

FIFTY-SIXTH DAY

Wednesday, April 25, 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 the Speaker presiding.

The invocation was delivered by Reverend Doctor John Heidel of Interfaith Hawaii Alliance, after which the Roll was called showing all members present with the exception of Representatives M. Oshiro, Takamine and Takumi, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 357 through 359) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 357, informing the House that on April 24, 2007, the following bill was signed into law, stating:

"Dear Mr. Speaker and Members of the House:

HB659 HD2 was enrolled to me on April 12, 2007. During the legislative process, the bill's effective date was amended from "upon approval" to January 1, 2025.

The purpose of HB659 is to recognize the importance of taro in Hawaii's heritage by designating the kalo plant as the official State plant. I agree that kalo should be designated as Hawaii's state plant and to preclude the necessity of having those who gave their time and effort to assure this bill's passage return next year to testify on a brand new bill, I am approving this measure.

I urge the Legislature to send me a bill next session correcting the effective date of Act 36.

Therefore, this is to inform you that on April 24, 2007, the following bill was signed into law:

HB659 HD2 A BILL FOR AN ACT RELATING TO
TARO. (ACT 036)

Sincerely,
/s/
LINDA LINGLE"

Gov. Msg. No. 358, informing the House that on April 24, 2007, the following bill was signed into law:

H.B. No. 1095, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING." (ACT 037)

Gov. Msg. No. 359, informing the House that on April 24, 2007, the following bill was signed into law:

S.B. No. 53, entitled: "A BILL FOR AN ACT RELATING TO MARRIAGE AND FAMILY THERAPISTS." (ACT 038)

The following messages from the Governor (Gov. Msg. Nos. 360 and 361) were announced by the Clerk and were received for possible consideration at a later date:

Gov. Msg. No. 360, transmitting H.B. No. 863, HD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 24, 2007

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 863

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 863, entitled "A Bill for an Act Relating to Public Work Projects."

The purpose of this bill is to mandate that a private construction project will be considered a public work project subject to chapter 104, Hawaii Revised Statutes, Hawaii's Wages and Hours of Employees on Public Works law, if the State or a political subdivision leases or is assigned more than fifty percent of the project. Copies of the lease agreement must be filed with the Department of Accounting and General Services and the Department of Labor and Industrial Relations.

Additionally, this bill requires the construction project owner submit weekly certified payrolls to the leasing governmental agency or the governmental agency using the leased or assigned space which, for the purposes of chapter 104, shall be deemed the governmental contracting agency.

Finally, this bill requires that prior to the start of construction, the construction project owner sign an agreement with the leasing governmental entity agreeing to pay the prevailing wage to the laborers and mechanics working on this project and to otherwise comply with the requirements of chapter 104.

This bill is objectionable because it is an unwarranted expansion of the types of projects that could be subject to public works projects rules and statutes. Currently, section 12-22-1 of the Hawaii Administrative Rules defines a public work to encompass a private construction project when the State or a political subdivision leases the entire building or structure and where: (1) the lease was entered into prior to construction of the structure or building; and (2) the construction work was performed according to plans, specifications, or criteria of the leasing governmental entity.

Expanding public works coverage to mixed public-private structures may inject confusion and needlessly increase the associated building costs of a private construction project. Smaller owners in particular may not want to develop commercial space for lease to the government because of the additional burden of complying with unfamiliar labor laws. It is anticipated that this bill will also probably limit or reduce the number of office buildings that will be available for lease to government agencies. This bill may likewise impede the development of mixed use housing projects, wherein some of the units were for market sale or rental and others were leased to a public housing corporation for elderly, Section 8, or transitional housing.

Finally, because this bill directs that certified payrolls be submitted to either the governmental leasing entity or the governmental agency accepting the construction project and not to the Department of Labor and Industrial Relations, this data will go to entities that have no authority to audit or enforce these payrolls, thereby inhibiting the enforcement of wage laws this bill attempts to impose on private projects.

For the foregoing reasons, I am returning House Bill No. 863 without my approval.

Respectfully,

/s/
LINDA LINGLE
Governor of Hawaii"

Respectfully,
/s/
LINDA LINGLE
Governor of Hawaii"

Gov. Msg. No. 361, transmitting S.B. No. 1642, SD 1, HD 1, without her approval and statement of objections relating to the measure as follows:

"EXECUTIVE CHAMBERS
HONOLULU
April 24, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1642

Honorable Members
Twenty-Fourth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1642, entitled "A Bill for an Act Relating to Labor."

The reported purpose of Senate Bill No. 1642 is to establish clear distinctions between mandatory, excluded, and permissive subjects of collective bargaining by (1) allowing negotiations over the procedures and criteria on promotions, transfers, assignments, demotions, discharges, or other disciplinary actions and (2) subjecting violations of negotiated and agreed upon procedures and criteria to the grievance procedure contained in a collective bargaining agreement.

Rather than providing clarity, this bill would blur the delineation provided by existing law between matters that are subject to collective bargaining and matters that have been excluded from collective bargaining; including certain "management rights" such as determining criteria on promotions, transfers, assignments, demotions, layoffs, suspensions, termination, discharge or other disciplinary actions.

This bill is objectionable because it constitutes an unacceptable infringement upon management rights currently protected under section 89-9(d), Hawaii Revised Statutes. It attempts to overturn the case of United Public Workers, AFSCME, Local 646, AFL-CIO v. Hanneman [sic], 106 Hawaii 359 (2005), the Supreme Court of Hawaii case that held that the City and County of Honolulu's decision to transfer refuse workers from the Pearl City baseyard to the Honolulu baseyard was not subject to collective bargaining. The Hanneman [sic] case reaffirmed management rights as set forth in section 89-9(d).

This bill erodes management rights and, by allowing negotiations on the criteria management uses to act on matters such as layoffs, transfers, and assignments, it involves labor in the fundamental decision-making process of management. In permitting negotiations over assignments, this bill would adversely impact the employer's ability to make assignments of specific employees and groups of employees and hinder the delivery of services to the public.

This bill does not achieve its reported purpose, and only obfuscates the clear distinctions that currently exist between management rights and items that may be negotiable under collective bargaining. The provision added to section 89-9(d) by the bill stating that section 89-9(d) shall not be used to invalidate provisions of collective bargaining agreements in effect on and after June 30, 2007, could be interpreted to mean that the areas specifically excluded from collective bargaining pursuant to section 89-9(d) and the Hanneman [sic] case may be subject to negotiations by the parties to a collective bargaining agreement.

For the foregoing reasons, I am returning Senate Bill No. 1642 without my approval.

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 851) was received and announced by the Clerk and was placed on file:

Sen. Com. No. 851, dated April 24, 2007, informing the House that the Senate has, on April 23, 2007, reconsidered its action taken on April 12, 2007, in disagreeing to the amendments proposed by the House to the following Senate Bill and has moved to agree to the amendments, and that said bill has this day passed Final Reading:

S.B. No. 1947, "MAKING AN EMERGENCY
SD 1, HD 1 APPROPRIATION FOR THE DEPOSIT
BEVERAGE CONTAINER PROGRAM."

ORDER OF THE DAY

SUSPENSION OF RULES

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

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

The House of Representatives reconvened at 12:15 o'clock p.m.

UNFINISHED BUSINESS

Conf. Com. Rep. No. 1 and S.B. No.1529, SD 2, HD 2, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC INFRACTIONS," passed Final Reading by a vote of 50 ayes, and with Representative Takamine being excused.

Conf. Com. Rep. No. 2 and S.B. No.1709, SD 1, HD 2, CD 1:

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, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDES," passed Final Reading by a vote of 50 ayes, and with Representative Takamine being excused.

Conf. Com. Rep. No. 3 and S.B. No.946, SD 2, HD 1, CD 1:

Representative Caldwell moved that the report of the Committee be adopted and that S.B. No. 946, SD 2, HD 1, CD 1 pass Final Reading, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I'll try to keep this short. I am in opposition to Conference Committee Report No. 3. Mr. Speaker, I am being very consistent with my prior votes and being able to speak

on the Floor on this particular issue. What this issue does is it permits drivers whose license has been administratively revoked for life to seek reinstatement of their license after ten years have passed since the lifetime revocation.

"It is with sadness that I actually am voting no and against this measure. The message is not, for me, in voting no saying that people cannot recover from alcoholism or drug abuse; that people shouldn't be forgiven for their actions that they have done against people or society prior in their lives. I believe very much that people can recover from that and be forgiven for those types of things. What I'm against, Mr. Speaker, is that if you have something like a lifetime revocation, that it is government saying that there are consequences to driving drunk. This is not a mistake. These aren't mistakes when you go out there and you accidentally drive a little bit tipsy after having a couple drinks, and you get caught one time and, boom. You have your license revoked. This is about having your license revoked after being caught at least four times.

"So what does that mean? When somebody drives drunk, every single time that they drive drunk they get caught? No. It means that the probability of them being out on the streets, driving drunk is more like ten, twenty, thirty, maybe forty times before they get caught and have a lifetime revocation.

"Mr. Speaker, there are consequences and I believe that we should stick to them. Life is tough. We talk about one part of the bill where it says you have to have a certification from a substance abuse counselor. At any one particular time after ten years of being sober, and I've talked about this before as well. Alcoholism, from almost everyone that I spoke to, they say that they are a 'recovering alcoholic'. So what does that mean? That means that the struggle is almost on a daily basis. I can't speak to the truth of that, but I can listen to the people who are recovering who say that. I can also say that it only takes one time. It only takes one time. Maybe a death in the family. Or maybe something that's really tough in their lives. They have the propensity to drink, and drink and drive, and they actually have to resist drinking and not all the time is that easy to do.

"I think the last time we brought this up and we debated on the Floor Mr. Speaker, it was about a pastor. A pastor of a church not being able to shepherd his flock, and my heart bleeds for a situation like that. But we are lawmakers making decisions on behalf of the whole of the State. I don't believe that we should be making or passing a law for one person. And I also don't believe that pastors should be exempt from making mistakes. Like they can't make mistakes. Like once you become a Christian or a believer then, boom you're healed. You're not going to make a mistake. I think coming from the Christian perspective we all know that that isn't true.

"I'm not saying that we should say that pastors should not be given breaks either. But what I am saying is, we're all human and I think that this type of law made for one person shouldn't affect the whole State in a negative way. One of the things that I think is very difficult to accept is after something like this happens, and should someone get killed upon having a lifetime revocation of a driver's license, who is to blame then? Basically, what I think is happening is it becomes our fault. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. In opposition. Thank you. And I ask that the words of the Minority Leader be entered as my own. Thank you. I think she outlined pretty much my similar concerns, but I guess I did want to also reiterate that when I support or don't support something, I try to think about how would someone else feel? How would it be if I were in their shoes? And I think my conscience tells me that if someone were to have, and this is talking about people who might have four DUIs. If I were the family of the fifth DUI which resulted in injury or death, how would I feel? How would I feel about a lawmaker who allowed this sort of thing to happen?

"And it's real because we do have people who are struck down as a result of a DUI, a person under the influence. And additionally I've had a friend who's had a DUI. And it occurred to me that it was a very serious thing. When this person went through it, I could tell the gravity of the situation of this DUI and all the things. In other words our laws, I think, are very much clear on the importance of a DUI. So to me, someone who would go beyond and not change their behavior after one DUI, this is a different kind of profile of a person.

"And I think that we put our public in harm's way when we allow it, and I reiterate the words of the Minority Leader that I too am not about thinking that people cannot change their lives. I think most people, all people, are capable of that. But again, I reiterate that if I were the fifth, somehow related to the person of the fifth DUI or the next one, I just couldn't sit with myself."

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

"Mr. Speaker, I rise in support. I just wanted to counter some of the characterizations of this bill. One of the characterizations was that this is for one person. And I think that's actually very, very false. One person can often show us that sometimes our laws are too draconian and our laws may need to have some recognition that it went a little too far, well intended as it may have been when it was adopted. And I think this is one of those cases.

"This will not give any one person an automatic right to go back and get their license. What it gives them is the opportunity to prove that they deserve the chance to get that privilege. And that is what we're talking about. Really, it's a fundamental difference as to whether we want to have, as I've said many, many times before, a 'cookie cutter' approach to justice. Is there a 'one size fits all' for every single circumstance? Or are there occasions where we can find a genuine exception, such that someone deserves the right to have that accommodation? I think this is all we're trying to do in this case.

"And I think people really need to take a look at what this is doing because they need to show that they are going to prove that they aren't going to be infringing upon the violations again. And that is something that's very, very crucial. If you look on the bill page three, line number 21, what we're talking about, is the decision of the administration as deemed final. That's it. Too bad. Except that you can go and get judicial review. However, the burden for you to get that overturned is very, very hard. Under 29E-40, you basically have to show that it was arbitrary and capricious, exceeded constitutional or statutory authority, or was an abuse of discretion. All of those standards are very, very high standards to prove.

"So really what we're talking about is you get one chance. After ten years, if you can show that you were clean, you get one chance to go before the administrator to show perhaps you should be able to reapply for a license. And if you can show by a high standard of evidence that you are clean and sober, then you are given that chance. And I think this is all the bill does. It gives a person one chance and that is something that if we don't want to have a 'cookie cutter' approach to justice, it's something we should look at in this bill. Thank you."

Representative Finnegan rose to respond, stating:

"Mr. Speaker, still in opposition. Talking about the 'cookie cutter' approach. If we don't want the 'cookie cutter' approach, then why are we giving them one chance? That's like a cookie cutter approach. Instead of giving them two, or three, or four. We are just saying that we have different ideas on how we approach this subject.

"In regards to lifetime revocation, I'm sure, I'm sure if that person doesn't know the second time they're in court, the third time they're in court, that possibly at the fourth time or beyond that that they could get their license revoked, I believe in the system enough to know that they've been warned that they're going to get their license revoked.

There are many, many, many chances before you get to the fourth time. I'm going to reiterate. Maybe ten, maybe twenty, maybe thirty, maybe forty maybe a hundred times that you can go without very many consequences. This is after four times of being caught driving under the influence of drugs or alcohol.

"Mr. Speaker, still in opposition. I think that there are a lot of chances and sometimes in my personal experience I've seen people who have said you know we've recovered. We've done all of this type of stuff. We've been substance abuse clean and sober. The thing that doesn't sit with me is there's no way to prove that this person is not doing drugs or alcohol. That's the whole mystery part of it, Mr. Speaker. Thank you."

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

"Thank you very much, Mr. Speaker. In strong support. You know, it saddens me to hear my colleague who is wearing all white today, looking like an angel, and doesn't realize that this bill is a compassionate bill. This recognizes the fact that we are indeed human and make mistakes. And some of us are parents in this room. And we know that a lot of times children make mistakes. They're humans. And people that drink, they make mistakes. They're human. And how can we say that four or five times is sufficient.

"You know, a wise man posed that question a long time ago, over 2,000 years ago. The question was, how many times shall I forgive? How many times shall I expect this person to do bad things to me? How many times? And the answer is, seventy times seven. That's an example that we should follow. That we should take a look at human frailties including drinking.

"I was a bartender for eight years and people enjoy their drink. It's legal. It has been the job for legislators before us to say that it should be illegal, but it's legal. And then the doctors came forward and stated not only is it legal, it's also a sickness now, when you have a certain condition where you love it so much that it causes you to be reckless and make bad decisions three, four or five times.

"But there are also laws that we created to make people more sensitive to others and say that it's legal all right, but you can't put yourself and other people in danger anymore. Here's a program. We fund programs for these people. We put them in the program to make sure they understand the consequence of their actions, in this case, drinking and driving.

"We stand here today and say that if we weaken this law, or if we take this law and allow a person that indeed can show in proof to the court that they have changed in their ways, that they're able to go on with their lives, make their lives better and other people's lives better, why not allow them this one chance. We should. This is a compassionate bill. Let's think this over. What we're doing here is to ensure that the policy that the State of Hawaii, the policy of this House, is to ensure that we don't close the door on anybody.

"We have other bills that we're looking at. We're considering. And in fact, it comes back over and over, where even murderers, rapists, and other criminals get a second chance. Now, somebody that does something legal which is drinking, consumes something legal which is alcohol, and then breaks a law, in so doing puts himself and others in jeopardy. But now this person is able to prove to himself, to his family and to the court that they have changed and they've become productive in the community, let's give that person a chance also. Thank you, Mr. Speaker."

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

"Thank you, Mr. Speaker. I rise in support. Mr. Speaker, I want to thank the Committee Chairs who worked on this bill in Conference. It was a pleasant surprise for me to see this bill before us this morning and I really sincerely thank them.

"Before I came down, Mr. Speaker, I did make a telephone call to Pastor Jack Smith of the Church of the Nazarene in Wahiawa. And just to explain for the last time perhaps, just some history on the genesis of this measure. It's been with us for several years now and it did come through one person, that's Pastor Jack Smith. But he brought it to me not so much for his own self, but because there was an associate pastor of the Church of the Nazarene group who had recently lost his wife, and because of that not having a license was unable to attend to his duties, as the Minority Leader stated, to tend to his 'flock'. And so he has been, I believe, clean and sober for thirteen or so years, and we thought that he might deserve a second chance. So that's how this bill came about Mr. Speaker. But the bill before us that came out of the Conference Committee applies to more than just one individual or one occupation. It applies to all people in this State.

"The second point I need to make, Mr. Speaker, is that it depends on where you come from in these kinds of matters. I come from the belief that in some instances, drug abuse in a medical problem. Same for alcohol abuse. A medical problem. It might not always be one of will, but one of genetics or one of even organic deficiencies that cause a person to over-consume and abuse alcohol, or abuse illegal drugs. So that's my perspective, Mr. Speaker.

"A third point, Mr. Speaker, I believe that people can redeem themselves. I think each of us if you look into our own lives can find instances of making wrong choices and wrong decisions. But for people extending us some graces and allowing us a second chance, we might not be where we are today.

"So I think those three points I just want to touch on today Mr. Speaker, and ask that the words of the Majority Floor Leader and the Chair of the Labor Committee be adopted as my own. Thank you."

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

"Thank you, Mr. Speaker. In opposition. I do recognize the need for compassion. There's no question about that and I commend all previous speakers for that position. I just think personally that enough is enough. It's very risky when people drive and drink, and the points are well taken that people deserve many chances to go on with life. I wouldn't want to incarcerate a person after making these mistakes once they've gotten clean, but I just can't possibly go back to some of my friends who have had family members who died at the hands of drunk drivers and tell them that I wasn't going to be extremely stern.

"I just think that possibly if the penalty does stay in the books, and people realize that they'll never be able to drive again, that may prevent a few people from, I guess refusing to go get help, to keep themselves clean. So I just err on the side of wanting people to never ever drive drunk."

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

"Mr. Speaker, I rise with reservations. Mr. Speaker, all behavior has consequences. Clearly it should be. But I think this consequence of a lifetime revocation is extreme. And so I've got my problem with the law itself, which in the context of the bill is seen, because a lifetime revocation is going above and beyond what otherwise could be maybe a ten years revocation. And if somebody killed somebody maybe you wouldn't be eligible for this one. Or if you did a whole series of consequential things that didn't even allow you to be looked at.

"In the Caucus we were talking about this and one colleague said that if you murder somebody, you get out in a few years and we know that recidivism is up to 66%. So these guys or gals are out on the street. Yet those who may have cleaned their life up are not allowed because of a lifetime revocation. So Mr. Speaker, I'd like to

recommend to the Chair of Judiciary if they could look at this law next time around in the 2008 Session, to say that this lifetime revocation is too extreme and that's my reservation."

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

"Thank you very much for allowing me to say a few words on this measure. I speak in favor, of course, of this measure. Some of the Members of this very august body seem to be alarmed that they want to lessen a sentence, rather than keep a lifetime sentence. Well, they should be assured that this will not take effect for another year. At that point in time, they'll be developing the rules as to how this program will be administered. Next year we hope to have interlocking devices passed by this body hopefully, and that will be probably incorporated to allow someone to have their license back after a lifetime revocation.

"So if you look at this, as our good Member here had mentioned, we should have compassion. Sometimes when I look at the Members here, and not mention anyone or any Party, they need to develop a little heart inside here. That we're not only here to punish. We're here to rehabilitate. To help. Punishment is one of the items. But not the sole item. And you know how I feel about these lengthy terms. And how I feel about the 'three strikes'. And now we have a lifetime revocation. People who murder get only twenty years. Twenty years or less. They're out in five. Someone who has the misfortune of having a drinking problem gets a lifetime revocation with no reprieve, and yet you don't want to give them any reprieve at all. They should be getting a lifetime. This is the harshest penalty in the State that we have right now. It's even worse than the three strikes. Because it's for a lifetime.

"So all we're asking in this measure is that after a period of ten years, they have an opportunity to get their life back and they must have proven through all those years they've been sober, they've been diligent community people, they need to pass this test, plus they'll probably have an interlocking device in their car, and to give them a chance. Rather than to condemn them for life. And some of you must take pleasure in condemning people for life. Thank you very much Members. Think about having a heart and compassion as a Representative."

Representative Ching rose to respond, stating:

"Thank you so much, Mr. Speaker, and I think this will be my last time standing. Number one, I just wanted to address what I consider an incongruent argument. The incongruence is murder, incarceration, privilege to drive, revocation of license. To me, they're not congruent. And at this point I'd like to adopt the words of the good Representative of Kona, the ER physician. It's not congruent. One, is a right. Driving is not a right. Driving, the last time I checked was a privilege. It's a privilege sometimes we deny to teenagers. Promise to our children, if you don't do this, you're going to take away, can't have the car keys. It is a privilege.

"There are a lot of people who don't drive by choice. I have a lot of friends, one in particular I won't mention who, she's very prominent, and the thing is I always see her coming home, and someone's driving her because she chooses not to drive. There are people who can't drive because of eyesight. There are people who can't drive because of age or infirmity or what have you. Driving is a privilege. Last time I checked when we want to even raise our children, we say, 'three strikes, you're out'. This is four or five times. And as the Minority Leader said, this is the times you were caught. Not the times that you drove drunk. So we're thinking about apples and oranges I think.

"Secondly, they're time bombs. You know, when are we going to learn that? I think my constituents want to see that we protect the public and I think that if you were to poll most people, they feel that our laws are more focused on the perpetrator than the victims. Once again, you talk about those who are victims of the crime, the families

and whatnot. When are we going to start to focus on the victims? I think we do a lot for the belief in all that to try to help. You know how hard it is to even get a case to trial. Where's the equity? Thank you."

Representative Finnegan rose to a point of personal privilege, stating:

"Point of personal privilege. Thank you, Mr. Speaker. You know, I totally respect the Chair of Labor, but I am offended that he brought into the language that maybe my outfit, in wearing all white today, is a symbol of being angelic. By no means do I feel like I'm above anyone else, or that I feel like I'm an angel. In fact, I do know that I don't belong to the angel level. I am human and I understand consequences, and I understand compassion, and I feel compassion. I just wanted to make that statement. Thank you."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.B. No. 946, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ADMINISTRATIVE LICENSE REVOCATION," passed Final Reading by a vote of 44 ayes to 6 noes, with Representatives Ching, Finnegan, Green, Pine, Rhoads and Thielen voting no, and with Representative Takamine being excused.

At 12:43 o'clock p.m., the Chair noted that the following bills passed Final Reading:

S.B. No. 1529, SD 2, HD 2, CD 1
S.B. No. 1709, SD 1, HD 2, CD 1
S.B. No. 946, SD 2, HD 1, CD 1

CONFERENCE COMMITTEE REPORTS

Representatives Souki and Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1047, HD 2, presented a report (Conf. Com. Rep. No. 6) recommending that S.B. No. 1047, HD 2, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 6 and S.B. No. 1047, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1410, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 7) recommending that S.B. No. 1410, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 7 and S.B. No. 1410, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE," was deferred for a period of 48 hours.

Representative Herkes, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 920, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 8) recommending that S.B. No. 920, SD 1, HD 1, as amended in CD 1, pass Final Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, action on Conf. Com. Rep. No. 8 and S.B. No. 920, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS," was deferred for a period of 48 hours.

SUSPENSION OF RULES

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments proposed by the Senate to certain House bills. (Representative Takamine was excused.)

RECONSIDERATION OF ACTION TAKEN

Representative Caldwell moved that the House reconsider its action previously taken in disagreeing to the amendments proposed by the Senate, and gave notice of intent to agree to such amendments for the following House bills, seconded by Representative B. Oshiro and carried. (Representative Takamine was excused.)

H.B. No. 154, HD 1, SD 1
H.B. No. 776, SD 1
H.B. No. 1210, HD 1, SD 1
H.B. No. 1306, HD 2, SD 1
H.B. No. 1641, HD 2, SD 2
H.B. No. 1746, SD 2
H.B. No. 1787, HD 1, SD 2
H.B. No. 1833, HD 1, SD 1

DISPOSITION OF MATTERS PLACED ON THE CLERK'S DESK

Representative Caldwell moved to agree to the amendments made by the Senate to the following House Concurrent Resolutions, seconded by Representative B. Oshiro and carried. (Representative Takamine was excused.)

H.C.R. No. 58, HD 1 (SD 1)
H.C.R. No. 170, HD 1 (SD 1)
H.C.R. No. 292, HD 1 (SD 1)

At 12:47 o'clock p.m., Representative Meyer requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:48 o'clock p.m.

FINAL ADOPTION

The following House Concurrent Resolutions were taken from the Clerk's desk and the following action taken:

H.C.R. No. 58, H.D. 1, S.D. 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 58, HD 1, and H.C.R. No. 58, H.D. 1, S.D. 1, entitled: "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 Representative Takamine being excused.

H.C.R. No. 170, S.D. 1:

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the House agreed to the amendments proposed by the Senate to H.C.R. No. 170, and H.C.R. No. 170, S.D. 1, entitled: "REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A TASK FORCE TO DEVELOP LONG-TERM SOLUTIONS TO EFFECTIVELY PROTECT THE LIVESTOCK INDUSTRY IN HAWAII," was Adopted, with Representative Takamine being excused.

H.C.R. No. 292, S.D. 1:

Representative Caldwell moved that H.C.R. No. 292, SD 1, be Adopted, 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 strongly support H.C.R. 292, which recognizes the Nuuanu-Liliha Historic Corridor.

"Historic corridors are geographic areas containing buildings, sites, objects, and vistas of natural, historic, geographic, or architectural significance. They are associated with persons or events important to understanding the history and culture of Hawaii.

"The Nuuanu-Liliha corridor uniquely reflects the three major eras of Hawaii's dynamic history, from pre-unification of the islands by Kamehameha the Great, to the monarchy period, and finally to the pre-Statehood era. The area houses one of only three royal palaces in the nation, as well as the location where King Kamehameha defeated his last opponent and unified the Hawaiian Islands. There are numerous sites that enjoy the distinction of being listed on either the State or National Historic Registries, or both, including the Queen Emma Summer Palace and Grounds, the Sanju Pagoda, and the Kawanakoa Playground. In addition to these iconic historic locations, Nuuanu houses the Walker Estate, built in 1905, which features what is thought to be the oldest Japanese garden in Honolulu and is one of the last homes of its kind remaining in the area. Liliha is said to be the birthplace of Saimin, and home of the first L&L Drive-In, now a national chain, which opened on Liliha Street in 1959. Our very own Ellis Island, the area reflects all of Hawaii through its myriad of multicultural temples, its quaint "frozen in time" mom and pop stores from the 1940s and 1950s pre-Statehood days, and most obviously, some of the most important natural and cultural resources of our State and nation.

"The Chieftess Liliha, namesake of the Liliha area, bore tremendous influence upon the area's religious diversity. Liliha is home to many religious denominations, from the Ma'ema'e Chapel (1863) to the Young Buddhist Association (1900) to St. Luke's Episcopal Church (1903) to the Korean Christian Church (1918). Liliha reflects many of the State's health systems, with Kuakini Health Systems, St. Francis Medical Center, Rehabilitation Hospital of the Pacific, and almost two dozen additional medical clinics and therapy centers. The area houses four of the state's consulates.

"The purpose of this Resolution is to designate the Nuuanu-Liliha corridor as the Nuuanu-Liliha historic corridor. I ask your support for this Resolution, aimed towards the preservation of Hawai'i's unique cultural heritage."

The motion was put to vote by the Chair and carried, and the House agreed to the amendments proposed by the Senate to H.C.R. No. 292, and H.C.R. No. 292, S.D. 1, entitled: "RECOGNIZING THE NUUANU-LILIHA CORRIDOR AS THE NUUANU-LILIHA HISTORIC CORRIDOR," was Adopted, with Representative Takamine being excused.

ANNOUNCEMENTS

Representative Caldwell: "Mr. Speaker, I have an announcement to make and that is that it's someone birthday today, Mr. Speaker. It's someone that we all know and love, and that's Speaker Emeritus Joe Souki, who if you judge by his friskiness and his love of life, he's probably around the age of nineteen and twenty five. Thank you, Mr. Speaker."

Representative Finnegan: "Thank you, Mr. Speaker. I believe today is Administrative Assistants Day. And I just wanted to thank everyone working in that capacity here in the House, as well as the Legislature and in government. On behalf of the House and both Caucuses I'm sure, we thank them for all their hard work, especially the ones we have just in front of us, a whole bunch of people that we know we couldn't run the Capitol without them. Thank you."

ADJOURNMENT

At 12:50 o'clock p.m. on motion by Representative B. Oshiro, seconded by Representative Meyer and carried, the House of Representatives adjourned until 6:30 o'clock p.m. tomorrow, Thursday, April 26, 2007. (Representative Takamine was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 25, 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 following bills have this day passed Final Reading in the House of Representatives:

S.B. No. 946, SD 2, HD 1, CD 1
S.B. No. 1529, SD 2, HD 2, CD 1
S.B. No. 1709, SD 1, HD 2, CD 1

House Communication dated April 25, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate to the following House Bills:

H.B. No. 154, HD 1, SD 1
H.B. No. 776, SD 1
H.B. No. 1210, HD 1, SD 1
H.B. No. 1306, HD 2, SD 1
H.B. No. 1641, HD 2, SD 2
H.B. No. 1746, SD 2
H.B. No. 1787, HD 1, SD 2
H.B. No. 1833, HD 1, SD 1

House Communication dated April 25, 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 agreed to the amendments made by the Senate and has this day adopted the following House Concurrent Resolutions:

HCR No. 58, HD1, SD1
HCR No. 170, SD 1
HCR No. 292, SD 1