

FORTY-FOURTH DAY

Wednesday, April 4, 2007

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

The invocation was delivered by Ms. Andrea Jepson, after which the Roll was called showing all members present with the exception of Representative M. Oshiro, who was excused.

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

GOVERNOR'S MESSAGE

The following message from the Governor (Gov. Msg. No. 309) was received and announced by the Clerk and was placed on file:

Gov. Msg. No. 309, informing the House that on April 3, 2007, the following bill was signed into law:

H.B. No. 1226, HD 1, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION FOR ELECTRICITY PAYMENTS STATEWIDE." (ACT 005)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 470 through 487) were received and announced by the Clerk:

Sen. Com. No. 470, transmitting S.C.R. No. 3, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PUBLIC UTILITIES COMMISSION TO STUDY THE RATE STRUCTURES OF PRIVATE ENTITIES THAT FURNISH WATER USED FOR AGRICULTURAL PURPOSES," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 471, transmitting S.C.R. No. 10, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE JUDICIARY TO IMPLEMENT A PILOT FAMILY COURT PARENTING PLAN MODEL PROGRAM IN THE FIRST CIRCUIT FAMILY COURT," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 472, transmitting S.C.R. No. 21, entitled: "SENATE CONCURRENT RESOLUTION URGING THE CHILDCARE AND ELDERCARE COMMUNITIES TO ACKNOWLEDGE THE UNIQUE CIRCUMSTANCES OF GRANDPARENTS RAISING GRANDCHILDREN BY SUPPORTING POLICIES AND SERVICES THAT ARE CONDUCIVE TO THAT FAMILIAL RELATIONSHIP," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 473, transmitting S.C.R. No. 23, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING EACH COUNTY TO EXAMINE ITS CURRENT ZONING LAWS, BUILDING CODES, AND SUBDIVISION REQUIREMENTS AND ELIMINATE ENCUMBRANCES TO FAMILY CAREGIVING AND AGING IN PLACE," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 474, transmitting S.C.R. No. 56, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE HAWAII EDUCATIONAL POLICY CENTER TO REPORT ON THE RETENTION AND CHANGE IN ASSIGNMENT OF TEACHERS WITHIN THE DEPARTMENT OF EDUCATION," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 475, transmitting S.C.R. No. 67, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE P-20 COUNCIL AND THE UNIVERSITY OF HAWAII TO REPORT ON EARLY COLLEGE AWARENESS PROGRAMS FOR ELEMENTARY AND MIDDLE SCHOOL STUDENTS," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 476, transmitting S.C.R. No. 69, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO REMOVE DESIGNATED BUILDINGS AT KALIHI VALLEY HOMES SCHEDULED FOR DEMOLITION," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 477, transmitting S.C.R. No. 73, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII SUBMIT A REPORT WITH INFORMATION REGARDING THE SALARIES OF UNIVERSITY OF HAWAII AT MANOA FACULTY AND ADMINISTRATORS," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 478, transmitting S.C.R. No. 78, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO REPORT ON CURRENT INITIATIVES AND DEVELOP A PLAN FOR FUTURE AREAS OF IMPROVEMENT," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 479, transmitting S.C.R. No. 79, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII TO REPORT ON THE LINKING OF FUNDING FOR INDIVIDUAL CAMPUSES WITH PERFORMANCE GOALS," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 480, transmitting S.C.R. No. 95, S.D. 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE COLLEGE OF TROPICAL AGRICULTURE AND HUMAN RESOURCES AT THE UNIVERSITY OF HAWAII AND THE HAWAII AGRICULTURE RESEARCH CENTER TO REFRAIN FROM DEVELOPING, TESTING, PROPAGATING, CULTIVATING, RAISING, OR GROWING GENETICALLY MODIFIED TRADITIONAL HAWAIIAN TARO VARIETIES IN THE STATE OR CONDUCTING ANY TYPE OF RESEARCH THAT WOULD SIGNIFICANTLY IMPACT TRADITIONAL HAWAIIAN TARO VARIETIES," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 481, transmitting S.C.R. No. 166, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO ESTABLISH A TEMPORARY LOCATION FOR THE MANOA PUBLIC LIBRARY TO ACCOMMODATE THE COMMUNITY AND STUDENTS DURING THE LIBRARY'S TWO-YEAR CLOSURE," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 482, transmitting S.C.R. No. 192, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A TASK FORCE TO DEVELOP LONG-TERM SOLUTIONS TO EFFECTIVELY PROTECT THE LIVESTOCK INDUSTRY IN HAWAII," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 483, transmitting S.C.R. No. 206, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO DEVELOP A TARO SECURITY AND PURITY RESEARCH PROGRAM," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 484, informing the House that the Senate has disagreed to the amendments proposed by the House on the following Senate Bills:

S.B. No. 46, SD 1, HD 1
 S.B. No. 149, SD 1, HD 1
 S.B. No. 228, SD 1, HD 1
 S.B. No. 755, SD 1, HD 1
 S.B. No. 1011, SD 1, HD 1
 S.B. No. 1370, SD 1, HD 1
 S.B. No. 1509, SD 1, HD 1
 S.B. No. 1750, SD 1, HD 1
 S.B. No. 1954, SD 1, HD 1
 S.B. No. 1957, SD 1, HD 1

Sen. Com. No. 485, transmitting H.C.R. No. 25, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE CHILDCARE AND ELDERCARE COMMUNITIES TO ACKNOWLEDGE THE UNIQUE CIRCUMSTANCES OF GRANDPARENTS RAISING GRANDCHILDREN BY SUPPORTING POLICIES AND SERVICES THAT ARE CONDUCIVE TO THAT FAMILIAL RELATIONSHIP," which was adopted by the Senate on April 3, 2007.

Sen. Com. No. 486, transmitting H.B. No. 1157, entitled: "A BILL FOR AN ACT RELATING TO DANGEROUS DRUGS," which passed Third Reading in the Senate on April 3, 2007.

Sen. Com. No. 487, transmitting H.B. No. 1153, S.D. 1, entitled: "A BILL FOR AN ACT RELATING TO PRECURSORS TO THE MANUFACTURE OF CONTROLLED SUBSTANCES," which passed Third Reading in the Senate on April 3, 2007.

Representative Caldwell moved to disagree to the amendments made by the Senate to H.B. No. 1153, SD 1, seconded by Representative B. Oshiro and carried. (Representatives Chong and M. Oshiro were excused.)

INTRODUCTIONS

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

Representative McKelvey introduced Science Fair participants from Maui:

Baldwin High School – Veronika Biskis, Meghan Luther, Kevin Kim, Robert Epstein, Courtney Miyamoto and Chloe Edinger;

Molokai High – Ayla Bicoy;

Lahaina Intermediate – Austin Takemoto and Ty Scott;

Iao Intermediate – Brent Nakagawa, Tyler Maxwell Pappin and Janelle You;

Lokelani Intermediate – Mark Karaviotis; and

Chaperones – Sharon Eno, Resource Teacher; Patricia Maielua, Administrator; and Teri Hamasaki, Administrator.

Representative McKelvey also introduced Maui Chamber of Commerce President, Ms. Pamela Tumpap.

Representative Morita, on behalf of Representatives Sagum, Tokioka and herself, introduced Science Fair participants from Kauai:

Kapaa Middle School – Emma Rausch, Daniel Sanchez, Ty Shiramizu, Christen Wilson and Mr. Jim Cox;

Kauai High School – Nerissa Hoglen, Fran Zylo Jacalne, Riles Martinez, Guy Miller and Mr. Andy Snow;

Kapaa High School – Kara Dastrup, Patrick Tran, Dustin Valdez and Ms. Sheryl Waterman;

Chiefess Kamakahelei Middle School – Ethan Austin-Elbaz and Mr. Fred Sasan; and

Island School – Joy Claypoole, Lauren Claypool, Kelly Culliney, Travis Kim, Griffin Lord, Nicole Malapit, Bree Martin, Caycie Pascual, Melissa Seymour and Sophia Yee.

Representative Evans introduced Science Fair participants from the North Kona and South Kohala area of the Big Island:

West Hawaii Explorations Academy – Kara Epple and Roya Sabri;

Hualalai Academy – Mackenzie Buckner;

Hawaii Preparatory Academy – Katie Ho, Dean Macy, Shasta Rizzi and Gregory Sayday; and

Kanu 'o ka 'Aina Charter School – Polani Kahakalau.

Representative Chang introduced Science Fair participants from the Hilo area of the Big Island:

Connections Public Charter School – Pualani Dalton;

Hilo High School – Nicholas Higa, Keeae Nakatsu and Ken Oyadomari;

Hilo Intermediate School – Jens Beets, Josianne Cabalce-Hotchkiss, Matthew Crowell, Noa Flaherty, Douglass Haswell, Megan Kurohara, Russ Masuda, Hannah Rojas, Britney Ann Silva and Iosefa Trainer;

St. Joseph Junior-Senior High School – David Awai-Martins, Felicia Hammer and Tessa Sarr;

Waiakea High School – Chad Higa, Norman Kamitaki, Mali'o Kodis and Chelsea Takahashi;

Waiakea Intermediate School – Chad Hara, Kelly Iwasaki, Jenny Murayama, Owen Sandstrom, Mark Seu and Kristen Simons.

Representative Tsuji introduced Science Fair participants, their chaperones and parents from Big Island:

Kea'au High School – Djon Raffniel Marcos, Gregory Morton and Chayata Wongpojanee; and

Ke Kula 'O Nawahiokalani'opu'uiki School – Denyce Donaghy and Becca Hiraishi.

Representative Herkes introduced from Science Fair participants from the Big Island:

Volcano School of Arts and Sciences – Forest Gale;

Kona Waena Middle School – Nicholas Cetraro and Ryley Chong.

Representative Green introduced Science Fair participants from the Big Island:

Kealakehe Intermediate School – Rachel Bianchi, Devin Chong, and Zoe Sims;

Kealakehe High School, Sarah Crawford, Emma Leonard, Dominique Saks, Samantha Teixeira and Todd Yamakawa.

Representative Takamine introduced Science Fair participant from Haaheo School, Reginald Antres. He was accompanied by chaperons, Steve Zeiher, Kehau Kalili, Laura Jim, John Constantino, Pascale Pinner and Darlene Moniz.

Representative Finnegan introduced participants in the National Homeschoolers Speech and Debate Competition: the Araki Family – Carolyn, Austin, Alyssa and Isaac; the Kurashige Family – Gaye, Elisabeth and Ana; and Ms. Brittannie Hedrik.

Representative Takamine introduced Student Leadership Program participants from Hilo High School, Honokaa High School, and Kohala High School, accompanied by advisors, Mr. Nathan Morita, Mr. Roy Valera, Ms. Billie Brown, and Ms. Melody Nietfeld.

Representative Takamine also introduced Pacific Buddhist Academy Instructor, Mr. Flynn Corson; and student Mr. Kai Hamasaki.

Representative Sonson introduced Chamber of Commerce of Hawaii Executive Director, Mr. Jim Tollefson and Ms. Sherry Menor; Kauai Chamber of Commerce President, Mr. Randall Francisco; Maui Chamber of Commerce President, Ms. Pamela Tumpap; and NFIB Hawaii State Director, Ms. Melissa Pavlicek.

Representative Green also introduced members of the Massage Therapists Association of Hawaii and the American Massage Therapy Association.

Representative Ching asked that all the Science Fair participants rise to be recognized and introduced her legislative aide, Ms. Colette Devou.

At 12:26 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 12:52 o'clock p.m.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following concurrent resolution was re-referred to committee by the Speaker:

H.C.R.

<u>No.</u>	<u>Re-referred to:</u>
20, HD1	Committee on Human Services & Housing, then to the Committee on Finance

The following bill was re-referred to committee by the Speaker:

S.B.

<u>No.</u>	<u>Re-referred to:</u>
866, SD1, HD1	Committee on Tourism & Culture

SUSPENSION OF RULES

On motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the rules were suspended for the purpose of considering certain bills on Third Reading on the basis of a modified consent calendar. (Representative Takamine was excused.)

UNFINISHED BUSINESS

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1681) recommending that S.B. No. 618, as amended in HD 1, pass Third Reading.

Representative Caldwell moved that the report of the Committee be adopted, and that S.B. No. 618, HD 1, pass Third Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in support of this measure. I wanted to request that I be able to submit written comments to the Clerk. And just mention that this is I think the least we can do for these veterans who have helped and supported our country during those times years ago."

Representative Takai's written remarks are as follows:

"I strongly support SB618 because it recognizes the efforts and sacrifices of veterans who served in World War II, the Korean Conflict, and the Vietnam War. In the last century, many young persons from Hawaii left school to serve in the Armed Forces as the United States fought World War II, the Korean conflict, and the Vietnam War. These individuals made great sacrifices and suffered great economic and personal losses in order to protect their country and its people and to defend humanity.

"Many of these veterans were not able to continue their education upon returning home because of financial hardship and other personal reasons. Despite educational constraints, these veterans reentered society and made significant contributions to our country through hard work as civilians, while gaining substantial knowledge and skills through work.

"This bill recognizes the commitment and sacrifices that veterans have had to make while serving our country and it allows us to help them fulfill the educational goals that had been cut short by war. I hope that soon Hawaii will be able to grant diplomas to veterans as a gesture of society's gratitude for the sacrifices made during wartime. It is designed to honor the thousands of young men and women who left their homes to serve in the United States Armed Forces during times of global conflict.

"The idea of honoring war veterans by allowing them to receive honorary high school diplomas is not new. Over 30 other states, including, but not limited to: Virginia, Michigan, Ohio, Florida, Missouri, Montana, Kentucky, Mississippi, Massachusetts, and New Jersey have already passed similar legislation. It is very important to me that Hawaii also follows suit and makes diplomas available to every veteran whose education was disrupted due to wartime practices.

"I can tell you from personal experience that being a part of the US Armed Forces is difficult and demanding; we are trying to balance our finances, our jobs and family, and for many of us, our educational goals. Although we all recognize our duty and are willing to serve our nation, the disruption to our personal and professional lives cannot be denied.

"As beneficiaries of their courageous and dedicated service, the people of this State bear a special responsibility toward United States military forces, and I hope that you choose to honor that responsibility today."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 618, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1682) recommending that S.B. No. 987, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 987, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RENEWABLE ENERGY," passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1683) recommending that S.B. No. 1161, SD 1, as amended in 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 S.B. No. 1161, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMESTIC ABUSE," passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1684) recommending that S.B. No. 1654, SD 1, as amended in 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 S.B. No. 1654, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUM MANAGEMENT DISPUTE RESOLUTION," passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1685) recommending that S.B. No. 1709, SD 1, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1709, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOPEDES," passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1686) recommending that S.B. No. 1529, SD 2, HD 1, as amended in HD 2, pass Third Reading.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.B. No. 1529, SD 2, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Third Reading by a vote of 50 ayes, with Representative Takamine being excused.

At 12:54 o'clock p.m., the Chair noted that the follow bills passed Third Reading:

S.B. No. 618, HD 1
S.B. No. 987, SD 1, HD 2
S.B. No. 1161, SD 1, HD 1
S.B. No. 1654, SD 1, HD 1
S.B. No. 1709, SD 1, HD 2
S.B. No. 1529, SD 2, HD 2

STANDING COMMITTEE REPORTS

Representative Shimabukuro, for the Committee on Human Services & Housing presented two reports:

(Stand. Com. Rep. No. 1782) recommending that H.R. No. 276, as amended in HD 1, be adopted; and

(Stand. Com. Rep. No. 1783) recommending that H.C.R. No. 344, as amended in HD 1, be adopted.

Representative Caldwell moved that the reports of the Committee be adopted, and that H.R. No. 276, HD 1, and H.C.R. No. 344, HD 1, be adopted, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I rise in strong support. I want to first of all, thank the very compassionate and very, I believe, wise Chair and Vice Chair of the Human Services Committee and commend them, because I think that this measure can go a far way in being the solution to any possibility of abandoned babies.

"You know this project, Project Cuddle, is what it's called. But it's recognized as a successful, safe and legal alternative to abandonment of babies and is the result of one woman's crusade to prevent infants from being illegally abandoned. It basically approaches the root of the problem which is education. When a woman is very nervous about it, maybe anxious, she understands that she, if she has this number, then she can do the right thing and the baby's taken care of in the right way. And it's all the result of one woman's crusade, Debbie Magnusen and her husband Dave who fostered over thirty drug exposed babies, raising two of their own biological children and eventually adopting five more. And it's a crisis line. It's where people can call and say, 'I've got a problem. I need help.' And I think it's a wonderful solution to a problem of abandonment. Thank you."

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

"Thank you, Mr. Speaker. I also stand in support of both Stand. Com. Rep. Nos. 1782 and 1783. I think this will be an excellent additional program added to the State.

"I should note that nothing precludes any private citizen from introducing this to Hawaii. And I will say this; the important thing on hearing both the Concurrent Resolution and Resolution was that the fact that there are 20,000 newborn babies abandoned every year. I think for me, as well as the Committee members, that was the most compelling and daunting statistic that we heard from that hearing. Again, 20,000 newborn babies abandoned every year.

"So I think this is a substantial step in the right direction. However, I do think that this Resolution can also work with the measure that we have moving through the Senate. They can work in concert to help save newborn babies. So again, I stand in strong support of this measure and I'm glad that it recognizes that we have approximately 20,000 newborn babies abandoned every year. Thank you, Mr. Speaker."

Representative Ching rose to respond, stating"

"I just did want to clarify that the testimony did say 20,000 babies in the nation of the U.S."

The motion was put to vote by the Chair and carried, and the reports of the Committee were adopted and H.R. No. 276, HD 1, entitled: "HOUSE RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO SUPPORT PROJECT CUDDLE AND ASSESS THE FEASIBILITY OF ADVERTISING ITS HOTLINE," was adopted, with Representatives Souki and Takamine being excused; and

H.C.R. No. 344, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF HUMAN SERVICES TO SUPPORT PROJECT CUDDLE AND ASSESS

THE FEASIBILITY OF ADVERTISING ITS HOTLINE," was adopted, with Representatives Souki and Takamine being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1784) recommending that H.R. No. 268, HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 268, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, IN COLLABORATION WITH THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO CONDUCT A STUDY ON HOUSING FOR ESSENTIAL WORKERS," was adopted, with Representatives Souki and Takamine being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1785) recommending that H.C.R. No. 333, HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 333, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION, IN COLLABORATION WITH THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM, TO CONDUCT A STUDY ON HOUSING FOR ESSENTIAL WORKERS," was adopted, with Representatives Souki and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1786) recommending that H.R. No. 39, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.R. No. 39, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ALL BRANCHES OF THE UNITED STATES GOVERNMENT TO PROHIBIT DUMPING OF VESSEL SEWAGE IN FEDERAL WATERS IN THE VICINITY OF THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY," was adopted, with Representatives Souki and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1787) recommending that H.C.R. No. 58, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 58, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING ALL BRANCHES OF THE UNITED STATES GOVERNMENT TO PROHIBIT DUMPING OF VESSEL SEWAGE IN FEDERAL WATERS IN THE VICINITY OF THE HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY," was adopted, with Representatives Souki and Takamine being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1788) recommending that H.C.R. No. 265, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING AND SUPPORTING THE NOMINATION AND DESIGNATION OF THE NORTHWESTERN HAWAIIAN ISLANDS MARINE NATIONAL MONUMENT, PAPA HANAUMOKU AKEA, AS A

WORLD HERITAGE SITE," was adopted, with Representatives Souki and Takamine being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 1789) recommending that S.B. No. 1956, 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 S.B. No. 1956, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I rise with reservations on Stand. Com. Rep. No. 1789 which basically questions the wisdom of our forefathers and the way that they protected small states like Hawaii from the big states in voting contests, even though maybe once every 200 years there will be such a close tie that we've got to add up all the popular votes and throw out the Electoral College.

"Let's face it. We are one of the smallest in the country and the present system of Electoral College has served us better. Some of the doubts were constitutionally mentioned. How can we actually do this? Can it be 'implementable'? And basically our need is not to improve the process, but improve the voters to get out and actually vote. Not worrying about ties, but worrying about the decreasing number of people not showing up.

"Mr. Speaker, Hawaii's unique. I think we have a system that's unique. It was crafted many years ago. It's worked well and as I've said many times on this Floor, if it's not broke, don't fix it. And if it only breaks once every 200 years, I think that's not a bad ratio. Thank you."

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

"Thank you, Mr. Speaker. As a direct descendant of one of those forefathers, I cast a no vote on this."

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

"Mr. Speaker, I rise in opposition to this bill. Under this proposal, the State would become a part of an interstate compact that would require member states to determine the winner of a presidential election by popular vote.

"Under this proposal, it's conceivable that a majority in your state could vote against a presidential candidate and that your state could actually have, by the majority, voted for the loser in a presidential election. By this compact, it's my understanding that if you agree to this, then your electors from your state would have to vote in favor of the winner of the election. I think that is not a good outcome. So Mr. Speaker, I rise in strong opposition to this bill."

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

"Mr. Speaker, I rise in support. Just very briefly. I think what I wanted to say was this is really something that we need some more thoughtful debate about. Because what this is saying is, are we really going to be saying that every vote counts and that every vote is equal? Or that some votes are more equal than others? And that is really the problem that we have today with the current electoral system.

"Now people have said, are we going to be questioning the wisdom of our forefathers and I think we really need to look at what they created. At that time, we all remember that slaves were worth three-

fifths of a person. And that wasn't for their right to vote, but that was in the Constitution so that when it came to apportionment and how they were going to decide how to structure the federal government, those slave states wanted to have a bigger population, three-fifths of a person, so that they'd have a bigger representation. And so that translated into the Electoral College because what the founding forefathers wanted to do was to make sure that everybody, even those that were into state's rights, were willing to sign onto this big agreement and not feel that their power was going to be diminished.

"Now I agree, if some people may be concerned that there's a provincial need because Hawaii is a small state. But what we need to do is look at the bigger picture. Is the way we are electing our president currently, the best way to do it? And I would posit that that probably is not so. When you look at the statistics, actually, 99% of current campaign funds for presidential election, all get spent in only 17 states. Seventeen states eat up 99% of the funds. And what this does is makes it so that those 17 states, those toss-up states, are the only ones that the presidential candidates go and visit and go campaign in. And those 17 states allow the debate and the actual agenda of the entire country to be set. Then what happens is the presidential candidates do not even campaign in states where they know it's a foregone conclusion, which way it's going to go. They only go to the toss-up states.

"So it's this reason I think that we need to start looking at are there alternative ways in which we should have our presidential election decided. I would say that I'm not entirely confident that this is the best way, but after 200 years of the Electoral College, I think we need to start looking at a different way. There have been four elections where our national popular vote has not decided who the president is, and instead it went strictly by the Electoral College. That's a very big question for us. Four presidents in our entire nation's history has been decided not by the nation's discretion and who they wanted, but actually by this anachronistic system that really has sort of dismantled the fundamental tenets of democracy which is every person's vote should be treated equally. That is why I'm in strong support."

Representative Ward rose to respond, stating:

"I think there was great wisdom in a few of the points except for one, Mr. Speaker. And having spent three of my four years at USAID writing a book on money and politics, presidential elections are so expensive. It's hundreds of millions of dollars just to get to the seventeen states even though Hawaii is so small, probably we're not going to have too many people being flown out here.

"But my point is we're trying to keep money and politics down. A lot of people in this body are for clean elections. Let's keep it down. If we're saying we want to have more presidential candidates go all around the fifty states, I think we've not even seen the beginning of the costs. We know that some of our candidates have already raised, 20 or 25 million dollars, and it's way out before the season's even beginning. So maybe we can sell Christmas trees in May if we produce it and we start advertising them early enough, but it's going to be costly. Thank you."

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

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

"Thank you, Mr. Speaker. Just in opposition. This has been a debate that is not new to any legislature and any civic classroom. And it's one that goes on oftentimes. It's one that often comes about as honestly, also when one is disappointed. And it is a very complex issue and there are some very good arguments I believe, on either side. I would like additional written comments, please. I think that to pass something like this is a bit premature. Thank you."

Representative Ching's written remarks are as follows:

"I am in opposition S.B. 1956, Relating to the Agreement Among the states to Elect the President by National Popular Vote.

"The Electoral College forces candidates to appeal to and address concerns of voters who live in both urban and rural areas. They have to in order to win the state and get its electoral votes. Without the Electoral College, candidates would just focus on campaigning in metropolitan areas without having to worry about the very different issues and concerns of rural areas which have smaller populations. This likely will result in large urban centers controlling the election of the President and therefore, the direction of the nation. We as legislators must be mindful against giving this power over so easily to states more populous than Hawaii."

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

"Just in opposition. This was created so that small states like ours would be more important. And if we do change to the popular vote, we can definitely guarantee that there will be no campaigning in Hawaii."

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

"Strong support. Just to repeat what the Majority Floor Leader said as well. But also just that in my experience, even in my district, people are really disgusted with the Electoral College. They saw what happened in 2000. And people continually talk to me. Well, I don't vote because what does it matter? You know, those four will go wherever they want to go. These electorals will get it this way." They don't even understand it. So whatever we can do to look at other alternative solutions, I think it's going to help people see that we're trying to do something, to bring some kind of sense to this kind of strange thing that we call, 'voting for a President'. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1956, entitled: "A BILL FOR AN ACT RELATING TO THE AGREEMENT AMONG THE STATES TO ELECT THE PRESIDENT BY NATIONAL POPULAR VOTE," passed Second Reading and was placed on the calendar for Third Reading with Representatives Belatti, Ching, Meyer, Pine and Thielen voting no, and with Representatives Souki and Takamine being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 1790) recommending that S.B. No. 1010, SD 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 S.B. No. 1010, SD 1, pass Second Reading and be placed on the calendar for Third Reading, seconded by Representative B. Oshiro.

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

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

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

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

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

Representative Belatti 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."

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

Representative Ching rose in opposition to 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:

"I oppose S.B. 1010, Relating to Certified Public Accountants, which eliminates the ability for government experience to satisfy the experience requirement of the Certified Public Accountant license

"Under current law, an applicant for a CPA license must complete two years of experience, either by working for a CPA firm or by doing comparable accounting work in government or private industry under the guidance of a licensed CPA. This bill would change the law to provide that only experience working for a CPA firm can count toward the two-year requirement for licensing. Comparable experience in government or industry would not be considered.

"There is no rational basis for eliminating the option to substitute government accounting or auditing work for public accounting experience based on the following reasons: 1) much of the accounting and auditing work performed in government, including that of the office of State Auditor Marion Higa, is on par with that of a public accounting firm; 2) any candidate for licensure, regardless of work environment, must be directly supervised by a CPA; and 3) the validity of government accounting and auditing experience to substitute for public accounting experience is examined by, and subject to approval by, the Board of Accountancy.

"Proponents of this bill attempt to justify changing the experience requirements in order to protect public interest. Yet, this bill eliminates the accounting education requirement for taking the examination. The lowering of the education standard is inconsistent with the assertion that current law is not stringent enough. Hawaii would be the only State that would not require an accounting education to sit for the CPA exam. I am perplexed by this inconsistency in SB 1010, SD1. How would lowering education standards protect the public?"

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1010, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTIFIED PUBLIC ACCOUNTANTS," passed Second Reading and was placed on the calendar for Third Reading with Representatives Belatti, Ching, Evans, Finnegan, Luke, Marumoto, Meyer, Morita, Pine, Shimabukuro, Sonson, Thielen, Ward and Yamane voting no, and with Representatives Souki and Takamine being excused.

THIRD READING

S.B. No. 1236, SD 1, HD 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, S.B. No. 1236, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE," passed Third Reading by a vote of 49 ayes, with Representatives Souki and Takamine being excused.

At 1:09 o'clock p.m., the Chair noted that S.B. No. 1236, SD 1, HD 1, passed Third Reading:

ANNOUNCEMENTS

Representative Thielen: "Thank you. Mr. Speaker, the Easter basket presentation will take place at 2 o'clock today and it will be Chamber level as you come in off the main entry, off the circular driveway area. Thank you."

Representative M. Oshiro for the Committee on Finance requested a waiver of the 48-hour advanced notice requirement to hear the following Senate bills at 2:30 p.m., Agenda 1A, in Conference Room 308, with decision making to follow, and the Chair "so ordered."

S.B. No. 323, Relating to High Technology
S.B. No. 600, Relating to Leasehold Conversion
S.B. No. 1804, Relating to the Trauma System Special Fund
S.B. No. 11, Relating to Excise Tax on Health Care
S.B. No. 1779, Relating to Children

Representative Meyer: "Thank you, Mr. Speaker. I just wanted to convey our appreciation for the way this was handled today on the 48-hour notice. Having the Chair of Finance come and discuss it with us in advance. We appreciate that. Thank you."

Representative Brower: "Thank you, Mr. Speaker. Just would like to thank Representative McKelvey for hosting the Chili Contest. For Members or those listening who are still hungry, it's going on in his office on the Third Floor. Thank you."

ADJOURNMENT

At 1:11 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, Thursday, April 5, 2007. (Representatives Souki and Takamine were excused.)

HOUSE COMMUNICATION

House Communication dated April 4, 2007, from Patricia Mau-Shimizu, Chief Clerk of the House of Representatives, to the Honorable President and Members of the Senate, informing the Senate that the House has disagreed to the amendments proposed by the Senate to the following House bill:

H.B. No. 1153, S.D. 1