Committee on Human Services & Housing

<u>S.B.</u> <u>No.</u>	<u>Re-referred to:</u>
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958, SD1	Committee on Energy & Environmental Protection, then to the Committee on Agriculture
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**INTRODUCTION OF RESOLUTIONS
(FLOOR PRESENTATIONS)**

The following resolution (H.R. No. 30) was announced by the Clerk and the following action taken:

H.R. No. 30, entitled: "HOUSE RESOLUTION COMMENDING BENEDICTO R. GALINDO, M.D., IN RECOGNITION OF HIS ACCOMPLISHMENTS AND SERVICE TO THE PEOPLE OF HAWAII," was offered by Representative Mizuno.

Representative Mizuno, moved that H.R. No. 30 be adopted, seconded by Representative Green.

Representative Mizuno introduced Dr. Benedicto R. Galindo and Mrs. Adelaida Galindo.

Representative Green recognized Mrs. Galindo for her accomplishments.

Representatives Magaoay and Cabanilla further recognized and thanked Dr. Galindo.

The motion was put to vote by the Chair and carried, and H.R. No. 30 was adopted with Representatives Carroll, Nakasone, Nishimoto, M. Oshiro and Thielen being excused.

The following resolution (H.R. No. 31) was announced by the Clerk and the following action taken:

H.R. No. 31, entitled: "HOUSE RESOLUTION HONORING AND EXPRESSING GRATITUDE TO THE AMERICAN RED CROSS, HAWAII STATE CHAPTER, FOR THEIR HUMANITARIAN ROLE IN OUR COMMUNITY," was jointly offered by Representatives Marumoto, Awana, Belatti, Caldwell, Chang, Evans, Finnegan, Green, Luke, Magaoay, Meyer, Mizuno, Morita, Nishimoto, Shimabukuro, Takai, Wakai, Yamane, Bertram, Cabanilla, Ito, Nakasone and Tsuji.

Representative Marumoto, moved that H.R. No. 31 be adopted, seconded by Representative Green.

Representative Marumoto recognized the American Red Cross, Hawaii State Chapter.

Representative Green introduced from the American Red Cross, Hawaii State Chapter, Chief Executive Officer, Ms. Coralie Chun Matayoshi; and Board of Directors Executive Committee members, Ms. Tertia Freas, Mr. Gerald Sumida, and Chairman Emeritus, Mr. John Henry Felix.

Representatives Ward and Yamane further recognized the American Red Cross, Hawaii State Chapter.

The motion was put to vote by the Chair and carried, and H.R. No. 31 was adopted with Representatives Carroll, Nakasone, Nishimoto, M. Oshiro, Thielen and Waters being excused.

LATE INTRODUCTION

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

Representative Magaoay, on behalf of Representative M. Oshiro, introduced 5th grade students from Helemano Elementary and their teachers, Ms. Sheri Garma, Ms. Katie Harding, Mr. Shelton Teruya, and Ms. Pat Castellano.

At 12:28 o'clock p.m., the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:38 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 771) recommending that H.B. No. 111, 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. 111, 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 Carroll, Nakasone, Nishimoto, Saiki, Thielen and Yamane being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 772) recommending that H.B. No. 1157, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1157, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 773) recommending that H.B. No. 1158, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1158, entitled: "A BILL FOR AN ACT RELATING TO ARSON," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 774) recommending that H.B. No. 660, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 660, entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE CIRCUIT COURTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 775) recommending that H.B. No. 345, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 345, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

Representative Karamatsu's written remarks are as follows:

"I rise in support. I entered politics with hopes to make our State, nation, and world more peaceful. I believe we must all play a role in

promoting peace. Too often, the cycle of violence is fueled through anger and revenge. Every generation has witnessed violence domestically and abroad. As a representative of Generation X, I am determined to continue striving for peace throughout the world just as the leaders before me.

"I was pleased when I learned that the Hawaii Federation of Junior Young Buddhist Association was working on a peace resolution. After talking to their advisor, I decided to introduce a peace day bill on their behalf. I was touched to know that young leaders in the next generation, Generation Y had the same dream of attaining a more peaceful world.

"House Bill 345 would establish September 21st of each year as "Peace Day" to promote peace programs, improve international relations, and increase educational awareness of peace. If we all work towards this goal of a more peaceful world, we will see priceless results and touch many lives. 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. 345, entitled: "A BILL FOR AN ACT RELATING TO HOLIDAYS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 776) recommending that H.B. No. 1264, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1264, entitled: "A BILL FOR AN ACT RELATING TO HOUSING," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 777) recommending that H.B. No. 1563, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1563, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 778) recommending that H.B. No. 1564, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1564, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 779) recommending that H.B. No. 1566, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1566, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was

placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 780) recommending that H.B. No. 1567, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1567, entitled: "A BILL FOR AN ACT RELATING TO STATE OFFICERS AND EMPLOYEES EXCLUDED FROM COLLECTIVE BARGAINING AND MAKING APPROPRIATIONS AND OTHER ADJUSTMENTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 781) recommending that H.B. No. 1568, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1568, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 782) recommending that H.B. No. 1569, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1569, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 783) recommending that H.B. No. 1570, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1570, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 784) recommending that H.B. No. 1572, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1572, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 785) recommending that H.B. No.

1573, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1573, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR SALARY INCREASES FOR PUBLIC EMPLOYEES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 786) recommending that H.B. No. 1336, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1336, entitled: "A BILL FOR AN ACT RELATING TO SANCTIONS FOR VIOLATIONS BY MORTGAGE BROKERS AND SOLICITORS COMMITTED AGAINST ELDERS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 787) recommending that H.B. No. 1612, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1612, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER CREDIT REPORTING AGENCIES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 788) recommending that H.B. No. 613, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 613, entitled: "A BILL FOR AN ACT RELATING TO VETERANS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 789) recommending that H.B. No. 1034, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1034, entitled: "A BILL FOR AN ACT RELATING TO TAXES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representatives Yamane and Cabanilla, for the Committee on Tourism & Culture and the Committee on International Affairs presented a report (Stand. Com. Rep. No. 790) recommending that H.B. No. 1103, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 1103, pass Second Reading and be

placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

Representative Marumoto's written remarks are as follows:

"Mr. Speaker, I rise in support of this legislation which officially recognizes the Asian or Lunar New Year.

"This is very similar to HB 941, which I submitted, officially recognizing the Asian New Year, calling for an observance, but not a holiday.

"The Asian New Year, known in China as the Spring Festival, or the Lunar New Year, is the most important of the traditional Eastern holidays. The festival proper begins on the first day of the first lunar month in the Chinese calendar and ends on the 15th day, on the Lantern Festival. The beginnings of the Chinese calendar date back thousands of years.

"The New Year falls on different dates each year, between January 21 and February 20, occurring at the time of the full moon. The New Year is celebrated worldwide in areas with large populations of Asians. It is considered a major holiday in Asia by ethnic groups strongly influenced by Chinese culture such as Koreans, Hmong, Mongolians, Vietnamese, Tibetans, the Nepalese and the Bhutanese. The New Year is also the time of the largest human migration, when overseas Chinese all around the world travel home to observe the occasion with their families.

"According to legend, in ancient China, the *nian*, a man-eating beast from the mountains, could silently infiltrate houses to prey on humans. The people believed that the *nian* was sensitive to loud noises and the color red, so they scared it away with explosions, fireworks and the liberal use of the color red. These customs led to the first New Year's celebrations.

"I believe that the desire is strong among Hawaii's population for recognition of the Lunar New Year. Among those supporting this recognition are Dr. Chuck Yim Gee, Dean Emeritus of the School of Travel Industry Management at the University, Lily and Larry Chang of the Chinese Community Broadcasting Co., Karl Kao of the World Journal Newspaper, Joseph Chow of the Sing Tao Newspaper, Johnson Choi, President of the Hong Kong-China-Hawaii Chamber of Commerce, and many others too numerous to mention.

"Because of the prominence of Hawaii's Chinese population and the emphasis on promoting tourism from China, several other legislators also introduced bills to establish a Chinese Lunar New Year Day or Week observance. These are: Senate Bill No. 247 establishing the Asian Lunar New Year Commemoration Week, House Bill No. 941, recognizing the Asian Lunar New Year Day, and House Bill No. 1103, a companion measure to SB 247, establishing the Asian Lunar New Year Commemoration Week.

"I am gratified that this bill will accomplish that goal, and I give it my full support."

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 support of House Bill 1103 - Relating to Asian Lunar New Year Commemoration.

"There are many countries that observe the Asian Lunar New Year. These countries – China, including Taiwan and Hong Kong, Vietnam and Thailand – are becoming important markets for Hawaii's

products and services. Having an official observance of the Asian Lunar New Year could work in our favor as we establish and solidify relationships with these countries.

"Because we are a multi-cultural community, Hawaii embraces many different ethnic celebrations. Chinese New Year has become a part of our island tradition. One just has to go to Chinatown on the Friday night before Chinese New Year to witness its popularity. Thousands of people are crammed on Maunakea Street to watch the lion dance and spread its good luck amongst the many merchants and businesses in the area. Designating an official State observance of the Asian Lunar New year is a move that would please both our Asian and non-Asian communities alike."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 1103, entitled: "A BILL FOR AN ACT RELATING TO ASIAN LUNAR NEW YEAR COMMEMORATION," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 791) recommending that H.B. No. 1153, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1153, entitled: "A BILL FOR AN ACT RELATING TO PRECURSORS TO THE MANUFACTURE OF CONTROLLED SUBSTANCES," passed Second Reading and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 792) recommending that H.B. No. 1919, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1919, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LAND USE COMMISSION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 793) recommending that H.B. No. 516, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 516, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEXUAL OFFENDERS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 794) recommending that H.B. No. 303, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 303, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THEFT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 795) recommending that H.B. No. 987,

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

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 987, HD 1, entitled: "A BILL FOR AN ACT RELATING TO POLICE OFFICERS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 796) recommending that H.B. No. 1130, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1130, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAMPAIGN SPENDING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 797) recommending that H.B. No. 1131, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1131, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PRIMARY ELECTION DATE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 798) recommending that H.B. No. 1132, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1132, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1132, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTION DAY POLL WATCHERS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 799) recommending that H.B. No. 583, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 583, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TIME LIMITATIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 800) recommending that H.B. No. 910, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

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

was adopted and H.B. No. 910, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC FINANCIAL DISCLOSURE STATEMENTS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 801) recommending that H.B. No. 975, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 975, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STANDARDS OF CONDUCT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 802) recommending that H.B. No. 1149, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1149, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, thank you. On Stand. Com. Rep. No. 802, I stand with reservations. It's one of those bills that increases penalties and will put people in jail if convicted. There is no appropriation language or impact study in this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1149, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRUGS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 803) recommending that H.B. No. 1512, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1512, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 804) recommending that H.B. No. 1836, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1836, HD 1, pass Second Reading and be placed on the calendar for Third Reading, 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 support of House Bill 1836 – Relating to Gambling.

"Mr. Speaker, the Legislature has fought gambling for the last ten years. Companies have found a 'loophole' in our current laws banning gambling, and have placed vending machines all over the Honolulu in which they have circumvented the gambling laws here by using the guise of long distance cards. In these vending machines they sell sweepstakes cards, usually for a dollar, very similar to how lottery tickets are sold. When you purchase this card you are given two minutes of long distance phone time.

"It is very clear that the long distance phone time is only offered to get around Hawaii's anti-gambling laws, as two minutes of long distance time to the US mainland does not run anywhere near a dollar and in today's market long distance can be free on your cell phone, cost a few cents with a calling card, or you can get unlimited long distance for a nominal charge. The sole purpose of purchasing these cards is to have a chance at winning the sweepstakes, usually a cash prize worth hundreds of times more than the cost of a single game piece itself.

"HPD has found that many people buy these calling cards in large quantities, often disposing of the card without ever using the long distance time available on the card. HPD has also found that a lot of these cards do not work, even when activated.

"This bill defines in very clear terms the properties of sweepstakes machines that are currently in place in Honolulu locations. This bill makes it known that gambling includes the purchase of a sweepstakes entry that also provides a nominal, non gambling value even if the sweepstakes entry can be obtained without payment of consideration. By passing this legislation it will make it possible to ban these machines and avoid any possible escalation of further gambling of this nature in our State. 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. 1836, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GAMBLING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 805) recommending that H.B. No. 128, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 128, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC MEETINGS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 806) recommending that H.B. No. 909, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 909, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONFLICTS OF INTEREST," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 807) recommending that H.B. No. 1108, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1108, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING OR REPEALING VARIOUS PROVISIONS OF THE HAWAII

REVISED STATUTES AND THE SESSION LAWS OF HAWAII FOR THE PURPOSE OF CORRECTING ERRORS AND REFERENCES, CLARIFYING LANGUAGE, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 808) recommending that H.B. No. 380, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 380, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PARTICIPATION IN GOVERNMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 809) recommending that H.B. No. 1565, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1565, HD 1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR COLLECTIVE BARGAINING COST ITEMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 810) recommending that H.B. No. 1785, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1785, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 811) recommending that H.B. No. 1786, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1786, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE UNIVERSITY OF HAWAII," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 812) recommending that H.B. No. 1412, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1412, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TAXATION'S BENEFITS-FUNDED REVENUE-GENERATING COMPUTER INITIATIVES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 813) recommending that H.B. No. 1188, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1188, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 814) recommending that H.B. No. 1337, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1337, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEATH CARE INDUSTRY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 815) recommending that H.B. No. 330, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 330, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, in support. Just briefly, some of my colleagues may consider this bill an over-reaction of what is a relatively minor problem, but in my district, prostitution is more than a minor problem. There's the drug dealing that goes along with it. There are the pimps and the enforcers along Kukui Street. The residents are afraid to leave their homes after dark, and just going to the grocery store at Long's Pali is an adventure that they don't want to partake in. I ask that my colleagues will keep an open mind about this bill before we get to Third Reading. Mahalo."

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

"I stand in opposition. First, I want to comment that for a third and subsequent conviction for prostitution, this bill will make it a Class C felony. One of the things is that there's no language in here for its impact on our correctional facilities and appropriation language.

"But beyond that, I just want to talk about this issue of prostitution. If there is a third offense, they are going to be put in jail for this. I think that prostitution is a symptom. If you want to go to the cause, let's put our money where it counts and look at why are people involved in this business. This is about supply and demand. If you want to take out the demand, put the money where the demand is. And if people are out there, desiring and asking for it, it's going to happen. This has been around forever. I'm a little disappointed that we're going this route. I think we need to look at what's the underlying cause. Thank you."

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

"Thank you, Mr. Speaker. Just in strong support and ask that the comments from the Representative from Downtown and Chinatown

be incorporated as my own. Thank you," and the Chair "so ordered."
(By reference only.)

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

"Thank you, Mr. Speaker. I wish to echo the remarks from the representative from Waikoloa, somewhat. At this point, I have strong reservations, but on Third Reading I might be in opposition at that point in time.

"I believe that again, we have another felony charge. We continue not to increase the space at Halawa and the prison space. We cannot continue to do this, adding more felony charges, putting people in jail and not building anymore prisons in here Hawaii. Thank you very much."

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

"Just a vote with reservations, Mr. Speaker. And may I request the words of the gentlemen from Kahului be entered into the Journal as my own. In addition, Mr. Speaker, the bill does not specifically address what I believe the Representative from DOWNTOWN is complaining about, which is the drug issue. I believe that if the drug issue was incorporated in here, and then make it a Class C felony, it will be a lot easier to pass. Thank you very much."

Representative Lee 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 Lee's written remarks are as follows:

"Mr. Speaker, I rise with reservations on HB330. I am not a proponent of legalized prostitution; however, we need to remember just who is the victim here. I would like to quote from the article recently written by Melissa Farly in the *Honolulu Weekly*. She said:

Wherever prostitution thrives, so does sex trafficking. If you were a pimp, where would you market your product? Somewhere like Sweden, where there's a law against buying or selling people for sex? Or would you pimp women to countries that lay out a legal welcome mat: the Netherlands, Germany, Australia and wherever prostitution is legal? Sweden has an excellent prostitution law in which buyers and sellers of women are criminalized but prostituted people are not. Trafficking has plummeted in Sweden since the law was passed.

We need a law that protects victims while it also effectively targets predators. Pimps and sex traffickers are not the only sex predators: Johns are predators, too.

"I am afraid that this law would be mostly applied to the female prostitute who, in many ways, is the tragic victim of greed and violence. Thank you."

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

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

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

"Mr. Speaker. I'm standing with reservations. This issue for me is that some of these women are victims of sex abuse themselves, and throwing the in jail is not addressing the problem. 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. 330, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO PROSTITUTION," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Bertram and Evans voting no, and with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 816) recommending that H.B. No. 451, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 451, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, with reservations. This bill will impose mandatory jail time for repeat offenders so again, this does not have appropriation language or an impact study on our correctional facility. There is no language to that effect in this bill."

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

"Just to clarify, Mr. Speaker. The original draft called for mandatory jail time. This calls for mandatory community service where the offender needs to go out into the community and repaint graffiti stricken walls."

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

"Thank you. In strong support. In my district, as I suspect in many other districts, graffiti has gotten quite out of control. It's a problem that affects not just the morale of our people who we serve, but also our businesses. And it's a big cost to our State. And the fact is that I do believe that, as in many cases, what we need to do is to make sure we put strict guidelines down and say that this is unacceptable. I think work, community service, is a wonderful way to make sure that the offenders give back to the community of which they have taken away. Thank you."

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

"I have reservations on this because I feel the community service is too easy a penalty for people who tend to do graffiti over, and over again. At sometime or another, they should have to face the consequences. I know our jails are crowded, but community service is really a slap on the wrist. Thank you."

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

"Mr. Speaker, I'm in support. Just to clarify what the prior people are saying. If you look on Page 3, section 3, it actually talks about aggravated criminal property damage. So anybody that is a repeat offender will now be subject to this new proposed legislation."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 451, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GRAFFITI," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 817) recommending that H.B. No. 1159, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1159, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVER LICENSING," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 818) recommending that H.B. No. 1246, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1246, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"On Stand. Com. Rep. No. 818 with reservations. This establishes theft of copper as a felony offense. Again, there is no language for an appropriation and impact study on our prison facilities. 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. 1246, HD 1, entitled: "A BILL FOR AN ACT RELATING TO METAL," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 819) recommending that H.B. No. 1253, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1253, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 820) recommending that H.B. No. 304, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 304, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Thank you very much, Mr. Speaker. I'd like to stand with strong reservations on Stand. Com. Rep. No. 820. The particular section that I'm standing with reservations on is, I believe, the fact that the person has to be already on the list that is to be submitted to the Governor to choose from. The replacement for a vacancy will be coming from the Party of that particular individual.

"I believe that we were trying to address a particular situation where a Representative was chosen after that Representative actually changed Party three days prior to her being selected. The bill addresses that. It requires that a particular candidate for this particular vacancy has to be a member of the Party for at least six months. But I think it goes way too far when we allow the Democratic Party to choose this, especially when the party cannot be neutral in cases where there's a Primary Election. If a Party cannot be neutral in a Primary Election, how can we allow them to choose a

particular candidate? By this bill, we're actually having a Party establish their own ways or own rules in order to choose people for this particular list that will be submitted to the Governor.

"I think it's sufficient that we allow the Governor to choose from a final list a few of the individuals who are members of the Party and have been registered for six months. I think it will cure the problem that occurred on the selection of the prior Representative of Downtown. Thank you very much."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 304, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LEGISLATIVE VACANCIES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Ching, Finnegan, Marumoto, Meyer and Pine voting no, and with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 821) recommending that H.B. No. 747, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 747, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JURY SERVICE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 822) recommending that H.B. No. 1210, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1210, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS AND PROSPECTIVE JURORS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 823) recommending that H.B. No. 1234, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1234, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

Representative McKelvey's written remarks are as follows:

"I stand in opposition to this measure because of the effect it would have on our State court system. This measure seeks to enact the Federal Rules of Evidence 701, 702, and 703 and extend them to the State court system.

"The FRE sections were enacted as a way to guard against junk science being asserted as expert testimony in court hearings, and to ensure that those speaking as expert witnesses were recognized experts in the field that they were testifying on. The rationale behind these adoptions was that given that on the federal level one could call upon a wide variety of experts to testify as to evidence, and as such it was important that the courts ensure that these experts were recognized in their field and were speaking to published scientific theory that was in essence peer reviewed.

"However in Hawaii we have an established system whereby a party who wishes to challenge the credibility of an expert witness to speak to the evidence at hand can be addressed through an *ad litem* motion which then can be reviewed by a judge. But if we were to adopt the Daubert/Kumho Tire standard embodied in FRE 701, 702, 703, then we would open our State courts up to Daubert type hearings every time a party wishes to challenge the credibility of an expert witness or whether they can speak to a particular piece of testimony. The net effect, Mr. Speaker, is that this would clog our courts immensely and would lead to the use of the Daubert hearings every time an attorney wished to attack the credibility of an expert testimony.

"On the local level a judge can review the motion and make a determination, but if Daubert were to be adopted, then it would allow the attorney to argue their position in a closed hearing which gives them the opportunity to sway the opinion of a judge. I feel that if the wheel isn't broken, then why toy with it? To adopt Daubert locally would do nothing but clog up our courts and lead to a jam of the legal system that would make the traffic in West Maui and Kapolei look like a Sunday drive on the Autobahn."

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

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

"Mr. Speaker, in support with reservations. This is a move to federalize the State expert testimony area. I do believe that the State has their own way of determining the qualification of the expert through the *Masaki* decision from our Judge Chang. I do not agree that this is the right way to go."

Representative Har 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. 1234, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TESTIMONY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 824) recommending that H.B. No. 1773, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1773, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 825) recommending that H.B. No. 676,

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

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 676, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"On Standing Committee Report 825, with reservations. This establishes a felony offense of aggravated cruelty to pet animals. Again, this bill does not have appropriation language or an impact study on correctional facilities."

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

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

"Thank you very much, Mr. Speaker. On Stand. Com. Rep. No. 825, with reservations. I would first like to thank the Chairman of the Judicial Committee for removing 711-1109 (1) (c) from the new 711-A, the penalty section on page 2.

"I believe that this bill that is going forward, however, is still too broad. I think the purpose of this particular bill that is going forward is to try to connect the abuse of pet animals to the need for counseling, in which case, the inclusion of the existing 711-1109 broadens it so that any mutilation of any animal will subject a particular person not only to the existing punishment of one year in jail and so forth for a misdemeanor crime. It also now adds that if someone that mutilates any animal that is not a pet animal, it adds a section where they will be also subjected to counseling. I believe that the counseling requirement should be tied to where there is an incident where the animal itself is a pet. I can understand that a pet animal is something that one is emotionally tied to by that particular person. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I'm rising with strong reservations and I would ask that the words of the Representative from Waipahu be entered in the Journal as if they were my 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. 676, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ANIMALS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 826) recommending that H.B. No. 272, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 272, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPTIVE INSURANCE COMPANIES," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 827) recommending that H.B. No. 1627, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1627, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 828) recommending that H.B. No. 91, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 91, HD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I am in opposition to H.B. 91, HD 1 relating to Public Accountancy. I believe that this bill would lower the standards of public accountancy. It will reduce the educational and experience requirement. Thank you."

Representative Evans 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 Sonson 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. 91, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ACCOUNTANCY," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Evans, Marumoto, Meyer and Sonson voting no, and with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 829) recommending that H.B. No. 419, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 419, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen 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. 830) recommending that H.B. No. 257, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 257, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen 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. 831) recommending that H.B. No. 1901, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1901, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen 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. 832) recommending that H.B. No. 1922, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1922, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL LANDS," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 833) recommending that H.B. No. 1037, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1037, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT," passed Second Reading, and was placed on the calendar for Third Reading with Representatives Carroll, Nishimoto and Thielen being excused.

At 12:58 o'clock p.m., Representative Caldwell requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:59 o'clock p.m.

ANNOUNCEMENTS

At this time, the Chair announced:

"Members of the House, at this point it is 1:00 in the afternoon. We have a 1:30 decision making meeting for the Judiciary Committee. At 2:00, decision making once more. A 2:00 with Consumer Protection and Judiciary. And, finally, at 3:30, a Committee hearing for the Finance Committee.

"Prior to calling a recess, and we will recess and reconvene at 7:00, the Chair would like to recognize those particular Chairs who would like to request a waiver of the 48-hour public hearing and decision making notices. So, at this point, the Chair recognizes Representative Waters."

Representative Waters for the Committee on Judiciary requested a waiver of the 48-hour advanced notice requirement to hear H.B. 1152, today at 1:30, with decision making to follow.

Representative Waters: "The reason why I'm asking for this, Mr. Speaker, is that the Attorney General's Office asked us to insert the bill that they drafted into H.B. 1152 which addresses a recent Supreme Court decision requiring a jury to make a determination where there's an enhanced sentence," and the Chair, "so ordered."

Representative M. Oshiro for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement to hear the following bills today after Agenda No. 2, and the Chair "so ordered."

Representative M. Oshiro:

"H.B. 1171. This will repeal the Sunset of laws authorizing State and county departments and agencies to provide government services through contracts with private entities.

"H.B. 1615, Relating to the Development of the Shellfish Aquaculture Industry. This will appropriate funds to conduct a feasibility and cost study to determine the statutory rule changes, staff requirements, training, and other needs to develop a shellfish aquaculture industry in Hawaii.

"H.B. 1811, Relating to the Nursing Program at the University of Hawaii Leeward Community College. This bill directs the Board of Regents to establish a nursing program at the community college and appropriates funds for training programs, and course offerings.

"H.B. 840, Relating to Renewable Energy Technologies. This bill expands the renewable energy technologies tax credit to include fuel cell systems.

"H.B. 226, Relating to Greenhouse Gas Emissions. This bill requires the Department of Health to adopt reporting and verification of statewide greenhouse emissions, and to monitor and enforce compliance. It also requires the adoption of statewide greenhouse gas emission levels that will be equivalent to statewide greenhouse gas levels in 1990 to be achieved by 2020. It further requires adoption of rules, a feasibility analysis on cost effective greenhouse gas emission reductions, and authorizes the adoption of market-based compliance mechanisms.

"H.B. 1757, Relating to Transportation. This bill would provide relief to the property motor vehicle carriers industry from penalties for certain violations for vehicle gross weight requirements.

"H.B. 895, Relating to Motor Vehicles. This bill allows the counties to increase registration fees. It also increases towing and storage fees for two companies. And it decreases the number of days required to notify the motor vehicle owner.

"H.B. 1096. This bill will assist low and moderate income homebuyers by providing a State income tax credit up to 20% of the annual mortgage interest paid per year

"H.B. 661, Relating to Campaign Spending. This bill creates a comprehensive public funding mechanism for elections to any county council. It establishes qualifications, limitations on funding and use of funds, reporting requirements, and amends Chapter 11, Part VII to reflect the changes."

Representative M. Oshiro for the Committee on Finance also requested a waiver of the 48-hour advanced notice requirement for the purpose of holding decision making on the following bills, and the Chair "so ordered."

Heard Saturday, February 24, Agenda No. 6

"H.B. 1323. This bill is related to captive insurance. It establishes a \$200,000 maximum annual premium tax paid by captive insurance company licensed by the DCCA."

Heard Tuesday, February 26, Agenda No. 6

"H.B. 1755, Relating to General Excise Tax. This bill clarifies that the reduced general excise tax rate of 0.5 percent on business-to-business service applies to dealers furnishing goods or services to the purchaser of tangible personal property to secure a warranty obligation of the manufacturer of the property.

"H.B. 110, Relating to Housing. This bill appropriates funds for the University of Hawaii to develop student housing."

At 1:06 o'clock p.m., Representative B. Oshiro requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 1:09 o'clock p.m.

Representative M. Oshiro for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement to hear H.B. 149, a tax credit for earthquake victims, today following Agenda No. 2, with decision making to follow, and the Chair "so ordered."

LATE INTRODUCTIONS

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

Representative Green introduced members of the Hawaii Medical Association and President, Dr. Linda Rasmussen.

Representative Chang introduced Mr. Gregg Takeyama, spokesman for the University of Hawaii, John A. Burns School of Medicine.

Representative Ward introduced Ms. Linda Smith of the Governor's Office.

ANNOUNCEMENT

Representative B. Oshiro: "Mr. Speaker, I would like to announce that the Majority Members will be having a Caucus today at 6:00 in the Majority Caucus Room."

At 1:11 o'clock p.m., the Chair declared a recess until 7:00 o'clock p.m.

The House of Representatives reconvened at 7:15 o'clock p.m.

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Finnegan 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 Berg, Cabanilla, Carroll, Saiki, Souki, Takamine, Takumi, Thielen and Yamane were excused.)

STANDING COMMITTEE REPORTS

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 834) recommending that H.B. No. 158, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 158, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 835) recommending that H.B. No. 318, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 318, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE PROCEDURES," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 836) recommending that H.B. No. 349, pass Third Reading.

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 Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 837) recommending that H.B. No. 964, HD 1, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 964, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SUBSTANCE ABUSE," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 838) recommending that H.B. No. 1258, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1258, entitled: "A BILL FOR AN ACT RELATING TO ACTIONS FOR FALSE CLAIMS TO THE STATE," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 839) recommending that H.B. No. 156, HD 1, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 156, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in support of Stand. Com. Rep. No. 839, H.B. 156. Mr. Speaker, this is a bill whose idea and time has come. It's a bill whose data and evidence has come. For a lot of us who like to do some of our office work in the car, it's probably a time that we are going to have to be a little bit more safety conscious, because for the first time after considering it year after year for many years, we will ban the use of cell phones while driving. And as much as I would like to do it, I know it is dangerous and all of us have probably had some close incidents. It's just an idea whose time has come and I'm just in full support of it."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 156, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE USE OF MOBILE PHONES WHILE DRIVING," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Cabanilla voting no, and with Representatives Carroll, Takamine and Thielen being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 840) recommending that H.B. No. 1640, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1640, entitled: "A BILL FOR AN ACT RELATING TO PERMITS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representatives Herkes and Waters, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 841) recommending that H.B. No. 1389, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 1389, entitled: "A BILL FOR AN ACT RELATING TO TIME SHARES IN LAND COURT," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 842) recommending that H.B. No. 1374, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1374, entitled: "A BILL FOR AN ACT RELATING TO NOISE," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 843) recommending that H.B. No. 1219, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1219, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF AGRICULTURE LOANS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 844) recommending that H.B. No. 20, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 20, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF EDUCATION," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 845) recommending that H.B. No. 22, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 22, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION REPAIR AND MAINTENANCE ACCOUNTS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 846) recommending that H.B. No. 36, HD 1, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 36, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 847) recommending that H.B. No. 124, HD 1, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 124, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 848) recommending that H.B. No. 1256, HD 1, pass Third Reading.

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 Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 849) recommending that H.B. No. 855, HD 1, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 855, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 849, relating to worker's compensation, I'm going to be voting no on this measure. Under the present law, when a worker is out on temporary disability and has had medical care, and when the physician says that they have finished all the treatment and that they're ready to go back to work, they go back to their employer. But if the worker feels that he really isn't ready, then he has to file a claim with the Director of the Department of Labor, and the medication or whatever treatment he's been having stops. This bill would make it so he can continue with his medical treatment.

"I feel that this will drive up the cost of medical workers' compensation insurance. It's not clear who would pay for this extra treatment if, after the Director of Labor looks at all the situations and doesn't find in favor of the employee, who will pay? If you had a physician make a determination that the person has had all the care and he's well enough to go back to work, I don't think that his regular medical coverage is going to cover it. So, my real concern is that there are a lot of gray areas and it could really drive up worker's compensation premiums."

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

"Mr. Speaker, I rise in strong support of the measure and will submit my remarks."

Representative Meyer rose, stating:

"Mr. Speaker, are we going line by line?"

The Chair responded, stating:

"No, we are going page by page. That's why I cut off Representative Sonson."

Representative Meyer: "Well, I think that just puts everybody at a disadvantage."

Speaker Say: "Okay, then before we start, we should recognize Representative Sonson to speak in support of the measure."

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

"Thank you very much, Mr. Speaker. This is a very good bill we worked on with, along with the Director of Labor. Thank you very much for your input. Also the HEMIC President, Mr. Bob Dove, for his input on this.

"We put safeguards in this measure so although we're allowing the continued medical treatment for an injured worker, there are also safeguards where the hearing process will be hastened to within 30 days. If the reason for this particular person not returning to work is caused through fraud, that there is a way for the insurance company to get their money.

"The issue here is not that this person is ready to go to work. The issue comes out when there's two doctors with different opinions. The treating physician would say this patient is not ready to go to work, but the insurance doctor or the doctor hired by the insurance company says that, 'No, this person can work'. So, when there is a conflict or there is a disagreement between two doctors, this bill will take affect."

The motion was put to vote by the Chair and carried, and 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 Third Reading by a vote of 44 ayes to 4 noes, with Representatives Ching, Finnegan, Marumoto and Meyer voting no, and with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 850) recommending that H.B. No. 989, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 989, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd just like to vote aye with reservations on this. This looks like a bill and an idea that probably should be handled during collective bargaining. 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. 989, entitled: "A BILL FOR AN ACT RELATING TO LEAVE SHARING," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 851) recommending that H.B. No. 1081, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1081, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I'm going to be voting no on this. In the interest of time, I don't think I'm going to get anybody here to join me regardless of my argument on this tonight, so I'm just going to submit my pink slip."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1081, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives

Ching, Marumoto and Meyer voting no, and with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 852) recommending that H.B. No. 1365, pass Third Reading.

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 Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 853) recommending that H.B. No. 1672, pass Third Reading.

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," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 854) recommending that H.B. No. 1368, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1368, entitled: "A BILL FOR AN ACT RELATING TO THE HOSPITAL AND MEDICAL FACILITIES SPECIAL FUND," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 855) recommending that H.B. No. 10, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 10, pass Third Reading, 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."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 10, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 856) recommending that H.B. No. 1007, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1007, entitled: "A BILL FOR AN ACT RELATING TO FAMILY SELF-SUFFICIENCY," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 857) recommending that H.B. No. 1044, HD 1, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1044, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRESCRIPTION DRUGS," passed Third

Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 858) recommending that H.B. No. 625, HD 1, pass Third Reading.

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 Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 859) recommending that H.B. No. 920, HD 1, pass Third Reading.

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 Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 860) recommending that H.B. No. 1063, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1063, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII NATIONAL GUARD," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 861) recommending that H.B. No. 1065, HD 1, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1065, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MILITARY AFFAIRS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 862) recommending that H.B. No. 1092, HD 1, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1092, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'd like to rise with short comments on Stand. Com. Rep. No. 862. In support with reservations. Just slight reservations. In Committee we were talking about this bill and some of the suggestions and common questions that we were talking about in regards to the back-up generators for the airports and commercial harbors, especially for the airports, was that we were trying to make a decision on what will be the best financial decision, whether to invest in leasing the generators or purchasing. This language only allows for the purchase. We were talking about leasing it because of the high cost of maintenance and those types of issues, so I would prefer a version that would have lease or purchase so that we can allow them to make the best financial decision. 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. 1092, HD 1, entitled:

"A BILL FOR AN ACT RELATING TO EMERGENCY PREPAREDNESS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 863) recommending that H.B. No. 1140, HD 1, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1140, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 864) recommending that H.B. No. 1399, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1399, entitled: "A BILL FOR AN ACT RELATING TO INCARCERATED PERSONS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 865) recommending that H.B. No. 1400, pass Third Reading.

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 Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 866) recommending that H.B. No. 1549, HD 2, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 1549, HD 2, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Stand. Com. Rep. No. 866, I have some reservations and short comments. Thank you, Mr. Speaker. After reviewing this bill, from a homerule person, I think this bill is very anti-homerule. It is very prescriptive. There is one part that I was reading from the HPD testimony that Section 2 of the bill, page 5, line 9, it says, 'including', and it specifies to buy this type of system which is a robotic total station survey system. And what they are saying is that throughout the country there are some better technologies since technology moves quite quickly. To state that you are going to have that specific type of system may be outdated by the time they actually purchase the equipment. So, just some suggestions on how we could do that a little bit better. 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. 1549, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT INVESTIGATION," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 867) recommending that H.B. No. 334, HD 1, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 334, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

Representative Karamatsu's written remarks are as follows:

"I rise in support. This bill would authorize the issuance of special purpose revenue bonds in a total amount not to exceed \$10,000,000 for the purpose of assisting Sopogy Inc. with the planning, designing, construction, equipping, and operating Sopogy Inc.'s solar farm power plant at the Natural Energy Laboratory of Hawaii Authority or at other suitable sites in Hawaii.

"Sopogy Inc. is a renewable energy company based in Hawaii that was spun-off of Hawaii's own Energy Industries. Its purpose is to bring renewable solar energy technologies to Hawaii and its people for the betterment of clean air, independence from imported fossil fuels, and energy stability. This local company is helping in our goal to diversify our economy and make our state more energy efficient. 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. 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 Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 868) recommending that H.B. No. 854, HD 1, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 854, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'm rising in opposition to Stand. Com. Rep. No. 868. This bill is dealing with workers' compensation temporary total disability benefits. I believe that this bill takes away an employer's discretion on whether an employee can return to work, and instead, hands that decision to the employee's treating physician, who may be biased in favor of the employee.

"Also the undefined phrase '*bona fide*' could cause contention as the employer could offer work and the employee could disregard that offer by falsely claiming it wasn't *bona fide*. Finally, this bill will prevent an employer from terminating temporary disability if they didn't have productive work available to offer to an employee due to a slowing economy. There are a lot of other reasons, but these are some of them and why I can't support this bill."

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 Third Reading by a vote of 47 ayes to 1 no, with Representative Meyer voting no, and with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 869) recommending that H.B. No. 1322, pass Third Reading.

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

was adopted and H.B. No. 1322, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE LICENSING," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 870) recommending that H.B. No. 1433, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 1433, entitled: "A BILL FOR AN ACT RELATING TO MILITARY INSTALLATIONS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

At 7:29 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 158	H.B. No. 1672
H.B. No. 318	H.B. No. 1368
H.B. No. 349	H.B. No. 10
H.B. No. 964, HD 1	H.B. No. 1007
H.B. No. 1258	H.B. No. 1044, HD 1
H.B. No. 156, HD 1	H.B. No. 625, HD 1
H.B. No. 1640	H.B. No. 920, HD 1
H.B. No. 1389	H.B. No. 1063
H.B. No. 1374	H.B. No. 1065, HD 1
H.B. No. 1219	H.B. No. 1092, HD 1
H.B. No. 20	H.B. No. 1140, HD 1
H.B. No. 22	H.B. No. 1399
H.B. No. 36, HD 1	H.B. No. 1400
H.B. No. 124, HD 1	H.B. No. 1549, HD 2
H.B. No. 1256, HD 1	H.B. No. 334, HD 1
H.B. No. 855, HD 1	H.B. No. 854, HD 1
H.B. No. 989	H.B. No. 1322
H.B. No. 1081	H.B. No. 1433
H.B. No. 1365	

THIRD READING

H.B. No. 718:

Representative Caldwell moved that H.B. No. 718, pass Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise in strong support. In the words of the Representative from South Maui, the days of fish prisons are over, and we need to look at Kakaako and not let what's happened there in the past happen again. I received testimony or comments from the Department of Land and Natural Resources and they say an important component to Kakaako's future is the opportunity for a lifelong aquatic research center and we can have a children's fishing boat to complement the Children's Discovery Center in Kakaako. Thank you."

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

"Mr. Speaker, on this measure, H.B. 718 Relating to Kakaako, I will have to vote no. I expressed myself on Second Reading as to the value of that property, the intent of the HCDA to plan a comprehensive development there, taking advantage of the position of the area. I just think that when we talk about real estate, they talk about highest and best use, and this is a very questionable, low revenue kind of use for a very, very valuable property."

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

"Thank you, Mr. Speaker. In support. Thank you, Mr. Speaker. Having been to the area, there is a small cove in Kewalo Basin and the area is not that big actually. The people that are going to be running this program are not getting paid. In fact, sometimes the best things in life do not cost money. It's hard to put an actual monetary figure on this. They will be allowing youth, the disabled and our *kupuna* to fish.

"This is a great, in fisherman's terms, this is a 'hot spot'. Again, it's a natural ecosystem. Bay fish come in there, they frolic and we have game fish over there. This place always has fish, *akuli*, *papio*, neo-fish. It's seasonal. Also the *kupuna*, disabled and the youth being taken on fishing excursions will also be taught education and Hawaiian culture.

"Again, you can't put a price tag on this. They do an excellent tag and release program that the Department of Land and Natural Resources Aquatics Division has endorsed wholeheartedly. They have tagged and released over 3,000 fish since the inception of this program back in 2004. They've caught an amazing 30% catch-back rate, and they've caught fish from Ka'u, Molokai, Maui, all over.

"So, again, this is priceless, what they are doing in terms of scientific knowledge, not only for our State, but for the people who actually do this. So, I stand in strong support and I would like to have the words of the speaker from Waikiki placed in the Journal as if they were my own. Thank you, Mr. Speaker," and the Chair "so ordered." (By reference only.)

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

"I stand in strong support and ask that the previous speakers' words in support be inserted as my own," and the Chair "so ordered." (By reference only.)

The motion was put to vote by the Chair and carried, and H.B. No. 718, entitled: "A BILL FOR AN ACT RELATING TO KAKAAKO," passed Third Reading by a vote of 47 ayes to 1 no, with Representative Meyer voting no, and with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 135, HD 1:

Representative Caldwell moved that H.B. No. 135, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you very much. I rise in opposition. I'd like to go ahead and insert my previous comments made on Second Reading," and the Chair "so ordered." (By reference only.)

Representative Finnegan continued, stating:

"Thank you, Mr. Speaker. And then also just a couple more comments. What I've done was I went back to the testimony from the time that this was heard in Higher Education Committee. I must say that I have recognized the tremendous work that the Chair from the Higher Education Committee has done on this bill. One of the things that I think was not discussed or changed was something that was pointed out in the testimony from Richard Legon, President of the Association of Governing Boards of Universities and Colleges.

"I just want to read just a part of this that explains what this Association is. It's a national tax exempt, nonprofit organization based in Washington, D.C. AGB, which are their initials, directly serves 35,000 individuals, board members, presidents and senior executives and indirectly thousands of others in public and private

higher education. Founded in 1921 as a continuing education resource for trustees and boards, AGB seeks to strengthen the trusteeship and governance of public and independent colleges and universities and is contributor to effective working relationships between higher education and state government. For more than 20 years, AGB has advocated for much greater care in the nomination, selection and education of public college and universities, trustees and regents.

"When I heard this particular testimony, I thought of it as being a very credible source. They would talk about how the constitutional amendment was saying, 'Do we need this Advisory Council?' And the people of Hawaii spoke and they wanted to see that.

"When I had spoken to my constituents and asked them. And at first I was thinking, you know this is the first time that we've had a Republican governor and I think it's an attack or just talking about things like that, political motivation. Many of the constituents that I spoke to said, 'Well, you know, we want to lessen the politics when it comes to the Board of Regents,' and I respect that. And now so, when I read this particular testimony, what they're saying is when you take, and I won't use 'special interest', although, we've used special interest in many ways, and a lot of the times it hasn't been negative special interest, and it hasn't always been negative.

"But what I will say is, in this particular testimony, it talks about constituency-based members. It says, we also believe that such independent screening committees operate best when enacted and sustained with bipartisan support and that their membership not consist of 'representatives of certain constituency groups.' It also says our reservation centers around the constituent-based nature of the proposed Advisory Council that appears in the bill.

"In addition to those voiced above, that your constituent-based Council may make it difficult for the Council to recruit and screen Regent candidates who possess a broad vision and qualities to lead Hawaii higher education and the challenges ahead.

"If you'll take a look at this testimony and just read it thoroughly, it basically says that what we're trying to do here is get away from the politics in the Board of Regents process. And there are other ways that you can do that. What has happened in the University of Hawaii testimony, it cites Minnesota as the area that has done this constituency-based advisory panel and it brought actually more politics to the table. So, as this bill moves forward, although I will vote no, I hope that we can see there's also a suggestion for a compromise on the make up of the Advisory Council and if we could take a look at that, as well."

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

"Mr. Speaker, in support. In the last election, the voters of Hawaii voted to amend the State Constitution to allow an Advisory Council to assist in naming the members of the University of Hawaii Board of Regents. The proposal was the subject of great debate. In the end, the voters voted, 'Yes'.

"The question remains: What would the Council look like? Your Committee on Higher Education, as well as the Senate Committee on Education, worked hard and long to come out with this very comprehensive bill that we see today. We provided the public and the Administration an opportunity to present concerns regarding a proposed Advisory Council. When the Administration did not submit written testimony at the hearing, we made sure to contact the Governor's point person on education for her input. Instead of commenting on H.B. 135, what we received were comments on H.B. 1431, the Governor's bill that would replace one hand-picked board for another.

"The public has called for real change, Mr. Speaker, in the rules of how the members of the Board of Regents are picked, and this bill sets the framework of a Council of outstanding individuals who share

a commitment to rising above the partisan politics and to focus on elevating our State university system to greater heights. Thank you."

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

"Thank you very much, Mr. Speaker. I stand in support of the bill, but actually my comments are more germane to what the Minority Leader just said. In the pursuit of historical accuracy, there have been Republican governors in the past, as well."

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

"Thank you, Mr. Speaker. I rise in support. First off, by way of reference, I would like to enter into the Journal my words on Second Reading. And also the words of the Chair of Education as if they were my own," and the Chair "so ordered." (By reference only.)

Representative Takai continued, stating:

"Mr. Speaker, I just wanted to raise three points. By raising these three points, I reference, three parts of the bill, and I think these parts address the concerns raised by the Minority Leader. The first, on page 5. If you take a look at how the Candidate Advisory Board is composed or how the selection of the members are made, all you need to look at is line 9 and 10 on page 5 because it says, these members that are cited on this particular page, you as being the Speaker of the House, the Senate President, and so on. You're going to choose the representative. You're not going to be the representative.

"In addition, Mr. Speaker, if you look on the next page, the Co-Chairs of the All Campus Council of Faculty Senate Chairs, and the Chairperson of the Executive Council of the University of Hawaii Student Caucus. Those two selectors must select from a list, must select a person to represent that particular constituency who has within the last five years preceding this establishment or vacancy on the Candidate Advisory Council shall not be eligible to serve as members of the Advisory Council. In other words, Mr. Speaker, those two people selecting for those two spots on Advisory Council, must not have been members of those two particular organizations.

"And, finally, Mr. Speaker, on page 7, it says that appointees to the Candidate Advisory Council shall have a general understanding of the purpose of higher education, the mission of the University of Hawaii System and the responsibilities of the Board of Regents.

"I think that what we're doing here today far beats what we do or what we've been doing in the past. In fact, Mr. Speaker, I think if you take a look at this plan, this plan takes the politics out of the selection of the Board of Regents. I think this is far better than any other process that could be proposed because whose going to select the members of the Candidate Advisory Council. I believe that particular organization cited by the Minority Leader suggest that maybe the Governor should select the list of people to screen to give to her. I just think that this is a far better way to go to get the best and brightest on the Board of Education for the University of Hawaii. Thank you."

The motion was put to vote by the Chair and carried, and H.B. No. 135, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Third Reading by a vote of 45 ayes to 3 noes, with Representatives Ching, Finnegan and Meyer voting no, and with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 118:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 118, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS," passed

Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 513:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 513, entitled: "A BILL FOR AN ACT RELATING TO GRANTS-IN-AID," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 1207:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 1207, entitled: "A BILL FOR AN ACT RELATING TO DISHONORED PAYMENTS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 1225:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 1225, entitled: "A BILL FOR AN ACT RELATING TO SALARY PAYMENTS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 1287:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 1287, entitled: "A BILL FOR AN ACT RELATING TO UNCLAIMED PROPERTY," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 122, HD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 122, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATE FUNDS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 259, HD 1:

Representative Caldwell moved that H.B. No. 259, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"I'm rising to register a no vote on Stand. Com. Rep. No. 766, H.B. 259. This bill extends the authority of county boards to issue revenue bonds. I saw that when this bill was heard in Committee, the City Council Chair, Barbara Marshall, registered her opposition to it. This will allow the Board of Water Supply to issue bonds without oversight by the City Council, giving the Board of Water Supply almost absolute autonomy from the City. I think that the Board of Water Supply got into a little bit of hot water with the bill that we passed which gave them more autonomy and allowed them to pay very generous bonuses to some of their executive employees and that's what worries me about this one, so I'll be voting no."

The motion was put to vote by the Chair and carried, and H.B. No. 259, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTIES," passed Third Reading by a vote of 46 ayes to 2 noes, with Representatives Finnegan and Meyer voting no, and with Representatives Carroll, Takamine and Thielen being excused.

H.B. No. 421, HD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, H.B. No. 421, HD 1, entitled:

"A BILL FOR AN ACT RELATING TO SHORT TERM INVESTMENT OF COUNTY MONEYS," passed Third Reading by a vote of 48 ayes, with Representatives Carroll, Takamine and Thielen being excused.

At 7:45 o'clock p.m., the Chair noted that the following bills passed Third Reading:

H.B. No. 718	H.B. No. 1225
H.B. No. 135, HD 1	H.B. No. 1287
H.B. No. 118	H.B. No. 122, HD 1
H.B. No. 513	H.B. No. 259, HD 1
H.B. No. 1207	H.B. No. 421, HD 1

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 28 and 29) and concurrent resolutions (H.C.R. Nos. 47 through 51) were referred to Printing and further action was deferred:

H.R. No. 28, entitled: "HOUSE RESOLUTION OPPOSING A SPLIT OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT," was jointly offered by Representatives B. Oshiro, Belatti, Caldwell, Luke, M. Oshiro, Waters, Har, Karamatsu, Saiki and Takamine.

H.R. No. 29, entitled: "HOUSE RESOLUTION REQUESTING THE PRESIDENT OF MEXICO AND THE SECOND DISTRICT COURT OF GUADALAJARA TO DROP EXTRADITION CHARGES AGAINST TV BOUNTY HUNTER, DUANE "DOG" CHAPMAN," was offered by Representative Ward.

H.C.R. No. 47, entitled: "HOUSE CONCURRENT RESOLUTION OPPOSING A SPLIT OF THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT," was jointly offered by Representatives B. Oshiro, Belatti, Caldwell, Luke, M. Oshiro, Har, Karamatsu and Saiki.

H.C.R. No. 48, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO CONDUCT A STUDY ON PROVIDING CHILD CARE SERVICES TO CHILDREN OF STATE EMPLOYEES," was jointly offered by Representatives Sonson, Finnegan, Bertram, Brower, Hanohano, Karamatsu, Shimabukuro and Souki.

H.C.R. No. 49, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS TO REVIEW AND REPORT ON THE CREATION OF AN ADMINISTRATOR AND ADMINISTRATIVE ASSISTANT POSITION FOR THE STATE FIRE COUNCIL," was jointly offered by Representatives Sonson, Finnegan, Bertram, Brower, Hanohano, Karamatsu, Shimabukuro and Souki.

H.C.R. No. 50, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT OF MEXICO AND THE SECOND DISTRICT COURT OF GUADALAJARA TO DROP EXTRADITION CHARGES AGAINST TV BOUNTY HUNTER, DUANE "DOG" CHAPMAN," was jointly offered by Representatives Ward, Awana, Cabanilla, Finnegan, Marumoto, Meyer, Pine, Bertram, Carroll, Ito, Lee and Mizuno.

H.C.R. No. 51, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FINANCIAL AUDIT OF THE HAWAII PUBLIC HOUSING AUTHORITY," was offered by Representative Shimabukuro, by request.

ANNOUNCEMENT

Representative Ward: "I have a birthday announcement. March 1, 1961. Forty-six years ago, John Kennedy said, 'Ask not what your Country can do for you, but what you can do for your Country.' Forty-six years ago, the Peace Corps was born. Some members in this body, former Representative Jim Shon and myself, answered the call, and today is proclaimed Peace Corps week, February 26 to March 4.

"And so I not only announce that if any of you were considering after retirement, or in your families or with your friends, the Peace Corps is a great option to continue to serve the community, continue to give. Mr. Speaker, the experience has been, everything you give you get back multiple fold. I should also say, Mr. Speaker, they are looking for country directors. Speakers would make very good country directors and they are in need of them, just in case you have any thoughts of that. Happy birthday, 46 years, to the Peace Corps."

ADJOURNMENT

At 7:46 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Friday, March 2, 2007. (Representatives Carroll, Takamine and Thielen were excused.)