

NINETEENTH DAY

Wednesday, February 13, 2008

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:10 o'clock p.m., with Vice Speaker Chong presiding.

The invocation was delivered by Bishop Tuisamau Alailima of the Church of Jesus Christ & Latter Day Saints, after which the Roll was called showing all members present with the exception of Representatives Nakasone, M. Oshiro, Sonson and Takai, who were excused.

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

SENATE COMMUNICATION

The following communication from the Senate (Sen. Com. No. 14) was received and announced by the Clerk:

Sen. Com. No. 14, transmitting S.B. No. 2252, entitled: "A BILL FOR AN ACT RELATING TO BOARDS AND COMMISSIONS," which passed Third Reading in the Senate on February 12, 2008.

On motion by Representative B. Oshiro seconded by Representative Meyer and carried, the following Senate bill passed First Reading by title and further action was deferred: (Representatives Nakasone, M. Oshiro, Sonson and Takai were excused.)

S.B. No. 2252

INTRODUCTIONS

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

Representative Karamatsu introduced Mr. Malcolm Ching, General Manager of the Waikele Community Association and congratulated him on being named the Property Manager of the Year. Accompanying Mr. Ching were his wife, Mrs. Amy Ching; his mother, Mrs. Phyllis Ching; and mother-in-law, Mrs. Janice Suetomi. Also from the Waikele Community Association: Ms. Shaunte Guerrero, Covenants Specialist; and Ms. Emmy Takayama, Administrative Assistant.

Representative Ward introduced Mr. Rich Meiers, President of the Hawaii Healthcare Association.

Representative Cabanilla introduced Ms. Christina Simms, a graduate of Campbell High School who is volunteering in her office.

Representative Cabanilla also recognized nurses who were here for today's floor presentation honoring Wahiawa General Hospital and their work in home health care.

Representative Manahan introduced an active member of the Filipino community, Ms. Ethel Ward who was accompanied by her sister-in-law from Wisconsin.

ORDER OF THE DAY

COMMITTEE ASSIGNMENTS

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

H.R.
No.Referred to:

62 Committee on Education, then to the Committee on Finance

H.C.R.
Nos.Referred to:

70 Committee on Energy & Environmental Protection
71 Committee on Education, then to the Committee on Finance
72 Jointly to the Committee on Public Safety & Military Affairs and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs, then to the Committee on Consumer Protection & Commerce

COMMITTEE REASSIGNMENT

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

H.B.
No.Re-referred to:

2283 Committee on Health, then to the Committee on Finance

INTRODUCTION OF RESOLUTION
(FLOOR PRESENTATION)

The following resolution (H.R. No. 64) was announced by the Clerk and the following action taken:

H.R. No. 64, entitled: "HOUSE RESOLUTION RECOGNIZING THE VALUE OF HOME HEALTH CARE IN OUR COMMUNITY," was jointly offered by Representatives Lee, Carroll, Chang, Evans, Green, Karamatsu, Magaoay, Nishimoto, M. Oshiro, Shimabukuro, Yamane, Har, Herkes, Ito, Morita, Souki, Takamine, Takumi, Tsuji and Yamashita.

Representative Lee moved that H.R. No. 64 be adopted, seconded by Representative Yamane.

Representative Lee commended Wahiawa General Hospital for their value to home health care in the community and introduced and recognized the following seated on the floor of the House, honorees, Ms. Rose Ann Poyzer and Ms. Lauralee Kawamata, accompanied by Ms. Poyzer's successor, Ms. Coral Andrews, and Wahiawa General's Home Health Agency Coordinator, Ms. Thelma Manuel.

Representative Lee then introduced the following in the gallery:

Ms. Barbara Matthews, Executive Director, Hawaii State Center for Nursing;
Ms. Nancy McGuckin, Instructor, UH School of Nursing;
Ms. Mary Boland, Dean, UH School of Nursing;
Mr. Rich Meiers, President and CEO, Healthcare Association of Hawaii;
Ms. Beth Hoban, Administrator/CEO, Primecare Hawaii;

Wahiawa General Hospital

Ms. Jean Lim, R.N.;
Ms. Katrina Dick, P.T.;
Ms. Jan Ching, P.T.;
Ms. AnnaBlair Publow, O.T.;
Ms. Bernadette Cabilao, MSW;
Ms. Judy Yamanuchi; and

Ms. Flo Maruyama.

The motion was put to vote by the Chair and carried, and H.R. No. 64 was adopted with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

At 12:29 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

Representatives Evans and Souki, for the Committee on Public Safety & Military Affairs and the Committee on Transportation presented a report (Stand. Com. Rep. No. 352-08) recommending that H.B. No. 3023, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3023, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE DRIVER'S LICENSE," passed Second Reading and was referred to the Committee on Judiciary with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representatives Evans and Souki, for the Committee on Public Safety & Military Affairs and the Committee on Transportation presented a report (Stand. Com. Rep. No. 353-08) recommending that H.B. No. 2605, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 2605, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Mr. Speaker, I might have a potential conflict on this matter. I am a beneficiary of Stand. Com. Rep. No. 353-08 giving exemptions to Army Reservists. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2605, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ARMED SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 354-08) recommending that H.B. No. 2449, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2449, HD 1, entitled: "A BILL FOR AN ACT PROTECTING CHILDREN FROM CERTAIN TOXIC PRODUCTS," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 355-08) recommending that H.B. No. 3242, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3242, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Judiciary with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 356-08) recommending that H.B. No. 3152, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3152, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE DEPARTMENT OF HEALTH FOR THE EMERGENCY MEDICAL SERVICES AND INJURY PREVENTION SYSTEM BRANCH," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 357-08) recommending that H.B. No. 3161, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3161, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

Representative B. Oshiro rose to disclose a potential conflict of interest, stating:

"Mr. Speaker, I'd like to ask for a ruling on a potential conflict for Stand. Com. Rep. No. 357-08. At my law firm I represent HHSC, but not in anything related to this bill. Thank you," and the Chair ruled, "no conflict."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3161, entitled: "A BILL FOR AN ACT MAKING AN EMERGENCY APPROPRIATION TO THE HAWAII HEALTH SYSTEMS CORPORATION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 358-08) recommending that H.B. No. 2286, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2286, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EPILEPSY DISEASE ASSISTANCE," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 359-08) recommending that H.B. No. 2134, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2134, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CENTER FOR NURSING," was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 360-08) recommending that H.B. No. 2736, as amended in HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2736, HD 1, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Can I ask for the Speaker's indulgence in going back to Stand. Com. Report No. 360-08? I might have a potential conflict. I'm a partner in a small business," and the Chair ruled, "no conflict."

Representative McKelvey continued in support of the measure, stating:

"In that case, I am in strong support and have some brief comments. I'm glad to see this legislation moving forward. So often in government we forget that small business is the true backbone of the economy. I'm glad to see measures like this advance so that we can keep in mind that they really need our support and help. 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. 2736, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS BILL OF RIGHTS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 361-08) recommending that H.B. No. 2961, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2961, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Yamashita, for the Committee on Economic Development & Business Concerns presented a report (Stand. Com. Rep. No. 362-08) recommending that H.B. No. 3029, HD 1, be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3029, HD 1, be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. I would like a potential conflict ruling please on Standing Committee Report No. 362. My family is in the construction area," and the Chair ruled, "no conflict."

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

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

"Thank you, Mr. Speaker. I'm rising in opposition to that same measure. Public work projects are intended to be those projects constructed for use by the State or county, or are paid for with State or county revenues. This bill however would subject lessees of public lands to these public employee wage and hour requirements, notwithstanding the fact that the lessee is a private entity operating a private business and using no public money.

"These lessees operations are not funded by government revenues or are the leases entered for the purpose of the lessees constructing improvements to be used or occupied by government agencies. I have other reasons why I'm voting no, but I'll just leave it at that for today. Thank you."

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3029, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC WORKS," was referred to the Committee on Finance with Representatives Meyer and Thielen voting no, and with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 363-08) recommending that H.B. No. 3402, pass Second Reading and be referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3402, entitled: "A BILL FOR AN ACT RELATING TO CIVIL DEFENSE," passed Second Reading and was referred to the Committee on Water, Land, Ocean Resources & Hawaiian Affairs with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 364-08) recommending that H.B. No. 2740, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2740, entitled: "A BILL FOR AN ACT RELATING TO THE COUNTY OF MAUI," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 365-08) recommending that H.B. No. 2412, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2412, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representatives Green and Shimabukuro, for the Committee on Health and the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 366-08) recommending that H.B. No.

2572, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2572, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 367-08) recommending that H.B. No. 2985, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2985, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Yamane, for the Committee on Tourism & Culture presented a report (Stand. Com. Rep. No. 368-08) recommending that H.B. No. 3243, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3243, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I rise in strong support of this measure. The benefit of music knows no bounds, but without boundaries a benefit cannot be accurately measured. We continue to extol music's educational and cultural benefit, yet year after year refuse to make it more than a one percent priority in our budget. Numerous studies have shown the calming effect of music on children and adults alike. Recent brain research has suggested auditory stimulus can excite neurons from both hemispheres of the brain. Our ability to discern tones resides primarily in the right brain, the "creative" side. The rhythmic aspect of music is concerned generally with the systematic subdivision of beats, honing our math skills.

"Mr. Speaker, the Honolulu Symphony is but one of our State's repositories of musical knowledge and practical exhibition. Our musicians, though employed in other jobs, do their part to enrich our State for a very small stipend. In recent years, they have sometimes had to go without pay for extended periods of time. Mr. Speaker, this is not only a shame for the beneficiaries, it is a disincentive and indeed an insult to those we charge to provide us with this service.

"Mr. Speaker, in these lean times, this bill is also a model of financial accountability. This bill asks for only the differential needed to cover the budget shortfall. Also inserted is a provision that will void the appropriation given that the shortfall is covered. The second clause in Section two of this bill ensures that the amount appropriated will exactly match the amount needed, keeping the Endowment fiscally responsible. Thank you for the opportunity to speak on this measure."

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

Representative Ching's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in strong support of H.B. 3243 – which would appropriate \$810,000 for fiscal year 2007-2008 to support the Honolulu Symphony and its programs. This appropriation would provide significant and well-deserved aid to one of the state's most important cultural treasures, an organization that has significant impact on the economy, reputation, cultural life, and education in Hawai'i.

"The Honolulu Symphony impacts every facet of life within our community. It enhances the reputation of our State nationally and internationally, and adds to the cultural diversity of our State. The symphony provides a much needed cultural benefit to the people of Hawai'i. We are fortunate to have access to a very high caliber of classical music without having to travel to the Mainland or other countries. The Honolulu Symphony Orchestra is critical to the survival of other cultural institutions in Hawai'i, providing musicians for the Hawai'i Opera Theatre, Ballet Hawai'i, Chamber Music Hawai'i, the Maui Pops, and for numerous touring artists year-round. To have a viable symphony is a credit to and valuable asset of the city.

"The Honolulu Symphony is a vital contributor to music education in our State, through education and community outreach programs and through a well-known partnership with the University of Hawai'i Manoa Music Department. An ailing Symphony would significantly impact music education statewide. As legislators, we have a role and responsibility to the children of Hawai'i to support the development of young talent and to nurture interest in the arts. Support for the Honolulu Symphony is, in part, an investment in the future of the children of Hawai'i. Hawai'i should be proud of this cultural treasure and we as legislators ought to give it the support it needs to continue to provide the state with world-class music."

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

Representative Lee's written remarks are as follows:

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

"As the nation's 12th oldest symphony, and the oldest symphony west of the Rocky Mountains, the national and world recognized Honolulu Symphony plays a significant role in representing Hawaii's diverse and dynamic cultural livelihood; it stands as one of Hawaii's most essential cultural, educational, and entertainment resources.

"By the end of this season the Honolulu Symphony Education program will inspire approximately 20,000 Hawaii youth through over 190 programs in schools on Oahu, Maui, and Hawaii Island.

"Furthermore, the Honolulu Symphony has served as an investment in human capital by attracting world-class professional musicians who choose to reside in and add value to our communities. Symphony musicians impact over 10,000 students through private instruction, classroom teaching, recitals, and master classes. Orchestra musicians privately teach over 900 students in Oahu alone. The Honolulu Symphony also supports hundreds of employees from other organizations such as Hawaii Opera Theatre, Ballet Hawaii, and Chamber Music Hawaii, among many public and private schools.

"For the past ten years, the Honolulu Symphony has received worldwide recognition by attracting the highest caliber of musical artists such as Kenny Loggins, Elvis Costello, Diana Krall, and Burt Bacharach.

"Without the necessary funding, the Honolulu Symphony may lose the ability to serve our islands, and our children with the diverse, quality musical education and art it currently offers."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 3243, HD 1, entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HONOLULU SYMPHONY AND ITS PROGRAMS," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 369-08) recommending that H.B. No. 2093, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2093, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representatives Souki and Ito, for the Committee on Transportation and the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 370-08) recommending that H.B. No. 2893, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committees be adopted, and that H.B. No. 2893, HD 1, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

The motion was put to vote by the Chair and carried, and the report of the Committees was adopted and H.B. No. 2893, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTRA-COUNTY FERRY SERVICE," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 371-08) recommending that H.B. No. 2626, pass Second Reading and be referred to the Committee on Tourism & Culture.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2626, entitled: "A BILL FOR AN ACT RELATING TO THE DESIGNATION OF THE HAWAIIAN MONK SEAL AS THE STATE MAMMAL OF HAWAII," passed Second Reading and was referred to the Committee on Tourism & Culture with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 372-08) recommending that H.B. No. 2625, as amended in HD 1, pass Second Reading and be referred to the Committee on Tourism & Culture.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2625, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DESIGNATION OF APRIL 19 AS "HAWAIIAN MONK SEAL DAY"," passed Second Reading and was referred to the Committee on Tourism & Culture with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 373-08) recommending that H.B. No. 2518, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2518, entitled: "A BILL FOR AN ACT RELATING TO LAND CONSERVATION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 374-08) recommending that H.B. No. 3345, pass Second Reading and be referred to the Committee on Finance.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 3345, pass Second Reading and be referred to the Committee on Finance, seconded by Representative B. Oshiro.

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

"Thank you, Mr. Speaker. On Standing Committee Report No. 374, this is House Bill 3345, which is relating to boating facilities at Keehi Lagoon. I'd like to cast a no-vote Mr. Speaker, and just brief comments. Mr. Speaker I think that the entity that should pay for that removal is the entity that is cancelling the lease with the company. Thank you."

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

"Yes on 374-08, with strong reservations and brief comments. A few years ago this matter came before this body and I really objected to it then. I'm willing to vote with strong reservations in hopes in that maybe I don't understand all the details of the deal.

"When we looked at this situation a few years back, this is a small recreational boat harbor and this particular boat repair shop is for tugboats and very large commercial boats. I know that at Honolulu Harbor the intent is to move all boat repair facilities out to Barber's Point, so it seemed like there was some competition and some advantage to allowing them to be at Keehi Lagoon. That didn't seem to fit into the greater master plan of what was supposed to go into the Lagoon. So I do have strong reservations.

"And the other thing about this is, they say it's going to improve land to try to attract tenants. I thought it was where we put it out to auction, at least that's been DLNR's past practices. Maybe the way to get the highest and best use and get more money would be to put it out to auction. So I just wonder if the deal's been cut and the agreement has been made before we put the State's tax dollars into the property."

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

"Thank you, Mr. Speaker. On that same measure, Stand. Com. Rep. No. 374, I have strong reservations. 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. 3345, entitled: "A BILL FOR AN ACT RELATING TO BOATING FACILITIES AT KEEHI LAGOON," passed Second Reading and was referred to the Committee on Finance with Representative Thielen voting no, and with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 375-08) recommending that H.B. No. 3173, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3173, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GROUNDED VESSELS," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 376-08) recommending that H.B. No. 3440, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3440, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISLAND OF NI'HAU," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 377-08) recommending that H.B. No. 2350, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

Representative Caldwell moved that the report of the Committee be adopted, and that H.B. No. 2350, HD 1, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative B. Oshiro.

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

"Mr. Speaker I rise in opposition to S.C.R. 377. Please cast a no-vote for me. There are three basic reasons for opposing this measure. First the language of the bill was wrong. It states that it was attempting to codify the common law concerning landowner liability. That is not correct, because instead this measure abrogates the common law that has existed in the State for at least the past 50 years.

"The second reason is that this measure will elevate the financial interests of large land owners over and above those of innocent bystanders and over basic concepts of public safety.

"Third, this measure will basically shift the burden when it comes to public safety concerns. One of the large land owners testified at a hearing and stated that if this measure passed it would basically shift the burden of maintaining its property to innocent bystanders and innocent neighbors. The example that was given in testimony was that if the landowner owned a ridgeline that contained a ten-ton boulder that was perched above a downslope neighbor or resident, that the landowner would not take any steps to correct that or to protect the downslope neighbor, but would instead invite that neighbor onto its ridgeline so that the neighbor could remove the ten-ton boulder, him or herself.

"This measure really flies in the face of basic principles of public safety, and I fear that it would be very difficult for us to explain this kind of drastic policy change to the public. Accordingly, I oppose this measure. Thank you."

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

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

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2350, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LANDOWNER LIABILITY FOR NATURAL CONDITIONS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Belatti, Berg and Saiki voting no, and with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 378-08) recommending that H.B. No. 3143, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3143, entitled: "A BILL FOR AN ACT RELATING TO PARENTAL PREFERENCES IN GOVERNMENT CONTRACTS, PROGRAMS, AND SERVICES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 379-08) recommending that H.B. No. 2845, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2845, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HOUSING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 380-08) recommending that H.B. No. 2731, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2731, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR KALANIHUIA ELDERLY HOUSING PROJECT," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 381-08) recommending that H.B. No. 3303, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3303, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE HAWAII COUNTY ECONOMIC OPPORTUNITY COUNCIL," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Shimabukuro, for the Committee on Human Services & Housing presented a report (Stand. Com. Rep. No. 382-08) recommending that H.B. No. 3134, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3134, HD 1, entitled: "A BILL FOR AN ACT RELATING TO WELL CHILD FOLLOW-UP VISITS," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representatives Shimabukuro and Green, for the Committee on Human Services & Housing and the Committee on Health presented a report (Stand. Com. Rep. No. 383-08) recommending that H.B. No. 3231, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 3231, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HUMAN SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 384-08) recommending that H.B. No. 2169, HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2169, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 385-08) recommending that H.B. No. 2385, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2385, entitled: "A BILL FOR AN ACT RELATING TO JURIES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 386-08) recommending that H.B. No. 2118, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2118, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TUBERCULOSIS," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 387-08) recommending that H.B. No. 2998, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2998, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEX OFFENDER REGISTRATION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 388-08) recommending that H.B. No. 3369, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3369, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR LEGAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 389-08) recommending that H.B. No. 3422, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3422, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SURCHARGE FOR INDIGENT LEGAL SERVICES," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 390-08) recommending that H.B. No. 3377, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3377, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY," was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Waters, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 391-08) recommending that H.B. No. 3226, HD 1, as amended in HD 2, be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 3226, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representatives Takumi and Sonson, for the Committee on Education and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 392-08) recommending that H.B. No. 2480, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and H.B. No. 2480, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TEACHERS," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 393-08) recommending that H.B. No. 2401, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2401, HD 1, entitled: "A BILL FOR AN ACT AUTHORIZING THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST OCEANLINX HAWAII LLC," passed Second Reading and was referred to the Committee on

Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 394-08) recommending that H.B. No. 2507, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and H.B. No. 2507, entitled: "A BILL FOR AN ACT RELATING TO GREENHOUSE GAS EMISSIONS REDUCTION," passed Second Reading and was referred to the Committee on Finance with Representatives Luke, Nakasone, M. Oshiro, Sonson and Takai being excused.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following concurrent resolutions (H.C.R. Nos. 73 through 76) were referred to Printing and further action was deferred:

H.C.R. No. 73, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING HAWAII'S CONGRESSIONAL DELEGATION TO RECOMMEND TO THE FEDERAL GOVERNMENT FUNDING REFORMS FOR HAWAII'S MEDICAID AND QUEST PROGRAMS," was offered by Representative Evans.

H.C.R. No. 74, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF DEFENSE TO DEVELOP A STRATEGIC PLAN, IN CONSULTATION WITH APPROPRIATE STATE AND COUNTY AGENCIES, TO INCREASE THE NUMBER OF LEVEL II SHELTERS AVAILABLE IN AN EMERGENCY TO INDIVIDUALS WITH LEVEL II DISABILITIES AND SPECIAL HEALTH NEEDS IN THE STATE," was offered by Representative Evans.

H.C.R. No. 75, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF AGRICULTURE TO ESTABLISH A WORKING GROUP TO EVALUATE HAWAII'S FOOD READINESS AND FOOD SECURITY IN RESPONSE TO NATURAL OR MAN-MADE DISASTERS," was offered by Representative Evans.

H.C.R. No. 76, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE NATURAL ENERGY LABORATORY OF HAWAII AUTHORITY TO DEVELOP A STRATEGY TO FULLY TRANSITION ITS FACILITY TO RENEWABLE ENERGY," was offered by Representative Evans.

ANNOUNCEMENT

Representative B. Oshiro: "Thank you, Mr. Speaker. I'd just like to remind our colleagues and the staff that today is the final day for people to purchase their 'lollipops of love'. It is a fundraiser that's going toward the Hawaii Foodbank. As of today we've sold approximately 950 of these and our goal was actually to sell 1,000. But it need not be a 'lollipop of love'. It can be for any other purpose such as lust or infatuation, or more likely it will be for appreciation.

"But just to let the Members know, we will be keeping an unofficial tally as to which Member gets the most amount of lollipops. So with that having been said, Rep. Nishimoto you need to buy more than just the one that you bought for yourself. Thank you."

Vice Speaker Chong: "At this time, the Chair would like to ask everyone to stand for a moment of silence for the loss of

Representative Marcus Oshiro and his family. If we could take a moment of silence to reflect and wish them well. Thank you."

At this time, the House of Representatives stood for a moment of silence in memory of the late Mr. Robert Oshiro.

ADJOURNMENT

At 12:51 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, February 14, 2008. (Representatives Herkes, Luke, Nakasone, M. Oshiro, Sonson and Takai were excused.)