

FIFTY-FOURTH DAY

Monday, April 21, 2008

The House of Representatives of the Twenty-Fourth Legislature of the State of Hawaii, Regular Session of 2008, convened at 12:06 o'clock p.m., with Vice Speaker Chong presiding.

The invocation was delivered by Representative Robert N. Herkes, after which the Roll was called showing all members present with the exception of Representatives Nakasone, M. Oshiro and Takamine, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. No. 310 through 312) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 310, informing the House that on April 18, 2008, the following bill was signed into law:

S.B. No. 3105, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC AGENCY MEETINGS." (ACT 020)

Gov. Msg. No. 311, informing the House that on April 18, 2008, the following bill was signed into law:

H.B. No. 3106, entitled: "A BILL FOR AN ACT RELATING TO GRADUATES OF FOREIGN ACUPUNCTURE PROGRAMS." (ACT 021)

Gov. Msg. No. 312, informing the House that on April 18, 2008, the following bill was signed into law:

S.B. No. 2258, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE WIRELESS ENHANCED 911 BOARD." (ACT 022)

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 684 through 692) were received and announced by the Clerk:

Sen. Com. No. 684, transmitting H.C.R. No. 265, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXPLORE THE FEASIBILITY OF AND TO DEVELOP A PLAN THEREFOR RELOCATING THE KAPAA PUBLIC LIBRARY," which was adopted by the Senate on April 18, 2008.

Sen. Com. No. 685, transmitting H.C.R. No. 276, H.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII SCHOOL OF SOCIAL WORK DEDICATE ITS SCHOOL IN HONOR OF MYRON "PINKY" THOMPSON, BY CHANGING ITS NAME TO THE "MYRON THOMPSON SCHOOL OF SOCIAL WORK"," which was adopted by the Senate on April 18, 2008.

Sen. Com. No. 686, transmitting H.C.R. No. 116, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AGRICULTURAL DIAGNOSTIC SERVICE CENTER, IN CONSULTATION WITH OTHER PUBLIC AND PRIVATE ENTITIES, TO CONDUCT A SURVEY OF THE INFORMATION NEEDS OF HAWAII'S AGRICULTURAL INDUSTRY, AND ASSESS WHETHER THE HAWAII AGRICULTURE INFORMATION CENTER CAN MEET

THOSE NEEDS," which was adopted by the Senate on April 18, 2008.

Sen. Com. No. 687, transmitting H.C.R. No. 147, H.D. 1, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE INSTALLATION AND USE OF SMOKE DETECTORS IN EVERY HAWAII HOME BY 2010," which was adopted by the Senate on April 18, 2008.

Sen. Com. No. 688, transmitting H.C.R. No. 312, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO EXTEND ITS LAND LEASE WITH THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION TO CONTINUE TO OPERATE THE MANOA INNOVATION CENTER," which was adopted by the Senate on April 18, 2008.

Sen. Com. No. 689, transmitting H.C.R. No. 347, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO PROCEED EXPEDITIOUSLY WITH THE ADOPTION OF RULES TO REGULATE THE ORNAMENTAL REEF FISHERY INDUSTRY IN SOUTH MAUI AND KANEOHE BAY," which was adopted by the Senate on April 18, 2008.

Sen. Com. No. 690, dated April 18, 2008, informing the House that the Senate has disagreed to the amendments proposed by the House to the following Senate Concurrent Resolution:

S.C.R. No. 52, HD 2 "REQUESTING THE DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT, AND TOURISM TO WORK WITH THE SECRETARY OF HOMELAND SECURITY TO EXPAND THE VISA WAIVER PROGRAM TO INCLUDE TAIWAN."

Sen. Com. No. 691, dated April 18, 2008, informing the House that the Senate has, on April 17, 2008, reconsidered its action taken on April 4, 2008, 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. 2159, HD 1 "RELATING TO PROFESSIONS."

Sen. Com. No. 692, dated April 18, 2008, informing the House that the Senate has made the following changes to Senate Conferee assignments for the following bills:

H.B. No. 2261, HD 2, SD 1 Senator Hooser discharged as Co-Chair. Senator Menor discharged as conferee; Added as Co-Chair.

H.B. No. 2505, HD 2, SD 2 Senator Hooser discharged as Chair; Added as conferee. Senator Menor discharged as conferee; Added as Chair.

H.B. No. 2507, HD 1, SD 2 Senator Hooser discharged as Chair; Added as conferee. Senator Menor discharged as conferee; Added as Chair.

H.B. No. 2550, HD 2, SD 2 Senator Hooser discharged as Chair; Added as conferee. Senator Menor discharged as conferee; Added as Chair.

office of governor or lieutenant governor because of the current arbitrary age restriction of thirty years.

While there are many successful entrepreneurs, military leaders, and elected officials who are under the age of thirty, young people are generally more disillusioned with government, and feel they are excluded and are not a part of the process. Lowering the age to twenty-five for Hawaii's top elected officials will inspire young people, who will realize the door is open and the opportunity is there for them to represent our state as governor or lieutenant governor.

The legislature further finds that a twenty-five year old, according to the United States Constitution, is qualified to run for and be elected to Congress, and therefore has the power to declare war, sending hundreds of thousands of American sons and daughters into combat, risking their lives. Thousands of Hawaii soldiers of all ages recently returned from Iraq, and many of these returning veterans are young people who feel inspired from the experience to serve Hawaii in a leadership position.

The purpose of this Act is to propose an amendment to article V, section 1, of the Constitution of the State of Hawaii to reduce the age qualification for the office of governor from thirty years to twenty-five years. This amendment will also reduce the age for the lieutenant governor, as the qualifications are the same for both offices, as stated in article V, section 2.

SECTION 2. Article V, section 1, of the Constitution of the State of Hawaii is amended to read as follows:

**"THE EXECUTIVE
ESTABLISHMENT OF THE EXECUTIVE**

Section 1. The executive power of the State shall be vested in a governor. The governor shall be elected by the qualified voters of this State at a general election. The person receiving the highest number of votes shall be the governor. In case of a tie vote, the selection of the governor shall be determined as provided by law.

The term of office of the governor shall begin at noon on the first Monday in December next following the governor's election and end at noon on the first Monday in December, four years thereafter.

No person shall be elected to the office of governor for more than two consecutive full terms.

No person shall be eligible for the office of governor unless the person shall be a qualified voter, have attained the age of ~~thirty~~ twenty-five years and have been a resident of this State for five years immediately preceding the person's election.

The governor shall not hold any other office or employment of profit under the State or the United States during the governor's term of office."

SECTION 3. The question to be printed on the ballot shall be as follows:

"Shall the age qualification for the office of governor and office of lieutenant governor be reduced from thirty years of age to twenty-five years of age?"

SECTION 4. Constitutional material to be repealed is bracketed and stricken. New constitutional material is underscored.

SECTION 5. This amendment shall take effect upon compliance with article XVII, section 3, of the Constitution of the State of Hawaii.

At 12:16 o'clock p.m., the Chair noted that S.B. No. 966 passed Third Reading.

STANDING COMMITTEE REPORTS

Representatives Evans and Sonson, for the Committee on Public Safety & Military Affairs and the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1929-08) recommending that S.C.R. No. 102, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 102, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENTS OF PUBLIC SAFETY AND HUMAN RESOURCES DEVELOPMENT TO INCREASE THE SALARIES AND IMPROVE THE BENEFITS THAT ARE PROVIDED TO DEPUTY SHERIFFS," was adopted, with Representative Nakasone being excused.

Representative Evans, for the Committee on Public Safety & Military Affairs presented a report (Stand. Com. Rep. No. 1930-08) recommending that S.C.R. No. 125, SD 1, be adopted.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 125, SD 1, be adopted, seconded by Representative B. Oshiro.

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

"Mr. Speaker, on Stand. Com. 1930-08, while I appreciate the body moving this Resolution forward, I share the same concerns as the Department of Public Safety. So I will vote with reservations."

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

"I'm voting in opposition. I've had unfortunate life experiences to know many victims, either friends or family members. And seeing all the things they go through with the court system, I can attest from their life experiences that it's very hard to get a conviction for various different crimes from petty theft, stealing of a car, assault, and actual murder. And I just simply, because of that experience, cannot support anything that would allow any prisoner to get out early, because from these experiences, it's hard just to get a conviction."

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

"Mr. Speaker, I wish to speak in favor. I just want to advise the Members that this is merely to request that they should look into the possibility. It's not final. We're just going to look into the possibility of a reduction in sentences. Thank you, very much."

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

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

"Thank you, Mr. Speaker. I rise in support. When this Resolution came about from a visit to eastern Kentucky where we have 600 women prisoners there, 400 are Kentuckian and about 200 are from Hawaii. Kentucky has an early earned-time program and the warden and I had a discussion about it. I think people need to understand that this is for non-violent, possibly drug-related programs, people that are non-violent, that if they work their program and they show good behavior.

"For example, let's say you're in for 10 years. If you work your drug treatment programs, you get involved in the work lines, you never get in trouble, you never get locked down, you never talk back, you're like a good citizen for example, it's like your good behavior gives you 'earned time', as they call it. It's used in some other states.

I'm not saying it's perfect, but I think it's something we need to explore because we need to teach people good behavior patterns.

"There are consequences in prison right now. If you act badly, they have what they call the Adjustment Committee. If you act badly, you get put in lockdown. Then, if you go before the Hawaii Parole Authority and they say you acted badly, basically your sentence can be extended. So if you act badly there is a consequence.

"This is about if you act well then there is also a consequence. So it's trying to encourage people to have good behavior, and set goals, and become good citizens. So I think it's worthy of us having a study, and look at what other States do, and if it works, or if it doesn't work. Thank you."

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

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

"I rise in strong support, Mr. Speaker. I'm a taxpayer."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in support with reservations on this Resolution.

"This resolution is requesting the Department of Public Safety to research and study early parole eligibility programs that reduce the minimum period of time that Hawaii inmates must wait to become eligible for parole. Mr. Speaker, I do not think this bill is necessary. The women's prison in Kentucky already has an early eligibility parole program. I am also concerned that the Resolution, as written, may also lead to prisoners who have committed murder or violent crimes being released early.

"I believe in positive incentives and that is what early eligibility for parole would be, but I don't think a prisoner simply doing what is required should be given brownie points. They should be spending time doing extra services to gain extra points. Mahalo."

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

Representative Finnegan's written remarks are as follows:

"Thank you, Mr. Speaker. I rise in support with reservations on S.C.R. 125 which requests the Department of Public Safety to research and study early parole eligibility programs that reduce the minimum period of time that Hawaii inmates must wait to become eligible for parole.

"I believe it is important for us to look at the big picture when addressing the issue of housing prisoners. Housing prisoners has been a challenging responsibility with increasing expenses that we have not been able to fund.

"In order to get a handle on our spending in the area, we need to stop the revolving door of our prison system. Rehabilitating a prisoner and in some cases instilling hope will be one of the few ways to make a dent in this population. I would like to reiterate that I feel strongly about prisoners fulfilling the terms of their sentences, but remain hopeful and open that there is a better solution than what is currently in place.

"There are other ways to incentivize or motivate a prisoner. The early release program described in this bill opens up Public Safety

and our State taxpayers to increased costs and liability. There is a system in place for Public Safety to address this through the parole board. In order to make it work, Public Safety needs to change their way of thinking. Thank you, Mr. Speaker."

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

"Just a few words in support. I attended the hearing on this particular Resolution. I was really impressed by the testimony that I heard from inmates, or former inmates. They have a view that needs some clarification, I think, for this body. To understand what's before us, we have to go beyond the fact that they're already there. We're not asking why they're there, for what reason, etc. It is at a point where we say now that they are there, so what now?"

"What this Resolution is saying that we can leave it as is, and all you have is a punishing or a punitive kind of policy, which means that if you do something bad, you get punished. There is no other side. There's no policy of incentives to see if we can change to their behavior. The inmate was very clear that people hang around, tattoo themselves, and join gangs. He pointed to the fact that Hawaii inmates when they were here in Hawaii, they were kept busy by visits by their families and they had some hope of at least seeing their children the next Saturday or next visiting day. They looked forward to that and they behaved properly.

"This is not the behavior where they pick a fight or anything, but behavior training encourages that they attend classes. They become more productive. They look at ways how they can be productive in the program and where they can work outside in the community. They can learn a trade. They can learn some way to make a living when they are out. This Resolution will take a look at ways to incentivize people that are incarcerated to see whether or not they can make them behave in a certain way to be more productive, not just while they're in prison, but looking at their future when they are released back into our community.

"And make no mistake about it Members, they will be out. And if they are out because they joined a program such as this, they need to go to class to become a carpenter, to be an electrician, or some trade where they can be productive. Otherwise they will be back in prison if we don't incentivize that kind of behavior. So let's face it, we have a problem and it's getting bigger. We might as well find ways to incentivize individuals who may or may not do it otherwise. So please support this measure going forward. Thank you, Mr. Speaker."

Representative Pine rose to respond, stating:

"Just in rebuttal. No where in this piece of legislation does it say nonviolent crimes. It's for everything, including someone who murdered someone. Even in the testimony it talked about the possibilities, but this leaves it wide open. When a victim hears things like we should do more for prisoners, be nice to them, give them things to make them act nicer, it's really hard for victims to understand that language when they themselves were treated so horribly.

"Why don't we require them to go to classes? If they're not in classes then we should say, why not. They should be in classes. They should be required to go to classes. They should be required to go to anger management classes. They should be required to learn how to be nice when they get out of prison. And it should be very well known that they'll just go back to prison if they come back into our society and don't change. So our kindness toward prisoners is so insulting to the victims and their families."

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

"Thank you, Mr. Speaker. I rise in support with strong reservations on Standing Committee Report 1930-08. First of all, I want to thank the Chair for passing out this measure, and to the Speaker Emeritus,

as well as the Representative from Mililani regarding their comments in Committee with respect to the fact that this is a study. A study that is probably overdue.

"For me personally though, as we sat in the Committee for Public Safety and Military Affairs, I found two pieces of testimony that were extremely compelling, which in essence guided me in terms of voting with reservations on this measure.

"First and foremost, there was testimony from the Prosecuting Attorney's Office making it very clear that should we go down this road, let's say that in the event the study shows that we give early parole eligibility requirements. In the event a prisoner feels that he earned good time and should be given credit, and for whatever reason it contradicts and that the authorities say it did not, then he could file a lawsuit. So that's always a big red flag for me, any time we're increasing litigation.

"Moreover there was testimony from Public Safety, which talked about this earned credit for good behavior, and my point here is that in my mind we're giving them credit for doing what they're supposed to be doing, which is following the rules in prison. And so for people to say there are consequences to not behaving well, the point is what we're doing is we're giving credit to people for doing what they're already required to do. And that is why I spoke with reservations against this measure. Thank you very much, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 125, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO RESEARCH AND STUDY EARLY PAROLE ELIGIBILITY PROGRAMS THAT REDUCE THE MINIMUM PERIOD OF TIME THAT HAWAII INMATES MUST WAIT TO BECOME ELIGIBLE FOR PAROLE," was adopted, with Representatives Ching, Pine and Thielen voting no, and with Representative Nakasone being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1931-08) recommending that S.C.R. No. 67, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 67, SD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE LEGISLATURE TO DECLARE SEPTEMBER AS LANGUAGE ACCESS MONTH AND REQUESTING THE OFFICE OF LANGUAGE ACCESS TO CONDUCT A FEASIBILITY STUDY ON ESTABLISHING A STATEWIDE CENTRALIZED LANGUAGE ACCESS RESOURCE CENTER," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1932-08) recommending that S.C.R. No. 33, SD 1, 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 S.C.R. No. 33, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE EXECUTIVE OFFICE ON AGING, THE DEPARTMENT OF HEALTH, THE DEPARTMENT OF HUMAN SERVICES, AND THE STATE HEALTH PLANNING AND DEVELOPMENT AGENCY TO CONTINUE THEIR WORK ON THE LONG TERM LIVING INITIATIVE," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1933-08) recommending that S.C.R. No. 72, SD 1, be adopted.

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

was adopted and S.C.R. No. 72, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF EDUCATION CONDUCT A FEASIBILITY STUDY TO EXAMINE VARIOUS IMPACTS OF A LONGER SCHOOL DAY AND INCREASING THE NUMBER OF DAYS IN THE SCHOOL YEAR ON KINDERGARTEN THROUGH GRADE TWELVE STUDENTS," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1934-08) recommending that S.C.R. No. 74, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 74, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A WORKING GROUP TO DEVELOP GUIDELINES TO REDUCE THE TRUANCY RATE IN THE PUBLIC SCHOOL SYSTEM," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1935-08) recommending that S.C.R. No. 83, SD 1, be adopted.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 83, SD 1, be adopted, seconded by Representative B. Oshiro.

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

Representative Har's written remarks are as follows:

"Mr. Speaker, I stand in support with reservations on SCR83, SD1.

"Mr. Speaker, this Resolution requests that a study be conducted by the Auditor to research the appropriate accountability structure for the Hawaii Teacher Standards Board. The Hawaii Teacher Standards Board (HTSB) was founded in 1995 and was given the job of licensing our public school teachers in July of 2002. Since its inception, the HTSB has been underfunded and understaffed which undoubtedly has impacted HTSB's ability to license teachers in timely fashion.

"To clarify, the HTSB staff of only seven is in charge of the licensing and relicensing of over 13,000 public school teachers, assisting out of State teachers with becoming licensed, all the while helping the entire teaching community to become National Board Certified. The HTSB has acknowledged that it has faced challenges including not being able to fill staff vacancies in an efficient manner, yet has taken measures to effectively improve upon the board's overall mission to help provide students in Hawaii with qualified teachers.

"The HTSB was proactive and recently contracted out a client relations survey to identify its effectiveness as a body and improve upon its current operations. The HTSB is also preparing a budget and activities to address survey findings and plans to continue administering the survey in order to stay current on client relations. The actions being taken by the HTSB will surely help to improve its value as a regulatory body for setting standards within which the greater teaching community must adhere to. Accordingly, I stand in support with reservations of this measure. Thank you, Mr. Speaker."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 83, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A STUDY ON THE APPROPRIATE ACCOUNTABILITY STRUCTURE FOR THE HAWAII

TEACHER STANDARDS BOARD," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1936-08) recommending that S.C.R. No. 94, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 94, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNIVERSITY OF HAWAII TO BEGIN REBUILDING THE SCHOOL OF PUBLIC HEALTH BY 2012," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1937-08) recommending that S.C.R. No. 111, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 111, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PREPARE CURRICULAR MATERIALS THAT REFLECT THE HAWAII STANDARDS TO ASSIST A TEACHER WHO HAS TO TEMPORARILY TEACH IN AN AREA WHERE THE TEACHER IS NOT HIGHLY QUALIFIED," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1938-08) recommending that S.C.R. No. 114, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 114, SD 1, entitled: "SENATE CONCURRENT RESOLUTION CREATING AN ADVISORY GROUP TO RE-ENGINEER THE DEPARTMENT OF EDUCATION'S OFFICE OF HUMAN RESOURCES," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1939-08) recommending that S.C.R. No. 115, SD 1, HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 115, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO CONVENE A PILOT PROJECT TO ALLOW A SCHOOL COMPLEX TO IDENTIFY CRITICAL DEPARTMENT RULES AND POLICIES THAT IMPEDE EFFECTIVE DECISION-MAKING, ADMINISTERING, AND TEACHING AND TO OPERATE FREE OF THOSE RULES AND POLICIES," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1940-08) recommending that S.C.R. No. 118, SD 1, HD 1, be adopted.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 118, SD 1, HD 1, be adopted, seconded by Representative B. Oshiro.

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.C.R. No. 118, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION IMPROVING THE COMMUNITY'S UNDERSTANDING OF THE

DEPARTMENT OF EDUCATION'S PROGRAMS AND SCHOOL EXPENSES INCLUDING A COMPARISON WITH OTHER STATES ON ADEQUACY OF FUNDS," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1941-08) recommending that S.C.R. No. 120, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 120, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE UNIVERSITY OF HAWAII AND THE DEPARTMENT OF EDUCATION TO DEVELOP, OFFER, AND EXPAND PHILIPPINE LANGUAGE COURSES," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1942-08) recommending that S.C.R. No. 134, SD 2, HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 134, SD 2, HD 1, entitled: "SENATE CONCURRENT RESOLUTION URGING THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HEALTH TO "BUY LOCAL" AND TO IMPLEMENT AND DEVELOP FOOD WARE AND FOOD WASTE RECYCLING PROGRAMS TO ENCOURAGE SUSTAINABILITY," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1943-08) recommending that S.C.R. No. 180, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 180, entitled: "SENATE CONCURRENT RESOLUTION OFFERING SUPPORT TO THE UNIVERSITY OF HAWAII IN ITS EFFORTS TO ENHANCE AND DIVERSIFY ITS SOURCES OF REVENUE AND MAXIMIZE USE OF ITS FACILITIES," was adopted, with Representative Nakasone being excused.

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1944-08) recommending that S.C.R. No. 158, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 158, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO PURSUE A FINANCING AGREEMENT FOR THE CONSTRUCTION OF THE NEW KIHAI HIGH SCHOOL ON MAUI AND TO CONSIDER A DESIGN-BUILD APPROACH FOR THE SCHOOL," was adopted, with Representative Nakasone being excused.

Representative Sonson, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 1945-08) recommending that S.C.R. No. 222, be adopted.

Representative Caldwell moved that the report of the Committee be adopted, and that S.C.R. No. 222, be adopted, seconded by Representative B. Oshiro.

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

"I rise in opposition to Stand Com. No. 1945 which is a study with the view to give incentive to grow government, Mr. Speaker. I think it's unnecessary to have something to convert these from temporary

into permanent civil service positions, even though it does say paraprofessionals and clerical.

"I think government, governors, and department heads need the flexibility to grow and shrink. That's how economies adjust to different things. Governments need to adjust in the same way. Even Japan that only had an economy that went up, actually now has layoffs. There's no permanent security in the Japanese government.

"I think we've got our examples. When we pass the bill for say, a Bottle Bill and suddenly, we don't need all the employees to count all the money in the Department of Health. I don't think we should have these people locked in forever.

"And I guess the most common example are for those of us who have station wagons, particularly old Volvos. If you're in Kauai or Hawaii Kai, sometimes we have a very heavy load we put the seats down, we load it up. And when the load is lighter we put the seats back up and we have people rather than cargo. I think government has to be under the same principle. We don't want to overload government with employees, and we don't want to have too few. So I think what this does is encourage it to load up, keep your seats down, keep the back of your station wagon full. I don't think that's the right way to run a railroad. Thank you."

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

Representative Meyer's written remarks are as follows:

"Mr. Speaker, I rise in opposition to this Resolution.

"This resolution is requesting State departments to convert exempt employees to civil service in accordance with Act 253, Session Laws of Hawaii 2000, and Act 300, Session Laws of Hawaii 2006.

"Senate Concurrent Resolution 222 is asking State departments to limit their flexibility in hiring new qualified staff. It is not always in the State's best interest to convert exempt employees to civil service positions. We must give our departments the flexibility they need to function efficiently. Sometimes it may be more beneficial for a State department to hire an exempt employee than hire for a civil service position due to the nature of the work the employee will be assigned to do. Each department needs to be able to expand and condense as necessary because circumstances change over the years. And for those reason, I will be voting no on this measure. Mahalo."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and S.C.R. No. 222, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING STATE DEPARTMENTS TO CONVERT EXEMPT EMPLOYEES TO CIVIL SERVICE IN ACCORDANCE WITH ACT 253, SESSION LAWS OF HAWAII 2000, AND ACT 300, SESSION LAWS OF HAWAII 2006," was adopted, with Representatives Ching, Finnegan, Meyer and Ward voting no, and with Representative Nakasone being excused.

Representatives Ito and Morita, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 1946-08) recommending that S.C.R. No. 77, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 77, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE PRESIDENT

OF THE UNITED STATES TO PROCLAIM JUNE 8TH OF EVERY YEAR AS WORLD OCEAN DAY," was adopted, with Representative Nakasone being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1947-08) recommending that S.C.R. No. 4, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 4, entitled: "SENATE CONCURRENT RESOLUTION AUTHORIZING THE ISSUANCE OF NON-EXCLUSIVE EASEMENT COVERING PORTION OF STATE SUBMERGED LANDS AT LAHAINA, MAUI, FOR MAINTENANCE AND REPAIR OF EXISTING CONCRETE PILLARS AND IMPROVEMENTS PURPOSES," was adopted, with Representative Nakasone being excused.

Representative Ito, for the Committee on Water, Land, Ocean Resources & Hawaiian Affairs presented a report (Stand. Com. Rep. No. 1948-08) recommending that S.C.R. No. 210, 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 S.C.R. No. 210, HD 1, entitled: "SENATE CONCURRENT RESOLUTION APPROVING THE ACTION OF THE BOARD OF LAND AND NATURAL RESOURCES RELATING TO A LAND EXCHANGE," was adopted, with Representative Nakasone being excused.

Representative Green, for the Committee on Health presented a report (Stand. Com. Rep. No. 1949-08) recommending that S.C.R. No. 88, SD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committee was adopted and S.C.R. No. 88, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO DEVELOP A PROTOTYPE MODEL OR GUIDELINES FOR SCHOOLS, COMMUNITY GROUPS. OR VOLUNTEER ORGANIZATIONS TO FOLLOW WHEN INSTALLING OR CREATING SHADED PLAY AREAS AT PUBLIC SCHOOLS," was adopted, with Representative Nakasone 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. 1950-08) recommending that S.C.R. No. 124, SD 1, as amended in HD 1, be adopted.

On motion by Representative Caldwell, seconded by Representative B. Oshiro and carried, the report of the Committees was adopted and S.C.R. No. 124, SD 1, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE AUDITOR TO CONDUCT A FINANCIAL AND MANAGEMENT AUDIT OF THE DEPARTMENT OF HUMAN SERVICES MEDICAID-SPONSORED PROGRAMS," was adopted, with Representative Nakasone being excused.

At this time, the Chair announced:

"Members, on April 14, 2008, the Senate President and the Speaker of the House signed a memorandum authorizing the Senate Clerk and the House Clerk to process, transmit and receive, S.B. No. 69. The memorandum states, in pertinent part:

Please be advised that we have authorized an exception to the 2008 Legislative Timetable agreed upon and dated December 27, 2007.

The provision of continued quality healthcare insurance coverage for children, whose parent(s) or guardian(s) have been adversely

affected by the filing of bankruptcy by one of the State's local inter-island carriers is of importance to the people of the State of Hawaii.

"So Members, please note the 48-hour notice for Stand. Com. Rep. No. 1951-08."

Representative M. Oshiro, for the Committee on Finance presented a report (Stand. Com. Rep. No. 1951-08) recommending that S.B. No. 69, SD 2, HD 2, as amended in HD 3, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 1951-08 on S.B. No. 69, SD 2, HD 3 was deferred and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of S.B. No. 69, SD 2, HD 3, were made available to the members of the House.

CONFERENCE COMMITTEE REPORTS

Representative Waters, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2400, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 1-08) recommending that S.B. No. 2400, 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. 1-08 and S.B. No. 2400, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO DECRIMINALIZATION OF MINOR OFFENSES PURSUANT TO ACT 124, SESSION LAWS OF HAWAII 2005," was deferred for a period of 48 hours.

Representative B. Oshiro, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2784, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 2-08) recommending that S.B. No. 2784, 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. 2-08 and S.B. No. 2784, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE POWER OF ARREST," 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 Nakasone 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 Nakasone was excused.)

H.B. No. 2085, HD 1, SD 2
H.B. No. 2238, HD 1, SD 1
H.B. No. 2460, SD 1
H.B. No. 2675, HD 2, SD 1
H.B. No. 2698, HD 3, SD 1
H.B. No. 2894, SD 1

At 12:32 o'clock p.m., Representative Caldwell requested a recess and the Chair declared a recess subject to the call of the Chair.

The House of Representatives reconvened at 12:33 o'clock p.m.

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 Resolution, seconded by Representative B. Oshiro and carried. (Representative Nakasone was excused.)

H.C.R. No. 114, (SD 1)

FINAL ADOPTION

The following House Concurrent Resolution was taken from the Clerk's desk and the following action taken:

H.C.R. No. 114, 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. 114, and H.C.R. No. 114, S.D. 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CIVIL DEFENSE DIVISION OF THE DEPARTMENT OF DEFENSE TO CONDUCT A STUDY TO DETERMINE THE FEASIBILITY OF ALLOWING THE FACILITIES AT LUALUALEI, WHICH ARE OWNED BY THE UNITED STATES NAVY, TO BE USED AS AN EMERGENCY SHELTER FOR CIVILIANS," was Adopted, with Representative Nakasone being excused.

ANNOUNCEMENTS

Representative Herkes: "Thank you, Mr. Speaker. Please note that on page A of the Order of the Day, Conference Committee meetings, on House Bill 2408, the House has no Conferees. Thank you."

Representative Magaoy: "Thank you, Mr. Speaker. Members I invite all of you to our Rally of Life at 1:00 in the Rotunda. We have our speaker, Congressman Abercrombie. It's 1:00. I know a lot of you are busy, but if you could attend. Hopefully it'll take about a half hour, and I ask that all the Members of the Filipino Caucus to please attend as you will be recognized also. Thank you."

ADJOURNMENT

At 12:35 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, Tuesday, April 22, 2008. (Representative Nakasone was excused.)

HOUSE COMMUNICATIONS

House Communication dated April 21, 2008, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 3, 2008, and gives notice of intent to agree for the following House Bill:

H.B. No. 2460, SD 1

House Communication dated April 21, 2008, 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 reconsidered its action taken in disagreeing to

the amendments made by the Senate, on April 8, 2008, and gives notice of intent to agree for the following House Bill:

H.B. No. 2675, HD 2, SD 1

House Communication dated April 21, 2008, 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 reconsidered its action taken in disagreeing to the amendments made by the Senate, on April 10, 2008, and gives notice of intent to agree for the following House Bills:

H.B. No. 2085, HD 1, SD 2

H.B. No. 2238, HD 1, SD 1

H.B. No. 2698, HD 3, SD 1

H.B. No. 2894, SD 1

House Communication dated April 21, 2008, 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 House Concurrent Resolution No. 114, SD 1.