

TWELFTH DAY

Monday, February 9, 2009

The House of Representatives of the Twenty-Fifth Legislature of the State of Hawaii, Regular Session of 2009, convened at 12:06 o'clock p.m., with Vice Speaker Magaoy presiding.

The invocation was delivered by Pastor Peter Kamakawiwoole of Kalihi Union Church, after which the Roll was called showing all Members present with the exception of Representatives Carroll, Chang and Takai, who were excused.

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

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 239 and 240) were received and announced by the Clerk and were placed on file:

Gov. Msg. No. 239, dated February 2, 2009, transmitting the Hawaii Housing Finance & Development Corporation 2008 Annual Report.

Gov. Msg. No. 240, dated February 6, 2009, transmitting the Annual Report as required by Act 100, Session Laws of Hawaii 1999.

DEPARTMENTAL COMMUNICATION

The following departmental communication (Dept. Com. No. 55) was received by the Clerk and was placed on file:

Dept. Com. No. 55, dated February 6, 2009, from Patricia Hamamoto, Superintendent, State of Hawaii Department of Education, transmitting the 2008 Superintendent's Nineteenth Annual Report, providing summary information and accomplishments on Hawaii's public education system for the school year 2007-2008.

INTRODUCTION

The following introduction was made to the Members of the House:

Representative Mizuno introduced students, teachers, parents and members of the Christian Homeschoolers of Hawaii: Pastor Peter Kamakawiwoole, Vice-President and his wife, Mrs. Rhonda Kamakawiwoole; and Mrs. Lora Burbage, board member.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

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

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
242	Committee on Agriculture, then to the Committee on Finance
268	Committee on Judiciary, then to the Committee on Finance
269	Committee on Judiciary, then to the Committee on Finance
452, HD1	Committee on Economic Revitalization, Business, & Military Affairs, then to the Committee on Finance
663	Committee on Agriculture, then to the Committee on Finance
694	Committee on Finance

901 Committee on Hawaiian Affairs, then jointly to the Committee on Water, Land, & Ocean Resources and the Committee on Judiciary, then to the Committee on Finance

1231 Committee on Finance

STANDING COMMITTEE REPORTS

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 78) recommending that H.B. No. 272, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 272, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII REGISTERED AGENTS ACT," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Chang and Takai being excused.

Representative Mizuno, for the Committee on Human Services presented a report (Stand. Com. Rep. No. 79) recommending that H.B. No. 155, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 155, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INFANT AND TODDLER CHILD CARE CENTERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representative Karamatsu, for the Committee on Judiciary presented a report (Stand. Com. Rep. No. 80) recommending that H.B. No. 625, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 625, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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 of interest. At the Legal Aid Society, I am a Board director and they are one of the potential recipients under this bill," and the Chair ruled, "no conflict."

Representative Keith-Agaran rose to disclose a potential conflict of interest, stating:

"I also would like to get a ruling on a potential conflict. I do practice law and I would be one of the people who would be filing lawsuits and being charged an additional surcharge under Standing Committee Report No. 80," and the Chair ruled, "no conflict."

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

"Mr. Speaker, I also would like to declare a potential conflict. I work for the Legal Aid Society of Hawaii in Waianae," and the Chair ruled, "no conflict."

The motion was out to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 625, 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 Carroll, Chang and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 81) recommending that H.B. No. 472, as amended in HD 1, pass Second Reading and be referred to the Committee on Transportation.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 472, HD 1, pass Second Reading and be referred to the Committee on Transportation, seconded by Representative Evans.

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

"Mr. Speaker, I would like to get a ruling on Stand. Com. Rep. No. 81, regarding the veterans, and I also want to give a few comments in support. I'm also a veteran, Mr. Speaker and I would like a ruling on a potential conflict," and the Chair ruled, "no conflict."

Representative Cabanilla continued, stating:

"Last Session, Mr. Speaker, we passed a bill that would exempt the Reservists and National Guard members from this weight tax, and as a result of that, the veterans want this same provision. I feel that it's also fair for them to have it. That's my statement in support for this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 472, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE VEHICLE WEIGHT TAX," passed Second Reading and was referred to the Committee on Transportation with Representatives Carroll, Chang and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 82) recommending that H.B. No. 553, as amended in HD 1, pass Second Reading and be referred to the Committee on Health.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 553, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL ENTERPRISE ZONES," passed Second Reading and was referred to the Committee on Health with Representatives Carroll, Chang and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 83) recommending that H.B. No. 651, as amended in HD 1, pass Second Reading and be referred to the Committee on Consumer Protection & Commerce.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 651, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR," passed Second Reading and was referred to the Committee on Consumer Protection & Commerce with Representatives Carroll, Chang and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 84) recommending that H.B. No. 657, as amended in HD 1, pass Second Reading and be referred to the Committee on Higher Education.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 657, HD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERANS SCHOLARSHIP PROGRAM," passed Second Reading and was referred to the Committee on Higher Education with Representatives Carroll, Chang and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 85) recommending that H.B. No. 1603, as amended in

HD 1, pass Second Reading and be referred to the Committee on Legislative Management.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1603, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII'S ECONOMY," passed Second Reading and was referred to the Committee on Legislative Management with Representatives Carroll, Chang and Takai being excused.

Representative McKelvey, for the Committee on Economic Revitalization, Business, & Military Affairs presented a report (Stand. Com. Rep. No. 86) recommending that H.B. No. 1622, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1622, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SMALL BUSINESS REGULATORY REVIEW BOARD," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 87) recommending that H.B. No. 1057, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1057, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE OF HAWAII COLLEGE SAVINGS PROGRAM," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Chang and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 88) recommending that H.B. No. 1546, as amended in HD 1, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1546, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Chang and Takai being excused.

Representative Chang, for the Committee on Higher Education presented a report (Stand. Com. Rep. No. 89) recommending that H.B. No. 1617, pass Second Reading and be referred to the Committee on Finance.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1617, pass Second Reading and be referred to the Committee on Finance, seconded by Representative Evans.

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1617, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII AT HILO," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Chang and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 90) recommending that H.B. No. 628, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 628, entitled: "A BILL FOR AN ACT RELATING TO INTERGOVERNMENTAL MOVEMENTS," passed Second Reading and

was referred to the Committee on Finance with Representatives Carroll, Chang and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 91) recommending that H.B. No. 629, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 629, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR COMMISSION EMPLOYEES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representative Rhoads, for the Committee on Labor & Public Employment presented a report (Stand. Com. Rep. No. 92) recommending that H.B. No. 643, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 643, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representatives Hanohano and Morita, for the Committee on Public Safety and the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 93) recommending that H.B. No. 1051, pass Second Reading and be referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1051, entitled: "A BILL FOR AN ACT RELATING TO ENERGY EMERGENCY PREPAREDNESS," passed Second Reading and was referred jointly to the Committee on Consumer Protection & Commerce and the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representative Herkes, for the Committee on Consumer Protection & Commerce presented a report (Stand. Com. Rep. No. 94) recommending that H.B. No. 270, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 270, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY LICENSING ACT," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 95) recommending that H.B. No. 1031, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1031, entitled: "A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES," passed Second Reading and was referred to the Committee on Finance with Representatives Carroll, Chang and Takai being excused.

Representatives Herkes and Karamatsu, for the Committee on Consumer Protection & Commerce and the Committee on Judiciary presented a report (Stand. Com. Rep. No. 96) recommending that H.B. No. 311, pass Second Reading and be referred to the Committee on Finance.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 311, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR," passed

Second Reading and was referred to the Committee on Finance with Representatives Carroll, Chang and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 97) recommending that H.B. No. 62, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 62, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC COURT RECORDS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 98) recommending that H.B. No. 1168, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1168, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 99) recommending that H.B. No. 1518, pass Second Reading and be referred to the Committee on Judiciary.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1518, pass Second Reading and be referred to the Committee on Judiciary, seconded by Representative Evans.

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

"Mr. Speaker, I'm rising to speak against House Bill 1518, which is the motor vehicle towing-charge increase bill. Thank you. Mr. Speaker, this is Standing Committee Report No. 99. What this bill does, is it will now allow tow companies to pass on the General Excise Tax. At least on Oahu, that's 4.5 percent to anyone who has had a car towed. It's another way of increasing what people have to pay in the event that they are unfortunate enough to have a car towed away.

"Last Session, Mr. Speaker, I talked about some of the tow companies that were 'fishing', and they were going around and waiting for people to maybe leave their car briefly, run in to do something, and come back out. But they were not called to come and move their car. They were driving around to areas where they knew that they could nab one and pull it away.

"I don't like to keep encouraging those tow companies by increasing the money that they're going to be able to retain, and I believe I will hear back from the Chair of Transportation in rebuttal to what I'm saying. Thank you, Mr. Speaker."

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

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

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1518, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES," passed Second Reading and was referred to the Committee on Judiciary with Representatives Cabanilla and Thielen voting no, and with Representatives Carroll, Chang and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 100) recommending that H.B. No. 877, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No.

877, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DISPOSITION OF CRIMINAL OFFENDERS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representative Souki, for the Committee on Transportation presented a report (Stand. Com. Rep. No. 101) recommending that H.B. No. 983, pass Second Reading and be referred to the Committee on Education.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 983, pass Second Reading and be referred to the Committee on Education, seconded by Representative Evans.

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

"Mr. Speaker, on Stand. Com. Rep. No. 101, in support. I just wanted to say that I had recently received a letter from the Director of Health, Dr. Chiyomi Fukino, on behalf of the Hawaii Health Initiative. And in this letter, there is support for the recommendations made in this bill; particularly those for a state-wide travel mode evaluation, and many grants for schools, safe-routes to school workshops. And I would like permission to insert this letter into the record. Thank you," and the Chair "so ordered."

Representative M. Lee submitted the following letter from the Department of Health:

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

February 4, 2009

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

Enclosure

The Honorable Marilyn Lee
38th Representative District
Hawaii State Capitol, Room 421
415 South Beretania Street
Honolulu, HI 96813

Dear Representative Lee:

The Department of Health, Healthy Hawaii Initiative would like to thank you for your participation in the recent Policy Makers Breakfast. We hope that the presentation provided you with insightful information on the Healthy Hawaii Initiative and their efforts in the promotion of active living communities.

Knowing that policy changes can have the greatest population-based impact, three policy opportunities were highlighted during the presentation. The following is a summary of the recommendations discussed at the breakfast.

- **Adopt a Statewide Complete Streets Policy**
Complete streets provides an opportunity to plan and design for all modes of transportation i.e. vehicles, bikes, pedestrians and transit. Anytime a street is built, retrofitted, or repaired all modes of transportation would need to be accommodated. The adoption of a complete streets policy provides the opportunity for people of all ages and abilities to travel safely within the public right of way.
- A Complete Streets policy could contain the following recommendations:
 - o Tie receipt of state DOT funds to "completeness" – requiring projects to address all four modes of transportation
 - o Require accommodations for all modes (pedestrians, bicycles, transit and motor vehicles) all the time
 - o Determine a process for exemptions and provide a detailed description of those exemptions. Projects may, on occasion, be unable to accommodate all modes and considerations for this should be made.
 - o Identify topical areas for professional development of state, county, city, and private engineers and planners and provide funding to support the delivery of training
 - o Recognize and reward efforts to retrofit areas to accommodate all modes of travel

Representative Marilyn Lee
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- **Support Safe Routes to School Programs**
Safe Routes to School programs encourage and enable more children to safely walk and bike to school. National programs have provided increased opportunities for physical activity and have helped to alleviate traffic congestion and motor vehicle emissions around schools.

Safe Routes to School Policy Recommendations

- o Conduct a Statewide travel mode evaluation
 - Identify where children live, what travel mode they use, travel time and reason for their choice
- o Provide mini grants for school SRTS workshops
 - Train an in-state SRTS facilitation team
 - Provide small grants for school workshops (\$500 - \$1000) that encourage planning for the development of a SRTS program or application for SRTS funding

- **Modify/Create Laws & Zoning Ordinances that support Active Living**
Institutionalize the details of active living designs into the zoning, ordinances, subdivision rules and regulations and provide for mixed use developments.

Planning & Zoning Policy Recommendations

State level enabling legislation:

- o Draft explicit language requiring multiple modes of transportation (walk, bike, transit, vehicle)
- o Conduct transportation analyses & appropriate impact mitigation
- o Provide guidance and incentives for more mixed-use developments and protection of open space

To view the complete "Creating More Livable, Active, Healthy Communities" presentation, go to www.healthyhawaii.com, click on "Training" and then the "Presentation for Policy Makers".

Enclosed please find the 2009 Legislative Report summarizing the Healthy Hawaii Initiative's activities. The report provides information on HHI according to the subject areas listed in the survey.

We are excited about the positive response and willingness of Hawaii's elected officials to move forward with these policy ideas. We encourage you to please contact Lola Irvin, DOH, Healthy Hawaii Initiative, at 808-586-4481 or lola.irvin@doh.hawaii.gov if you would like more information or are interested working on these health related issues.

Sincerely,

Chiyome Leinaala Fukino, M.D.
Director of Health

Enclosure

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

"Yes, Mr. Speaker. If I may just add to the support for Stand. Com. Rep. No. 101. And just to say thanks to the Representative for taking the lead in really pushing the Safe Routes to School Program. It's something that has been five years in the making for Hawaii. We're behind the mainland. And there's \$5 million so far, racking up towards creating these programs, and has yet to be released.

"So, she's really taking a bold step in really finding a very creative way of getting these funds to the schools and to the communities to create these safe routes to schools so people are walking and biking at a very early age, and that becomes a lifetime thing. I'm really appreciative for the effort. In strong support."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 983, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION," passed Second Reading and was referred to the Committee on Education with Representatives Carroll, Chang and Takai being excused.

Representative Cabanilla, for the Committee on Housing presented a report (Stand. Com. Rep. No. 102) recommending that H.B. No. 1406, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committee was adopted and H.B. No. 1406, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COMMUNITY SERVICES AND THE STATE HOMELESS PROGRAMS," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representatives Morita and McKelvey, for the Committee on Energy & Environmental Protection and the Committee on Economic Revitalization,

Business, & Military Affairs presented a report (Stand. Com. Rep. No. 103) recommending that H.B. No. 1809, as amended in HD 1, pass Second Reading and be referred to the Committee on Judiciary.

On motion by Representative B. Oshiro, seconded by Representative Evans and carried, the report of the Committees was adopted and H.B. No. 1809, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RECYCLING," passed Second Reading and was referred to the Committee on Judiciary with Representatives Carroll, Chang and Takai being excused.

Representative Morita, for the Committee on Energy & Environmental Protection presented a report (Stand. Com. Rep. No. 104) recommending that H.B. No. 1271, as amended in HD 1, pass Second Reading and be referred to the Committee on Agriculture.

Representative B. Oshiro moved that the report of the Committee be adopted, and that H.B. No. 1271, HD 1, pass Second Reading and be referred to the Committee on Agriculture, seconded by Representative Evans.

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

"Thank you, Mr. Speaker. In opposition, and I appreciate the amendments that the Chair of the EEP has made, but the farm organization in Ka'u is very strongly against this bill."

The motion was put to vote by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1271, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GOVERNMENT," passed Second Reading and was referred to the Committee on Agriculture with Representative Herkes voting no, and with Representatives Carroll, Chang and Takai being excused.

ADJOURNMENT

At 12:22 o'clock p.m. on motion by Representative Evans, seconded by Representative Pine and carried, the House of Representatives adjourned until 12:00 o'clock noon tomorrow, Tuesday, February 10, 2009. (Representatives Carroll, Chang and Takai were excused.)