

TWENTY-FOURTH DAY

Tuesday, February 25, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:10 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Major Mervyn Morelock, Divisional Commander of the Salvation Army, after which the Roll was called showing all members present with the exception of Representatives Hemmings, Leong and Peters, who were excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twenty-First Days.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, reading of the Journals was dispensed with and the Journals of the Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twenty-First Days were approved.

The Chair directed the Clerk to note the presence of Representative Hemmings.

At this time, the following introductions were made to the members of the House:

Representative Shon introduced 25 students from Maryknoll High School. They were accompanied by their teacher, Miss Lianne Kimura.

Representative Crozier introduced two students from Ilima Intermediate School who are participating in the Legislative Awareness Program -- Tina Valenteer and Jennifer Scott.

Representative Oshiro introduced two students from Ilima Intermediate School who are participating in the Legislative Awareness Program -- Sandra Tupinio and Judy Baldonado.

Representative Pfeil introduced Mr. Carl Larsen, "my college roommate at Berkeley and now public defender in northern California, in the Federal Public Defenders' Office in Sacramento."

Representative Jones introduced two students from Niu Valley Intermediate School -- Luann Sue and Joelle Milner.

Representative Ikeda introduced two students from Niu Valley Intermediate School - Maryleece Hale and Cory Rosen.

Representative Shito introduced Councilwoman Donna Kim, a former colleague and vice chairperson of the Consumer Protection and Commerce Committee.

Representative Cachola introduced Mr. Ed. Wong, Mr. Joe Corpuz and Ben Cruz, members of the 1946 Statewide Committee for the Sakadas; and Consul Emelinda Pineda, a member of the Philippine Consulate.

Representative Okamura introduced Masako Ledward, former ConCon delegate and retired schoolteacher; and Momi Minn Lee, former State Representative and National Committeewoman for the Democratic Party, "two very active members of the Democratic Party who have contributed much to the community as well as the State."

Representative Kihano introduced Mr. Clem Keliikipi from Congressman Akaka's Honolulu office.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following House bills were re-referred as follows:

<u>H.B. Nos.</u>	<u>Re-referred to:</u>
1903-86	Committee on Consumer Protection and Commerce
2064-86	Committee on Finance
2146-86	Committee on Finance
2725-86	Jointly to the Committees on Human Services and Judiciary
2792-86	Committee on Finance

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of considering a certain resolution.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 95) con-

gratulating Dr. Joshua Aagsalud upon his appointment as Vice President for University Relations was jointly offered by Representatives Manegdeg, Cachola, Lardizabal, Bunda, Menor, Tungpalan, Graulty, Kihano, Andrews, Blair, Hagino, Hashimoto, Hirono, Honda, Levin, Nakata, Onouye, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tom and Yoshimura and was read by the Clerk.

On motion by Representative Manegdeg, seconded by Representative Cachola and carried, H.R. No. 95 was adopted.

Representative Manegdeg rose to introduce the honoree, stating:

"First, Mr. Speaker, I am very honored to be a part of this presentation this morning to honor a very distinguished and very humble man.

"Our honoree this morning, Mr. Speaker, attended August Ahrens Elementary School and graduated from Waipahu High School in 1951. In 1955, he received his Bachelor of Education, and also received in 1961 his fifth year teaching diploma, and Master of Education in 1965, all from the University of Hawaii. In 1972, he received his Doctorate in Education from Wayne State University.

"The honoree, Mr. Speaker, started his teaching career at Waimanalo Elementary and Intermediate School. He transferred to Leilehua High School and later became the registrar of that school. He was elevated to Vice Principal in 1963-64 at Farrington High School, and also acting Principal in 1964-65. He was Principal at Kaimuki High School in 1967-70, and also in 1972-74, he was a Principal at Kalani High School. He was also a lecturer in education at the University of Hawaii in 1960-61. In early 1974, Mr. Speaker, he was appointed Deputy District Superintendent, Windward School District, and in December of 1974, he became a member of the Governor's cabinet and Director of the Department of Labor and Industrial Relations. During his eleven years as a Director of Labor, he delivered many speeches and addressed many seminars here in Hawaii and also on the mainland pertaining to employment and government.

"On February 10th, Mr. Speaker, 1986, President Simone of the University of Hawaii, appointed Dr. Aagsalud as a Vice President for

University Relations with the approval, of course, of the Board of Regents. From that date on, he became the Vice President of the University of Hawaii.

"At this time, Mr. Speaker, I would like to extend my congratulations to Dr. Aagsalud in his new position. I know that he will serve the University of Hawaii and the State well."

Representative Manegdeg then presented Dr. Joshua Aagsalud to the members of the House and audience. Accompanying Dr. Aagsalud were his gracious wife, Faye Aagsalud; Mrs. Gladys Brandt, chairwoman of the Board of Regents; and Mr. Robert Gilkey, the new Director of the Department of Labor and Industrial Relations.

Representative Manegdeg then asked friends and "admirers" of Dr. Aagsalud who were seated in the gallery to stand and be recognized.

Carnation leis were presented to Dr. Aagsalud by Representative Tungpalan, to Mrs. Aagsalud by Representative Cachola, to Mrs. Brandt by Representative Kihano, and to Mr. Gilkey by Representative Hirono. Representative Graulty presented the honoree with a certified copy of the resolution.

Representative Kihano then rose and stated:

"Mr. Speaker, I just want to add my support to the resolution. I want to digress from the resolution just a little bit to bring a little history with Dr. Aagsalud and myself. I just want to convince you, Mr. Speaker, and the members of the House, although he looks ten years younger than I do, Dr. Aagsalud and I were classmates at Waipahu High School. I just want to add, Mr. Speaker, that while we were in high school, I worked on Dr. Aagsalud's campaign committee in getting him elected as Student Body President. And the funny thing is, as we went through life, I became the politician and he as an administrator and Director of Labor and now, Vice President for University Relations.

"I am just proud, Mr. Speaker, today, in support of this resolution, and I hope that the endeavors that he is encountering at the University will bring him to further heights.

"Thank you very much."

Representative Okamura then rose and stated:

"I would like to extend my personal congratulations and good wishes to Dr. Agsalud. My personal ties with Dr. Agsalud goes back to the early '70s when I served as the Project Director at the East-West Center Bilingual/Bicultural Planning Program, and we had Dr. Agsalud there as one of our keynote spokesman and he also contributed immensely to that project, and I remember meeting him for the first time then and I thought he was Japanese or Chinese and he thought I was Filipino. But we have gotten to know each other very well over the years, and I can honestly say that the man has true compassion for people and he certainly has virtuous principles, and I also would like to thank and commend Dr. Simone for appointing him because I think that another milestone has been reached in Hawaii in that he will be serving, not only all of Hawaii's kids, but especially serve as a real role model for Hawaii's minority students. And I am very proud of that and I want you to know that I support you totally.

"Thank you."

Representative Hemmings rose and stated:

"For a minute here I thought we were at a Democratic Party rally so I thought I wouldn't have the opportunity to give the Minority point of view from my personal perspective. Since I've been here at the Legislature, I had an opportunity to work with many people including Dr. Agsalud. Many times, Dr. Agsalud and my philosophies would come into sharp contrast with each other. I can honestly say on these occasions that it has been my pleasure to work with a man who is very sincere, open and candid in his efforts, and I personally, as a Republican, want to wish you all the best in your future endeavors.

"Thank you."

The Chair then said:

"The Chair would like to say, Dr. Agsalud, that you are a true example of what a public servant is and the Chair recognizes that you have touched the lives of many in this great state of Hawaii."

At 11:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "to allow all of you to share your aloha with a true public servant of this state."

The House of Representatives

reconvened at 12:40 o'clock p.m.

UNFINISHED BUSINESS

H.B. No. 1970-86, HD 1, on Third Reading:

Representative Honda moved that H.B. No. 1970-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Tom.

At 12:41 o'clock p.m., Representative Ikeda asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:45 o'clock p.m.

Representative Honda offered the following amendment to H.B. No. 1970-86, HD 1:

"SECTION 1. House Bill No. 1970-86, H.D. 1, is amended by amending lines 9 to 11 on page 3 to read:

'auction, or dispose of any animal, animal product, container, crate, or any other item under the jurisdiction of this chapter in the best interest of the State.'

Representative Honda moved that the amendment be adopted, seconded by Representative Tom.

Representative Honda explained the amendment, stating:

"The amendment proposes to delete the word 'vessel,' on page 3, line 9, House draft 1, and the word 'aircraft,' on page 3, line 10, of House draft 1."

The motion to adopt the amendment was put by the Chair and carried by voice vote.

By unanimous consent, further action on H.B. No. 1970-86, HD 1, as amended, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1970-86, HD 2, were made available to the members of the House.

STANDING COMMITTEE REPORTS

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 295-86) recommending that H.B. No. 1989-86 pass Second Reading and be placed on the calendar for Third

Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1989-86, entitled: "A BILL FOR AN ACT RELATING TO GLANDERS AND FARCY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 296-86) recommending that H.B. No. 1981-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1981-86, entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF ANIMALS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 297-86) recommending that H.B. No. 1980-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1980-86, entitled: "A BILL FOR AN ACT RELATING TO BREEDING OF ANIMALS IN QUARANTINE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 298-86) recommending that H.B. No. 1979-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1979-86, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF ARRIVAL OF ANIMALS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 299-86) recommending that H.B. No. 1977-86 pass Second Reading and be

placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1977-86, entitled: "A BILL FOR AN ACT RELATING TO RULES GOVERNING THE INSPECTION, QUARANTINE, DISINFECTION, OR DESTRUCTION OF ANIMALS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 300-86) recommending that H.B. No. 1976-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1976-86, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CERTIFICATE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 301-86) recommending that H.B. No. 1988-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1988-86, entitled: "A BILL FOR AN ACT RELATING TO DISPOSAL OF TUBERCULOUS ANIMALS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 302-86) recommending that H.B. No. 1987-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1987-86, entitled: "A BILL FOR AN ACT RELATING TO COOPERATION WITH FEDERAL AUTHORITIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Honda, for the

Committee on Agriculture, presented a report (Stand. Com. Rep. No. 303-86) recommending that H.B. No. 1984-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.B. No. 1984-86, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF ANIMALS FERAE NATURAE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 304-86) recommending that H.B. No. 2053-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2053-86, entitled: "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS AND FITTERS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 305-86) recommending that H.B. No. 1904-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 1904-86, entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES AND MORTUARIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 306-86) recommending that H.B. No. 2027-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2027-86, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 307-86) recommending that H.B. No. 1859-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 1859-86, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 308-86) recommending that H.B. No. 2031-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2031-86, entitled: "A BILL FOR AN ACT RELATING TO THE BOXING COMMISSION", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 309-86) recommending that H.B. No. 1716-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 1716-86, entitled: "A BILL FOR AN ACT RELATING TO BALL OR MARBLE MACHINES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 310-86) recommending that H.B. No. 1949-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Anderson rose to speak against the motion, stating:

"As I said the other day, Mr. Speaker, normally on Second Reading such as the lottery, I would not go pro or con because we are going for another chance at this. But since I don't sit on that committee and since

this is part of what was called the recall, I am against this, Mr. Speaker, because I feel, personally, that if you or I ever changed our philosophy and our ideas on what we were actually voted into office for, then I don't think it would be fair for you or myself to sit down with our fellow colleagues in a caucus and actually be against what they wanted. I don't think that it is right; I think that it is wrong. And to wait until a full session is done if I get elected in a year later, I feel that I would like to become a Democrat because philosophically I believe that they have better ideas for the people or whatever, I think it is wrong for me to sit down with a bunch of Republicans in here who are more conservative and then turn around, go over and tell the people we are not going to vote for this or whatever. I think it is wrong for my colleagues and I think it is wrong for the public. We're there to help and to do what we believe is right and if we think it is wrong, I think it is our duty to change at that particular time.

"Also, Mr. Speaker, if the people decide that's wrong, they themselves will determine if they are going to re-elect or not re-elect, and it is not up to party discipline. Senator Clark, when he changed, the people made up their minds after and he lost in the next election, and that was primarily the reason. It took the people in Hawaii Kai four years because they disagreed with Danny Clement waiting until the last minute to become a Democrat. That's what this is going to do, Mr. Speaker. The people will make up their minds. I don't think that we have to have a bill that says that we will resign because we changed our minds philosophically. I don't think that we have to do this at all. I don't think we need laws for that. If the people disagree with us, they will determine what they believe is right and wrong. I hope all of my colleagues will vote against this.

"Thank you, Mr. Speaker."

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the majority of the Committee was adopted and H.B. No. 1949-86, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 7, OF THE HAWAII CONSTITUTION, TO REQUIRE A PERSON TO RESIGN FROM OFFICE IN ORDER TO CHANGE A POLITICAL PARTY WHILE IN OFFICE", passed Second Reading

and was placed on the calendar for Third Reading, with Representatives Anderson, Cavasso, Hemmings, Ikeda, Isbell, Jones, Kamali'i, Liu, Marumoto, Medeiros and Pfeil voting no.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 311-86) recommending that H.B. No. 1729-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1729-86, entitled: "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 312-86) recommending that H.B. No. 1992-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1992-86, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT", passed Second Reading and was placed on the calendar for Third Reading.

Representative Yoshimura, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 313-86) recommending that S.B. No. 431, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Manegdeg, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and S.B. No. 431, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS AND POST RETIREMENT ALLOWANCE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Yoshimura, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 314-86) recommending that S.B. No. 52, SD 2, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Manegdeg, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and S.B. No. 52, SD 2, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM", passed Second Reading and was placed on the calendar for Third Reading.

Representative Yoshimura, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 315-86) recommending that S.B. No. 774, SD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Manegdeg, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and S.B. No. 774, SD 2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Yoshimura and Bunda, for the Committees on Public Employment and Government Operations and Health, presented a joint report (Stand. Com. Rep. No. 316-86) recommending that S.B. No. 427, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Manegdeg, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and S.B. No. 427, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO A JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF HEALTH", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 317-86) recommending that H.B. No. 2274-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2274-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE INSURANCE DEVELOPMENT PROGRAM", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 318-86) recommending that H.R. No. 9 be adopted.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.R. No. 9, entitled: "HOUSE RESOLUTION SUPPORTING THE STATE OF HAWAII'S COURT-ANNEXED ARBITRATION PROGRAM", was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 319-86) recommending that H.C.R. No. 8 be adopted.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.C.R. No. 8, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE STATE OF HAWAII'S COURT-ANNEXED ARBITRATION PROGRAM", was adopted.

Representatives Lindsey and Taniguchi, for the Committees on Education and Transportation, presented a joint report (Stand. Com. Rep. No. 320-86) recommending that S.B. No. 909, SD 1, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Lindsey, seconded by Representative Taniguchi and carried, the joint report of the Committees was adopted and S.B. No. 909, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Taniguchi and Yoshimura, for the majority of the Committees on Transportation and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 321-86) recommending that H.B. No. 2012-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Manegdeg and carried, the joint report of the majority of the Committees was adopted and H.B. No. 2012-86, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HIGHWAYS", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Taniguchi and Yoshimura, for the Committees on Transportation and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. 322-86) recommending that H.B. No. 2128-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Manegdeg and carried, the joint report of the Committees was adopted and H.B. No. 2128-86, entitled: "A BILL FOR AN ACT RELATING TO AIRCRAFT SERVICING VEHICLES", passed Second Reading and was placed on the calendar for Third Reading.

At 11:58 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock a.m.

Representatives Taniguchi and Tom, for the Committees on Transportation and Judiciary, presented a joint report (Stand. Com. Rep. No. 323-86) recommending that H.B. No. 2060-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 2060-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SEAT BELTS", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Taniguchi and Tom, for the Committees on Transportation and Judiciary, presented a joint report (Stand. Com. Rep. No. 324-86) recommending that H.B. No. 1739-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 1739-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Taniguchi and Shito, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 325-

86) recommending that H.B. No. 1830-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.B. No. 1830-86, entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Health, presented a report (Stand. Com. Rep. No. 326-86) recommending that H.B. No. 2104-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Kihano and carried, the report of the Committee was adopted and H.B. No. 2104-86, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Second Reading and was placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 327-86) recommending that H.B. No. 2596-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.B. No. 2596-86, entitled: "A BILL FOR AN ACT RELATING TO MOPEDS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 328-86) recommending that H.B. No. 420 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.B. No. 420, entitled: "A BILL FOR AN ACT RELATING TO THE EXPIRATION OF DRIVER'S LICENSE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 329-86) recommending that H.B.

No. 1998-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.B. No. 1998-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPILLING LOADS ON HIGHWAYS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 330-86) recommending that H.B. No. 2173-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.B. No. 2173-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 331-86) recommending that H.B. No. 2016-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shon, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.B. No. 2016-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING", passed Second Reading and was placed on the calendar for Third Reading.

Representative Bunda, for the Committee on Health, presented a report (Stand. Com. Rep. No. 332-86) recommending that H.B. No. 2004-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Bunda, seconded by Representative Kihano and carried, the report of the Committee was adopted and H.B. No. 2004-86, entitled: "A BILL FOR AN ACT RELATING TO AGENT ORANGE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 333-86) recommending that H.B. No. 2730-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 2730-86, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY ENFORCEMENT", passed Second Reading and was placed on the calendar for Third Reading.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 334-86) recommending that H.B. No. 2168-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 2168-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 335-86) recommending that H.B. No. 2005-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 2005-86, entitled: "A BILL FOR AN ACT RELATING TO APPLICATION PROCEDURES FOR ENVIRONMENTAL PERMITS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 336-86) recommending that H.B. No. 1959-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

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

1959-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE INTERAGENCY BOARD", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 337-86) recommending that H.B. No. 1985-86, as amended in HD 1, be recommitted to the Committee on Judiciary, notwithstanding the recommendation of the committee report.

On motion by Representative Tom, seconded by Representative Metcalf and carried, and notwithstanding the recommendation of the committee report, Stand. Com. Rep. No. 337-86 and H.B. No. 1985-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF DOG OWNER", were recommitted to the Committee on Judiciary.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 338-86) recommending that H.B. No. 2007-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2007-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES AND MENTAL RETARDATION RECORDS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 339-86) recommending that H.B. No. 2055-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2055-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEST CONTROL INDUSTRY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 340-86) recommending that H.B. No. 2715-86, as amended in

HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2715-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 341-86) recommending that H.B. No. 2194-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2194-86, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 342-86) recommending that H.B. No. 2113-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2113-86, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 343-86) recommending that H.B. No. 2054-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2054-86, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand.

Com. Rep. No. 344-86) recommending that H.B. No. 2112-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2112-86, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 345-86) recommending that H.B. No. 2052-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2052-86, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 346-86) recommending that H.B. No. 2115-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2115-86, entitled: "A BILL FOR AN ACT RELATING TO NURSING", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 347-86) recommending that H.B. No. 2049-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2049-86, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 348-86) recommending that H.B. No. 2050-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2050-86, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 349-86) recommending that H.B. No. 2046-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2046-86, entitled: "A BILL FOR AN ACT RELATING TO CIVIL PENALTIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 350-86) recommending that H.B. No. 2051-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2051-86, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 351-86) recommending that H.B. No. 2048-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2048-86, entitled: "A BILL FOR AN ACT RELATING TO LICENSE DENIAL APPEALS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 352-86) recommending that H.B. No. 2116-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2116-86, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 353-86) recommending that H.B. No. 2047-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2047-86, entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 354-86) recommending that H.B. No. 2029-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2029-86, entitled: "A BILL FOR AN ACT RELATING TO REGULATORY LICENSING REFORM", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 355-86) recommending that H.B. No. 1938-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 1938-86, entitled: "A BILL FOR AN ACT RELATING TO BANK LOANS AND INVESTMENTS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 356-86) recommending that H.B. No. 2114-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2114-86, entitled: "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS AND FITTERS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 357-86) recommending that H.B. No. 2041-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2041-86, entitled: "A BILL FOR AN ACT RELATING TO THE PEST CONTROL INDUSTRY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 358-86) recommending that H.B. No. 2043-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2043-86, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 359-86) recommending that H.B. No. 2044-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2044-86, entitled: "A BILL FOR AN ACT RELATING TO SANCTIONS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 360-86) recommending that H.B. No. 1941-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 1941-86, entitled: "A BILL FOR AN ACT RELATING TO BANKING", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 361-86) recommending that H.B. No. 1720-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 1720-86, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF PUBLIC UTILITIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 362-86) recommending that H.B. No. 2193-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2193-86, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 363-86) recommending that H.B. No. 2375-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2375-86, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 364-86) recommending that H.B. No. 1676-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1676-86, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 365-86) recommending that H.B. No. 1928-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1928-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 366-86) recommending that H.B. No. 2582-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2582-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 367-86) recommending that H.B. No. 1663-86, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 367-86 on H.B. No. 1663-86, HD 2, was deferred until Thursday, February 27, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1663-86, HD 2, were made available to the members of the House at 11:00 o'clock

a.m.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 368-86) recommending that H.B. No. 1707-86, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 368-86 on H.B. No. 1707-86, HD 2, was deferred until Thursday, February 27, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1707-86, HD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 369-86) recommending that H.B. No. 1678-86, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 369-86 on H.B. No. 1678-86, HD 2, was deferred until Thursday, February 27, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1678-86, HD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 370-86) recommending that H.B. No. 1691-86, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 370-86 on H.B. No. 1691-86, HD 2, was deferred until Thursday, February 27, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1691-86, HD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 371-86) recommending that H.B. No. 1699-86, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 371-86 on H.B. No. 1699-86, HD 2, was deferred until Thursday, February 27, 1986, and in accordance with

Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1699-86, HD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 372-86) recommending that H.B. No. 1700-86, as amended in HD 2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 372-86 on H.B. No. 1700-86, HD 2, was deferred until Thursday, February 27, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1700-86, HD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 373-86) recommending that H.B. No. 1684-86, as amended in HD 1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 373-86 on H.B. No. 1684-86, HD 1, was deferred until Thursday, February 27, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1684-86, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 374-86) recommending that H.B. No. 2282-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 2282-86, entitled: "A BILL FOR AN ACT RELATING TO THE PESTICIDES ADVISORY COMMITTEE", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Levin and Shito, for the Committees on Higher Education and the Arts and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 375-86) recommending that H.B. No. 2117-86 pass Second Reading and be

placed on the calendar for Third Reading.

On motion by Representative Levin, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.B. No. 2117-86, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF FINE PRINTS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 376-86) recommending that H.B. No. 2358-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2358-86, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 377-86) recommending that H.B. No. 2103-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2103-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 378-86) recommending that H.B. No. 2326-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2326-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 379-86) recommending that H.B. No.

2397-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2397-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATIONS OF ACTIONS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 380-86) recommending that H.B. No. 2526-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2526-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 381-86) recommending that H.B. No. 1690-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1690-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 382-86) recommending that H.B. No. 2465-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2465-86, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION TO VICTIMS OF CRIME", passed Second Reading and was placed on the calendar for Third Reading.

At 12:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:11 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 93 and 94) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 93) requesting the House Committee on Consumer Protection and Commerce to investigate allegations raised concerning the pre-testing availability of cosmetology licensing examinations was offered by Representative Tam.

A resolution (H.R. No. 94) requesting a study on congenital toxoplasmosis was jointly offered by Representatives Graulty, Bunda, Tungpalan, Kihano, Cachola, Manegdeg, Lardizabal and Menor.

ANNOUNCEMENTS

Representative Metcalf: "Your Committee on Judiciary will be holding a public hearing this afternoon in Room 328 at 2:00 p.m. and the subject is tort reform."

Representative Oshiro: "Your Committees on Transportation and Judiciary will be having a joint public hearing tomorrow morning at 9:00 a.m., Conference Room 310. Following, your Committee on Transportation will continue with its own public hearing. Decision-making after both hearings will be held if time permits."

Representative Onouye: "Today, in Room 416, we have a computer demonstration which is the cutting edge of technology as far as crime prevention and crime detection. We have some representatives from the NEC Corporation of Tokyo who brought down part of their fingerprint computer in Room 416, and they will be giving a hands-on demonstration of the machine, and just a little briefing on what this machine does is, currently if I were to leave my fingerprints here or a robbery were to take place, latent prints would be taken and this would then be matched up with fingerprints currently in file but the fingerprints currently in the files are in file cabinets and there is just no

way of them accessing all 250,000 cards. Each one will have to be done by hand. So, I encourage the body to take a look at this machine. The probability of saving somebody's life is very great."

Representative Kiyabu then requested waiver of the 48-hour notice for hearings on the five agendas that have been posted and the Chair "so ordered."

Representative Kiyabu: "Your Committee on Finance will be holding a public hearing this afternoon at 1:30 in Room 307. Decision-making to follow."

Representative Shito: "Your Committee on Consumer Protection and Commerce will meet this evening at 6:30 in Room 328. We will also be making decisions on bills previously deferred. This includes your cosmetology and your barbers' bills plus many other bills that's been held."

Representative Kawakami: "There will be an open Majority caucus tomorrow morning at 10:00 a.m."

Representative Ikeda: "There will be a Republican caucus at 9:00 a.m. tomorrow morning."

At this time, the following late introductions were made to the members of the House:

Representative Isbell introduced her sister-in-law from Montana, Shirley Isbell, who is the Superintendent of Schools for Hill County of Montana.

Representative Okamura introduced Gary Caulfield, "an officer of First Hawaiian Bank, former aide to the Governor, and a personal friend to many of us in the House of Representatives."

Representative Marumoto introduced Mr. Don McGregor of First Interstate Bank.

ADJOURNMENT

At 12:16 o'clock p.m., on motion by Representative Okamura, seconded by Representative Ikeda and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Wednesday, February 26, 1986.

TWENTY-FIFTH DAY

Wednesday, February 26, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:15 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Robert Lott of the Palolo United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Leong, Tajiri and Taniguchi who were excused.

By unanimous consent, reading of the Journal of the House of Representatives was deferred.

SENATE COMMUNICATIONS

The following Senate Communications (Sen. Com. Nos. 6 to 21) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 6) informing the House that the amendments proposed by the House to Senate Bill No. 92, SD1, (HD1), were agreed to by the Senate on February 25, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 7) transmitting Senate Concurrent Resolution No. 1, requesting a financial, management and program audit of the Department of Education which was adopted by the Senate on February 21, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 1 was deferred.

A communication from the Senate (Sen. Com. No. 8) transmitting Senate Concurrent Resolution No. 18, designating the week of May 18, 1986, as Tourism Week in Hawaii, which was adopted by the Senate on February 24, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 18 was deferred.

A communication from the Senate (Sen. Com. No. 9) returning House Concurrent Resolution No. 54, which was adopted by the Senate on February 24, 1986, was

placed on file.

A communication from the Senate (Sen. Com. No. 10) transmitting Senate Bill No. 1624-86 entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURE OF PUBLIC CONTRACTS", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 11) transmitting Senate Bill No. 1641-86 entitled: "A BILL FOR AN ACT RELATING TO BREEDING OF ANIMALS IN QUARANTINE", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 12) transmitting Senate Bill No. 1643-86 entitled: "A BILL FOR AN ACT RELATING TO THE REPORTING OF ANIMAL DISEASE", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 13) transmitting Senate Bill No. 1647-86 entitled: "A BILL FOR AN ACT RELATING TO HARBORING MONGOOSE", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 14) transmitting Senate Bill No. 1648-86 entitled: "A BILL FOR AN ACT RELATING TO COOPERATION WITH FEDERAL AUTHORITIES", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 15) transmitting Senate Bill No. 1649-86 entitled: "A BILL FOR AN ACT RELATING TO DISPOSAL OF TUBERCULOUS ANIMALS", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 16) transmitting Senate Bill No. 1678-86 entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF OWNERS OF PROPERTIES INCLUDED WITHIN AND ADJOINING AREAS BEING DESIGNATED GEOTHERMAL RESOURCE SUBZONES", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 17) transmitting Senate Bill No. 1743-86 entitled: "A BILL FOR AN ACT RELATING TO CAPITAL AUTHORIZATIONS", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 18) transmitting Senate Bill No. 1798-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE IMPROVEMENT DISTRICT REVOLVING FUND", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 19) transmitting Senate Bill No. 1799-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY PENSION BOARDS", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 20) transmitting Senate Bill No. 1998-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INVESTMENTS", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 21) transmitting Senate Bill No. 1999-86 entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on February 24, 1986, was placed on file.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, S.B. Nos. 1624-86; 1641-86; 1643-86; 1647-86; 1648-86; 1649-86; 1678-86; 1743-86; 1798-86, SD1; 1799-86, SD1; 1998-86, SD1; and 1999-86 passed First Reading by title and further action was deferred.

At this time, the following introductions were made to the members of the House:

Representative Tam introduced Mr. Chin, a former mayor of Tai Chung City in Taiwan "who is a personal friend of mine who graciously escorted me to my tours where I was invited by the government to learn more about my heritage and culture and to build up foreign relations in terms of import and export between the Republic of China and the state of Hawaii." Mr. Chin was accompanied by Mr. Peter Lee.

Representative Pfeil introduced 6 student body officers from Molokai High School "who are here to visit other schools, to visit with their legislators and to see committee hearings at the Legislature." They are as follows: Billy Dudoit, MHIS President; Kim Mikami, Vice-President; Nicole Helm, Recording Secretary; Blossom Kawaa, Corresponding Secretary; Uilani Silva, Treasurer; Robert Steiner, Sergeant-at-Arms; and student activities coordinator and teacher, Ms. Camile Kimball.

Representative Crozier, on behalf of Representative Oshiro and himself, introduced Joe Kalama and Alan Cardona, 2 students from Ilima Intermediate School.

Representative Marumoto introduced 2 out of town guests, Ms. Laverne Paine from Oregon and a former representative from the state of Colorado, Representative Jean Larsen, "who is a Republican and who served 6 years in the House there, and in Colorado, apparently, both the House and the Senate, the majority is Republican."

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

H.B. Nos.	Re-referred to:
2254-86	Committee on Finance
2513-86	Jointly to the Committees on Planning, Energy and Environmental Protection; Health; and Housing
2605-86	Committee on Transportation

STANDING COMMITTEE REPORTS

Representatives Andrews and Bunda, for the Committees on Planning, Energy and Environmental Protection and Health, presented a joint report (Stand. Com. Rep. No. 383-86) recommending that H.B. No. 2513-86, as amended in HD1, be recommitted jointly to the Committees on Planning, Energy and Environmental Protection and Health.

On motion by Representative Andrews, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.B. No. 2513-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", was

recommitted jointly to the Committees on Planning, Energy and Environmental Protection and Health.

At 11:25 o'clock a.m., Representative Okamura asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:34 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Tajiri.

Representative Tungpalan, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 384-86) recommending that H.B. No. 1672-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tungpalan, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 1672-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tungpalan, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 385-86) recommending that H.B. No. 2010-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tungpalan, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.B. No. 2010-86 entitled: "A BILL FOR AN ACT RELATING TO THE ADVISORY COMMISSION ON EMPLOYMENT AND HUMAN RESOURCES", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Tungpalan and Tom, for the Committees on Employment Opportunities and Judiciary, presented a joint report (Stand. Com. Rep. No. 386-86) recommending that H.B. No. 2009-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tungpalan, seconded by Representative Tom and carried, the joint report of the Committees was adopted and H.B. No. 2009-86 entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 387-86) recommending that H.B. No. 1740-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1740-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 388-86) recommending that H.B. No. 2361-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2361-86 entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 389-86) recommending that H.B. No. 1993-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1993-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTION TO THE STATE TORT LIABILITY ACT", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 1672-86, HD1; 1740-86, HD1; and 1993-86, HD1 were made available to the members of the House at 11:00 o'clock a.m.

Representatives Shito and Bunda, for the Committees on Consumer Protection and Commerce and Health, presented a joint report (Stand. Com. Rep. No. 390-86) recommending that H.B. No. 1829-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.B. No. 1829-86 entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 391-86) recommending that H.B. No. 2038-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2038-86 entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 392-86) recommending that H.B. No. 2217-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2217-86 entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", passed Second Reading and was placed on the calendar for Third Reading.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 393) recommending that H.B. No. 2835-86, as amended in HD1, be recommitted to the Committee on Water, Land Use Development and Hawaiian Affairs.

On motion by Representative Tam, seconded by Representative Apo and carried, the report of the Committee was adopted and H.B. No. 2835-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY DISTRICTS", was recommitted to the Committee on Water, Land Use Development and Hawaiian Affairs.

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were

suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

H.B. No. 1795-86, HD1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1795-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 49 ayes with Representatives Leong and Taniguchi being excused.

H.B. No. 1907-86, HD1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1907-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO BOXING COMMISSION", passed Third Reading by a vote of 49 ayes, with Representatives Leong and Taniguchi being excused.

The Chair directed the Clerk to note that H.B. Nos. 1795-86 and 1907-86 had passed Third Reading at 11:35 o'clock a.m.

H.B. No. 1826-86, HD1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1826-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", passed Third Reading by a vote of 49 ayes, with Representatives Leong and Taniguchi being excused.

H.B. No. 1797-86, HD1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1797-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES", passed Third Reading by a vote of 49 ayes, with Representatives Leong and Taniguchi being excused.

H.B. No. 1316, HD1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1316, HD1, entitled: "A BILL FOR AN ACT RELATING TO REFUNDS AND EXCHANGES", passed Third Reading by a vote of 49 ayes, with Representatives Leong and Taniguchi being

excused.

The Chair directed the Clerk to note that H.B. Nos. 1826-86; 1797-86; and 1316 had passed Third Reading at 11:37 o'clock a.m.

H.B. No. 2036-86, HD1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2036-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS", passed Third Reading by a vote of 49 ayes, with Representatives Leong and Taniguchi being excused.

H.B. No. 1869-86, HD1:

On motion by Representative Shito, seconded by Representative Tom and carried, H.B. No. 1869-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO ALARM BUSINESSES", passed Third Reading by a vote of 49 ayes, with Representatives Leong and Taniguchi being excused.

H.B. No. 1183, HD1:

On motion by Representative Shito, seconded by Representative Tom and carried, H.B. No. 1183, HD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 49 ayes, with Representatives Leong and Taniguchi being excused.

The Chair directed the Clerk to note that H.B. Nos. 2036-86; 1869-86; and 1183 had passed Third Reading at 11:37 o'clock a.m.

The Chair directed the Clerk to note the presence of Representative Taniguchi.

H.B. No. 1689-86, HD1:

Representative Tom moved that H.B. No. 1689-86, HD1, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Graulty then rose to speak against the bill, stating:

"Mr. Speaker, with all due respect for the extremely hard-working chairman of the committee on Judiciary, and the members of the committee on Judiciary, I would just like to express my opposition to this particular bill and the reasons for my opposition.

"There are a few issues more

important than issues of life and death and what this bill sets out to do is to establish a mechanism to decide, to withhold, or withdraw medical procedures in many of these cases that deal with life and death.

"I suppose that there is a short hand way of dealing with many problems and in this particular bill the short hand way of dealing with life and death issues is by something called a 'durable power of attorney.' The bill is really oblivious to the issues dealing with patient, physician and family relationships; and the problems of durable power of attorney as a concept in life and death matters aside, on the bill itself, the definitions and the loose wordings and the lack of safeguards really should give us all pause for concern.

"Health care, for example, is defined in the bill as 'any care, treatment or service,' and so on.

"Incompetent persons means 'any person who is impaired by reason of mental illness or disability, chronic use of drugs, chronic intoxication,' and the definition goes on to put many of the human family at great risk.

"I know that in other bills and in other legislation, we have tried to develop a consensus in the community on issues dealing with the withholding or withdrawal of life-sustaining procedures. And I am just concerned that trying to deal with these very complex ethical and deeply moral issues in a short hand way does great harm to the consensus that we are trying to achieve in the community on an issue of such great importance.

"And for this reason I feel constrained to raise an objection to this particular bill.

"Thank you, Mr. Speaker."

Representative Tom then rose and stated:

"Mr. Speaker, I just want to state that I agree with Representative Graulty that this is a very difficult kinds of decisions that the Judiciary committee had to face, and I want to again commend and thank the members of the Judiciary committee for facing these tough issues, and I just want to state that this is a companion bill to the 'living will' bill that also was decided on.

"The committee went to the neighbor islands, all three neighbor islands, we had hearings here in

Honolulu and the testimony was overwhelmingly for living will and durable power of attorney. And I think that this told us something. This made the committee members really realize how strong people felt that if I as a competent person, want to name someone else who I trust, who I believe in, to make medical decisions for me if I become incompetent, I have that choice of executing a document to express my feelings. If I disagree, and I don't want to name someone else, then I don't have to execute such an agreement.

"What it comes down to, Mr. Speaker, is a matter of choice. Choice for an individual to determine for himself if he wants to appoint someone else to make those medical decisions for him if he is unable to make them for himself. And that's all this does; and I want to again commend the members of the Judiciary committee because really, this committee did so very much on this bill and all bills.

"Thank you very much, Mr. Speaker."

Representative Jones rose to speak in opposition of the bill, stating:

"Mr. Speaker, I think that every person on this floor would agree today that we want to make sure that people can express their choice. I think all of us, myself especially, feels that's very important, and I appreciate the chairmen of the committees who desire to see that capability guaranteed.

"And this bill does bring out some very important needs, I think, in our community; but at the same time, in the process of drafting legislation, my feeling is that when we are dealing with life and death issues, we've got to take a more conservative side to make sure that all the possibilities of abuse are eliminated.

"When we hear these people who go against the death penalty they say, 'what if you make one mistake?' I think if you make one mistake on something like this you are going to have an awful lot of problems, Mr. Speaker.

"If I could just refer my colleagues to page 2 which talks about incompetent person, there is such a major amount of problems in its definition or the word in line 11, 'or disability', what kind of disability? It's very, very broad. How does this apply to retarded people? How does this apply to people with the palsy? It says,

'lack of sufficient understanding or capacity to make or communicate responsible decisions,' who defines, who determines what a responsible decision is?

"Concerning that person's health care, we are not talking here about catastrophic care or we are not talking here about extraordinary means, we're talking here about health care.

"This bill is going to allow a third party, without the family's input, to deny a person food, water or any other kind of health care, and that really concerns me.

"So the key problem that I want to highlight here is that the definitions are much too broad. Now, 'who wouldn't want to' might have been put back in the bill as being excluded, I don't know for sure, but I do know that the other definitions are much too broad, Mr. Speaker, and this gives an awful lot of power to one person's hand over life and death issues, and it should definitely be held and killed.

"Thank you, Mr. Speaker."

At 11:45 o'clock a.m., Representative Anderson asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:48 o'clock a.m.

The motion was put by the Chair and carried, and H.B. No. 1689-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO DURABLE POWER OF ATTORNEY FOR HEALTH CARE", having been read throughout, passed Third Reading by a vote of 36 ayes to 14 noes, with Representatives Anderson, Apo, Cachola, Cavasso, Gaulty, Hemmings, Ikeda, Isbell, Jones, Medeiros, Menor, Nakata, Shon and Tungpalan voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1689-86 had passed Third Reading at 11:49 o'clock a.m.

H.B. No. 1727-86, HD1:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 1972-86, HD1:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1972-86, HD1,

entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF ENTRY OF ANIMALS WITHOUT INSPECTION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1972-86 had passed Third Reading at 11:50 o'clock a.m.

H.B. No. 1986-86, HD1:

Representative Honda moved that H.B. No. 1986-86, HD1, having been read throughout, pass Third Reading, seconded by Representative Nakata.

Representative Isbell then rose to speak in favor of the bill, stating:

"It's about time the mongoose is finally going to have its day and I have been working on this since 1979 actually, and in the Legislature for the past 6 years. And now we're finally going to bring the attention to the 'little critter' that he is been due for a long, long time.

"But to vote intelligently on the bill, I think it would be good if the Legislature knew some of the things about it.

"The mongoose was brought to Hawaii by the Hilo Sugar Planters' Association in 1883, a hundred and three years ago, to eat the rats in the sugar cane fields. And if the plantation owners had known what impact these small animals would have on the islands, it is probable they would have concentrated on other means of rat control.

"The mongoose was brought from Jamaica where it had been introduced from India. The sugar planters on Maui, Molokai, Oahu and Kauai asked for the mongoose to be brought to their islands and they were shipped there. But fortunately, the mongoose was never established on Kauai. As they sat on the docks in their crates, the story has it that a gentleman could not stand the idea so vicious an animal being liberated on his beloved island and he threw the crates off the dock. Another story is that a gentleman put his fingers through the screen, got a fierce little nip and then threw the animals, crates and all, into the ocean. Whatever story is true, the mongoose crate was disposed of and Kauai has no mongoose.

"However, there is an abundance of toads on Kauai which violently irritate and occasionally kill dogs or cats that

bite into them, but are eaten with apparent relish on other islands and no sign of ill effect by the mongoose. Since there are no mongoose on Kauai, the toad seems to flourish.

"The mongoose will eat that food which is most commonly available with the least amount of effort. They will eat not only rats, but poultry, birds, eggs, pheasants, quail chicks, young pigs, puppies, kittens, fish, bananas, corn, avocado, yams and, believe it or not, sugar cane. They seem to have a lust for killing chicks. With a single bite at the base of the skull, killing on one occasion 26 chicks in less than 3 minutes, feeding on only two.

"The mongoose loves eggs and have a special way for opening thick shelled or large ones by straddling the egg like a football center, suddenly passing it between its hind legs, and let it bounce and roll until it strikes a rock and crack open.

"The mongooses have been seen to hunt in pairs: One turning over stones while the other pounces on any little critter that are underneath the rock. They can swim if necessary, but only as the last resort.

"Some mongoose have been found to carry Weil's disease, infectious jaundice or leptospirosis, bacterial form of hepatitis and rats are a prime carrier of this disease but the mongoose had likely acquired the infection. Also, the presence of trichinosis has been detected in mongoose. Wild pigs can get infected by eating infected mongoose carcasses.

"It's long tail has several useful functions: When fighting or in a fighting stance, the tail fluffs up and goes to a 90 degree angle, giving it the advantage of appearing to be a larger animal than it really is. Distracting to its foe, it sees it waving and strikes at it giving the mongoose time to pivot and strike. The tail is also used for warmth when sleeping.

"There was a rabies scare on Oahu in 1967 when 7,000 mongoose were trapped, killed and examined by autopsy. No rabies was found; however, they would be the largest natural carrier if rabies ever were to get on the islands.

"The mongoose is often seen dashing across the road and digging into garbage cans. They are active by day and quiet at night which says to the Hawaiian people that the mongoose

and the rat often share the same burrow, one working the day shift, and the other the night shift.

"Mr. Speaker, I certainly hope that everyone will vote in favor of this bill, and I hope that now you are a little more enlightened about the mongoose.

"Thank you, very much."

Representative Lardizabal then rose to speak in favor of the bill, stating:

"As a member from Kauai, I would heartily support this measure and I would like to announce that Kauai has a thriving frog leg business, and all of those who would like to participate in the frog leg industry on Kauai are welcome to do so.

"Thank you."

Representative Ikeda rose to speak in favor of the bill with some reservations, stating:

"Mr. Speaker, after Representative Isbell's talk about the mongoose, I'm not sure that I can support the animal. However, my concern deals with the penalty provision for harboring the critter.

"With the passage of this bill as well as one that's poised to pass on Third Reading tomorrow, House Bill No. 1970, that penalty would be increased to a minimum fine of a thousand dollars or a maximum imprisonment of one year or both, and frankly, Mr. Speaker, I think that is pretty stiff for somebody who just happens to keep a mongoose. And for that reason I would like to request that perhaps the Senate be alerted of this and perhaps lower the penalty to what it was previously which was a \$50.00 fine.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 1986-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO HARBORING MONGOOSE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1986-86 had passed Third Reading at 11:55 o'clock a.m.

H.B. No. 1978-86, HD1:

On motion by Representative Honda, seconded by Representative Nakata,

and carried, H.B. No. 1978-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO ANIMAL QUARANTINE", passed Third Reading by a vote of 49 ayes to 1 no with Representative Pfeil voting no, and Representatives Leong being excused.

H.B. No. 1971-86, HD1:

On motion by Representative Honda, seconded by Representative Tom and carried, H.B. No. 1971-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO RIGHTS OF ENTRY", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Marumoto and Pfeil voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1978-86 and 1971-86 had passed Third Reading at 11:56 o'clock a.m.

H.B. No. 2003-86, HD1:

On motion by Representative Bunda, seconded by Representative Kihano and carried, H.B. No. 2003-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO POISONS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1995-86, HD1:

On motion by Representative Bunda, seconded by Representative Kihano and carried, H.B. No. 1995-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2003-86 and 1995-86 had passed Third Reading at 11:57 o'clock a.m.

H.B. No. 2281-86, HD1:

On motion by Representative Say, seconded by Representative Andrews and carried, H.B. No. 2281-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1688-86, HD1:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 1989-86:

On motion by Representative Honda,

seconded by Representative Nakata and carried, H.B. No. 1989-86 entitled: "A BILL FOR AN ACT RELATING TO GLANDERS AND FARCY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1981-86:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1981-86 entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF ANIMALS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2281-86; 1989-86; and 1981-86 had passed Third Reading at 11:58 o'clock a.m.

H.B. No. 1980-86:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1980-86 entitled: "A BILL FOR AN ACT RELATING TO BREEDING OF ANIMALS IN QUARANTINE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1979-86:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1979-86 entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF ARRIVAL OF ANIMALS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1977-86:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1977-86 entitled: "A BILL FOR AN ACT RELATING TO RULES GOVERNING THE INSPECTION, QUARANTINE, DISINFECTION, OR DESTRUCTION OF ANIMALS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1980-86; 1979-86; and 1977-86 had passed Third Reading at 11:59 o'clock a.m.

H.B. No. 1976-86:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1976-86 entitled: "A BILL FOR AN ACT RELATING TO HEALTH CERTIFICATE",

passed Third Reading by a vote of 49 ayes to 1 no, with Representative Levin voting no, and Representative Leong being excused.

H.B. No. 1988-86:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1988-86 entitled: "A BILL FOR AN ACT RELATING TO DISPOSAL OF TUBERCULOUS ANIMALS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1976-86 and 1988-86 had passed Third Reading at 12:00 o'clock noon.

H.B. No. 1987-86:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1987-86 entitled: "A BILL FOR AN ACT RELATING TO COOPERATION WITH FEDERAL AUTHORITIES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1984-86:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1984-86 entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF ANIMALS FERAE NATURAE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2053-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2053-86 entitled: "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS AND FITTERS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1987-86; 1984-86; and 2053-86 had passed Third Reading at 12:01 o'clock p.m.

H.B. No. 1904-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1904-86 entitled: "A BILL FOR AN ACT RELATING TO CEMETERIES AND MORTUARIES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2027-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2027-86 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1859-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1859-86 entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1904-86; 2027-86 and 1859-86 had passed Third Reading at 12:02 o'clock p.m.

H.B. No. 2031-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2031-86 entitled: "A BILL FOR AN ACT RELATING TO THE BOXING COMMISSION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1716-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1716-86 entitled: "A BILL FOR AN ACT RELATING TO BALL OR MARBLE MACHINES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2031-86 and 1716-86 had passed Third Reading at 12:03 o'clock p.m.

At 12:03 o'clock p.m., Representative Marumoto asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:06 o'clock p.m.

H.B. No. 1949-86:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 1729-86:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 1992-86:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 2012-86:

On motion by Representative Taniguchi, seconded by Representative Yoshimura and carried, H.B. No. 2012-86 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HIGHWAYS", passed Third Reading by a vote of 49 ayes to 1 no with Representative Anderson voting no, and Representative Leong being excused.

H.B. No. 2128-86:

On motion by Representative Taniguchi, seconded by Representative Yoshimura and carried, H.B. No. 2128-86 entitled: "A BILL FOR AN ACT RELATING TO AIRCRAFT SERVICING VEHICLES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2012-86 and 2128-86 had passed Third Reading at 12:07 o'clock p.m.

H.B. No. 1830-86:

On motion by Representative Taniguchi, seconded by Representative Shito and carried, H.B. No. 1830-86 entitled: "A BILL FOR AN ACT RELATING TO ABANDONED VEHICLES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2104-86:

On motion by Representative Bunda, seconded by Representative Kihano and carried, H.B. No. 2104-86 entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1830-86 and 2104-86 had passed Third Reading at 12:08 o'clock p.m.

H.B. No. 2596-86:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 2596-86 entitled: "A BILL FOR AN ACT RELATING TO MOPEDS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 420:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 420 entitled: "A BILL FOR AN ACT RELATING TO THE EXPIRATION OF DRIVER'S LICENSE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2596-86 and 420 had passed Third Reading at 12:09 o'clock p.m.

H.B. No. 2004-86:

On motion by Representative Bunda, seconded by Representative Kihano and carried, H.B. No. 2004-86 entitled: "A BILL FOR AN ACT RELATING TO AGENT ORANGE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2730-86:

On motion by Representative Shon, seconded by Representative Tom and carried, H.B. No. 2730-86 entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY ENFORCEMENT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2004-86 and 2730-86 had passed Third Reading at 12:10 o'clock p.m.

H.B. No. 2005-86:

On motion by Representative Shon, seconded by Representative Tom and carried, H.B. No. 2005-86 entitled: "A BILL FOR AN ACT RELATING TO APPLICATION PROCEDURES FOR ENVIRONMENTAL PERMITS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2194-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2194-86 entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2113-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2113-86 enti-

led: "A BILL FOR AN ACT RELATING TO DENTISTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2005-86; 2194-86; and 2113-86 had passed Third Reading at 12:11 o'clock p.m.

H.B. No. 2054-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2054-86 entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2112-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2112-86 entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2054-86 and 2112-86 had passed Third Reading at 12:12 o'clock p.m.

H.B. No. 2052-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2052-86 entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2115-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2115-86 entitled: "A BILL FOR AN ACT RELATING TO NURSING", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2049-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2049-86 entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC", passed Third Reading by a vote of 50 ayes, with Representative Leong being

excused.

The Chair directed the Clerk to note that H.B. Nos. 2052-86; 2115-86; and 2049-86 had passed Third Reading at 12:13 o'clock p.m.

H.B. No. 2050-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2050-86 entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2046-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2046-86 entitled: "A BILL FOR AN ACT RELATING TO CIVIL PENALTIES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2051-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2051-86 entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2050-86; 2046-86; and 2051-86 had passed Third Reading at 12:14 o'clock p.m.

H.B. No. 2048-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2048-86 entitled: "A BILL FOR AN ACT RELATING TO LICENSE DENIAL APPEALS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2116-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2116-86 entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2047-86:

On motion by Representative Shito, seconded by Representative Bunda

and carried, H.B. No. 2047-86 entitled: "A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2048-86; 2116-86; and 2047-86 had passed Third Reading at 12:15 o'clock p.m.

H.B. No. 2029-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2029-86 entitled: "A BILL FOR AN ACT RELATING TO REGULATORY LICENSING REFORM", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

At 12:15 o'clock p.m., Representative Anderson asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:18 o'clock p.m.

H.B. No. 1938-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1938-86 entitled: "A BILL FOR AN ACT RELATING TO BANK LOANS AND INVESTMENTS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2114-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2114-86 entitled: "A BILL FOR AN ACT RELATING TO HEARING AID DEALERS AND FITTERS", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Ikeda voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2029-86; 1938-86; and 2114-86 had passed Third Reading at 12:18 o'clock p.m.

H.B. No. 2041-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2041-86 entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL INDUSTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2043-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2043-86 entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2044-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2044-86 entitled: "A BILL FOR AN ACT RELATING TO SANCTIONS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2041-86; 2043-86; and 2044-86 had passed Third Reading at 12:19 o'clock p.m.

H.B. No. 1941-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1941-86 entitled: "A BILL FOR AN ACT RELATING TO BANKING", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1941-86 had passed Third Reading at 12:20 o'clock p.m.

H.B. No. 1720-86:

Representative Shito moved that H.B. No. 1720-86, having been read throughout, pass Third Reading, seconded by Representative Bunda.

Representative Anderson then rose to speak against the bill, stating:

"Mr. Speaker, I don't sit on the committee and I just read it while sitting here.

"The committee report says that 'it prevents the freedom of moving human resources', and that's why we're taking away the restriction of one year.

"Mr. Speaker, we have all been helping and providing the JOBS committee because they said they are looking for jobs for our people. And yet we are taking away the one year residency to make it much easier for the companies to bring in top echelon people.

"Why do we educate our children

here in the state of Hawaii, why do we send them to the mainland to be educated, why are we opening up high tech and then turning around and allowing companies to go ahead and bring in people for top jobs? I don't think that it is fair to our children. I don't think that we are actually sitting down and considering what we are doing.

"We keep saying that we want to get jobs, we want to provide the best for our kids, and then we turn around and we constantly make laws that's going to try and hinder our kids from getting ahead.

"Truthfully, if I sat in that committee and I had voted against this, I probably would have had a long speech made. I would have it written out and the whole bit. But as you well know, most of the time I don't have one, and it really gets frustrating at times because no one else seems to be as interested in what we are doing and what we are not doing to benefit the people of this state.

"I would hope my colleagues would at least think about it and I don't think I am going to change your minds because most of you don't go ahead and change your minds anyway. But I personally vote 'no' and I hope somebody would follow me.

"Thank you, Mr. Speaker."

Representative Blair then rose and stated:

"Mr. Speaker, I will follow him but not in the sense that he perhaps intended the remark to be taken.

"Mr. Speaker, I rise to speak in favor of the bill.

"I think all the members of this Body are as concerned as Representative Anderson is with providing job opportunities for our constituents.

"The point of this bill, and I believe if Representative Anderson had been in the committee, not only would he have not had a shorter speech, he would not have had a longer speech, he would not have had any speech at all. The provision that we are repealing here is blatantly unconstitutional and it is also being regularly violated because it is blatantly unconstitutional.

"We cannot presume under our United States Constitution to tell Hawaiian Electric or Hawaiian Telephone that they can't hire a president who has worked his way up through

their corporation or through another corporation if they feel he's the best person for the job.

"We can't get into a situation as citizens of the United States where we tell people from other states that we want to save the jobs in Hawaii for our people and they can't have them. I suspect that if we were to do that, and that became the policy in all fifty states, Hawaii would suffer a great deal. So I don't think we can afford that sort of an insular approach to what we think is in our short term best interest.

"And we have to realize that we are subject to the Constitution of the United States; we are proud to be citizens of the United States, and we will only pass laws which are consistent with the liabilities as well as the benefits of being a citizen of the state of the United States.

"Thank you, Mr. Speaker."

Representative Anderson, in rebuttal, stated:

"Then I would strongly hope, since we have so many attorneys in the House, that instead of making the committee report to say that this here is counterproductive to the companies, that they would spell it out, that it is unconstitutional.

"But don't make us go ahead and constantly have to fight something because they don't have the guts to say 'that we made a mistake once, and we are going ahead and straighten it out.'

"And we haven't just done it in this committee. I've been watching every committee. We constantly turn around and say that we are going to do something and we don't do it. And I am just at fault as you are, but it is about time that we stand up and start voting the way you honestly feel. I get tired of having people tell me, 'I'm glad what you said, I wish I could have said it.' If you felt that you could have said it, then damn well say it!

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 1720-86 entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF PUBLIC UTILITIES", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and Representative Leong being excused.

H.B. No. 2193-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2193-86 entitled: "A BILL FOR AN ACT RELATING TO SECURITIES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2375-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2375-86 entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INSURANCE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1720-86; 2193-86; and 2375-86 had passed Third Reading at 12:25 o'clock p.m.

H.B. No. 1676-86:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 2282-86:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 2117-86:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 2358-86:

By unanimous consent, action was deferred 1 legislative day.

H.B. No. 2465-86:

By unanimous consent, action was deferred 1 legislative day.

INTRODUCTION OF RESOLUTIONS

By unanimous consent the following resolutions (H.R. Nos. 96 to 99) and concurrent resolutions (H.C.R. Nos. 57 to 62) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 96) requesting a study of the residential landlord-tenant code was jointly offered by Representatives Hashimoto and Cachola.

A resolution (H.R. No. 97) requesting assistance to Alu Like in its feasibility study for building prefabricated housing in Hawaii was

jointly offered by Representatives Hashimoto and Cachola.

A resolution (H.R. No. 98) requesting the comptroller to perform a feasibility study concerning the utilization of the "Old Federal Building" as a performing arts center was jointly offered by Representatives Hagino, Anderson, Andrews, Apo, Cachola, Graulty, Hashimoto, Hemmings, Hirono, Honda, D. Ige, Ikeda, Isbell, Kamali'i, Kihano, Lardizabal, Levin, Liu, Manegdeg, Medeiros, Metcalf, Nakata, Okamura, Oshiro, Pfeil, Shon, Tajiri, Takamine, Taniguchi, Tungpalan and Yoshimura.

A resolution (H.R. No. 99) requesting the Governor to declare the birthday of Reverend Dr. Martin Luther King, Jr., a state holiday in 1987 was jointly offered by Representatives Hagino, Andrews, Apo, Blair, Bunda, Cachola, Graulty, Hashimoto, Hemmings, Hirono, Honda, Isbell, Kamali'i, Kihano, Lardizabal, Leong, Levin, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Menor, Metcalf, Nakata, Onouye, Oshiro, Pfeil, Shito, Shon, Tajiri, Takamine, Taniguchi and Yoshimura.

A concurrent resolution (H.C.R. No. 57) requesting a study on congenital toxoplasmosis was jointly offered by Representatives Graulty, Bunda, Tungpalan, Kihano, Manegdeg, Lardizabal, Menor and Cachola.

A concurrent resolution (H.C.R. No. 58) requesting a study of the residential landlord-tenant code was jointly offered by Representatives Hashimoto and Cachola.

A concurrent resolution (H.C.R. No. 59) requesting the Congress of the United States of America to enact legislation requiring the Federal Aviation Administration (FAA) to regulate helicopter flight patterns and to clarify existing federal laws relating to noise was offered by Representative Andrews.

A concurrent resolution (H.C.R. No. 60) requesting the state acquire additional Oneloa Beach (Big Beach) lands at Makena, Maui for state park purposes was offered by Representative Andrews.

A concurrent resolution (H.C.R. No. 61) requesting the comptroller to perform a feasibility study concerning the utilization of the "Old Federal Building" as a performing arts center was jointly offered by Representatives Hagino, Anderson, Andrews, Apo, Cachola, Graulty, Hashimoto, Hemmings, Hirono, Honda, D. Ige, Ikeda,

Isbell, Kamali'i, Kihano, Lardizabal, Lindsey, Liu, Marumoto, Medeiros, Metcalf, Nakata, Okamura, Oshiro, Pfeil, Shito, Shon, Tajiri, Taniguchi, Tungpalan and Yoshimura.

A concurrent resolution (H.C.R. No. 62) requesting the Governor to declare the birthday of Reverend Dr. Martin Luther King, Jr., a state holiday in 1987 was jointly offered by Representatives Hagino, Andrews, Apo, Blair, Bunda, Cachola, Graulty, Hashimoto, Hemmings, Hirono, Honda, Isbell, Kamali'i, Kihano, Lardizabal, Leong, Levin, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Menor, Metcalf, Nakata, Onouye, Oshiro, Pfeil, Shito, Shon, Tajiri, Takamine, Taniguchi and Yoshimura.

ANNOUNCEMENTS

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

Representative Tam: "Your Committee on Water, Land and Hawaiian Affairs will be having a public hearing today at 4:00 o'clock p.m., in Room 310 to discuss the water code."

Representative Bunda: "Your Consumer Protection and Commerce Committee will be having a hearing tomorrow evening at 6:30 o'clock p.m., in Room 328. Decision making to follow. We will also have decision making on those bills which we previously deferred."

Representative Andrews: "First of all, I would like to ask for a waiver on the 48-hr. notice on H.B. No. 2513-86, HD1," and the Chair "so ordered."

"There will be a public hearing tomorrow on your Committees on Planning, Energy and Environmental Protection along with Higher Education and the Arts along with the Committee on Health at 8:30 o'clock a.m., in Conference Room 328. Decision making to follow if time permits."

Representative Metcalf: "Your Committee on Judiciary will be holding a public hearing this evening at 6:30 o'clock p.m., tentatively in Room 328 although it may be moved to the Capitol Auditorium and will let the members know if such a move is made. The subject is tort reform and decision making will follow, time permitting."

Representative Kiyabu: "Request a waiver on the 48-hr. hearing notice

on the bills posted -- on the agendas posted -- for Finance," and the Chair "so ordered."

"Mr. Speaker, we will be holding a public hearing this afternoon at 2:00 o'clock p.m., on agendas 2 and 3. Agenda 1 has been rescheduled. Decision making to follow."

Representative Kawakami: "There will be an open Majority caucus at 9:30 o'clock a.m., tomorrow morning on bills that have been deferred on today's calendar plus items on the supplementary calendar #1."

The Chair then announced:

"All chairmen are reminded to make those meetings; if not, have the vice-chairman explain those bills before the respective caucuses."

Representative Ikeda: "There will be a Republican caucus at 9:00 o'clock a.m., tomorrow morning on Third Reading bills."

ADJOURNMENT

At 12:32 o'clock p.m., on motion by Representative Okamura, seconded by Representative Ikeda and carried, the House of Representatives adjourned until 11:00 o'clock a.m., tomorrow, Thursday, February 27, 1986.

TWENTY-SIXTH DAY

Thursday, February 27, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:10 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Tony Robinson of Church of the Crossroads, after which the Roll was called showing all members present with the exception of Andrews, Grauly, Kamali'i, Kiyabu, Leong, Nakata and Tajiri, who were excused.

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

At this time, the following introductions were made to the members of the House:

Representative Lardizabal introduced a group of senior citizens from Kauai County.

Representative Marumoto introduced a group of students from Kalani High School's Students of Limited English Proficiency or SLEP Program. The students are from Japan, Hong Kong, Vietnam, Korea and the Philippines, and they were accompanied by their instructor, Ms. Jane Nikaido.

Representative Taniguchi introduced his uncle and aunt, Henry and Mary Yamamoto from San Francisco. They were accompanied by Representative Taniguchi's father.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

<u>S.B. Nos.</u>	<u>Referred to:</u>
1624-86	Committee on Public Employment and Government Operations, then to the Committee on Finance
1641-86	Committee on Agriculture
1643-86	Committee on Agriculture, then to the Committee on Judiciary
1647-86	Committee on Agriculture

1648-86	Committee on Agriculture
1649-86	Committee on Agriculture
1678-86	Jointly to the Committees on Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs
1743-86	Committee on Finance
1798-86	Committee on Public Employment and Government Operations, then to the Committee on Finance
1799-86	Committee on Public Employment and Government Operations, then to the Committee on Finance
1998-86	Committee on Consumer Protection and Commerce, then to the Committee on Finance
1999-86	Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 77 to 85 and 89 to 94) and concurrent resolutions (H.C.R. Nos. 45 to 53, 55 and 56 and S.C.R. Nos. 1 and 18) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
77	Committee on Water, Land Use, Development and Hawaiian Affairs
78	Committee on Water, Land Use, Development and Hawaiian Affairs
79	Committee on Higher Education and the Arts, then to the Committee on Finance
80	Jointly to the Committees on Higher Education and the Arts and Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
81	Committee on Education, then to the Committee on Finance
82	Committee on Higher Education and the Arts, then to the Committee on Finance
83	Committee on Consumer Protection and Commerce, then to the Committee on Finance

84 Jointly to the Committees on Ocean and Marine Resources and Consumer Protection and Commerce

85 Jointly to the Committees on Planning, Energy and Environmental Protection and Transportation

89 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

90 Jointly to the Committees on Ocean and Marine Resources and Transportation

91 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Higher Education and the Arts

92 Jointly to the Committees on Higher Education and the Arts and Tourism

93 Committee on Consumer Protection and Commerce, then to the Committee on Legislative Management

94 Committee on Health, then to the Committee on Finance

H.C.R. Nos.

45 Committee on Judiciary, then to the Committee on Finance

46 Committee on Planning, Energy and Environmental Protection, then to the Committee on Finance

47 Committee on Higher Education and the Arts, then to the Committee on Finance

48 Jointly to the Committees on Higher Education and the Arts and Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

49 Committee on Education, then to the Committee on Finance

50 Committee on Water, Land Use, Development and Hawaiian Affairs

51 Committee on Higher Education and the Arts, then to the Committee on Finance

52 Committee on Consumer Protection and Commerce

53 Committee on Consumer Protection and Commerce, then to

the Committee on Finance

55 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Higher Education and the Arts

56 Jointly to the Committees on Higher Education and the Arts and Tourism

S.C.R. Nos.

1 Committee on Education, then to the Committee on Finance

18 Committee on Tourism, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of considering a certain resolution.

INTRODUCTION OF RESOLUTION

A resolution (H.R. No. 100) recognizing the week of March 2, 1986, as "Women's History Week" was jointly offered by Representatives Hagino, Anderson, Apo, Cachola, Grauly, Hashimoto, Hemmings, Hirono, Honda, D. Ige, Ikeda, Isbell, Kamali'i, Kihano, Levin, Liu, Manegdeg, Marumoto, Medeiros, Metcalf, Okamura, Oshiro, Pfeil, Shon, Tajiri, Takamine, Tungpalan and Yoshimura and was read by the Clerk.

On motion by Representative Hagino, seconded by Representative Marumoto and carried, H.R. No. 100 was adopted.

Representative Hagino rose and stated:

"Thank you, Mr. Speaker. I also would like to thank Representative Barbara Marumoto and Mazie Hirono for giving me the honor of presenting this resolution in honor of Women's History Week. I would like to say a few words about Women's History Week and why such an event takes place before introducing our honorees today.

"We are fortunate here in Hawaii to have Gerda Lerner who will be speaking later at Women's History Week and she has been called the 'Mother' of the Women's History and the first person to create a women's studies curriculum in any American college.

She was recently interviewed in the newspaper and I thought I would share a few observations that she had made about the need for Women's History. She called our attention to the anti-slavery movement or the abolitionist movement in the North in the 19th century and she says in the interview that if you look at most of the historical accounts of the abolitionist movement, that mass movement was run by men, the major leaders were men, and the people who entered politics with the movement were men. For those of you who may have studied history as I did, we would be of the opinion that the only woman involved in the abolitionist movement was Harriet Tugman, but she goes on to point out that, in fact, half of the movement were women. The movement were organized by the women and these women were very active for a long period of time. However, they did not enter politics because at that time, women were not allowed to enter politics and so their place in history in that great movement was lost. She goes on to state in her interview that it was by comparing the history of white and black women of America that she learned that there are certain historical characteristics that are distinctly feminine. She points out that women everywhere in fact are the great institutional builders of institutions that would meet social needs. She notes that the women would start these institutions and it is only later after these social institutions have become successful that the men would take them over; they would elect a male Board of Directors and get the credits for it in history. I think that her observations fully point out the need for a Women's History Week to point out the neglect that has happened throughout these years.

"I would like to invite, on behalf of the honorees, all of the Representatives and their staffs to the opening of Women's History Week which will be this Sunday at Royal Hawaiian Center. The festivities start at 11:00 o'clock and will go on to 4:00 o'clock, and certainly everyone and their staffs are invited."

Representative Hagino then introduced the following honorees: Ruth LeBlanc, Vice Chairperson of the Foundation for Hawaii Women's History; Aleta Arkin, Secretary; and Shana Aves, Treasurer; Lois Evora, Chairperson of the State Commission on the Status of Women; Ruth Fujimoto from the Big Island, Vice Chairperson; Blossom Tyau, Com-

missioner of the State Commission; and Lorraine Taniya, First Vice Chairperson of the Honolulu County Committee on the Status of Women. "I should note that Lori Ann Guanson was a past Chair of that committee."

Floral leis were presented to the honorees by Representatives Levin, Blair, Menor, Metcalf, D. Ige, Apo and Say. Representative Tom presented Ms. LeBlanc with a certified copy of the resolution.

At 11:29 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of allowing us the opportunity of extending our personal aloha to our honorees this morning."

Upon reconvening at 11:37 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Andrews, Graulty, Kamali'i, Kiyabu, Nakata and Tajiri.

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

H.B. No. 1970-86, HD 2:

On motion by Representative Honda, seconded by Representative Tom and carried, H.B. No. 1970-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1970-86 had passed Third Reading at 11:38 o'clock p.m.

H.B. No. 1727-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1727-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1688-86, HD 1:

Representative Tom moved that H.B. No. 1688-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Jones rose to speak against the bill, stating:

"Mr. Speaker, there are three basic reasons why I think we need to really seriously ponder this bill and then reject it.

"First of all, it is unnecessary and will probably result in further litigation and family stress and the intrusion of the courts and the attorneys into the room of the dying.

"Secondly, it has a number of language problems and procedural problems that have not been addressed.

"Thirdly, the results on the mainland where this legislation has been passed, according to doctors here in the State who have talked to me, have already led to abuse and even causing further suffering for the terminally ill and their families and in fact producing the exact opposite intent of this legislation.

"First of all, it is unnecessary and will probably result in further litigation and family stress. Dr. Herbert Nakata, representing physicians who are opposed to codifying this law who are members of the HMA and who was the former chairman of the HMA Ethics Research Committee that did extensive research on this issue, makes the following comment: 'We have always favored the concept of living wills and have encouraged their use under the common law by competent adults as part of the right of self-determination has a right to refuse medical treatment.' Patients, when the occasion arises, are encouraged to exercise this right and make known to their physician their desires. It is important that family members are also made aware of these decisions so when the unfortunate event occurs, the physician and family will know exactly what route to take. For most cases where termination of treatment is warranted, the opinions of the courts in Dennerstein, Brother Fox and John Stoor supports the physicians in exercising his sound medical judgment. From Dennerstein, in the ordinary and usual case where the patient is dying, the choice of treatment is the physicians. He does not need court authority to do what he, a responsible physician, has been

trained to do, that is, make medical judgments. From Brother Fox and Stoor, a competent adult has a common law right of self-determination to refuse medical treatment that does not need to be found in the Constitution. In that particular case, Brother Fox who was aware of the young lady who had the oxygen taken away told his superior there that if he was ever on oxygen and comatose that he would like to have that removed. The superior there, a senior priest, told this to the doctor and the courts and it was taken away. He died a natural death.

"According to Dennis Horan, the former chairman of the Right to Live, Right to Die Committee of the American Bar Association, commenting on the death with dignity and the living will, he says: 'But far from relieving the physician from fear of liability in this regard, such legislation for the first time not only implies that the physician may be subject to civil or criminal prosecution for withdrawal or failure to initiate treatment that prolongs death, it provided penalties where the physician failed mechanically to comply with the directive.'

"Secondly, in terms of this particular bill before us, Mr. Speaker, if my colleagues would like to turn to page 3, line 7, the words 'communicate responsible decisions' -- who is going to define or determine whether this person can communicate responsible decisions? Nobody will be. If we say it is going to be up to the courts, even that is not going to answer the question, and should we wait for the court to be involved in such significant and vital legislation as this? On line 11 where it says, '. . . prolong the dying process.', the question we have to ask ourselves today is: What medical treatment does not prolong the dying process? All doctors will say we were in the process of dying. It's a matter of degree and that is a matter of private interpretation that the statutes can never ever clarify.

"Page 3 -- has the law, courts or the medical community established clear definitions between life-sustaining procedures and death-prolonging procedures, and procedures that alleviate pain? No. In the committee hearings that we conducted in the Judiciary Committee, the doctors testifying themselves could not provide this with clear definitions between these particular three categories that I've talked about. Where does the life-sustaining definition exclude oxygen from my

minor son who is an asthmatic? It does not. Where does it exclude insulin for diabetics? Doctors that I have presented this bill to says that it does not. Where does it exclude nitroglycerin for heart conditions? Doctors that I have talked to on this bill said, it does not. These are not terminally ill people who have got diabetes; these are not comatose people who have got asthma. Why is this not clear in this legislation?

"Page 4, line 5. 'Terminal condition.' This definition of 'terminal condition' is going to make headlines in the euthanasia society newspapers of our country. 'Terminal condition' means 'any incurable or irreversible disease, illness, injury or condition which without the administration of life-sustaining. . . ' and note the lack of the word 'extraordinary' life-sustaining but only 'life-sustaining procedure will, as a medical probability, result in death in a relatively short time.' Again, very, very broad definition. Who can define relatively short time? The debate in the HMA Committee on this went on and on -- it cannot be defined and the courts are not going to define it either.

"Also, here is a very important question my colleagues must consider -- why is the prohibition on withholding food and water not in the statutes but only in optional parts of the suggested declaratory form? This bill allows doctors to withhold food and water from patients who are not necessarily comatose but who are terminally ill according to this definition which is extremely broad and I think irresponsible.

"Page 4, line 9, 'Execution of declaration.' Has the Attorney General Office given an opinion if this meets the informed consent requirement since it is executed prior to the illness? No, it has not. We don't know if it does.

"Page 5, line 2, where it talks about people who are a part of the witnessing on this declaration. Is there adequate protection from greedy heirs who are not relatives from live-in palimony lovers or through calabash-type heirs? No, there is not. Tremendous possibility for abuse.

"Page 6, line 18, the only place in this whole statute that talks about withholding. . .

At this point, the Chair interrupted and said: "Your ten minutes have run."

Representative Tungpalan rose and yielded her time.

The Chair then said: "Representative Jones, please continue."

Representative Jones thanked the Chair and continued his remarks, stating:

"Mr. Speaker, I am sorry that I am going on on this legislation but I consider it extremely important.

"Page 6, line 18, where we have what is called 'a suggested written declaration' and not a required written declaration where the declarant may say, I direct that such procedures be held withdrawn and that I be permitted to die naturally with only the administration of medication, nourishment or fluids or the performance of any medical procedure deemed necessary to provide me with comfort. Why is the word 'or' in there? Why is not the word 'and' in there? Yes, we will be withholding food and water from senior citizens and others and allowing them to starve to death.

"Page 12, line 13, 'Revocation.' Doctors have testified that as death draws near, life becomes more precious to many senior citizens and all of us. What if the patient is unable to communicate his desire to revoke as defined in this statute here and yet he wants to revoke? Has that really been seriously considered?

"The third reason why, Mr. Speaker, I think we should reject this legislation, besides the fact of the first two, is that there are already, across the nation, abuses and in fact the opposite effect has happened to that which was intended. Remember, the intention of this bill is to help those senior citizens, when they are terminally ill and irretrievably comatose, to allow their wishes to be carried out. I will give you the definition of 'terminally ill.' It is so broad you could drive a truck through it. Okay, it is not just irreversible comatose. It is extremely broad.

"The educational campaign about death with dignity, living wills and the burden on society to bear the rising medical costs certain groups incur further erodes respect for individual human life. A fairly healthy 87-year old woman entered the hospital for ordinary reasons. The attending doctor asked the next of kin if he wanted her revived if she had a heart attack. The woman was

not even asked her opinion. An elderly Florida woman enters the hospital to get a bladder infection under control. Her daughter and doctor decide nothing will be done if she were to have a heart attack or a stroke. The otherwise healthy independent woman was not asked her opinion. An 89-year old woman previously described as 'alert-oriented' died after six days without food and water at a Minneapolis hospital. She was starved to death. This is according to a report critical of the hospital's actions compiled by the Minnesota Department of Health. Arnold Rosenthal, special investigator for the Minnesota Office of Health Facility Complaints, states in his 23-page report that while no written order from a doctor stated that Ella Batters, 89, should be classified NPO or to receive nothing by mouth, nursing staff made no effort to offer food and fluids or to attempt to provide such even as a comfort measure. Rosenthal further contends that the patient was not consulted on matters relating to her care, even on nursing. . . ah, notes on the medical records indicate she was alert and oriented at least part of the time.

"These are some of the abuses that have taken place. I realize this statute seeks to stop some of these abuses but this whole talk about death with dignity has ended in some of these things.

"In California, I just got this on the phone from a local doctor today. Rather than helping the terminally ill, the HMA last year reported that the California experience has produced the opposite results. Since living will legislation was passed, a doctor survey showed that 6.5 percent of the doctors treated terminally ill patients more aggressively than before, therefore, prolonging the dying process, and 10 percent of the doctors said that they provided treatment they formerly would have withheld. They did it because these patients did not have a living will, and all the associations across the country estimate only 20 percent of the people will execute living wills, 80 percent will not, and if you're in those 80 percent standby, you're going to be held on longer than what you wanted.

"Doctor Eugene Diamond in his book, Curette for Hire, says that in the Florida State Legislature, Representative Sackett, who was also a physician, introduced a death with dignity bill ostensibly aimed at allowing individuals to execute a

living will. Representative Sackett, however, in his testimony before the Senate U.S. Select Committee on Aging, betrayed an underlined motive in proposing his bill. The motive was what he described as a major change in American law which is what we will be doing today if we pass this bill. He disclosed that the first step of allowing individuals to execute their own living wills was to be followed by a 'second step of allowing the next of kin to execute living wills on behalf of individuals' and a 'third step of allowing physicians to execute the living will when next of kin were not available.' He suggested, and this is what he suggested, that as many as '90 percent of the institutionalized mental defectives in Florida might qualify for elimination.' Under the provisions of steps 2 and 3, one might, for example, withhold therapy...he gave the example of a Downs Syndrome child with pneumonia in a state institution, allowing the pneumonia to become fatal by omission. Later on, the Florida Association of Retarded Children recognized his attention and condemned Representative Sackett's efforts.

"This bill today will be step 1. The bill we passed on durable power of attorney aids in step 2. It is very important to note that the major national movement behind this legislation is pushed by the Society for the Right to Die which is the action arm of the Euthanasian Society and it does not matter to me that we put in the bill this is not to support euthanasia. It, in fact, supports the goals of the Euthanasian Society in their plans.

"In conclusion, Mr. Speaker, does this legislation promise to help the terminally ill? Not really. No doctor has been successfully sued for taking a person off a respirator too soon or living one on too long in Hawaii. This bill will probably change that and have the very opposite effect of its intent since it is established that 80 percent of the people will not execute a living will and therefore get over-treated. And the 20 percent that have a living will will still not relieve the doctor of liability because he still must act in accordance with his own best judgment, even when it might disagree with that living will bill.

"It is on the basis of these problems with the bill, the extreme problems with the language, and questions of the real necessity of it since we've got established common

law, that I strongly urge my colleagues to vote no on this legislation.

"Thank you, Mr. Speaker."

Representative Medeiros rose to speak in favor of the bill, stating:

"First of all, we should be absolutely clear that should this piece of legislation become law, no one here in these chambers or in the State, is compelled to sign a declaration towards a living will. It is strictly on voluntary basis.

"So now you ask, why I am in favor. I am in favor of this bill for the simple reason that I am taking the burden away from my children to make that decision whether I die or not. That decision will be left up to me. Because my family is very close to me, I am not about to have this burden upon their shoulders. Mr. Speaker, this is why I am voting for this bill.

"Thank you."

Representative Tom rose and stated:

"Mr. Speaker, I just want to comment very briefly on some of the things that Representative Jones stated which are in error and incorrect.

"First of all, an asthmatic person that he compares this to would not be considered a person who is terminally ill by two doctors, close to death and merely kept alive by life-sustaining procedures by the machines. This is a misleading example by Representative Jones.

"Let us talk about another misleading example. This isn't even a misleading example -- it is an out-and-out lie. If you look at the bill, it does say that comfort, food, nutrition, water is not part of extraordinary means, that it is going to be required to be given to the patient.

"For Representative Jones, Mr. Speaker, to state that this bill does not have food and water and that these things can be taken away from the patient is out-and-out lie. It is not even a misreading of the bill. I submit, Mr. Speaker, that Representative Jones had better read bills before he makes outright statements that are lies and are not really in the bill. The bill specifically talks about food, water and nutrition.

"I want to state right now that he talks about senior citizens. Representative Jones went to all of our hearings, or most of them. I can't remember one senior citizen in the committee's deliberations that said they didn't like the bill and you know why? Because they said, if I'm close to death and the only thing that's keeping me alive is a machine, let me die with dignity. Representative Jones treats that word like it's murder. Forget it. Euthanasia is the shortening of life. You get an asthmatic and you say, I'm going to shorten his life because he has asthma. That's murder, and that's not what a living will is. It is intended to prevent prolongation of life of a natural dying process by machines. Now, let's get our facts straight.

"When the AMA now this year, for the first time in eight years, comes out endorsing it, when the Catholics National comes out endorsing it, for the first time when thirty-five states and the District of Columbia endorses it, have laws for it -- let's not kid ourselves. And I detest any politician who gets up and states lies in any bill. . .

At this point, Representative Jones rose on a point of personal privilege and said:

"This is totally out of line. This kind of abusive language is totally out of line. . .

The Chair interrupted and said:

"Representative Jones, the Chair will interrupt both of you. The Chair wants to remind both of you that we realize this is a very challenging issue for all of us. The Chair would appreciate proper decorum on this floor, refrain from the use of personal names if possible."

The Chair then asked Representative Tom to "please proceed" and Representative Tom said:

"Mr. Speaker, I'm finished.

"Mr. Speaker, I want to thank again the committee for having the foresight to put up with me and to tackle this very important issue, and I thank you, members of the Judiciary Committee and the House."

Representative Isbell then rose to speak in favor of the bill, stating:

"Since 1969, I have had a piece of

paper. . .

As Representative Isbell was momentarily unable to continue, Representative Marumoto asked for a recess and at 12:03 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:07 o'clock p.m., Representative Isbell continued her remarks, stating:

"Thank you very much. I appreciate that little break -- I needed that.

"What I started to say was that I've had a piece of paper in my doctor's file since 1969 because I have always felt that even though living will was not legal in the State or accepted, that I wanted him to know that I did not want any heroic means to keep me alive if I was not in a condition that would have been acceptable to me if I ever recovered from that.

"I really understand death very well. I've been pronounced dead three times: The first time when I was five, I had scarlet fever. The second time when I had bulbar polio between sophomore and junior years of high school, and the third time when I was eight months pregnant with spinal meningitis. Each one of those times, even though I was eight months pregnant, especially with the last one, I would not have wanted to live if I wasn't meant to. No heroic means were made and I won't explain all the things that happened but I can tell you that things did happen. But when a person is terminally ill and they know they are going to die and they have experiences such as I have had, I do not want to be put on any machines. I want that decision left to me, and I have made that decision and I want it to be allowed, and I want it to stay in my doctor's file. Only this time I want it to be on the proper piece of paper; I want it to be notarized and accepted, and certainly, I am going to make sure that there are copies for everybody that's around me will have it. This will allow my family the freedom to know that I have made that decision of my own free will, and I think that the living will is probably one of the most important things that we could pass. And as I get older and I am becoming a senior citizen, as we all are eventually, we want to be able to do that sort of thing. We want to be able to spare our children and our spouses that responsibility.

"So I want to thank you again for

putting up with me, and I appreciate the opportunity that I have had to tell you that death is not all that bad and that I can tell you that I look forward to it because I know someday it will happen, but it is a beautiful, serene feeling, and let's let death with dignity live.

"Thank you."

Representative Pfeil then rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Pfeil's remarks are as follows:

"The living will is often equated with euthanasia. On the contrary, the living will is a document which can be signed by an individual, which honors his or her right to waive long, costly, futile, and often painful life-support methods, in a terminal illness. 'Euthanasia,' in contrast, is a term meaning mercy killing, without regard to who is making the decision, and not necessarily related to a terminal illness. The living will is passive, purely optional, and humanitarian. 'Euthanasia' connotes an active act and is in no way a part of this bill before us. To the contrary, Section 13 states that it shall not be construed to condone, authorize, or approve mercy killing or euthanasia.

"Mr. Speaker, for logical and humanitarian reasons, it would be wise for this legislature to embrace the living will concept."

Representative Kihano rose and stated:

"Mr. Speaker, I am speaking in favor of this bill. I've had an experience myself several years ago where I had to make the decision as to whether I wanted to live or die. But, Mr. Speaker, to shorten this discussion, I just want to have Representative Tom's remarks inserted in the Journal as part of mine. (The Chair, noting that there were no objections, "so ordered." By reference only.)

"Thank you very much."

Representative Apo rose to speak in favor of the bill, stating:

"Mr. Speaker, I voted against the earlier bill of the durable power of attorney because I did not feel it was proper to assign the right to life or

prolongation of life to a third party. I do support this bill from maybe a unique perspective. I would like to take a step back and take a look at what's happening in our health industry and I emphasize the word industry.

"What we have in the health industry, an industry that is driven by medical engineers and technologists whose primary purpose is to answer the questions: Can we do it? Can we find the cure for this? Can we develop a machine that will do this and that? And what we have now in the health industry is a technology that allows the artificial prolongation of life. What has been missing in the last fifty years in the health industry is the obvious absence of the philosopher who asked the question -- not, Can we do it? but whether we should do it.

"This bill gives the terminally ill a choice as to whether they freely choose to accept the imposition of technological and artificial prolongation of life or the choice of having the people choose to die as God has intended in the natural process of life and death. This is where the philosopher finally gets a shot and it's the philosopher that comes from the person who is being affected to be able to execute their philosophy of life and their philosophy of death.

"Thank you, Mr. Speaker."

Representative Andrews rose to speak against the bill, stating:

"First of all, Mr. Speaker, and I would like to say I gave some thought to this measure. I've discussed it with the Chairman and have had quite a tongue-lashing from the Vice Chairman, but personally, I've always had reservations regarding legislation that's to be considered living will type of legislation. I know that the Chairman of the Judiciary Committee has worked very, very hard in trying to address those concerns that I have and the concerns that many people have, and I certainly thank him for that, first of all, and I know that everyone else who will be impacted by this bill, thank him for his concerns. And to compound the dilemma, Mr. Speaker, the other day I was in my office preparing to write some notes down here. A physician from Maui entered my office and told me how much he wholeheartedly supported this legislation. But just the same, Mr. Speaker, as I've said, I've always had serious reservations regarding living will legislation.

"Mr. Speaker, and basic the reasons are that it is my understanding that the purpose of this bill is to facilitate communication between the physician and his patient and it is to insure that the patient's right to die without extraordinary medical procedures performed or that these procedures will be performed beyond the patient's wishes or will not be performed. Mr. Speaker, I doubt that this bill will accomplish either of those objectives, and in fact, Mr. Speaker, it is my belief that this bill or any other like it that professes to do the same, will only complicate and exaggerate the existing problem.

"First of all, passing laws, codifying procedures and setting some sort of criteria will not help to increase communication. The more formal we make any process, Mr. Speaker, whether that process involves dying or participating in a public forum, the less likely it is that the average person will understand how to communicate.

"Mr. Speaker, right now, it is my understanding that I can go up to my office and do it anywhere in fact, and write out a note, type out a note or whatever, to my physician and family expressing to them the manner in which I wish to be treated if I were in a state which may require for my life to be sustained by a machine or other treatment that could be considered beyond reason.

"Mr. Speaker, I know many physicians who work with the elderly, with others who have been in a situation that this bill is trying to address. In fact, Mr. Speaker, I was raised by one of those physicians and I can assure you that these individuals are just as dedicated to preserving the dignity of the process of dying as anyone in this House. And along with this, would respect the wishes of their patients and their families as communicated to them in the manners that are now available.

"But, Mr. Speaker, if we were to pass House Bill 1688-86, House Draft 1, the communication between patient and physician becomes all that much more difficult. I, or anyone else for that matter, would not be able to write down how I wanted things to be handled unless I rigidly followed the procedures spelled out in House Bill 1688-86, House Draft 1. I would no longer be able to communicate in the manner that I saw fit. I would have to do, among other things, follow the suggested forms on pages 5 and 6, have it signed in the presence of two

witnesses, have those signatures notarized, and along with all of this, my family members would not be able to sign as witnesses to my signature. Mr. Speaker, the removal of my family, or anybody's family in any way or any form in the decision-making of the dying process, is a very dangerous precedent.

"Mr. Speaker, my second objection to this bill is that it will encourage the increased use of the very procedures it is trying to curtail. We all know that we live in a very litigious society and probably the worst arena of this litigious society is in the medical field. This, coupled with the fact that the very few people who will execute any ordinary wills and even the fewer who will execute living wills, makes the problem worse.

"Mr. Speaker, if I were a physician treating someone who is in the condition addressed by this bill, whether they had a living will or not, I would proceed with extreme caution. Knowing that there is a law governing my procedures, I would take additional precautionary steps to ensure I would not be liable for some procedural error. It is these precautions by the physicians because of today's litigious society that will bring about an increased use of extraordinary life-sustaining measures that may be well beyond the wishes of the patient or his family. In effect, what would have happened here, Mr. Speaker, is that the physician's concerns will turn to himself and his own liability and away from the patient where it is now and should be.

"Because of these concerns, Mr. Speaker, I oppose House Bill 1688-86, House Draft 1."

Representative Jones rose and stated:

"Mr. Speaker, I would like to rebut and also I would like a few more comments if I may.

"Mr. Speaker, the Chairman has said that I have lied and I think that that kind of irresponsible discussion can be cleared up in a couple of matters.

"First of all, the Catholic church has not endorsed this legislation and I would encourage the Chairman to call the Bishop and ask him.

"Secondly, the Hawaii Medical Association took a vote on this amongst . . . a poll amongst doctors and they were split. I have read you

a quote from the former Chairman of the Ethics Research Committee that studied this and he is adamantly opposed to this. There is no unanimous feeling in the medical community in support of this bill. In fact, I find that there is fear.

"Next, page 3, where it talks about. . . or I'll read it: 'Life-sustaining procedure shall not include the administration of medication, nourishment, or fluids. . . ' and those are different than food and water. Ask any doctor, . . . or the performance of any medical procedure deemed necessary to provide comfort care or to alleviate pain.' What this says, according to doctors that I have talked to, is that if the person. . . if you're simply going to give him food or nourishment or fluids to provide comfort care and alleviate pain, then you cannot withhold it. We're not talking about life-sustaining. This language right here does not guarantee a person who is dying is going to get food and water, and that is very important. And I didn't check this out with myself or just our attorneys, I checked it out with doctors in the community, Mr. Speaker, and I really resent the fact. . . I mean accused of not reading the bill and I resent the fact of being called a liar on this floor and it is my hope. . .

The Chair interrupted at this point and said:

"Representative Jones, I think the Chair hopefully had rectified that by saying that I realize how emotional this issue is. Let's stick your arguments primarily to the gist of the bill."

Representative Jones continued, saying:

"Thank you, Mr. Speaker, very much.

"I realize it is an emotional bill and I realize the intent of the bill is very valid. We must take care of the express wishes of the terminally ill, the comatose terminally ill who are dying, but I feel that as responsible legislators, we have to analyze the language of the bill to see whether, in fact, we are opening the door for greater harm in the future and there are a whole lot of people in this community who think we might be.

"Thank you, Mr. Speaker."

Representative Liu rose and requested that his remarks, in favor of

the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Liu's remarks are as follows:

"After full discussion during the Judiciary Committee's hearing on this bill, it was clear that the term 'terminal condition' is intended to give the attending physician considerable leeway and discretion in determining when a condition which without the administration of life-sustaining procedure will, as a medical probability, result in death in a relatively short time. This means that the person with the declaration, need not necessarily be in a comatose or vegetative state in order to trigger the terms of that declaration. I urge all of you to vote for this bill. Our senior citizens deserve the right to live their lives as they see fit."

Representative Ikeda then rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Ikeda's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of H.B. 1688-86, H.D. 1.

"Mr. Speaker, anyone who has experienced watching a loved one's life prolonged by extraordinary means, as I have, knows the value of this legislation.

"Everyone should have the right to die with dignity if they so choose. And to me, personal choice is the issue.

"No one is or will be required to execute a living will if they choose not to do so - whether or not this bill passes. However, this bill will allow people to make their wishes known in a strictly legal manner and to have greater assurance that those wishes will be carried out.

"Thank you, Mr. Speaker."

Representative Metcalf rose to speak in favor of the bill, stating:

"I think there was probably no more exhaustive hearings, intensive meetings with doctors, lawyers, ethicist than on this measure. I think that the meetings that were held by the chairman and the committee probably rival the meetings

that were held on workers' compensation, and I feel comfortable, Mr. Speaker, that the procedural safeguards do exist in the bill, and I speak in support of it.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 1688-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TREATMENT DECISIONS", having been read throughout, passed Third Reading by a vote of 43 ayes to 7 noes, with Representatives Andrews, Cachola, Cavasso, Graulty, Jones, Menor and Tungpalan voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1688-86 had passed Third Reading at 12:24 o'clock p.m.

H.B. No. 1949-86:

Representative Tom moved that H.B. No. 1949-86, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Cavasso rose to speak against the bill, stating:

"I rise to speak against what appears to be the partiality in this bill and I wonder about the motivation behind it, knowing that in recent history here -- the last few months -- and it is the intention of this bill to bring partiality into this House, into this place. I hope not. If it is, we can discuss how this nation is turning towards another side and how people are changing their minds and how we got a President that's really moving the people, and how the young people across the nation are flooding to another party.

"If not, then I bring up another point and that's that we, as leaders, are admonished to show no partiality in our responsibilities and I ask the people here to question the motivation and intent behind this bill and to insure that we do not bring the party partiality into this place. You know, steel does sharpen steel just as we sharpen each other. Let's not discourage that. And so I ask persons to change their vote and say no to partiality on this floor."

Representative Hemmings rose to speak against the bill, stating:

"Mr. Speaker, it's very difficult for me to speak against the bill because

it is one of the finest compliments paid to the party I represent in years. For most of my adult life, there has been a trickle of frustrated Republicans to the Democratic Party. And now, it seems that the people of Hawaii and some elected officials would like to change the flow to the other direction. I am extremely pleased that the majority party is astute enough to recognize the fact that now the tide of battle may be changing. People may want to join the Republican Party to answer to the needs for a vision of the future and to make some real dramatic changes in Hawaii.

"So, I speak against the bill because I don't want the opportunity for fair-minded, open-minded Democrats not to have the opportunity to join the party of the future, the Republican Party.

"Thank you, Mr. Speaker."

Representative Anderson rose and stated:

"Mr. Speaker, when you weren't here the other day, I spoke against this bill and I would like to do it again today, and I did say that I didn't think it was fair that if you or I decided to change our minds and we had just been elected that year that we would sit in our caucuses with our colleagues when, in fact, our philosophies have changed. You know, the Senate side -- it could possibly be three years and I think it would be fair to do that, to change at that particular time because you or myself or somebody in the Senate could then be working against his or her own colleagues.

"But over and above that, Mr. Speaker, I would like to ask at this particular time if you could ask the Chairman of the Judiciary Committee if he would answer a question?"

The Chair asked Representative Tom if he would yield to a question to which Representative Tom answered:

"Yes, Mr. Speaker."

Representative Anderson asked: "Was that a whole-hearted yes?"

Representative Tom answered: "Half-hearted yes."

The Chair then said:

"Representative Anderson, Representative Tom is willing to yield to a question. Rather faintly, that is."

Representative Anderson inquired:

"Mr. Speaker, I don't sit on the chairman's committee; I wish I were because I really enjoy talking back and forth with him at certain times on other issues. But I would like to find out, reading the report and reading the bill, it said that after a person resigns there would be a Special Election and that this bill would have to have a constitutional amendment and that would refer back to any laws that we had on the books. I haven't had a chance to find out exactly when does that follow -- when would a Special Election be granted a person who resigns as a Republican or a Democrat? How long after, Mr. Chairman?"

Representative Tom answered:

"Mr. Speaker, all this bill attempted to do was clear up the options of any individual, whether Republican or Democrat or what have you, and if he wanted to switch parties mid-stream that he would know that if one of his options was to switch parties that he would have to first, resign, and run in a Special Election.

"Now, this is a constitutional amendment. By passing this, we are not adopting law. . .

At this point, Representative Anderson interrupted and asked:

"Mr. Speaker, I am asking how long after would there be a Special Election if there is something on the books already? The bill does not address that thirty days after or whatever there would be, if the constitutional amendment went through, that there would definitely be a Special Election."

Representative Tom answered:

"Mr. Speaker, the bill does not contain the time when the Special Election would be held but it is my understanding that, coupled with the election laws that we have now, that information would be contained in our election laws."

The Chair said:

"Our laws right now provide for that, Representative Anderson."

Representative Anderson continued:

"Okay, Mr. Speaker, as I said before, I think that should be left up to the constituents of that particular individual. However, I would like to

also find out -- was the Lieutenant Governor's office present or anyone from his office, or was anyone from the counties present?"

Representative Tom answered:

"We had testimony from James Kumagai from the Democrats speaking.

. .

Representative Anderson interrupted and said:

"I didn't ask that, Mr. Speaker. I asked whether. . .

The Chair interrupted and said:

"Representative Anderson, we understand the question. Representative Tom is working on it."

Representative Tom continued:

"If my memory serves me correctly, Mr. Speaker, the Lieutenant Governor was on a neighbor island that night and he did not appear to testify."

Representative Anderson asked:

"Anyone from the counties, Mr. Speaker?"

Representative Tom answered:

"Mr. Speaker, no one from the counties testified. No one from the Republicans testified. James Kumagai testified on behalf of the Democrats."

The Chair thanked Representative Tom.

Representative Anderson continued:

"Mr. Speaker, as a member of this House and as a responsible legislator, I believe that any type of legislation like this, we are going to have money implications. It cost the taxpayers of this State over \$300,000 for the last recall and if we are going to have a measure like this and you don't have the Lieutenant Governor's office and you don't have the counties saying that it is going to be a cost-effectiveness or it's not going to be where they could take it out of their own coffers, then I think that we are making a mistake in passing this without having a proper procedure by going through the Ways and Means and Budget and Finance.

"Thank you very much, Mr. Speaker, and I hope everybody votes no because I don't believe that this piece of legislation is fair and equitable."

The Chair remarked:

"The people shall decide."

Representative Metcalf then rose and said:

"That was going to be my comment, Mr. Speaker."

Representative Kihano rose to speak in favor of the bill, stating:

"The reason I speak in favor of this bill, Mr. Speaker, you know, we have a two-party system and the Republican members have so few members now that if they ever resign and join us, we would never have a two-party system because there will be so few Republicans. And so this is why I think we thought of the Republicans when we came out with this bill.

"Thank you, Mr. Speaker."

Representative Anderson, in rebuttal, stated:

"Mr. Speaker, I am very truthful. I have considered the Democratic Party and I have stated on this floor before that if I weren't such a conservative person and if I wasn't one who didn't want to give the store away, I might consider it because you need a lot of leadership.

"But let me say something else, Mr. Speaker. May I say something else, Mr. Speaker?"

The Chair replied:

"Representative Anderson, as long as you keep your thoughts or your comments germane to the subject matter."

Representative Anderson replied:

"Evidently, my colleagues didn't and they haven't. Believe me.

"Mr. Speaker, I have said it before and I will say it again. I don't think that the Republicans or the Democrats should go ahead and make laws when we leave it up to our constituents. If I decided to change, I would do so because I honestly believe in your philosophy. I believe that you are doing a better job and that you can help the people more and I don't think that I should sit on this side. And if I did that and the constituents didn't like what I did, they would throw me out of office. They have done it before. They have thrown a lot of people out of office and it's

about time, I hope, that they look at who they're electing and they look at the promises that are being made and they look at all of the things that they are not getting, and they throw a hell of a lot of us out of office.

"Thank you very much, Mr. Speaker."

Representative Okamura rose to speak in favor of the bill, stating:

"I would like to state, Mr. Speaker, that I am not supporting this bill because of a partisan stance. I believe that this bill was introduced partly as a result of the last recall election, partly as a reaction to the peoples' reaction. I feel that all elected officials, whether they get elected as Republicans or Democrats, using the party label they make a commitment, not only to the party in being elected officials or candidates of the party, but they are really making a commitment to the voters that they are going to serve or they are espousing a particular party philosophy or label. And I think in the last election, the result was that the voters got incensed because they felt they were betrayed by these elected officials.

"And so this is not, to me, a partisan bill. This is a bill on behalf of the voters of Hawaii.

"Thank you."

Representative Anderson rose to rebut and the Chair said:

"Representative Anderson, you are not the movant. You were recognized twice already. Please be seated."

Representative Anderson then asked for a recess and at 12:35 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:40 o'clock p.m.

Representative Marumoto rose to speak against the bill, stating:

"I think I would like to express some of Representative Anderson's concerns. I think if we were able to filibuster in the House, he would like to talk on this subject because, apparently, it is very close to his heart. But I think he is right when he says that this has become a very partisan issue. It's brought up for partisan reasons. I think you people should have brought the salts along today for a wound. He had wanted

to say that this is not really. . .the recall effort was not really initiated by the people in the district. He felt it was more the Council Chairman at the time or the deposed Council Chairman that did organize this effort and then it was a total party effort. Likewise, he wanted us to make note that we know several people who might have run as Republicans because their beliefs were closer to the Republican Party but for expediency's sake, in order to win or to be successful, they felt that they had to run as Democrats. And I am sure we all know people who have done this. He wants to make the point that our contributions don't all come from the party, that they come from individuals and from our friends and from our constituents. So, it's not a total party thing, that they support us for who we are and not necessarily for a party but more for our beliefs.

"All of us here represent our constituents and all the people of Hawaii in the best manner that we can. We try and act in their best interest. We synthesize information and we evaluate all the facts at our disposal. We synthesize it with our beliefs and try and come up with a position. We are always sifting through facts and we make up our minds on dozens of issues and hundreds of bills and we also change our minds from time to time, depending on arguments presented to us.

"Once in a while, a few of us make the decision to change political parties and for whatever reason we do this. In the past, we had Jack Larsen, Herman Wedemeyer, Kekoa Kaapu, Dan Clement, Dennis Yamada and James Clark change parties. They switched while they were in office. They followed their conscience. Whether we agree with their decision or not, they cast their vote believing they were doing the right thing.

"To have made them resign and make them run again would have required the voters at that time to undertake the cost of a Special Election and they had to stand for re-election anyway at the next regular election.

"Therefore, I believe strongly we should not put up this extra, costly hoop through which we have to jump in case one of us, perhaps in the future although very unlikely, feel compelled to change our minds in the future.

"Representative Anderson is correct in saying that Finance should assess

the impact of this. I think most constitutional amendments do funnel through that committee. I feel quite strongly that we should consider action strongly, make sure we're not voting on a partisan basis. Remember that this particular bill goes both ways. I urge you all to consider a no vote.

"Thank you."

Representative Kawakami rose and stated:

"Mr. Speaker, I speak in favor of this bill and I would like to emphasize to the opponents of this bill that this is a vehicle for a constitutional amendment. Therefore, if this House and the Senate passes this bill, it will go back to the constituents this coming election. And you've been saying about we should leave it to the constituents to decide and if the constituents feel that this is a good measure, they will vote yes on it and we will have a constitutional amendment. In essence, we are taking it back to the people. Our decision here is not final. The outcome will come this coming election in the Fall.

"Thank you."

Representative Ikeda rose and stated:

"Mr. Speaker, I didn't intend to but I rise to speak against this measure.

"Mr. Speaker, in response to the Majority Leader's comments regarding a constitutional amendment and letting the people decide -- I don't think we have any problem with that. However, since there will be a Constitutional Convention most likely in 1988 which is not very long from now, I think an issue like this ought to be discussed and debated within that forum rather than put on a ballot where people will not have the time nor the feeling for looking at all sides of the thing, primarily the cost of it.

"I can readily understand the fears of the majority party in promoting this measure because if I am not mistaken, Mr. John Nesbitt, when he wrote 'Megatrend,' noted that there was a clear tendency today, and this is nationwide, for people to vote for the person rather than vote for the person because he belonged to a particular party. And, under those circumstances, I can understand the concerns and the fears of the chairman of the Democratic Party and why he feels that this bill is needed.

"However, Mr. Speaker, because we have a Constitutional Convention shortly. . . in the near future, and because of all of the different ramifications, in particular cost and the emotional kinds of problems that can come up with a Special Election, I really feel that this bill really is not in the best interest of the people and, therefore, will vote against it.

"Thank you."

Representative Kawakami, in rebuttal, stated:

"Again, the speaker referred to the Constitutional Convention that will be forthcoming in the future. Again, it doesn't come automatically as far as having a Constitutional Convention. The people will again have to decide whether we need one or not. So we cannot assume that we are going to have one very shortly.

"I feel that this measure, at this point, should pass and should be brought on the ballot this Fall.

"Thank you."

Representative Crozier rose and stated:

"Mr. Speaker, I feel uncomfortable following the Majority Leader and it is kind of ironic, sir, but I speak against this bill.

"I spent a lot of time in the recall movement this summer and it was not the Chair of the Council that decided that issue or wanted that issue to happen. It was the people of the districts that worked hard to have the recall.

"I speak against this bill, sir, because it is dealing with the fundamental ideals and principles of freedom. Everyone of us are free to do what we want to do. Okay? If somebody wants to change parties, let them change, but there are mechanisms in place right now to resolve that problem.

"This bill addresses not only the State but also the counties. Every county, except for the county of Kauai, has a recall provision in their Charter. Only reason Kauai doesn't have one is because their elected officials are only there for two years.

"You know, I went to Washington a couple of years ago and while I was walking through the halls of Congress, I saw this saying by Chief Justice Lewis Brandeis and it goes

exactly like this: 'The greatest danger to liberty lurks in the insidious encroachment by men of zeal, well-meaning but without understanding.'

"On this bill, my colleagues are well-meaning. They think they are doing right but what they don't realize is that they are tampering with the integrity of the electoral process. We intimidate people to stay within their party. If their conscience wants them to go, let them go, but we have mechanisms for the voices, for the peoples' voices to be heard.

"You know, I thought I'll never make this quote again. . .not quote but this statement again. Well, all during the recall, I was using this one speech over and over. I'd always refer back to Congressman Phil Gramm from Texas. Congressman Phil Gramm -- okay? Congress, House of Representatives. In 1984, he got frustrated with his fellow Democrats in Congress; he resigned -- voluntarily resigned from Congress; went back to Texas and ran in a Special Election and he whipped everybody. He dumped on them because the people was behind of him. I think all of you know where Congressman Phil Gramm is today. He is now Senator Phil Gramm, the legendary Gramm of Gramm-Rudman bill. See, what happened was people looked at him as an honorable man. He resigned voluntarily. Okay? Honorable man or honorable politicians have two ways to go. They either become great. . .I don't want to say great legislation but in his case, a very profound legislation, or else they become another chapter in John F. Kennedy's Profiles in Courage. They just get lost along the way. But people who do things on intimidation never rise to great heights, sir.

"So I feel with this bill, we are intimidating people, and I speak against it.

"Thank you."

Representative Ikeda, in rebuttal, stated:

"I am fully aware that the Minority Leader is that the people decide whether there will be a Constitutional Convention and that's one more reason why we shouldn't pass this bill because if there was such a strong feeling about the last recall election, then it's been certainly the people will want to have a convention. And

there are other reasons I think that people will want to have a Constitutional Convention, and I am going on the assumption that there will be one for those reasons. And so, Mr. Speaker, I don't think that what the Majority Leader said is really valid.

"I would like to end my comments by also requesting that my colleague, Representative Crozier's remarks be incorporated as my own because I think they were very good, and certainly, I agree with his sentiment -- we are tampering with the legislative process or the election process and we should leave that decision to the people by way of a Constitutional Convention.

"Thank you."

Representative Souki rose and stated:

"Mr. Speaker and members of the House, I wish to speak against the motion and for a number of reasons.

"One is that my colleague on my left is bigger than me, and number two is that for my colleagues across the aisle, I can still see some hope for them who may wish to join us here across the isle, especially one that don't have too much hair on the head, and I think a bill like this would impede him joining the House on the right side of the party.

"Thank you very much."

Representative Lardizabal rose and stated:

"I didn't intent to stand up and discuss this measure but I think I should for the matter of conscience. I stand to support the measure but from a different perspective, if I may, on a human nature. For those who are married, for me it involves the wives and spouses, and despite their problems and disagreements throughout the years, they try to work it out. We don't run because of the problem. The honorable thing to do is work it out so that the children, in this case, the constituents will gain. I find it dishonorable for a person to hold himself or herself out to the public that I am such and such and therefore I will act as such, then turn right around because times are tough. I think the honorable thing to do is to resign and this is exactly what the bill does.

"Thank you."

At 12:54 o'clock p.m., Represen-

tative Kiyabu asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:56 o'clock p.m.

Representative Tam rose to speak in favor of the bill, stating:

"Mr. Speaker, I've been entitled. . . my nickname is Mr. Sunshine in my years here at the State Capitol as State Representative and I fully believe that we have gone through the process of having a public hearing and discussed the merits of the bill. The merits at this time show that the people of the State of Hawaii wish to have this put on the ballot for this year to be voted upon. Therefore, I am in favor of the bill.

"Thank you."

Representative Marumoto rose and stated:

"Mr. Speaker, again I rise to speak against the measure.

"Representative Crozier from Ewa made a good point when he said that Representative Gramm, Phil Gramm, voluntarily resigned and perhaps this is a better way to go if someone is truly honorable. They may feel compelled to voluntarily resign and I don't think that a constitutional amendment is required to. . . it's a heavy, heavy measure to enact this resignation.

"Representative Kihano, I thank you for thinking of us in the measure but I kind of think that perhaps we could work it the other way. If some Democrats want to come into the Republican Party, we would welcome them and I have some party cards here ready for you and you do not have to resign in order to come on over. So I just wanted to leave you with that thought.

"Thank you very much."

At 12:59 o'clock p.m., Representative Okamura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:00 o'clock p.m.

Representative Metcalf rose and stated:

"Mr. Speaker, I must confess I am a little confused on one point. Could I ask Representative Souki to answer

for me what bald-headed member of the Minority he was referring to because I notice there's two and it may affect my vote on the issue."

The Chair said:

"Representative Metcalf, I realize that it is good sometime to get into the lighter side of things but I would appreciate proceeding."

Representative Anderson rose and stated:

"Again, I would like to rebut. Am I out of order? I was wondering... this has been going on for a long time."

The Chair said:

"Representative Anderson, you are out of order."

Representative Anderson thanked the Chair.

Representative Tungpalan rose to speak in favor of the bill stating:

"Pearl City was one of the affected areas where recall was held. Soon after the switch in parties, I couldn't go anywhere in Pearl City without being stopped and asked, 'What can we do about our Councilman who changed parties?' People were angry. They were just devastated because they felt betrayed. They worked hard to get our Councilman elected. I remember very distinctly Councilman Akahane approaching me and asking me as a member of the Democratic Party to help him to get re-elected. I helped him by canvassing with him, I helped him by appearing in his brochure, I helped him by holding signs.

"It was really a feeling of betrayal and a misplacement of trust and hurt that I became engaged in the recall party effort. Many of the people felt very thankful, didn't wait for us to go door to door. They came running up to us and they said, 'I want to sign that petition. I want to let him know. I want to send him a message that what he did was wrong.' When he did get that message, he could have chosen at that time to resign. He didn't. What he in fact said was, 'I believe the majority of the people want me and voted for me because of what I did and not because of the party system.' So he chose to have a recall election. Now, when the recall election did come, he was resoundly voted out. It was by a two to one margin.

"Now, this bill I believe will help cut the cost to that recall process because, in effect, it will say to the individual who is contemplating switching that you'd have to resign before you do that. So if we're looking at saving money, maybe this is really a measure to be considered.

"I want to thank people who were responsible for the recall election for giving the people in our district that opportunity. They certainly came out and expressed themselves. They were not intimidated and history will show that we put Pearl City and we put Wahiawa and we put Kalihi on the map because we were the first to do that.

"Thank you, Mr. Speaker."

Representative Menor rose and stated:

"Mr. Speaker, I want the record to reflect the fact that I will vote for this bill with reservations and I would like to have my comments inserted into the Journal."

The Chair, noting that there were no objections, "so ordered."

Representative Menor's remarks are as follows:

"I rise to speak in favor of this bill with reservations.

"I am going to cast an 'aye' vote on this bill because it will permit the residents of our State to vote on an issue that generated considerable interest during last year's City Council recall election. In that election, a significant number of voters concluded that the act of switching parties by certain elected City Council members, in the middle of their terms of office, constituted a breach of public trust justifying their removal from office. Accordingly, the passage of this bill will provide voters with an opportunity to decide one way or another whether such a sanction should also apply to elected officials to the State Legislature.

"However, I am voting for this bill with reservations because I personally have concerns about a requirement that would impose such a drastic sanction on an officeholder who elects, as a matter of conscience, to become a member of another party. Nevertheless, despite these reservations, I recognize that this bill does not specifically enact a resignation requirement into law, but merely refers this issue for approval or

rejection by the voters. Therefore, I will vote for this bill to defer to the best judgment of my fellow residents on this issue."

Representative Cavasso rose and stated:

"Mr. Speaker, I'm the other one and I would just like to say that in answer to the Representative that asked about the bald-headed guy over here.

"I considered coming into the Democratic Party in the beginning and had a look at the greater freedom on that side and the freedom that's been offered and so I chose to move in that direction. And to answer one other question or a point made by the Floor Leader, it seems to me because of the environment which we are in right now that this is being used as a tool of intimidation and could be interpreted that way. And I caution us against that."

The motion was put by the Chair and carried, and H.B. No. 1949-86, entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE II, SECTION 7, OF THE HAWAII CONSTITUTION, TO REQUIRE A PERSON TO RESIGN FROM OFFICE IN ORDER TO CHANGE A POLITICAL PARTY WHILE IN OFFICE", having been read throughout, passed Third Reading by a vote of 36 ayes to 14 noes, which was not less than two-thirds of all the members to which the House is entitled, with Representatives Anderson, Cavasso, Crozier, Hemmings, Ikeda, Isbell, Jones, Kamali'i, Liu, Marumoto, Medeiros, Oshiro, Pfeil and Souki voting no, and Representative Leong being excused.

H.B. No. 1729-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1729-86, entitled: "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1992-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1992-86, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UN-

CLAIMED PROPERTY ACT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1949-86, 1729-86 and 1992-86 had passed Third Reading at 1:05 o'clock p.m.

H.B. No. 1676-86:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, H.B. No. 1676-86, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAXES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2282-86:

On motion by Representative Andrews, seconded by Representative Tom and carried, H.B. No. 2282-86, entitled: "A BILL FOR AN ACT RELATING TO THE PESTICIDES ADVISORY COMMITTEE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2117-86:

On motion by Representative Levin, seconded by Representative Shito and carried, H.B. No. 2117-86, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF FINE PRINTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1676-86, 2282-86 and 2117-86 had passed Third Reading at 1:06 o'clock p.m.

H.B. No. 2358-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2358-86, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2465-86:

On motion by Representative Tom, seconded by Representative Metcalf

and carried, H.B. No. 2465-86, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION TO VICTIMS OF CRIME", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2358-86 and 2465-86 had passed Third Reading at 1:07 o'clock p.m.

Stand. Com. Rep. No. 367-86 on H.B. No. 1663-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1663-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Grouly rose and stated:

"Mr. Speaker, I would like to offer some comments in support of the bill but with reservations.

"Mr. Speaker, I don't think there is any quarrel that we need a pilot project for a child care center at the University of Hawaii.

"My concern, however, relates to the changes that were made to the bill in Finance which makes it very difficult for the bill to achieve what the committee report tries to say that it wants to achieve, and that is that we have a child care facility that is self-supporting.

"As the author of House Draft 1, and in working with Dr. Richard Hinsey who is a noted authority on developing self-supporting child care facilities, one of the important things about this particular bill was that there needed to be a base -- a year-round base -- for both made up of the faculty and staff at the University in order that this facility might be self-supporting.

"When the amendments were made to this House Draft, the question of whether this facility can be in fact self-supporting and the question of whether the operation can be accomplished without additional funds from the State becomes an issue, so I would hope that when this bill goes over to the Senate and goes over into conference, that the necessary amendments can be made to ensure that the facility will in fact be self-supporting.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1663-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A UNIVERSITY CHILD CARE CENTER PILOT PROJECT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1663-86 had passed Third Reading at 1:09 o'clock p.m.

Stand. Com. Rep. No. 368-86 on H.B. No. 1707-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the majority of the Committee was adopted and H.B. No. 1707-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO OCEAN MANAGEMENT", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Anderson and Liu voting no, and Representative Leong being excused.

Stand. Com. Rep. No. 369-86 on H.B. No. 1678-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1678-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RESPITE CARE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 370-86 on H.B. No. 1691-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1691-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VICTIM-WITNESS ASSISTANCE PROGRAM", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1707-86, 1678-86 and 1691-86 had passed Third Reading at 1:10 o'clock p.m.

Stand. Com. Rep. No. 371-86 on H.B. No. 1699-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the majority of the Committee was adopted and H.B. No. 1699-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A SMALL BUSINESS PROCUREMENT ASSISTANCE OFFICE", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1699-86 had passed Third Reading at 1:11 o'clock p.m.

Stand. Com. Rep. No. 372-86 on H.B. No. 1700-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1700-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Tam rose to speak in favor of the bill, stating:

"I wish to applaud the members who are voting in favor of this bill. It truly opens the doors to foreign trade between the Far East and the State of Hawaii which is greatly needed in times of economic needs.

"Thank you."

The motion was put by the Chair and carried and the report of the Committee was adopted and H.B. No. 1700-86, HD 2, entitled: "A BILL FOR AN ACT ESTABLISHING A 'SISTER-RELATIONSHIP' SPECIAL EXCHANGE PROGRAM AND MAKING AN APPROPRIATION THEREFORE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 373-86 on H.B. No. 1684-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1684-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR HEALTH EDUCATION AND INFORMATION", having been read throughout, passed Third

Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1700-86 and 1684-86 had passed Third Reading at 1:12 o'clock p.m.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

S.B. No. 909, SD 1, HD 1:

On motion by Representative Taniguchi, seconded by Representative Lindsey and carried, H.B. No. 909, SD 1, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Hashimoto voting no, and Representative Leong being excused.

H.B. No. 2060-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Tom and carried, H.B. No. 2060-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC HIGHWAYS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1739-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Tom and carried, H.B. No. 1739-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that S.B. No. 909 and H.B. Nos. 2060-86 and 1739-86 had passed Third Reading at 1:13 o'clock p.m.

H.B. No. 1998-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 1998-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SPILLING LOADS ON HIGHWAYS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2173-86, HD 1:

On motion by Representative Levin, seconded by Representative Onouye and carried, H.B. No. 2173-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2016-86, HD 1:

On motion by Representative Apo, seconded by Representative Shon and carried, H.B. No. 2016-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1998-86, 2173-86 and 2016-86 had passed Third Reading at 1:14 o'clock p.m.

H.B. No. 2168-86, HD 1:

On motion by Representative Andrews, seconded by Representative Tom and carried, H.B. No. 2168-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1959-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1959-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE INTERAGENCY BOARD", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2007-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2007-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES AND MENTAL RETARDATION RECORDS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2168-86, 1959-86 and 2007-86 had passed Third Reading at 1:15 o'clock p.m.

H.B. No. 2055-86, HD 1:

On motion by Representative Shito, seconded by Representative Metcalf and carried, H.B. No. 2055-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PEST CONTROL INDUSTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2715-86, HD 1:

On motion by Representative Shito, seconded by Representative Metcalf and carried, H.B. No. 2715-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Hashimoto voting no, and Representative Leong being excused.

H.B. No. 1928-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1928-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INCOME TAX", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2055-86, 2715-86 and 1928-86 had passed Third Reading at 1:16 o'clock p.m.

H.B. No. 2582-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2582-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GENERAL EXCISE TAX", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2103-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2103-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2326-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2326-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2582-86, 2103-86 and 2326-86 had passed Third Reading at 1:17 o'clock p.m.

H.B. No. 2397-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2397-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LIMITATIONS OF ACTIONS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2526-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2526-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2397-86 and 2526-86 had passed Third Reading at 1:18 o'clock p.m.

H.B. No. 1690-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1690-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROBATE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2010-86:

On motion by Representative Tungpalan, seconded by Representative Takamine and carried, H.B. No. 2010-86, entitled: "A BILL FOR AN ACT RELATING TO THE ADVISORY COMMISSION ON EMPLOYMENT AND HUMAN RESOURCES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2009-86:

On motion by Representative Tungpalan, seconded by Representative Tom and carried, H.B. No. 2009-86, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1690-86, 2010-86 and 2009-86 had passed Third Reading at 1:19 o'clock p.m.

H.B. No. 2361-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2361-86, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1829-86:

On motion by Representative Shito, seconded by Representative Metcalf and carried, H.B. No. 1829-86, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2038-86:

On motion by Representative Shito, seconded by Representative Metcalf and carried, H.B. No. 2038-86, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2361-86, 1829-86 and 2038-86 had passed Third Reading at 1:20 o'clock p.m.

H.B. No. 2217-86:

On motion by Representative Shito, seconded by Representative Metcalf and carried, H.B. No. 2217-86, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2217-86 had passed Third Reading at 1:21 o'clock p.m.

STANDING COMMITTEE REPORT

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 394-86) recommending that H.B. No. 1908-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1908-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL", passed Second Reading and was placed on the calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of H.B. No. 1908-86, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

ANNOUNCEMENTS

Representative Metcalf: "Your Committee on Judiciary will be meeting in about five minutes in Room 328. Decision-making to follow time permitting."

Representative Tam: "Your Committee on Water, Land Use, Development and Hawaiian Affairs will be having a public hearing tomorrow at 9:00 a.m. in Room 328. Decision-making to follow."

Representative D. Ige: "Just wanted to announce the public hearing that was planned to be held today by the Education Committee has been cancelled and will be rescheduled."

Representative Takamine: "Your Committee on Employment Opportunities and Labor Relations and the Committee on Consumer Protection and Commerce will be holding a joint public hearing tomorrow morning at 9:00 a.m. in Conference Room 310. Decision-making to follow if time permits."

Representative Gaulty: "Your Committees on Human Services and Judiciary will be holding a joint public hearing tomorrow morning at 8:30 in Room 314 on one bill. Decision-making will follow."

Representative Shito requested waiver of the 48-hour notice for hearing on House Bill No. 2722-86 and the Chair "so ordered."

Representative Shito: "Your Committee on Consumer Protection will be meeting this evening at 6:30 in Room 328 and will consider this bill and also will make decision-making on previous bills heard."

Representative Crozier requested waiver of the 48-hour notice for hearing on House Bill 476 and the Chair "so ordered."

Representative Crozier: "I would like to announce that the Legislative Management Committee has scheduled a committee hearing for tomorrow at 9:00 a.m. in Conference Room 435. The committee will receive testimony on House Bill 1913-86 and if time permits, we will have decision-making on House Bill 913 and House Bill 476. Sir, I would also like to comment that because the Legislative Management Committee has no constituency out there monitoring us, I have contacted the League of Women Voters and Common Cause to come and sit in on our hearings, to listen, but nobody shows up. I want our government to be as open as possible."

Representative Isbell: "There will be a very short get-together rehearsal right after this session over by the piano and I would like to invite all those who feel that they could enjoy singing with us to please join us and it's very easy. I assure you will enjoy it and I encourage you to be there and I promise to be there myself right after the session over there."

Representative Souki: "Your Committee on Finance will be having a hearing at 2:00 today in Room 307. To the members of the committee, there will be five agendas so be aware of that and there will be decision-making to follow."

ADJOURNMENT

At 1:25 o'clock p.m., on motion by Representative Okamura, seconded by Representative Ikeda and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Friday, February 28, 1986.

TWENTY-SEVENTH DAY

Friday, February 28, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:12 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Brother Marisi Palepale of St. Patrick's Church, after which the Roll was called showing all members present with the exception of Representatives M. Ige, Leong and Menor who were excused.

By unanimous consent, reading of the Journal of the House of Representatives was deferred.

At this time, the following introductions were made to the members of the House:

Representative Tunggalan introduced the Honorable Joseph Bosano, leader of the Gibraltar Socialist Labor Party who had attended a labor hearing and "he related to me that he has never seen such an open process."

Representative Crozier, on behalf of Representative Oshiro and himself, introduced Aldon Inouye and Zac Miller, a nephew of Representative Crozier's friend, who are students from Ilima Intermediate School who are here for their government awareness program. Both students "used to hang around and still play with my son, Daniel, and Aldon was the pitcher of their baseball team."

Representative Kiyabu introduced Ms. Tiffany Shito, a 3rd grader from the Epiphany Elementary School whose art work is displayed in Representative Kiyabu's office, accompanied by her parents, Mr. and Mrs. Jeffrey Shito and grandparents, Mr. and Mrs. Thomas Ichida.

Representative Kiyabu also introduced Mr. Andy Palmer, "my good friend and attorney from Boston, Massachusetts, who is trying to give me some good advice about lottery."

Representative Apo, on behalf of Representative Peters and himself, introduced 40 students from Wai-anae Elementary School accompanied by their counselor, Mr. Sy

Ohira, Mrs. Thelma Estravilla, a resource teacher and JPO advisor, and Pat Aki, co-student counsel advisor and advisor for the talented and gifted students.

Representative Okamura, on behalf of Representatives Manegdeg and Cachola, introduced Betty Tatum, "a very familiar face to the Legislature, she's the executive director of the National Federation of Independent Businesses and also the chairperson for the Salt Lake, Aliamanu and Foster Village Neighborhood Board."

Representative Marumoto introduced Mr. George Holeso, a friend from the Neighborhood Board No. 4.

ORDER OF THE DAY

COMMITTEE REASSIGNMENT

H.C.R. No. 52 was re-referred jointly to the Committees on Ocean and Marine Resources and Consumer Protection and Commerce.

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for considering a resolution out of order.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 104) was read by the Clerk and disposed of as follows:

A resolution (H.R. No. 104) recognizing the Commercial Arts Program at Honolulu Community College, the Legal Assisting Program and the Respiratory Programs at Kapiolani College for receiving the outstanding achievement in vocational/educational award was jointly offered by Representatives Graulty, Levin, Onouye, Anderson, Andrews, Apo, Bunda, Cachola, Cavasso, Crozier, Hagino, Hashimoto, Hemmings, Hirono, D. Ige, M. Ige, Ikeda, Isbell, Jones, Kamali'i, Kihano, Lardizabal, Lindsey, Manegdeg, Marumoto, Medeiros, Metcalf, Nakasato, Nakata, Okamura, Oshiro, Say, Shon, Souki, Takamine, Tam, Taniguchi and Yoshimura.

On motion by Representative Graulty, seconded by Representative Levin and carried, H.R. No. 104 was adopted.

Representative Grauly then rose and stated:

"Mr. Speaker, vocational education plays an important role in the lives of many people in Hawaii. It provides valuable training for persons to help develop their potential in chosen fields.

"These persons, upon completion of their education, help support our state's economy by becoming contributing members of society in various and numerous walks of life.

"At the postsecondary level, there are three vocational/educational programs in Hawaii that stand out from all others. Each has received national recognition for excellence for their outstanding achievements: the Commercial Arts Program at the Honolulu Community College, the Legal Assisting Program and the Respiratory Therapy Program at Kapiolani Community College.

"The success of these programs can be measured by the commitment and dedication of those who believe in excellence. The three people that we honor today have been singled out for their leadership and efforts in making their respective program the critical success they are today.

"Mary "Kit" Kowalke is a director and an instructor of the Commercial Arts Program at Honolulu Community College. Ms. Kowalke received her masters of fine arts degree at the University of Hawaii, and specializes in design, computer type setting and computer graphics."

At this time, Representative Grauly asked Ms. Kowalke to stand and be recognized.

Representative Grauly, continuing, stated:

"Secondly, Robert LeClair is a director and an instructor of the Legal Assisting Program at Kapiolani College. Mr. LeClair is a graduate of Harvard Law School and a member of the advisory committee to the American Bar Association's committee on legal assistance.

At this time, Representative Grauly asked Mr. LeClair to stand and be recognized.

Representative Grauly then remarked:

"Thirdly, Mr. Speaker, Ron Sanderson who is the director and an instructor of the Respiratory Therapy

Program at Kapiolani Community College. Mr. Sanderson is a registered respiratory therapist and an active and involved member of the community.

At this time, Representative Grauly asked Mr. Sanderson to rise and be recognized.

Representative Grauly, continuing his remarks, said:

"These three individuals have served well as dynamic leaders in the ongoing effort to ensure tough quality training and education for students in their fields. Their inspiration and foresight have helped to propel Hawaii to the forefront of vocational education, and it is with great pride and aloha that we honor and congratulate them today.

"At this time, I would also like to introduce to you and to the members of the House, the person who leads the effort in vocational education in our community college system, and that person is the chancellor of the community college system, Dr. Joyce Tsunoda," who was also asked to stand and be recognized.

"With your permission Mr. Speaker, at this time, I would also like to recognize two people sitting in the gallery today who have also been instrumental in furthering vocational education in the state of Hawaii. First, the provost of the Honolulu Community College, Dr. Peter Kessinger and the provost of Kapiolani Community College, Dr. John Morton." Both were asked to stand and be recognized.

"Also present in the gallery, Mr. Speaker, are two individuals who have provided some support to these three outstanding people: first, Mr. Ron Sanderson's daughter, Mimi, and Mr. LeClair's secretary, Margo Pussman." Both were asked to stand and be recognized.

At this time, orchid leis were presented to Mrs. Kowalke by Representative Onouye; to Mr. LeClair by Representative Hirono; to Mr. Sanderson by Representative Ikeda; and to Dr. Tsunoda by Representative Levin; and a certified copy of the Resolution was presented to each of the honorees by Representative Grauly.

At 11:28 o'clock the Chair declared a recess, subject to the call of the Chair, "for the purpose of allowing us to extend our personal aloha to our honorees, this morning."

Upon reconvening at 11:40 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives M. Ige and Menor.

At this time, Representative Anderson rose on a point of information.

The Chair directed Representative Anderson to state his point.

Representative Anderson inquired:

"I would like to know if the chairman of Finance would answer a question or yield to a question."

The Chair asked Representative Kiyabu if he would yield to the question.

Representative Kiyabu responded:

"It depends on the question."

Representative Anderson then asked:

"I've been sitting here and trying to find out, rather than wait till later, I was hoping that some information would be forthcoming as to his friend, the attorney, giving him some information on the lottery. Was that pro or con?"

Representative Kiyabu answered:

"It is for my edification."

Representative Anderson then thanked Representative Kiyabu.

The Chair then stated:

"Representative Anderson, that matter is not before the House. Be patient."

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of considering bills on Third Reading on a the basis of a modified consent calendar.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

H.B. No. 1672-86, HD1:

On motion by Representative Tungpalan, seconded by Representative

Takamine and carried, H.B. No. 1672-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1672-86 had passed Third Reading at 11:42 o'clock a.m.

H.B. No. 1740-86, HD1:

Representative Tom moved that H.B. No. 1740-86, HD1, having been read throughout, pass Third Reading seconded by Representative Metcalf.

Representative Tom then offered the following amendment to H.B. No. 1740-86, HD1:

"SECTION 1. House Bill No. 1740-86, HD1, is amended by amending line 7 on page 3 to read:

"SECTION 5. This Act shall take effect on January 1, 1987."

Representative Tom moved that the amendment be adopted, seconded by Representative Metcalf and carried, and the amendment was adopted.

By unanimous consent, further action on H.B. No. 1740-86, HD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1740-86, HD2, were made available to the members of the House at 11:44 o'clock a.m.

H.B. No. 1993-86, HD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1993-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTION TO THE STATE TORT LIABILITY ACT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1993-86 had passed Third Reading at 11:44 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 101 to 103 and 105) and concurrent resolutions (H.C.R. Nos. 63 to 66) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 101) urging the Department of Education, the Department of Accounting and General Services, and the Department of Budget and Finance to confer and recommend a workable and adequate budget for the repair and the maintenance of the public schools was jointly offered by Representatives Marumoto, Ikeda, Jones, Anderson, Hemmings, Pfeil, Isbell, Cavasso, Liu, Kamali'i and Medeiros.

A resolution (H.R. No. 102) requesting a reorganizational plan to separate the School of Travel Industry Management from the College of Business Administration of the University of Hawaii at Manoa and to increase support allocated to the School of T.I.M. was jointly offered by Representatives Nakasato, Lardizabal, Cachola, Hemmings, Manegdeg and Medeiros.

A resolution (H.R. No. 103) proposing for a sister state/province relationship with Cheju Province, Republic of Korea, was jointly offered by Representatives Nakasato, Lardizabal, Cachola, Hashimoto, Hemmings, Manegdeg, Onouye, Shon, Souki and Yoshimura.

A resolution (H.R. No. 105) requesting the Board of Regents of the University of Hawaii to lease property located on the Manoa campus to the High Technology Development Corporation at a nominal fee for the development of the Manoa Innovation Center was jointly offered by Representatives Say and Levin.

A concurrent resolution (H.C.R. No. 63) proposing for a sister state/province relationship with Cheju Province, Republic of Korea, was jointly offered by Representatives Nakasato, Lardizabal, Cachola, Hashimoto, Hemmings, Manegdeg, Onouye, Shon, Souki and Yoshimura.

A concurrent resolution (H.C.R. No. 64) designating the week of May 18, 1986, as Tourism Week in Hawaii was jointly offered by Representatives Nakasato, Lardizabal, Bunda, Cachola, Hashimoto, Hemmings, Manegdeg, Onouye, Shon, Souki and Yoshimura.

A concurrent resolution (H.C.R. No. 65) requesting the Board of Regents of the University of Hawaii to lease property located on the Manoa Campus to the High Technology Development Corporation at a nominal fee for the development of the Manoa Innovation Center was jointly offered by Representatives Say and Levin.

A concurrent resolution (H.C.R. No. 66) authorizing the Department of Land and Natural Resources to dispose by way of a lease, together with an easement, certain government submerged lands and lands beneath tidal waters for purposes of constructing certain offshore improvements offered by Representative Peters. (By request)

ANNOUNCEMENTS

Representative Shon: "Your Committee on Ocean and Marine Resources will have a public hearing on Monday, 9:00 o'clock a.m., in Room 328. Decision making to follow if time permits."

Representative Kiyabu: "I request the waiver of the 48-hr. notice for all remaining bills in Finance," and the Chair "so ordered."

Representative Metcalf: "There are a number of Judiciary committee reports to be signed by members and they will be available on Representative Tom's desk immediately after session for signatures by the members."

The Chair announced:

"All members are requested to make themselves available exactly for that purpose."

Representative Kiyabu: "Your Committee on Finance will hold a public hearing this afternoon at 1:30 o'clock p.m. Decision making to follow of all bills for this afternoon and this evening and all bills that we have held over for decision making."

Representative Bunda: "Your Committee on Health will be having a hearing on Monday at 8:30 o'clock a.m., in Room 314. Decision making to follow."

Representative Cachola: "May I request the members of the Committee on Housing as well as Consumer Protection and Commerce to sign some committee reports and to see us here after session."

Representative Kawakami: "There will be an open Majority caucus on Monday morning beginning at 8:30 o'clock a.m."

Representative Ikeda: "There will be a Republican caucus at 8:30 o'clock a.m., on Monday morning."

Representative Apo: "As a followup

to Representative Shon's announcement about the Ocean and Marine Resources hearing on Monday, we will be adding an item to the agenda, posting an addendum today; and also we'll be taking up the re-referred H.C.R. No. 52."

Representative Okamura made the following motion:

"I move that we keep the Journal open until midnight, and that all bills received by the Clerk up till midnight pass Second Reading and be placed on the calendar for Third Reading, and that all committee reports thereto be adopted, except those bills recommending passage on Third Reading shall be deferred until Monday, March 3, 1986."

The motion was seconded by Representative Ikeda and carried.

At 11:47 o'clock a.m. the Chair declared the House in recess for the purpose of receiving committee reports.

STANDING COMMITTEE REPORTS

The following Standing Committee Reports (Stand. Com. Rep. Nos. 395 to 491) were received in the Chief Clerk's office up till 12:00 o'clock midnight this legislative day, and in accordance with a motion made earlier, all House bills accompanying said Standing Committee Reports passed Second Reading and were placed on the calendar for Third Reading except those bills which recommended passage on Third Reading, which were deferred:

Representatives Bunda and Gaulty, for the Committees on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 395-86) recommending that H.B. No. 2123-86 pass Second Reading and be placed on the calendar for Third Reading.

Representatives Bunda and Gaulty, for the Committees on Health and Human Services, presented a joint report (Stand. Com. Rep. No. 396-86) recommending that H.B. No. 1951-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Bunda and Tom, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. No. 397-86) recommending that H.B. No. 2170-86 pass Second Reading and be placed on the

calendar for Third Reading.

Representatives Bunda and Tom, for the Committees on Health and Judiciary, presented a joint report (Stand. Com. Rep. No. 398-86) recommending that H.B. No. 1999-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tungpalan, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 399-86) recommending that H.B. No. 2569-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 400-86) recommending that H.B. No. 2374-86 pass Second Reading and be placed on the calendar for Third Reading.

Representatives Taniguchi and Tom, for the Committees on Transportation and Judiciary, presented a joint report (Stand. Com. Rep. No. 401-86) recommending that H.B. No. 2599-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Taniguchi and Tom, for the Committees on Transportation and Judiciary, presented a joint report (Stand. Com. Rep. No. 402-86) recommending that H.B. No. 2444-86, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Taniguchi and Shito, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 403-86) recommending that H.B. No. 1895-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Taniguchi and Tom, for the Committees on Transportation and Judiciary, presented a joint report (Stand. Com. Rep. No. 404-86) recommending that H.B. No. 2192-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 405-86) recommending that H.B. No. 2605-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 406-86) recommending that H.B. No. 2348-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 407-86) recommending that H.B. No. 2598-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Tunggalan and Shito, for the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 408-86) recommending that H.B. No. 1322, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Tunggalan and Shito, for the majority of the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 409-86) recommending that H.B. No. 2714-86, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Andrews and Say, for the majority of the Committees on Planning, Energy and Environmental Protection and Water, Land Use Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 410-86) recommending that H.B. No. 2015-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Grauly and Tunggalan, for the Committees on Human Services and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 411-86) recommending that H.B. No. 1838-86, pass Second Reading and be placed on the calendar for Third Reading.

Representative Grauly, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 412-86) recommending that H.B. No. 2002-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Grauly, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 413-86) recommending that H.B.

No. 2001-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Grauly, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 414-86) recommending that H.B. No. 1950-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Grauly, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 415-86) recommending that H.B. No. 2069-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 416-86) recommending that H.B. No. 1695-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 417-86) recommending that H.B. No. 2354-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 418-86) recommending that H.B. No. 2756-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 419-86) recommending that H.B. No. 2693-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 420-86) recommending that H.B. No. 2586-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 421-86) recommending that H.B. No. 2030-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Com-

mittee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 422-86) recommending that H.B. No. 2695-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 423-86) recommending that H.B. No. 2525-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 424-86) recommending that H.B. No. 2040-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 425-86) recommending that H.B. No. 2039-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 426-86) recommending that H.B. No. 1905-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 427-86) recommending that H.B. No. 1906-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 428-86) recommending that H.B. No. 2118-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 429-86) recommending that H.B. No. 2216-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 430-86) recommending

that H.B. No. 2493-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 431-86) recommending that H.B. No. 2238-86, HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 431-86 on H.B. No. 2238-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2238-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 432-86) recommending that H.B. No. 2074-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 432-86 on H.B. No. 2074-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2074-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 433-86) recommending that H.B. No. 2364-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 434-86) recommending that H.B. No. 2214-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 435-86) recommending that H.B. No. 2215-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 436-86) recommending that H.B. No. 2362-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 437-86) recommending that H.B. No. 2363-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 438-86) recommending that H.B. No. 2365-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 439-86) recommending that H.B. No. 2760-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 440-86) recommending that H.B. No. 2669-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 441-86) recommending that H.B. No. 2368-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 442-86) recommending that H.B. No. 2479-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 443-86) recommending that H.B. No. 2483-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 444-86) recommending that H.B. No. 2561-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 445-86) recommending that H.B. No. 2656-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 446-86) recommending that H.B. No. 2395-86, as amended in HD2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 447-86) recommending that H.B. No. 1996-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 447-86 on H.B. No. 1996-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1996-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 448-86) recommending that H.B. No. 2105-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 448-86 on H.B. No. 2105-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2105-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 449-86) recommending that H.B. No. 2024-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 449-86 on H.B. No. 2024-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2024-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 450-86) recommending that H.B. No. 1687-86, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 450-86

on H.B. No. 1687-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1687-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 451-86) recommending that H.B. No. 425, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 451-86 on H.B. No. 425, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 425, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 452-86) recommending that H.B. No. 2574-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 452-86 on H.B. No. 2574-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2574-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 453-86) recommending that H.B. No. 2138-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 453-86 on H.B. No. 2138-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2138-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 454-86) recommending that H.B. No. 1815-86, as amended in HD2, pass Third Reading.

By unanimous consent, considera-

tion of Stand. Com. Rep. No. 454-86 on H.B. No. 1815-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1815-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 455-86) recommending that H.B. No. 1697-86, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 455-86 on H.B. No. 1697-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1697-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 456-86) recommending that H.B. No. 1708-86, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 456-86 on H.B. No. 1708-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1708-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 457-86) recommending that H.B. No. 2589-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 457-86 on H.B. No. 2589-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2589-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 458-86) recommending that H.B. No. 1694-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 458-86 on H.B. No. 1694-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1694-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 459-86) recommending that H.B. No. 2102-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 459-86 on H.B. No. 2102-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2102-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Say, for the majority of the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 460-86) recommending that H.B. No. 2835-86, as amended in HD2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 461-86) recommending that H.B. No. 2836-86, as amended in HD2, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Andrews and Levin, for the Committees on Planning, Energy and Environmental Protection and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 462-86) recommending that H.B. No. 2786-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 463-86) recommending that H.B. No. 2671-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 464-86) recommending that H.B. No. 1692-86, as amended in HD2, pass

Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 465-86) recommending that H.B. No. 1770-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 465-86 on H.B. No. 1770-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1770-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 466-86) recommending that H.B. No. 1773-86, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 466-86 on H.B. No. 1773-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1773-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 467-86) recommending that H.B. No. 1771-86, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 467-86 on H.B. No. 1771-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1771-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 468-86) recommending that H.B. No. 1768-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 468-86 on H.B. No. 1768-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of

H.B. No. 1768-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 469-86) recommending that H.B. No. 1769-86, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 469-86 on H.B. No. 1769-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1769-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 470-86) recommending that H.B. No. 1388, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 471-86) recommending that H.B. No. 2191-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 472-86) recommending that H.B. No. 2142-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 473-86) recommending that H.B. No. 1937-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 474-86) recommending that H.B. No. 1945-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 475-86) recommending

that H.B. No. 1942-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 476-86) recommending that H.B. No. 2111-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 477-86) recommending that H.B. No. 2202-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Crozier, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 478-86) recommending that H.B. No. 1913-86, as amended in HD1, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 478-86 on H.B. No. 1913-86, HD1, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1913-86, HD1, were made available to the members of the House no later than 12:00 o'clock midnight.

Representatives Grauly and Tom, for the Committees on Human Services and Judiciary, presented a joint report (Stand. Com. Rep. No. 479-86) recommending that H.B. No. 2725-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 480-86) recommending that H.B. No. 2285-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representatives Andrews and Say, for the Committees on Planning, Energy and Environmental Protection and Water, Land Use Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 481-86) recommending that H.B. No. 2017-86 pass Second Reading and be placed on the calendar for Third Reading.

Representatives Andrews and Shito, for the Committees on Planning, Energy and Environmental Protection

and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 482-86) recommending that H.B. No. 2028-86 pass Second Reading and be placed on the calendar for Third Reading.

Representatives Andrews and Shito, for the Committees on Planning, Energy and Environmental Protection and Consumer Protection and Commerce presented a report (Stand. Com. Rep. No. 483-86) recommending that H.B. No. 2108-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 484-86) recommending that H.B. No. 2425-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 485-86) recommending that H.B. No. 2845-86, as amended in HD2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 486-86) recommending that H.B. No. 2062-86, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 486-86 on H.B. No. 2062-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2062-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representative Shito, for the Committee on Consumer Protection and

Commerce, presented a report (Stand. Com. Rep. No. 487-86) recommending that H.B. No. 1767-86, as amended in HD2, pass Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. No. 487-86 on H.B. No. 1767-86, HD2, was deferred until Monday, March 3, 1986, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1767-86, HD2, were made available to the members of the House no later than 12:00 o'clock midnight.

Representatives Tom and Shito, for the Committees on Judiciary and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 488-86) recommending that H.B. No. 2178-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 489-86) recommending that H.B. No. 2158-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 490-86) recommending that H.B. No. 2373-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 491-86) recommending that H.B. No. 1728-86, as amended in HD1, pass Second Reading and be placed on the calendar for Third Reading.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:00 o'clock a.m., Monday, March 3, 1986.

TWENTY-EIGHTH DAY

Monday, March 3, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:15 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Mr. Hugh K. Laing of the First Church of Christ, Scientist, after which the Roll was called showing all members present with the exception of Representative Leong, who was excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 22 to 24) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 22) transmitting Senate Concurrent Resolution No. 29, congratulating Corazon Aquino on restoring true democracy in the Philippines, which was adopted by the Senate on February 27, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 29 was deferred.

A communication from the Senate (Sen. Com. No. 23) informing the House that Senate Bill No. 92, SD 1, HD 1, has passed Final Reading in the Senate on February 27, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 24) transmitting Senate Bill No. 1840-86, entitled: "A BILL FOR AN ACT RELATING TO LIMITING COMMERCIAL EXPLOITATION OF CRIME", which passed Third Reading in the Senate on February 27, 1986, was placed on file.

At 11:27 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:28 o'clock a.m.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, S.B. No. 1840-86

passed First Reading by title and further action was deferred.

At this time, the following introductions were made to the members of the House:

Representative Isbell introduced 5 students from Hookena School in South Kona. They were accompanied by their teacher, Mrs. Place.

Representative Cavasso introduced a group of people from Waimanalo who are in a program called Olaho "which is a learning center aimed at achieving a high school graduate degree and getting a diploma for the young and the old."

Representative Crozier introduced a group of senior citizens from Makakilo. They were accompanied by Mr. Harold Durang and his wife, Mrs. Lynette Crozier.

Representative Okamura introduced a group of student leaders from Aiea High School. They were accompanied by Mr. Roy Miyoga, student activities coordinator, and Mrs. Nancy Asato, sophomore class adviser. Included with this group was Gina Bantauski, first student body Vice President and recently crowned 1986 Hawaii Junior Miss.

ORDER OF THE DAY

COMMITTEE REASSIGNMENTS

The following House bills were re-referred as follows:

H.B. Nos.	Re-referred to:
2274-86	Committee on Consumer Protection and Commerce, then to the Committee on Finance
2850-86	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

H.B. No. 1740-86, HD 2:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1740-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 431-86 on H.B. No. 2238-86, HD 2:

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2238-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE LIABILITY INSURANCE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1740-86 and 2238-86 had passed Third Reading at 11:33 o'clock a.m.

Stand. Com. Rep. No. 432-86 on H.B. No. 2074-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2074-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 447-86 on H.B. No. 1996-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1996-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 448-86 on H.B. No. 2105-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative

Souki and carried, the report of the Committee was adopted and H.B. No. 2105-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2074-86, 1996-86 and 2105-86 had passed Third Reading at 11:34 o'clock a.m.

Stand. Com. Rep. No. 449-86 on H.B. No. 2024-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2024-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 450-86 on H.B. No. 1687-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1687-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RENTAL ASSISTANCE REVOLVING FUND", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 451-86 on H.B. No. 425, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 425, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 452-86 on H.B. No. 2574-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2574-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRI-

ATION FOR PAYMENT OF JUDGMENT AGAINST THE DEPARTMENT OF EDUCATION, STATE OF HAWAII, AND IN FAVOR OF THE UNITED STATES DEPARTMENT OF EDUCATION THROUGH ITS SECRETARY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2024-86, 1687-86, 425 and 2574-86 had passed Third Reading at 11:35 o'clock a.m.

Stand. Com. Rep. No. 453-86 on H.B. No. 2138-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2138-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE TRANSFER OF THE HOOMANA SCHOOL PROGRAM FROM THE UNIVERSITY OF HAWAII TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2138-86 had passed Third Reading at 11:36 o'clock a.m.

Stand. Com. Rep. No. 454-86 on H.B. No. 1815-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1815-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Kamali'i rose and requested that her remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Kamali'i's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of H.B. No. 1815-86, House Draft 2.

"Mr. Speaker, I believe that Section 1 of this bill says it all -- the moorage presently assessed 'live-aboards' in our State's small boat harbors have been arbitrarily set and charged since 1976.

"With the passage of this bill, however, a sensible and reasonable schedule of charges will be initiated.

"I urge my colleagues to vote in favor of this bill, and wish to thank the Chairman of the Transportation Committee for correcting a 10-year-old inequity in our laws."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1815-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HARBORS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 455-86 on H.B. No. 1697-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1697-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 456-86 on H.B. No. 1708-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1708-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A STATE-WIDE KAPU SYSTEM", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1815-86, 1697-86 and 1708-86 had passed Third Reading at 11:37 o'clock a.m.

Stand. Com. Rep. No. 457-86 on H.B. No. 2589-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2589-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SERVICES", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Hemmings voting no, and Representative Leong being

excused.

Stand. Com. Rep. No. 458-86 on H.B. No. 1694-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1694-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2589-86 and 1694-86 had passed Third Reading at 11:38 o'clock a.m.

Stand. Com. Rep. No. 459-86 on H.B. No. 2102-86, HD 1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2102-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Kamali'i rose to speak in favor of the bill, stating:

"Mr. Speaker, it is a genuine joy for me to vote favorably on this bill for the streamlining of fifteen existing to seven consolidated accounts clarifies both fiscal procedures and functions in the Department of Hawaiian Homes. And I believe that Georgianne Padeken and the members of her staff are to be commended for this effort.

"Further, from the findings of the last departmental audit which we received a few weeks ago, this tightening of operation and improved effectiveness is characteristic of the entire approach of Hawaiian Homes. Such improvements may be traced to two very important factors.

"First, a series of management audits relevant to joint federal/state task force and Native Hawaiian Study Commission and similar reports by the Legislative Auditor; and second, a willingness and the ability of the Department to adjust its past practices to openly seek better accountability for and to their beneficiaries. This effort is critical if the fiduciary obligations of the Commission are to be fulfilled, and the mission of awarding land to Native Hawaiians is to be realized. Ms. Padeken has demonstrated that a management audit

is not a threat to Native Hawaiian and ambitions and aspirations but a valuable tool which can be used to build trust and confidence and to improve service to beneficiaries.

"For that example, I am expressly appreciative and I can only hope that the Office of Hawaiian Affairs may pursue the same course.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2102-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2102-86 had passed Third Reading at 11:40 o'clock a.m.

Stand. Com. Rep. No. 465-86 on H.B. No. 1770-86, HD 1:

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1770-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Blair rose to speak against the bill, stating:

"I had instructed the Majority Floor Leader that I would be voting against it and then I had cancelled that and I am now reinstating it. I have pondered this bill quite a bit and it's a close call, but I think what troubles me most about this bill is that it is going to confuse the role of the jurors in their own eyes as well as in the eyes of the society generally. The jury is the finders of fact and they find who is liable in what percentage and what the damages are.

"But what this bill will do is have them consider evidence of collateral sources of payments. It doesn't tell them what to do; it just says they can consider it. If we want them to deduct the collateral sources, we can state that the collateral sources will be deducted. If we don't, we shouldn't but we can come out somewhere in between and say that they can consider it. And I am wondering if the jurors, when they go to the jury room to deliberate, will not, as their first question to the judge, say:

'What are we supposed to do with the collateral sources?' And the judge will send back a note according to the statute -- you are to consider them. I don't think that will be particularly helpful for the jury.

"Even more important, Mr. Speaker, on page 2 of the bill, we provide that the jury will be given information regarding the amount of insurance that is carried by the defendants. Again, I don't know how the jury is supposed to respond to this information. If their role is in fact to determine who is liable -- in what percentages and what the amount of damages were suffered by the plaintiff, then the amount of the defendant's liability insurance is irrelevant. You couldn't possibly compute that anywhere into factoring who was liable. It certainly wouldn't be relevant to the degree of liability and it isn't relevant to the damages suffered by the plaintiff. The plaintiff's damages may be greatly in excess of the insurance policy; it may be much short of the insurance policy. But yet, the jury will be given this information and they will presume that there is some reason that they were given this information. The only possible reason then, since it is not relevant to their duty as finders of fact, the only possible reason for giving them this information is that somehow they have an equitable role in seeing that everyone comes out okay, and I suspect that what the effect of this is going to be at the end of a long, many days, perhaps even weeks of trial in which they come to know the plaintiff and the extent of the plaintiff's injuries, at the end of which they are told that the insurance that the plaintiff holds, in some cases if the plaintiff is, for instance a rental car company with a blanket policy, they might be told that they have \$10-million of insurance coverage. I think we can all imagine what this is going to do to the jury awards, and I think it is absolutely contrary to the whole intent of the package of legislation that is before us today.

"So, for those reasons, Mr. Speaker, although I appreciate the efforts of the committee to try and balance the situation in this bill, I think we have balanced one unnecessary provision with another unnecessary provision resulting in an unnecessary bill, and I would urge my colleagues to vote against it."

Representative Menor rose and stated:

"Mr. Speaker, I just want the record to reflect the fact that I am voting in favor of this bill with reservations based on the concerns raised by Representative Blair, and it is my hope that when we pass this bill off to the Senate that the Senate will consider amending the bill to delete the conditional provision that would allow into evidence the amount of defendant's liability coverage and that information being made available to the jury.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1770-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS", having been read throughout, passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Blair, Kihano and Marumoto voting no, and Representative Leong being excused.

Stand. Com. Rep. No. 466-86 on H.B. No. 1773-86, HD 2:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1773-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TORTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1770-86 and 1773-86 had passed Third Reading at 11:45 o'clock a.m.

Stand. Com. Rep. No. 467-86 on H.B. No. 1771-86, HD 2:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1771-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Tam voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1771-86 had passed Third Reading at 11:46 o'clock a.m.

Stand. Com. Rep. No. 468-86 on

H.B. No. 1768-86, HD 1:

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1768-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Crozier rose to speak against the bill, stating:

"Mr. Speaker, both of my . . . what I am going to say now will apply to this bill and the following bill. I will be voting on the second one.

"Basically, sir, the first two bills we just heard about medical tort dealt with the people that impact the process -- the lawyers and the insurance companies. In medical tort, doctors are involved, nurses, hospitals, lawyers, insurance companies, judges, juries, and also one more person -- the victim.

"The next two bills deal with the victims' rights. I feel that the victim is not the perpetrator of the activity; he is just the victim. We should protect that person's right to due process.

"Thank you."

The motion was by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1768-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Crozier and Lardizabal voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1768-86 had passed Third Reading at 11:48 o'clock a.m.

Stand. Com. Rep. No. 469-86 on H.B. No. 1769-86, HD 2:

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1769-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Liu rose and stated:

"I rise to speak in favor of the bill but with some grave reservations.

"I believe that the exemptions from the limits provided in this bill are

really much too broad, much too wide, and I am afraid we will perhaps render what we are trying to do here meaningless in actual practice. We are talking about a serious injury which shall include brain damage. There is no limiting language within the committee report or anywhere, through discussion in committee or until this point, as to what type of brain damage we are talking about. There are all kinds of brain damage, some which may cause very debilitating effects and others which, relatively speaking, may not cause the type of catastrophic effects which I think these exemptions are attempting to address.

"For that reason, I would hope that as this bill makes it way through the process, we might be able to limit that exemption or better define the area called 'brain damage.' I would also make the same comments in regards to the phrase 'permanent hospitalization or institutionalization.'

"Thank you, Mr. Speaker."

Representative Cavasso rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill with reservations.

"I believe that the bill is a step in the right direction and in talking to my own community house to house, there is a real fear now in our community of lawsuits and what is happening to one another, and we do need to place caps and get a sense of control on our litigiousness in a society now. We need to get control and provide a predictability and for these reasons, I think this is a good beginning and I look forward to going much further in bringing a system which all of our people can understand and say, for this mistake, I am going to pay this much instead of having to wonder and doubt and be concerned and live in fear of lawsuits.

"Thank you, Mr. Speaker."

Representative Ikeda rose and requested that her remarks, in favor of the bill with reservations, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Ikeda's remarks are as follows:

"Mr. Speaker, I have been informed that a cap on pain and suffering awards would provide the greatest

increase in predictability of tort costs. The non-economic loss awards are the most difficult for a defendant to predict and plan for. Thus, I was pleased when the Health Committee passed out a bill capping non-economic losses.

"The Committee on the Judiciary, however, made major changes to the bill. The cap was left at \$500,000 but several significant exceptions were introduced. Mr. Speaker, the injuries which are excluded from this cap are precisely the ones for which large non-economic awards are given. If these 'serious injuries' are to be excluded, then we must lower the cap to provide an effective curb on escalating tort liability costs."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1769-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TORTS", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Crozier and Tam voting no, and Representative Leong being excused.

Stand. Com. Rep. No. 477-86 on H.B. No. 2202-86, HD 1:

On motion by Representative Andrews, seconded by Representative Tam and carried, H.B. No. 2202-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1769-86 and 2202-86 had passed Third Reading at 11:51 o'clock a.m.

Stand. Com. Rep. No. 478-86 on H.B. No. 1913-86, HD 1:

On motion by Representative Crozier, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 1913-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE AUDITOR", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 486-86 on H.B. No. 2062-86, HD 2:

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2062-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1913-86 and 2062-86 had passed Third Reading at 11:52 o'clock a.m.

Stand. Com. Rep. No. 487-86 on H.B. No. 1767-86, HD 2:

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 1767-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CARE SERVICES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1767-86 had passed Third Reading at 11:53 o'clock a.m.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

H.B. No. 1908-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1908-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2123-86:

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, H.B. No. 2123-86, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1908-86 and 2123-86 had passed Third Reading at 11:54 o'clock a.m.

H.B. No. 1951-86, HD 1:

On motion by Representative Bunda, seconded by Representative Grauly and carried, H.B. No. 1951-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2170-86:

On motion by Representative Bunda, seconded by Representative Tom and carried, H.B. No. 2170-86, entitled: "A BILL FOR AN ACT RELATING TO BLOOD TEST", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1999-86, HD 1:

On motion by Representative Bunda, seconded by Representative Tom and carried, H.B. No. 1999-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1951-86, 2170-86 and 1999-86 had passed Third Reading at 11:55 o'clock a.m.

At 11:55 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:59 o'clock a.m.

H.B. No. 2569-86:

By unanimous consent, action was deferred to the end of the calendar.

H.B. No. 2374-86:

On motion by Representative Oshiro, seconded by Representative Onouye and carried, H.B. No. 2374-86, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSING", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2599-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Tom and carried, H.B. No. 2599-86,

HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2444-86:

On motion by Representative Taniguchi, seconded by Representative Tom and carried, H.B. No. 2444-86, entitled: "A BILL FOR AN ACT RELATING TO SUN SCREENING DEVICES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1895-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Shito and carried, H.B. No. 1895-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2374-86, 2599-86, 2444-86 and 1895-86 had passed Third Reading at 12:00 o'clock noon.

H.B. No. 2192-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Shito and carried, H.B. No. 2192-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2605-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 2605-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BOATING SAFETY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2348-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 2348-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2192-86, 2605-86 and 2348-86 had passed Third Reading at 12:01 o'clock p.m.

H.B. No. 2598-86, HD 1:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 2598-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2598-86 had passed Third Reading at 12:02 o'clock p.m.

H.B. No. 1322:

Representative Tungpalan moved that H.B. No. 1322, having been read throughout, pass Third Reading, seconded by Representative Shito.

Representative Marumoto rose and asked whether or not the Chairman of the Employment Opportunities Committee would yield to a question to which Representative Tungpalan said: "Will the Minority Leader please state her question."

Representative Marumoto asked:

"I notice that this bill requires out-of-state employees who plan to commence business in the State to purchase insurance from a Hawaii company and comply with other reporting provisions. I am wondering whether this covers out-of-state businesses that currently operate in Hawaii."

Representative Tungpalan asked:

"First of all, did you say out-of-state employees, or employers?"

Representative Marumoto answered: "Employers."

Representative Tungpalan replied:

"What in actuality we are doing is asking for anyone who wants to do business in the State to show that they are covered to do it; in other words, they have the proper liability insurance to work here in Hawaii."

The Chair asked: "Does that answer your question, Representative Marumoto?"

Representative Marumoto answered:

"I am wondering whether this pertains only to new businesses that will come in or businesses already existing in Hawaii?"

Representative Tungpalan answered:

"It pertains to everyone who does business in Hawaii. Currently, we have a problem whereby contractors from the mainland will bid on a project and will not notify the carrier from the state they are living in that they are doing business in Hawaii. So naturally, when they bid on a project, they tend to bid lower because the rates for workers' compensation from their home state are lower than that of the state of Hawaii. We feel that the field should be a level-playing field and we should not give an advantage to out-of-state employers. If they want to do business in this State, they should first show that they have the liability coverage to do that here in Hawaii.

"This was one bill, I must say, that we received favorable testimony from every segment of the state of Hawaii. We had people from unions, we had FILO, we had General Contractors' Association, we had insurance agents, we had HIC, we had the Department of Labor all testifying in favor of this bill. In fact, I want to say that that was the first and only bill that we received complete approval from all segments and walks of life in Hawaii."

The Chair asked: "Does that answer your question, Representative Marumoto?"

Representative Marumoto answered:

"Yes, thank you, sir. I would like to speak in favor of this bill with reservations."

Directed by the Chair to "please proceed", Representative Marumoto continued, stating:

"I thank the Chairman of the Employment Opportunities Committee for the information, and I would like to express a reservation regarding the fact that this covers all out-of-state businesses that are presently operating in Hawaii in addition to new businesses that will come in. I am concerned about the problem of constitutionality in that these companies. . . some of them will have liability insurance, workers' compensation insurance, other types of benefits, and I am thinking in particular of health benefits, or there

may be self-insured in which case I am wondering whether we could really require them to purchase insurance from a Hawaii company.

"However, I think it is commendable to try and give our Hawaii businesses help in competing with businesses from other states that have much lower workers' compensation costs.

"So, I will be voting for this measure. I feel that if we had enacted some reforms in the workers' compensation area that we would be more effective in competing with out-of-state entities.

"Thank you very much, Mr. Speaker."

Representative Hemmings rose to speak in favor of the bill with reservations, stating:

"Colleagues, last session we acted on a bill which was signed into law by the Governor and became Act 296 that was supposed to address the problem of rates of workers' compensation insurance in this State.

"The bill we are acting on today, 1322, to me, is partial testimony to the fact that we have done nothing to cut the rates to the businesses of the people of Hawaii. Now, really what this bill does is allow out-of-state businesses to have to pay the same rates so that our local businesses can compete on a fair footing which seems fair. But the larger problem still is there and we have not done anything to correct it. Out-of-state businesses, we found in hearing the testimony, is profitable for them to bring manpower, womanpower and resources to Hawaii to compete on local jobs and bids because our workers' compensation rates are so excessive, they can make up the difference on transportation just on workers' compensation. That was extremely alarming and further underscores how serious of a problem we have.

"Last session's Act 296 has been implemented. Many provisions of it are still being discussed and the facts are that we, this Legislature, has done nothing to correct the real problem which is the excessive amount of workers' compensation rates in the State, and this bill will simply allow out-of-state businesses to have to be paid the same rate as the local businesses and it does nothing to address the real problem.

"Thank you, Mr. Speaker."

Representative Tungpalan rose and stated:

"Mr. Speaker, I would like to rebut some of the comments that were just made.

"Act 296 really did accomplish what we have set out to do and that was to make some very serious efforts to reduce the cost of workers' compensation. If you look at the number of amendments that we made to the workers' compensation law, you will find that we attempted to eliminate fraud, we attempted to cut out abuse, we attempted to get people to realize that this is a system which has a subjective back to work concept. I continuously get calls from people from my district telling me that it has cut into legitimate claims. There was an individual who had suffered a tremendous back injury in 1969 who was notified just recently that he was being terminated from the workers' compensation roll and when asked, why, he said it was because of the passage of Act 296.

"Now, this is not the only case. When I followed this up at the Department of Labor, I hear that a number of businesses and a number of agencies are taking Act 296 to heart and are actually using the provisions contained therein to see that only legitimate claims are compensated.

"Now, you know, all I would say to the previous speaker is this -- perhaps they need to look at Act 296 more carefully. They will see that contained therein are provisions that have indeed cut the cost of workers' compensation. Now, whether or not we fully realize this is another matter and is being disputed. But experience, perhaps in the future, we will show you that what was done last year was momentous.

"Another note. You recall the United Public Workers suit against the State Insurance Commissioner on the 5.8 percent increase that was allowed and at that time, testimony showed that the insurance companies were doing very well in 1984. In fact, they had a \$30-million profit and no underwriting losses. So, you know, what the insurance companies have been telling me is that they see a turn-around occurring, that in fact people are aware now that the system should be used for those injured workers who were legitimately hurt on the job, and in fact, this is what they believe is occurring so they look forward to fewer claims and a less

costly system.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 1322, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1322 had passed Third Reading at 12:12 o'clock p.m.

H.B. No. 2714-86:

On motion by Representative Tungpalan, seconded by Representative Shito and carried, H.B. No. 2714-86, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Anderson and Jones voting no, and Representative Leong being excused.

H.B. No. 2015-86, HD 1:

On motion by Representative Andrews, seconded by Representative Tam and carried, H.B. No. 2015-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION DISTRICTS", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Hemmings and Pfeil voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2714-86 and 2015-86 had passed Third Reading at 12:13 o'clock p.m.

H.B. No. 1838-86:

On motion by Representative Grauly, seconded by Representative Tungpalan and carried, H.B. No. 1838-86, entitled: "A BILL FOR AN ACT RELATING TO JOB TRAINING", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2002-86, HD 1:

On motion by Representative Grauly, seconded by Representative Kihano and carried, H.B. No. 2002-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE", passed Third Reading by a

vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2001-86, HD 1:

On motion by Representative Grauly, seconded by Representative Kihano and carried, H.B. No. 2001-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1838-86, 2002-86 and 2001-86 had passed Third Reading at 12:14 o'clock p.m.

H.B. No. 1950-86:

On motion by Representative Grauly, seconded by Representative Kihano and carried, H.B. No. 1950-86, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE FACILITIES", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Levin voting no, and Representative Leong being excused.

H.B. No. 2069-86, HD 1:

On motion by Representative Grauly, seconded by Representative Kihano and carried, H.B. No. 2069-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY ABUSE OR NEGLECT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1950-86 and 2069-86 had passed Third Reading at 12:15 o'clock p.m.

At 12:15 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:17 o'clock p.m.

H.B. No. 1695-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1695-86, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2354-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2354-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1695-86 and 2354-86 had passed Third Reading at 12:18 o'clock p.m.

H.B. No. 2756-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2756-86, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2693-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2693-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF LIQUOR", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2756-86 and 2693-86 had passed Third Reading at 12:19 o'clock p.m.

At 12:19 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:21 o'clock p.m., the Vice Speaker assumed the rostrum.

H.B. No. 2586-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2586-86, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2586-86 had passed Third Reading at 12:21 o'clock p.m.

H.B. No. 2030-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2030-86, entitled: "A BILL FOR AN ACT RELATING TO BOXING", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2695-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2695-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FOREIGN GOODS SOLD IN HAWAII", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2030-86 and 2695-86 had passed Third Reading at 12:22 o'clock p.m.

H.B. No. 2525-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2525-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INSURANCE LAW", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2040-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2040-86, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYMENT OF ATTORNEYS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2525-86 and 2040-86 had passed Third Reading at 12:23 o'clock p.m.

H.B. No. 2039-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2039-86, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1905-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1905-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1906-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1906-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR INDUSTRY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2039-86, 1905-86 and 1906-86 had passed Third Reading at 12:24 o'clock p.m.

H.B. No. 2118-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2118-86, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Ikeda, Liu and Marumoto voting no, and Representative Leong being excused.

H.B. No. 2216-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2216-86, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2493-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2493-86, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2364-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2364-86,

entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2118-86, 2216-86, 2493-86 and 2364-86 had passed Third Reading at 12:25 o'clock p.m.

H.B. No. 2214-86, HD 1:

Representative Tom moved that H.B. No. 2214-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Kamali'i rose to speak in favor of the bill, stating:

"Mr. Speaker, I rise to speak in favor of this bill.

"Mr. Speaker, this bill was not referred to the Finance Committee, but it cost the people of our State more than \$10-million and a study in frustration to learn that this measure was needed.

"The collapse of several industrial thrift and loan companies in the past several years have significant 'sadder, but wiser' examples of why the statute of limitations must be extended to allow proper and full investigation of complex fraud or breach of fiduciary obligation cases.

"Were it not for federal intervention in the Ron Rewald case, I have no doubt that he would have escaped prosecution through the open door of timely discovery and prosecution.

"The wrong-doing associated with the closing of HFC was determined after the statute of limitations had tolled.

"And there is very real possibility that the extent and the effectiveness of prosecution in the Manoa Finance and Great Hawaiian cases will falter on these same grounds.

"As small as the comfort may be, this extension of limitation represents a lesson well-learned and hard-earned.

"Thank you very much, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2214-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE", having been read

throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2214-86 had passed Third Reading at 12:27 o'clock p.m.

H.B. No. 2215-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2215-86, entitled: "A BILL FOR AN ACT RELATING TO CONDITIONAL RELEASE OF PERSONS ACQUITTED AND COMMITTED", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2362-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2362-86, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2363-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2363-86, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2215-86, 2362-86 and 2363-86 had passed Third Reading at 12:28 o'clock p.m.

H.B. No. 2365-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2365-86, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2365-86 had passed Third Reading at 12:29 o'clock p.m.

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 12:33 o'clock p.m.

H.B. No. 2760-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2760-86, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2760-86 had passed Third Reading at 12:33 o'clock p.m.

H.B. No. 2669-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2669-86, entitled: "A BILL FOR AN ACT RELATING TO ACCESS TO RECORDS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2368-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2368-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2479-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2479-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2483-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2483-86, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT JURISDICTION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2669-86, 2368-86, 2479-86 and 2483-86 had passed Third

Reading at 12:34 o'clock p.m.

H.B. No. 2561-86:

Representative Tom moved that H.B. No. 2561-86, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Liu rose and stated:

"I rise to speak in favor of this bill but to make some comments concerning language and, hopefully, for clarification for future Lieutenant Governor's chief election officers who have to implement this law, should it become law; that is, that I hope the language on page 2 of the bill which will permit the chief election officer or county clerk in town elections may waive any or all the foregoing requirements and special circumstances as provided in the rules adopted by the chief election officer.

"I would have to indicate that I hope that when that is read and implemented that it is not interpreted to do away with the possibility of the appropriate committee of the parties to fill such vacancies and that, in fact, the waiver only applies to the various deadlines included in this law concerning the time of filing of such names, et cetera. But again, not to apply to the requirements that would allow parties to fill vacancies in such instances.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2561-86, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2656-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2656-86, entitled: "A BILL FOR AN ACT RELATING TO NAMES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2561-86 and 2656-86 had passed Third Reading at 12:36 o'clock p.m.

H.B. No. 2395-86, HD 2:

On motion by Representative

Kiyabu, seconded by Representative Souki and carried, H.B. No. 2395-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2395-86 had passed Third Reading at 12:37 o'clock p.m.

At 12:37 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.

H.B. No. 2835-86, HD 2:

By unanimous consent, action was deferred to the end of the calendar.

STANDING COMMITTEE REPORTS

Representatives Apo and Say, for the Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 492-86) recommending that H.R. No. 15, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Tam and carried, the joint report of the Committees was adopted and H.R. No. 15, HD 1, entitled: "HOUSE RESOLUTION SUPPORTING THE NEW OWNERS OF THE HAWAIIAN TUNA PACKERS CANNERY", was adopted.

Representatives Apo and Say, for the Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 493-86) recommending that H.C.R. No. 14, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Tam and carried, the joint report of the Committees was adopted and H.C.R. No. 14, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE NEW OWNERS OF THE HAWAIIAN TUNA PACKERS CANNERY", was adopted.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 494-86) recommending that H.B. No. 2844-86, as amended in

HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 2844-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Hashimoto and Shito, for the Committees on Housing and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 495-86) recommending that H.B. No. 1802-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hashimoto, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.B. No. 1802-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LANDLORD TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Hashimoto and Shito, for the Committees on Housing and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 496-86) recommending that H.B. No. 1291 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hashimoto, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.B. No. 1291, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 497-86) recommending that H.B. No. 2762-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hashimoto, seconded by Representative Kihano and carried, the report of the Committee was adopted and H.B. No. 2762-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", passed Second Reading and was placed on the

calendar for Third Reading.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2844-86, HD 2; 1802-86, HD 1; and 2762-86, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 498-86) recommending that H.B. No. 2360-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 499-86) recommending that H.B. No. 2122-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 500-86) recommending that H.B. No. 2144-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 501-86) recommending that H.B. No. 2201-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 502-86) recommending that H.B. No. 2223-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 503-86) recommending that H.B. No. 1764-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 504-86) recommending that H.B. No. 2110-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 505-86) recommending that H.B. No. 2042-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 506-86) recommending that H.B. No. 2037-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 507-86) recommending that H.B. No. 2045-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 508-86) recommending that H.B. No. 2035-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 509-86) recommending that H.B. No. 2209-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 510-86) recommending that H.B. No. 2275-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 511-86) recommending that H.B. No. 2276-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 512-86) recommending that H.B. No. 2280-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 513-86) recommending that H.B. No. 2300-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 514-86) recommending that H.B. No. 2337-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 515-86) recommending that H.B. No. 1851-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 516-86) recommending that H.B. No. 2412-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 517-86) recommending that H.B. No. 2446-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 518-86) recommending that H.B. No. 2482-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 519-86) recommending that H.B. No. 2540-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 520-86) recommending that H.B. No. 2624-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 521-86) recommending that H.B. No. 2661-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 522-86) recommending that H.B. No. 2210-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 523-86) recommending that H.B. No. 2011-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 524-86) recommending that H.B. No. 2023-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 525-86) recommending that H.B. No. 2026-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 526-86) recommending that H.B. No. 2032-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a

report (Stand. Com. Rep. No. 527-86) recommending that H.B. No. 2199-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 528-86) recommending that H.B. No. 1737-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 529-86) recommending that H.B. No. 1710-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 530-86) recommending that H.B. No. 1706-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 531-86) recommending that H.B. No. 1666-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 532-86) recommending that H.B. No. 1665-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 533-86) recommending that H.B. No. 381, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 534-86) recommending that H.B. No. 2033-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 535-86) recommending that H.B. No. 1927-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 536-86) recommending that H.B. No. 1857-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 537-

86) recommending that H.B. No. 55, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 538-86) recommending that H.B. No. 2013-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 539-86) recommending that H.B. No. 1990-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 540-86) recommending that H.B. No. 1965-86, as amended in HD 1, pass Third Reading.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 541-86) recommending that H.B. No. 2129-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tam, seconded by Representative Apo and carried, the report of the Committee was adopted and H.B. No. 2129-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY ABANDONED OR SEIZED ON STATE LAND", passed Second Reading and was placed on the calendar for Third Reading.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 542-86) recommending that H.B. No. 2109-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 2109-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLAN", passed Second Reading and was placed on the calendar for Third Reading.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 543-86) recommending that H.B. No. 1985-86, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1985-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF DOG OWNER", passed Second Reading and was placed on the calendar for Third Reading.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 544-86) recommending that H.B. No. 2119-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hashimoto, seconded by Representative Kihano and carried, the report of the Committee was adopted and H.B. No. 2119-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 545-86) recommending that H.B. No. 1803-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hashimoto, seconded by Representative Kihano and carried, the report of the Committee was adopted and H.B. No. 1803-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Hashimoto and Shito, for the Committees on Housing and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 546-86) recommending that H.B. No. 1801-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hashimoto, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.B. No. 1801-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Second Reading and was placed on the calendar for Third Reading.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a

report (Stand. Com. Rep. No. 547-86) recommending that H.B. No. 2436-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 2436-86, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Andrews and Taniguchi, for the Committees on Planning, Energy and Environmental Protection and Transportation, presented a joint report (Stand. Com. Rep. No. 548-86) recommending that H.B. No. 2312-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Taniguchi and carried, the joint report of the Committees was adopted and H.B. No. 2312-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY IN HARBORS", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Andrews, Bunda and Hashimoto, for the Committees on Planning, Energy and Environmental Protection; Health; and Housing, presented a joint report (Stand. Com. Rep. No. 549-86) recommending that H.B. No. 2513-86, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Bunda and carried, the joint report of the Committees was adopted and H.B. No. 2513-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Andrews and Say, for the Committees on Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 550-86) recommending that H.B. No. 1870-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Andrews, seconded by Representative Tam and carried, the joint report of

the Committees was adopted and H.B. No. 1870-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", passed Second Reading and was placed on the calendar for Third Reading.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 551-86) recommending that H.B. No. 2516-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Hashimoto, seconded by Representative Kihano and carried, the report of the Committee was adopted and H.B. No. 2516-86, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES", passed Second Reading and was placed on the calendar for Third Reading.

Representatives Say and Honda, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, presented a joint report (Stand. Com. Rep. No. 552-86) recommending that H.B. No. 2273-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Tam, seconded by Representative Honda and carried, the joint report of the Committees was adopted and H.B. No. 2273-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 553-86) recommending that H.B. No. 2506-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 554-86) recommending that H.B. No. 2428-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 555-86) recommending that H.B. No. 2549-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 556-86) recommending that H.B. No.

2221-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 557-86) recommending that H.B. No. 1991-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 558-86) recommending that H.B. No. 1934-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 559-86) recommending that H.B. No. 1898-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 560-86) recommending that H.B. No. 1878-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 561-86) recommending that H.B. No. 1392, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 562-86) recommending that H.B. No. 2008-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 563-86) recommending that H.B. No. 2219-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 564-86) recommending that H.B. No. 2468-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 565-86) recommending that H.B. No. 2157-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 566-86) recommending that H.B. No. 2472-86, as amended in HD2, pass

Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 567-86) recommending that H.B. No. 2532-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 568-86) recommending that H.B. No. 2580-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 569-86) recommending that H.B. No. 2430-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 570-86) recommending that H.B. No. 2626-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 571-86) recommending that H.B. No. 2254-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2254-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 572-86) recommending that H.B. No. 2618-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 573-86) recommending that H.B. No. 2608-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 574-86) recommending that H.B. No. 2381-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a

report (Stand. Com. Rep. No. 575-86) recommending that H.B. No. 2495-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 576-86) recommending that H.B. No. 2501-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 577-86) recommending that H.B. No. 2284-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 578-86) recommending that H.B. No. 2349-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 579-86) recommending that H.B. No. 2429-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 580-86) recommending that H.B. No. 2800-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 581-86) recommending that H.B. No. 2698-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 582-86) recommending that H.B. No. 2705-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 583-86) recommending that H.B. No. 2694-86, as amended in HD2, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 584-86) recommending that H.B. No. 2752-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com.

Rep. No. 585-86) recommending that H.B. No. 2536-86, as amended in HD1, pass Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 586-86) recommending that H.B. No. 2805-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2805-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 587-86) recommending that H.B. No. 1856-86 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1856-86, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS", passed Second Reading and was placed on the calendar for Third Reading.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 588-86) recommending that H.B. No. 2595-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2595-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX", passed Second Reading and was placed on the calendar for Third Reading.

By unanimous consent, consideration of Stand. Com. Rep. Nos. 498-86 on H.B. No. 2360-86, HD1; 499-86 on H.B. No. 2122-86, HD1; 500-86 on H.B. 2144-86, HD1; 501-86 on H.B. No. 2201-86, HD1; 502-86 on H.B. No. 2223-86, HD2; 503-86 on H.B. No. 1764-86, HD2; 504-86 on H.B. No. 2110-86, HD1; 505-86 on H.B. No. 2042-86, HD1; 506-86 on H.B. No. 2037-86, HD1; 507-86 on H.B. No. 2045-86, HD2; 508-86 on

H.B. No. 2035-86, HD1; 509-86 on H.B. No. 2209-86, HD2; 510-86 on H.B. No. 2275-86, HD2; 511-86 on H.B. 2276-86, HD2; 512-86 on H.B. 2280-86, HD2; 513-86 on H.B. No. 2300-86, HD1; 514-86 on H.B. No. 2337-86, HD2; 515-86 on H.B. No. 1851-86, HD2; 516-86 on H.B. No. 2412-86, HD2; 517-86 on H.B. No. 2446-86, HD1; 518-86 on H.B. No. 2482-86, HD1; 519-86 on H.B. No. 2540-86, HD1; 520-86 on H.B. No. 2624-86, HD2; 521-86 on H.B. No. 2661-86, HD2; 522-86 on H.B. No. 2210-86, HD2; 523-86 on H.B. No. 2011-86, HD1; 524-86 on H.B. No. 2023-86, HD1; 525-86 on H.B. No. 2026-86, HD1; 526-86 on H.B. No. 2032-86, HD1; 527-86 on H.B. No. 2199-86, HD2; 528-86 on H.B. No. 1737-86, HD2; 529-86 on H.B. No. 1710-86, HD2; 530-86 on H.B. No. 1706-86, HD1; 531-86 on H.B. No. 1666-86, HD2; 532-86 on H.B. No. 1665-86, HD2; 533-86 on H.B. No. 381, HD1; 534-86 on H.B. No. 2033-86, HD1; 535-86 on H.B. No. 1927-86, HD2; 536-86 on H.B. No. 1857-86, HD2; 537-86 on H.B. No. 55, HD2; 538-86 on H.B. No. 2013-86, HD1; 539-86 on H.B. No. 1990-86, HD2; 540-86 on H.B. No. 1965-86, HD1; 553-86 on H.B. No. 2506-86, HD2; 554-86 on H.B. No. 2428-86, HD1; 555-86 on H.B. No. 2549-86, HD2; 556-86 on H.B. No. 2221-86, HD2; 557-86 on H.B. No. 1991-86, HD1; 558-86 on H.B. No. 1934-86, HD1; 559-86 on H.B. No. 1898-86, HD2; 560-86 on H.B. No. 1878-86, HD1; 561-86 on H.B. No. 1392, HD2; 562-86 on H.B. No. 2008-86, HD1; 563-86 on H.B. No. 2219-86, HD2; 564-86 on H.B. No. 2468-86, HD2; 565-86 on H.B. No. 2157-86, HD2; 566-86 on H.B. No. 2472-86, HD2; 567-86 on H.B. No. 2532-86, HD2; 568-86 on H.B. No. 2580-86, HD1; 569-86 on H.B. No. 2430-86, HD1; 570-86 on H.B. No. 2626-86, HD2; 572-86 on H.B. No. 2618-86, HD2; 573-86 on H.B. No. 2608-86, HD2; 574-86 on H.B. No. 2381-86, HD2; 575-86 on H.B. No. 2495-86, HD2; 576-86 on H.B. No. 2501-86, HD1; 577-86 on H.B. No. 2284-86, HD1; 578-86 on H.B. No. 2349-86, HD2; 579-86 on H.B. No. 2429-86, HD1; 580-86 on H.B. No. 2800-86, HD2; 581-86 on H.B. No. 2698-86, HD2; 582-86 on H.B. No. 2705-86, HD1; 583-86 on H.B. No. 2694-86, HD2; 584-86 on H.B. No. 2752-86, HD1; 585-86 on H.B. No. 2536-86, HD1, were deferred until Wednesday, March 5, 1986, and in accordance with Article III, Section 15 of the Constitution of the State of Hawaii, printed copies of H.B. Nos. 2360-86, HD1; 2122-86, HD1; 2144-86, HD1; 2201-86, HD1; 2223-86, HD2; 1764-86,

HD2; 2110-86, HD1; 2042-86, HD1; 2037-86, HD1; 2045-86, HD2; 2035-86, HD1; 2209-86, HD2; 2275-86, HD2; 2276-86, HD2; 2280-86, HD2; 2300-86, HD1; 2337-86, HD2; 1851-86, HD2; 2412-86, HD2; 2446-86, HD1; 2482-86, HD1; 2540-86, HD1; 2624-86, HD2; 2661-86, HD2; 2210-86, HD2; 2011-86, HD1; 2023-86, HD1; 2026-86, HD1; 2032-86, HD1; 2199-86, HD2; 1737-86, HD2; 1710-86, HD2; 1706-86, HD1; 1666-86, HD2; 1665-86, HD2; 381, HD1; 2033-86, HD1; 1927-86, HD2; 1857-86, HD2; 55, HD2; 2013-86, HD1; 1990-86, HD2; 1965-86, HD1; 2506-86, HD2; 2428-86, HD1; 2549-86, HD2; 2221-86, HD2; 1991-86, HD1; 1934-86, HD1; 1898-86, HD2; 1878-86, HD1; 1392, HD2; 2008-86, HD1; 2219-86, HD2; 2468-86, HD2, 2157-86, HD2; 2472-86, HD2; 2532-86, HD2; 2580-86, HD1; 2430-86, HD1; 2626-86, HD2; 2618-86, HD2; 2608-86, HD2; 2381-86, HD2; 2495-86, HD2; 2501-86, HD1; 2284-86, HD1; 2349-86, HD2; 2429-86, HD1; 2800-86, HD2; 2698-86, HD2; 2705-86, HD1; 2694-86, HD2; 2752-86, HD1; and 2536-86, HD1, were made available to the members of the House at 11:00 o'clock a.m.

The Chair directed the Clerk to note that printed copies of H.B. Nos. 2129-86, HD 1; 2109-86, HD 1; 1985-86, HD 2; 2119-86, HD 1; 1803-86, HD 1; 1801-86, HD 1; 2312-86, HD 1; 2513-86, HD 2; 1870-86, HD 1; 2273-86, HD 1; 2254-86, HD 1; 2805-86, HD 1; and 2595-86, HD 1, were made available to the members of the House at 11:00 o'clock a.m.

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

Upon reconvening at 2:30 o'clock p.m., the Speaker resumed the rostrum.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

H.B. No. 2836-86, HD 2:

On motion by Representative Andrews, seconded by Representative Tom and carried, H.B. No. 2836-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ENVIRONMENT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2836-86 had

passed Third Reading at 2:31 o'clock p.m.

H.B. No. 2786-86:

Representative Andrews moved that H.B. No. 2786-86, having been read throughout, pass Third Reading, seconded by Representative Levin.

Representative Shon rose to speak against the bill, stating:

"Mr. Speaker, just briefly, I think it should be noted that this is a step away from the long-standing policy that we have had in this State against the uglification and commercialization of our scenic areas. . .of urban areas in fact, for today, we do not have billboards, as you all know, and as the bill is worded, my understanding is that not only would it permit commercial advertising within University's stadia, however that is defined, but also might even be construed to mean that advertising could be put outside of stadia for view by passing cars and others.

"I think that this is perhaps intended for a specific situation but it is much broader than it need be. There are many University facilities in which athletic events may take place and it is not clear that these are not included under the undefined term 'stadia.' And I could see where there would be much pressure in many different areas for us to commercialize our amateur athletic participation to the University of Hawaii, and I don't think that this is something that we should promote, frankly, so I would speak respectfully against this measure.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 2786-86, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 46 ayes to 4 noes, with Representatives Blair, Hagino, Hirono and Shon voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2786-86 had passed Third Reading at 2:34 o'clock p.m.

H.B. No. 2671-86, HD 1:

Representative Tom moved that H.B. No. 2671-86, HD 1, having been

read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Ikeda rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill but with serious reservations.

"Mr. Speaker, I have mixed feelings about this bill. On the one hand, I feel very strongly that we need to get drunk drivers off our roads; on the other hand, I am not sure that a mandatory minimum jail sentence for negligent homicide is the most effective way of doing so. Wouldn't a mandatory treatment program with intensive parole supervision be a better way of solving a drinker's problem, assuring that he will be rehabilitated and never injure anyone again through drunken driving?

"In an ideal society, we would not have to consider outside factors -- every decision could be made in a vacuum, without regard to any outside influences. Unfortunately, we do not live in such a society. One very major problem facing our State today is the overcrowding of our prison system. This year, the Corrections Division is asking for an additional \$6.6-million in supplemental funding to expand and improve our prison system. Our prison system cannot handle the number of inmates we now have, especially since the consent decree court order resulting from the suit brought against the State by the ACLU which requires strict compliance. I, therefore, do not think that the provision of another mandatory jail sentence would necessarily be a responsible move on our part.

"We also need to more fully examine the structuring of our Penal Code as a whole and this State's philosophy of imprisonment -- punitive or rehabilitative -- before we make too many item-by-item changes to the law.

"But, Mr. Speaker, in spite of my reservations, I will vote in favor of this bill with the hope that our Corrections Division will implement effective substance abuse programs to put an end to multiple alcohol or drug-related crimes.

"Thank you, Mr. Speaker."

Representative Liu rose and stated:

"Mr. Speaker, I also rise to speak in favor of this bill but with some strong reservations.

"My reservations lie in the opposite direction of the previous speaker. I would have liked to see in the bill, if amended, to have come up with at least a two-year minimum. As indicated by committee hearings, even with treatment for substance abuse, potential rehabilitative effects would only reach about fifty percent of that population.

"I have no problems with the punitive effects of this bill and I hope that perhaps in conference, should this bill go into conference, that we could take a look at making the mandatory minimum term somewhat longer.

"As to whether or not prison overcrowding should be a consideration in our discussions in committee, I sided with the sentiment that perhaps if we have to make some priorities as to who stays and who does not, since we have to make those decisions anyway, that there are a lot of folks in prison right now for offenses like possession of very small quantities of drugs, who in fact had not been involved in selling such drugs, and if a choice has to be made between allowing certain of those folks out and those who have a clear choice in one their matter becoming potentially intoxicated and then creating an accident which causes the death of someone, then I would rather see the former released and the latter incarcerated.

"Thank you, Mr. Speaker."

Representative M. Ige then rose and requested that his remarks, in support of the measure, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative M. Ige's remarks are as follows:

"Mr. Speaker, I rise to speak in support of House Bill No. 2671-86, H.D. 1. Mr. Speaker, this bill imposes a mandatory minimum prison term of one year without possibility of parole for the conviction of negligent homicide in the first degree as a result of operating a vehicle while under the influence of intoxicating liquor.

"Mr. Speaker, drunk driving is one of the most serious public health and safety problems facing our community. Current state laws dealing with negligent homicide as a result of operating a vehicle while under the influence of intoxicating liquor vary

considerably. A man speeding down Ala Moana Blvd. in a Cadillac at over 90 mph crashed into the car of a young KITV employee entering the street from the station driveway. The car was demolished and the woman was killed instantly. The intoxicated driver who had been drinking in the car, tried to flee the scene on foot. This man was convicted of negligent homicide and was sentenced to 90 days in jail. When he failed to perform his community service hours or pay restitution to the girl's family, the judge gave him 10 additional days in jail.

"Another drinking driver was given 59 days in prison for causing the death of a young woman who was the mother of two pre-school children and the primary financial supporter of the family.

"In a third case, a young man in military service here was killed and two other men seriously injured when an intoxicated driver veered off the H-2 and into the back of a parked military truck, pushing it forward into the back of another larger military vehicle and crushing the three men who were working between the two trucks. This driver was given thirty days in prison.

"In reviewing the sentences of negligent homicide cases over the past five years, the sentences of some offenders included no jail time at all and some included just a few days. In only two cases did the driver receive the full five year prison term allowable for a class 'C' felony.

"Mr. Speaker, a message must be made that it is unacceptable to drive a vehicle while under the influence of intoxicating liquor. This is most painfully true when a person chooses to drive while impaired by alcohol, and kills.

"Clearly, the crime of negligent homicide in the first degree is a very serious offense regardless of how the person negligently caused the death of another. However, in the case of a person who negligently drives a vehicle while under the influence of intoxicating liquor, the person intentionally consumed alcohol and then chose to drive a vehicle.

"Mr. Speaker, I believe this bill is a step in the right direction (originally the proposal was five years), towards drawing attention to the seriousness of the crime. The one year mandatory sentence, I hope, will act as a deterrent to others, and will

be severe enough to help an individual presently abusing alcohol to recognize that a problem exists and seek help.

"In conclusion, a quote from the Presidential Commission on Drunk Driving: 'It should be kept in mind that the public, and not only the defendant, has certain rights.'

"Let it be clear by our action today that if you kill while under the influence, society has a right to keep you off the streets.

"Let it be clear that if you have a problem with alcohol, seek help now before it is too late.

"Mr. Speaker, I ask my colleagues to support this measure."

The motion was put by the Chair and carried, and H.B. No. 2671-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE OF INTOXICATING LIQUOR", having been read throughout, passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Cachola, Honda, Kihano, Kiyabu, Nakata and Souki voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2671-86 had passed Third Reading at 2:38 o'clock p.m.

H.B. No. 1692-86, HD 2:

Representative Tom moved that H.B. No. 1692-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Tom rose to speak in favor of the bill, stating:

"Mr. Speaker, a lot of time, hard work, study, debate, information and discussion were shared by members of the various House committees faced with the problem issues of tort reform and tort revision and before I begin some brief remarks about the bill, I want to first, Mr. Speaker, take this opportunity to publicly thank and commend Health Chairman Robert Bunda because I know that he, too, like myself, labored many long hours and hard work, especially in the medical malpractice areas the bill previously passed to reach some. . .or previously discussed to reach some very workable decisions, and that also goes to Representative Shito, Chairman of Consumer Protec-

tion and Commerce. As you know, Mr. Speaker, they worked very hard during the interim in looking at tort reform, tort revisions, in line with our insurance premiums and I think they deserve a lot of credit.

"I also, before I start, want to personally thank, if you don't mind, Representative Kawakami. I want to thank Representative Kawakami because I had a lot of tough decisions to make and without his patience and understanding, I don't know if I would break out with more skin rash and stuff. This guy really sat with me during tough times in decisions and I want to thank you, Representative Kawakami.

"I want to especially thank the members of the House Judiciary Committee for sharing their thoughts with me and to make some very difficult and tough decisions, but you know, that isn't really rare because I know that the Judiciary Committee has made a lot of tough decisions.

"Now, I am proud of this bill. I am proud of 1692-86 because it does strike and continues to strike a delicate balance between the rights and protection of our innocent victims versus the concern for revising our tort laws to bring, hopefully, insurance premiums down. This is a package bill -- it is a package. You can't look at it from one or to the next issue or to the next issue; it is a package of reforms, positive reforms, and I think when you really get down to what this bill is all about, it is an emphasis on fuller disclosure to our jury. That's what it's really all about. We're saying, jurors, when you go and deliberate, let's give you the whole story on what the law is.

"For example, in the area of joint and several, contrary to critics, I believe very strongly that the House Judiciary Committee did in fact positively touch this area of joint and several by making very clear to the jury in its deliberations in tort cases the consequences of their actions. They are told things through instructions, that they are told things now that they have never been told before of what our law is. They are told that if you find any individual in a group of individuals negligent; for example, if you find two or three or four guys negligent, you've got to assign a percentage of negligence to each tortfeasor. They are told that, now I admit, what they aren't told but they will be told under this law is this: Jurors, if you find a

defendant one percent or five percent or ten percent negligent, that guy will have to, under the law, pay the entire judgment of all of the tortfeasors -- all of them. So if you're going to find Mr. X only two percent negligent and find someone else ninety-eight percent negligent, please realize that in your deliberations, when you make that decision, Mr. X may have to, or will have to, pay the entire one hundred percent. They are not told that now. The jury will be told that, and that is why I strongly feel that although we did not affect the joint and several law by assigning percentages purely to amount of fault, we have handled that problem just as effectively by saying to jurors, you've got to know the law. And each tortfeasor is responsible for the whole thing no matter what percentage you assessed to him -- two, ten, fifty, one hundred.

"In regards to setting a ceiling to victims to recover noneconomic losses. You know, although we did not set any kind of ceiling in tort although we did in medical malpractice, we, for the first time, Mr. Speaker, have statutorily put on our books, giving the trial judge who have heard the case the full authority and discretion to reduce all noneconomic jury verdicts by considering factors, whether the award is supported by the evidence and if it isn't supported by the evidence, BANG!, it is reduced. Whether the award was based on bias and prejudice, if he feels the jury award was based on bias and prejudice, BANG!, it is reduced. The judge also considers the amount of the medical treatment required by the plaintiff. How much treatment is he going to need -- is he going to need a lot? If not too much, BANG!, the thing is reduced. He looks at the age of the plaintiff. If it is a young quadriplegic boy or girl, brain damaged, or is it an old man about ready to kick the bucket? He looks at these things -- the life expectancy of the victim, the standard of living of the victim before and after the accident, and any other matters that relate to the award of noneconomic damage. What I am saying, Mr. Speaker, is now the judge has the statutory authority. It's not just implied but it's statute that he can BANG! reduce any noneconomic damages.

"Regarding attorneys' fees, the committee set a ceiling in all tort cases -- one-third for plaintiff's attorneys, an hourly of \$90.00 for defense attorneys. Let's be fair

about it. Let's set it for all. And furthermore, it holds an attorney accountable for their actions.

"We have extended the law to require an attorney who files a frivolous suit or an attorney who makes frivolous defenses. He now or she now -- the attorney -- has to pay for the attorney fees on the other side if ordered by the court. We never had that before. We will have it under this new law.

"Mr. Speaker, I just want to say in conclusion, we have threaded very positively, and this House and the committees that have worked on this bill have a lot to be proud of.

"Thank you, Mr. Speaker."

Representative Bunda rose to speak in favor of the bill, stating:

"Mr. Speaker, it's been a year since the problem of availability and affordability surfaced, and I must commend those members who participated in the hearings that took place throughout the year in understanding and learning all about the problems involved.

"Today, we have before us House Bill 1692-86, a bill that attempts to infuse some sort of balance into the State's statutory tort system. Although I feel this bill does not go far enough, it is, however, a start toward an equitable balance between negligence and compensation. As a result, Mr. Speaker, I am voting for this measure and I commend Chairman Tom for his hard work in this area.

"George Bernard Shaw once wrote, and I quote: 'The road to hell is paved with good intentions.' This statement describes the state of our tort system in the nation. In my opinion, with the best of intentions, the scales of the system designed to render justice have been tipped. The balance has moved so much toward the desire to compensate all injuries and all losses that the overall cost to society has become too high. We have reached a point in our society where exposure to liability is becoming almost limitless and incalculable, making everyone -- governments, businesses and individuals -- victims of this high cost.

"I will not get into those horror stories which both the plaintiff and defense attorneys have experienced. These stories are more often than not more emotional than factual. I would, however, like to briefly discuss the

expensive and unpredictable system we have today.

"While there are statistics that manifest some of the questionable dimensions of our legal system evolving in the past 25 years, an aspect which is hard to quantify but needs to be discussed, is the uncertainty as to what the law is. Just over a hundred years ago, U.S. Supreme Court Justice Oliver Wendell Holmes wrote and I quote: 'The tendency of the law must always be to narrow the field of uncertainty.'

"That tendency hasn't been very apparent lately. Certainty and predictability have been two casualties of the developments of the last 25 years. Without certainty and predictability, the plaintiffs sue, defendants don't know how to protect themselves and the insurance industry cannot price their product, and accept the risk. What we have before us, Mr. Speaker and members of this honorable body, is a crisis which affects every segment of our society.

"Mr. Speaker, we must turn the attitude of the people around to lessen the degree of litigiousness in our society. But how do we balance the tradeoffs among full compensations for injured parties, deterrence of self-injuring behavior, deterrence of negligence and punishment for outrageous behavior, maintenance of an efficient court system for dispute resolution, and avoidance of limitless or incalculable liability. Mr. Speaker, I'm not a lawyer but part of the problem is the fact that enormous changes in legal doctrine over the years have been for the most part, invisible. Within the parameters of their jurisdiction, courts have expanded the law on a case-by-case basis without much public debate or even notice.

"Each change has been well intentioned to compensate someone because of injury. But even with the best of intention, legal philosophy has revolutionized and changed our society. These effects were caused by the courts based on what they perceive to be changes in prevailing values without the benefit of public debate and legislative scrutiny.

"Mr. Speaker, what can the citizens do in solving this problem? We can't look toward the lawyers to solve this problem. Abraham Lincoln, a lawyer himself, once said that the highest duty of an attorney was to discourage litigation. While I certainly support his view, it is a tough standard. It's

like asking doctors to discourage health care, or ad agencies to discourage advertising.

"We can't look to insurance companies to solve this problem, Mr. Speaker. As middlemen, insurers are in the business of spreading risks in society and not picking up the tab for them. Insurance is unusual in that it must price its products to cover the cost of lawsuits today and many years into the future. As long as the courts define the rules, the policies will be competitively priced to reflect those rules. If the liabilities are undefined, the insurance contract cannot and should not be written.

"Finally, we can't look to the courts to solve the problem in total. Courts are focused institutions which must, by their nature, decide narrow cases involving the parties before them.

"It took 25 years of case-made changes in doctrine to create the most litigious society in the world; but we do not have 25 years to correct it. The stakes are simply too high. So, if we can't look to the lawyers, and we can't look to the insurance companies, and we can't look to the courts to solve the problem, who can we look to?

"Mr. Speaker, it is we, here in the Legislature, that must make these tough decisions.

"In conclusion, I think we deserve a system that is predictable. A system that provides prompt, just and full compensation to injured victims at a reasonable cost. A system that does not make each of us a potential target for lawsuits arising from someone else's accidents. A system, in other words, that does not outrage our common sense notions of justice.

"But if that's the kind of system we want, then we really must work hard to get it. We, collectively as states, do not have it now.

"Mr. Speaker, this bill is a start and I hope our counterparts in the Senate look at these solutions in our tort system as favorable.

"Thank you, Mr. Speaker."

Representative Hemmings then rose and asked:

"Can I have the previous speaker's eloquent and succinct words inserted in the Journal as my own?"

The Chair, noting that there were

no objections, "so ordered." (By reference only)

Representative Liu rose to speak in favor of the bill with reservations, stating:

"I want to thank the Representative from the North Shore and Wahiawa for his words because it will save us about five minutes at least off of my speech here. I would posit that the Representative from the North Shore and Wahiawa has the right idea that if the responsibility were placed with he and myself, I think we would have a fantastic solution before us, Mr. Speaker. Unfortunately, we have to deal with what we have here and I would indicate that it is not far enough along the way for the kind of reform that we really need.

"The plaintiff's attorney has indicated that perhaps there is a conspiracy going on in this area to create a false crisis and has posited that that's the only reason why we were involved in dealing with House Bill 1692-86 and others on this subject, but I would just posit here that I think the questions that were raised in all of our minds -- those who are for or against any kind of change -- would only have to question that if figures of great profits being made by insurance companies than others were true, then why oh why weren't the clients of some of these attorneys jumping in to the insurance business to make those very same profits. And the insurance companies would only have to say that if they intend to stay involved in the area of insuring these types of risks in the tort area, that they had better do a better job than assisting us in coming up with perhaps a new and better system.

"Concepts were brought up concerning cycles, that this is a problem that existed back in 1975, exists today, and will come back again to haunt us. I agree. In 1975, we didn't go far enough. I don't think we are going to go far enough this year so I think we will be back on this issue. Some would try and tie it in to the cycles of the economy and to a degree that might have an effect but I also think you can point to the environment for suit, environment for filing claims and the laws attendant to that which have had effects on whether or not insurance was available or whether or not this issue was exacerbated enough to come to a head. The problem has to be solved and as the previous speaker has said, it should not be left in the hands of

those directly involved in this system.

"Specifically turning to the bill at hand concerning that section dealing with attorney's fees, I would just like to point out that the committee report indicates that 'Recovered' has been amended to mean the gross sum recovered before deducting any disbursements or costs, et cetera. However, in the bill itself, the term 'Recovered' uses in definition the phrase 'net sum recovered before deducting any disbursements or costs. . .'. I am a little confused as to why the discrepancy and even if there weren't a discrepancy, I am still confused somewhat by the definition in the bill of what 'Recovered' means.

"I also have to comment that I think the 33-1/3 cap is really not much of a change. I think we could have tracked what we did in a prior bill regarding medical malpractice or we might have even gone a little further in regard to perhaps tracking the California law.

"On noneconomic losses, I would just have to say that although this is new statutory language, the bottom line is things won't change very much. By rule, judges can do what Section 2 portends to do by statute and although it looks good in black and white here, in actual practice it still leaves the judges the same amount of discretion I would posit that they have now in the court rule.

"To the issue of collateral sources, I believe that has been discussed and this language pretty much follows the language of an earlier bill to which the speaker representing the Tantalus and Makiki area correctly pointed out the flaw there. That is, on the one hand the issue of bringing in evidence of collateral sources to the claimant goes to the issue of whether or not we make that person whole. How best can we do that without penalizing other sources without duplicating the same type of recovery. I don't see that same volatile policy being followed or supporting the rationale of bringing in the defendant's insurance or the defendant's resources because that goes to the issue of who pays and who pays, although somewhat apart of this system theoretically should not be that great a part of this system. Who's at fault should be the underlying factor. This obviously pushes us over for those who would criticize our current tort laws by saying that we have gotten away from trying to

find out faults and instead is just trying to figure out who can pay regardless of degree of fault.

"As to what this language on the joint tortfeasor portion of our law does, all I can say is that I don't think it adds any more predictability to the system. If, in fact, insurance is the reason why that we are here discussing malpractice and tort law, the lack of it, the cost of it, et cetera, and I would say it is only one but others would say it's the only reason, then the key problem is predictability. And this language in Section 5 of the bill, I would submit, only adds greater unpredictability to the system.

"Finally, page 5, attorneys' fees in tort actions, supposedly creating some sort of ability on the court's part to find attorneys responsible for frivolous actions and thereby supposedly making attorneys more responsible in presenting their cases. I would just say that the term 'completely frivolous' is a very, very high standard. I don't know if any judge would be able to find an argument, a case, completely frivolous. I think it is a higher standard than exist today in the law and I would guess that after ten years if there are no changes and this section does become law, you will not have one case of a judge penalizing an attorney using the standard 'completely frivolous.'

"But, Mr. Speaker, as has been said, the road to Hell is strewn with well intentions. I hope these are well intention changes, and I hope that we have more changes in future versions of this bill.

"Thank you, Mr. Speaker."

Representative Ikeda rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill but with serious reservations.

"Mr. Speaker, I am glad to see a tort reform bill before us today. However, there are several grave omissions and serious flaws in the bill as written. This bill will do little, if anything, to reduce tort liability costs.

"Mr. Speaker, we need tort reform. Our medical malpractice insurance costs have been increasing rapidly and the unpredictability of awards has resulted in the departure of property and casualty insurers from this field. This in turn has left some

of our physicians without medical malpractice insurance and caused the withdrawal of services in some areas of our islands.

"However, Mr. Speaker, although we are facing a severe medical malpractice crisis right now, this is not the only area of liability with serious ramifications for our State. Our vision of the whole issue has perhaps become a little clouded by the emphasis on medical malpractice. That is simply one isolated issue in an era of runaway liability awards and costs. We must address the entire issue and not wait until each individual aspect of tort liability starts to crumble before we react.

"Before I express my reservations about the specifics included in the bill, I would like to single out two important omissions which need to be addressed.

"The state, counties and other public entities are vulnerable to 'deep pocket' suits. Much testimony and discussion on this subject has shown that public entities by virtue of the vast scope of their responsibility for the public are being included more and more frequently in tort cases. The amounts awarded are also increasing rapidly. The joint tortfeasor law makes the apportioning of the award difficult to judge and creates vast unpredictability of total costs.

"We need to make provisions to prevent the government from bearing the brunt of tort awards even when the state or county is only minimally negligent. We need a major reconstruction of the joint tortfeasor statute.

"The other item which has been left out involves the use of periodic payments. There should be greater encouragement for the use of periodic payment schedules -- not just for medical torts but for all tort awards. This amendment was designed to assure that the award is used to care for the plaintiff as long as necessary. And without structured payments, a lump sum award may be spent within a few months and a plaintiff without other resources would end up on welfare. The removal of this provision is a serious defect as it is one which would have reduced costs by adding predictability and spreading out the impact of large awards, but would not impact victims' rights or the amount of awards.

"I would now like to take a moment to go through the bill before us,

section by section, highlighting those issues which need to be strengthened by the Senate or in Conference Committee, if it gets that far.

"Section 1 of the bill addresses attorneys' contingency fees. We need a sliding scale for contingency fees. There is no reason that an attorney should be collecting one-third of a million or multi-million dollar award. The defense attorneys' fees limit of \$90 an hour is ludicrous. And frankly, I was shocked to hear the insurance companies testify in conditional favor of this amendment. I do not see how defendants will be able to retain the quality legal advice necessary with a limit of \$90 an hour.

"Further, it should be noted that the bill does not provide for a mechanism by which it can be ascertained that the plaintiff's attorney has contracted for a contingency fee. Such information may be privileged.

"Section 3 will provide for disclosure to juries of any benefits plaintiffs are receiving. This will put juries in full possession of the facts and will allow them to make appropriate awards. However, this bill will also provide for disclosure to the jury of the insurance coverage of the defendant which could lead to higher jury awards -- up to the amount of the coverage -- and any increased cost to the insurance companies would in turn be passed on to consumers in the form of higher premiums.

"Although I understand the reason for the inclusion of disclosure of insurance coverage -- purportedly to balance the disclosure of collateral sources -- I feel that it may lead to a dangerous assumption by the jury. Awards should be made on the basis of damages and determination of what is needed to make the person whole -- not on the defendants ability to pay.

"Sections 4 and 5 relate to instructions to the jury. I agree with Judge Fong who testified at the Judiciary hearing on this bill last week, that our juries should be fully informed of the relevant laws. However, I do not feel that this should be viewed as a substitute for reform of our joint tortfeasor law. The current law is inequitable and should be changed.

"Sections 6 and 7 establish penalties for the filing of frivolous suits or actions. Although I am in full agreement with these additional provisions to cut the number and length

of lawsuits, I am dubious that these provisions will or even can be enforced in practice for as the previous speaker noted, it may prove impossible for a judge to find a claim or defense 'completely frivolous and . . . totally unsupported by the facts and the law in the action.'

"In conclusion, Mr. Speaker, let me stress again, that I am pleased to see a tort reform measure before us on the floor of this House today. However, if we do not in future deliberations amend this bill to address the issues I have outlined, we will not see any improvement in our tort system. We need to take a strong stand now on all tort liability and not wait for the next crisis to threaten the continuation of another essential service.

"Thank you, Mr. Speaker."

Representative Souki rose and stated:

"Members of the House, I wish to speak for this bill with some reservations.

"First of all, I want to applaud the chairman and the committee for coming up with some landmark legislation to fight our high cost of insurance. However, in an area that I think the whole State is deeply concerned with in the tortfeasor area, we did not do enough. Sections 4, 5 and 7, I believe can create the problem even more than what we have now in the language not being clear can confuse the judge and the juries.

"In due respect to the committees and the members here, I would respect and request that if we could advise the Senate to strengthen the law of the tortfeasor to protect our taxpayers in the State and the county.

"Thank you very much, Mr. Speaker and members of the House."

Representative Tungpalan rose to speak in favor of the bill, stating:

"You know, I spoke with Mr. George Shea, an executive with First Insurance Company last week and he indicated that a limit of \$90.00 an hour is actually more than what he is paying for now in defense attorneys' fees. Jokingly, he related a conversation he had with the law firm that handles his cases and he said, does that mean that our fees will go up now to at least \$90?

"Well, needless to say, this bill and others relating to tort reform will have much consideration in the Senate. Perhaps what the Senate can do is sit down with these insurance attorneys and in all the other factions that are related to tort reform and see if they can come up with something that they can all live with.

"We certainly appreciate the efforts that were made by Representative Tom and his committee as well as Representative Bunda and Representative Shito. Having gone through the same process last year, it is nice to know that they were able to bring before this House a bill on this subject.

"Thank you very much."

The motion was put by the Chair and carried, and H.B. No. 1692-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TORTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1692-86 had passed Third Reading at 3:11 o'clock p.m.

H.B. No. 1388, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1388, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2191-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2191-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1388 and 2191-86 had passed Third Reading at 3:12 o'clock p.m.

H.B. No. 2142-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2142-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LABELING", passed

Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1937-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1937-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COMPANIES, FREEDOM OF CHOICE OF", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1945-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1945-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERING", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2142-86, 1937-86 and 1945-86 had passed Third Reading at 3:13 o'clock p.m.

H.B. No. 1942-86:

Representative Shito moved that H.B. No. 1942-86, having been read throughout, pass Third Reading, seconded by Representative Bunda.

Representative Liu rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill but with some reservations, that hopefully, if we have another chance to look at this that we will consider not giving a blanket increase to all types of loans up to \$250,000.

"I did not feel assured during the committee hearings by the representatives of the banking industry that in all cases that the \$250,000 or the one-half of one percent were reasonable amounts that could be excluded from the view by the Boards of Directors of all banks. I think for most of the banks, especially in the area of mortgage loans and various other types of secured loans, that the limits proposed are very reasonable.

"However, I think there was some concerns that I still have concerning what occurs in the medium to smaller-sized banks and whether or not we can really rely on a blanket \$250,000 floor or a one-half of one percent of

the capital as a reasonable floor in cases where Boards of Directors should or would review loans made by their banks. I would hate to have us come back here few years down the road, perhaps there is a bank that does run into trouble or collapses and although internal controls, we were told are very good at all the banks, I would hate to see us perhaps become partners in some aberration of those controls in the future.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 1942-86, entitled: "A BILL FOR AN ACT RELATING TO BANKING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1942-86 had passed Third Reading at 3:15 o'clock p.m.

H.B. No. 2111-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2111-86, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1942-86 and 2111-86 had passed Third Reading at 3:15 o'clock p.m.

H.B. No. 2725-86, HD 1:

On motion by Representative Kihano, seconded by Representative Tom and carried, H.B. No. 2725-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2285-86, HD 1:

On motion by Representative Andrews, seconded by Representative Tom and carried, H.B. No. 2285-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2725-86 and

2285-86 had passed Third Reading at 3:16 o'clock p.m.

H.B. No. 2017-86:

On motion by Representative Andrews, seconded by Representative Tam and carried, H.B. No. 2017-86, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF OWNERS OF PROPERTIES INCLUDED WITHIN AND ADJOINING AREAS BEING DESIGNATED GEOTHERMAL RESOURCE SUBZONES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2028-86:

On motion by Representative Andrews, seconded by Representative Shito and carried, H.B. No. 2028-86, entitled: "A BILL FOR AN ACT RELATING TO BONDING OF SOLAR ENERGY DEVICE DEALERS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2017-86 and 2028-86 had passed Third Reading at 3:17 o'clock p.m.

H.B. No. 2108-86, HD 1:

Representative Andrews moved that H.B. No. 2108-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Shito.

Representative Souki rose to speak against the bill, stating:

"I don't believe that we should provide to the Governor the power to control the petroleum products in a time of non-emergency. I believe the area of making policy for the State belongs to the State Legislature, and I think we have delegated enough power to the Governor in making policy so, therefore, Mr. Speaker, I urge all the members to vote against this bill and please cast a nay for me.

"Thank you very much."

The motion was put by the Chair and carried, and H.B. No. 2108-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF PETROLEUM PRODUCTS", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Anderson and Souki voting no, and Represen-

tative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2108-86 had passed Third Reading at 3:19 o'clock p.m.

H.B. No. 2425-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2425-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES UNDER WARRANTIES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2845-86, HD 2:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2845-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2178-86, HD 1:

On motion by Representative Tom, seconded by Representative Shito and carried, H.B. No. 2178-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO STATUTORY REVISION: AMENDING VARIOUS PROVISIONS OF THE HAWAII REVISED STATUTES, FOR THE PURPOSE OF CORRECTING ERRORS, CLARIFYING LANGUAGE, CORRECTING REFERENCES, AND DELETING OBSOLETE OR UNNECESSARY PROVISIONS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2158-86:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2158-86, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2425-86, 2845-86, 2178-86 and 2158-86 had passed Third Reading at 3:20 o'clock p.m.

H.B. No. 2373-86, HD 1:

On motion by Representative Tom,

seconded by Representative Metcalf and carried, H.B. No. 2373-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFENSE OF INTOXICATION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1728-86, HD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1728-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CREDIT CARD OFFENSES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2375-86 and 1728-86 had passed Third Reading at 3:21 o'clock p.m.

MATTERS DEFERRED FROM
EARLIER ON THE CALENDAR

H.B. No. 2569-86:

Representative Yoshimura moved that H.B. No. 2569-86, having been read throughout, pass Third Reading, seconded by Representative Manegdeg.

Representative Kamali'i rose and stated:

"Mr. Speaker, I rise to speak against this bill. I am sure my colleagues are surprised that I am doing this.

"Mr. Speaker, I was among those who signed this bill at introduction. Virtually every member of the House added their signature to this measure which would include Aunty Pilahi Pahi's now well-known expression of what she felt the 'Aloha Spirit' meant to her. A coordination of mind and heart where a person must think and emote good feelings to others.

"However, Mr. Speaker, I have now had some time to reflect on this proposal, and feel compelled to vote 'no'.

"My hesitation, Mr. Speaker, is, first, in codifying such sentiments in law and further asserting them as legislative, executive, and judicial guides in decision-making. The Legislature has already adopted 'The Aloha State' as our popular name -- do we really need to go beyond that?

"It seems to me that if we have to

statutory 'define' and remind ourselves and others to act with aloha -- then, we are implicitly acknowledging that we are losing that spirit.

"Mr. Speaker, I won't make that admission.

"Further, I am made uneasy by the potential commercialization of the sentiment. What have we come to when the 'Aloha Spirit' -- whether as a poster or a beach towel -- may literally be bought and sold?

"This possible denigration of so central a thought and feeling of Hawai'i deeply disturbs me.

"Further, if we are to decide that, legally, there is but one interpretation to 'Aloha' -- then I believe that we are also doing damage to the native Hawaiian culture.

"I wonder if the strength and variety of meanings to the 'Aloha Spirit' isn't derived from its elusiveness, its inability to be captured in words.

"Isn't the Aloha Spirit better held in the heart in wordless personal expressions of kindness, caring, and mutual respect?

"It is from a profound sense of Aloha, that I must vote 'no' on this bill.

"Thank you."

Representative Onouye rose and requested that his remarks, in favor of the bill with reservations, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Onouye's remarks are as follows:

"Mr. Speaker, I rise this morning to speak in favor of this bill with certain reservations.

"Mr. Speaker, the Aloha Spirit is one of the beautiful and unique things about our island state. All residents of Hawaii, regardless of ethnic origin, feel the spirit and joy of Aloha. In our everyday actions we conduct ourselves here with both a conscious and unconscious application of the Aloha Spirit. Mr. Speaker, my reservations stem from my belief that the feeling of Aloha is a personal internalized feeling unique to each person. The manifestation of the spirit of Aloha is not contingent upon a legal mandate. It is not something

that can and should be tightly defined and codified into law. The aloha spirit means different things to different people and in enacting this measure, we risk the danger of distorting the Aloha Spirit. Arguably, with this bill a judge could take the Aloha Spirit into consideration when determining what sentence to impose. Is this the true underlying purpose of the Aloha Spirit?

"Mr. Speaker, I think you for the opportunity to express my views on this subject, and I urge you and all of my colleagues to always show Aloha whether or not it is the law.

"Thank you."

Representative Ikeda rose to speak against the bill, stating:

"Mr. Speaker, I signed this bill when it was introduced to this body. However, upon closer study of the bill and further reflection I find myself in opposition to the codification of the 'Aloha Spirit' into law.

"The 'Aloha Spirit' is a wonderful concept. Who wouldn't agree that our islands are a better place because of the Aloha we share with each other and our visitors. The 'Aloha Spirit' is an important aspect of our personal as well as our business lives. The bill before us, however, codifies those characteristics which are to represent the Aloha Spirit and gives discretion to the three branches of government to consider those characteristics in the enactment of their duties. Such a move to promote greater concern for others can only be beneficial -- in theory. In practice, however, the discretion given could undermine our existing laws.

"For example, Mr. Speaker, would this then mean that the Director of the Department of Land and Natural Resources may approve a development permit, citing 'perserverance' on the part of the developer as a reason for doing so?

"Would this mean that our court systems may determine that a defendant in a criminal trial be let free or the sentence reduced because of his 'humility' in the courtroom?

"And, Mr. Speaker, would this mean that in our deliberations here in the Legislature, we might pass bills or appropriate funds on the basis of the 'kindness' or 'tenderness' which would thus be shown to the people of Hawaii?

"In addition, I am quite disturbed by the phrase stating that: 'Aloha means to hear what is not said, to see what cannot be seen and to know the unknowable.' This statement is in direct opposition with our role in government. We are here to listen to what the people say and to see what they have to show us and certainly not to pretend that we may 'know the unknowable'.

"I realize, Mr. Speaker, that I have taken these individual items out of the context of the whole and given them perhaps a more literal interpretation than the author intended. However, we are involved in the business of designing and passing laws that should be as clear and unambiguous as possible. It is our job to examine bills and legislative language as closely as possible to allow our laws to be enforced as consistently as possible and that they are administered as this body intended.

"For these reasons, Mr. Speaker, and in spite of the fact that I do support and value the 'Aloha Spirit' which makes our islands unique, I must vote against this bill.

"Thank you."

Representative Lindsey rose to speak in support of the bill, stating:

"I realize that we live in a very different time in the world where we have succumbed to money markets and profits and where we are indeed a nation and a state of very busy people. I support the Aloha bill simply because I feel it is a vehicle and a mechanism through which we can balance off the human head with the human heart.

"And so I would like to thank you and Representatives Say, Yoshimura and Hashimoto for bringing this bill before us, for taking that initiative and having the courage to introduce this bill.

"Thank you."

Representative Levin rose to speak in favor of the bill with reservations, stating:

"Mr. Speaker, I expressed some of the reservations that I had concerning the possible effect of this legislation in caucus. I was persuaded that since it is going to be located in Chapter 5, entitled: 'Emblems and Symbols,' that the legislative intent of this measure is

symbolic and not substantive. And that being the case, I think that it is appropriate to vote in favor of the measure.

"Thank you."

Representative Kihano rose and stated:

"Mr. Speaker, I would like to speak against this bill with no reservations, but not to prolong the agony, I'd just want to add my feelings. . . the words were taken out of my mouth by Representative Ikeda across the hall so I would like to add her words as my own."

The Chair, noting that there were no objections, "so ordered."

The motion was put by the Chair and carried, and H.B. No. 2569-86, entitled: "A BILL FOR AN ACT RELATING TO 'ALOHA SPIRIT'", having been read throughout, passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Anderson, Cavasso, Ikeda, Isbell, Jones, Kamali'i, Kihano, Liu, Menor and Tajiri voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2569-86 had passed Third Reading at 3:31 o'clock p.m.

H.B. No. 2835-86, HD 2:

Representative Say moved that H.B. No. 2835-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Apo.

Representative Shon rose to speak against the bill, stating:

"Mr. Speaker, I appreciate the intent to support and promote high technology in Hawaii and I think that most people, when they look at this bill at first blush, said, great. But, Mr. Speaker, this bill represents a major change in our land use system since our land use law was passed back in 1961. At that time, Mr. Speaker, we created four basic categories, four districts, and set up a Land Use Commission with which to parcel our land and reclassify lands into those four districts. That process has served us fairly well, Mr. Speaker.

"This bill creates, by legislative mandate, a completely new land use category and mandates that our Department of Planning and Economic

Development search out the State and whether it has information or not, whether it has justification or not, to petition the Land Use Commission within six months for a designation for high technology district.

"In addition, this bill, by legislative mandate, reaches down into one site -- the County of Hawaii -- and designates without public hearing, without going through the process, the first high technology district. This idea, Mr. Speaker, of reaching down and designating a specific site without a public hearing, this idea of designating South Point was not part of the original bill and no one who came to testify knew that South Point was about to be designated by legislative mandate. It is interesting, Mr. Speaker, that not a single person came to testify in favor of this bill. There was no county representative, there was no member of the public from the Big Island, there was no member of the fairly organized high technology community. There was no one from the federal government, no one from NASA, no one from the University, no one from private researchers, no one from private companies who may be interested in high technology. The Department of Planning and Economic Development testified against the bill. They said that this was not needed, that if we are talking about long-term investment commitment to high technology that we'll have a process, that in a matter of months, if we have the right information, the Land Use Commission can appropriately designate a land for this kind of activity. And indeed we have a high technology corporation which is designed specifically to promote high technology, to set up high technology parks, and indeed, if I look at the intent of this bill, it is very much in conformance with that basic purpose -- to set up a special high technology area for certain kinds of activities. We have the mechanisms now, Mr. Speaker, to do this with public hearings.

"The other individual who testified against this bill is from the Sierra Club who also pointed out how it completely runs around our time-tested land use process which would require public hearings before the Land Use Commission which would require agencies that would be involved in this who have the information to come forward with the justifications.

"I've got to ask the question, Mr. Speaker -- who really is in favor of

new high technology districts without going through the Land Use Commission? No one, I repeat, no one, came out to testify in favor of this measure.

"Another major problem with this, Mr. Speaker, is that the legislative mandate to designate South Point on the Big Island, as I understand the references in the bill, do include Hawaiian Home Lands. This is, as I understand the law, is patently illegal. We cannot do this. There is no evidence, Mr. Speaker, that the promotion of high technology, as intended in this bill, cannot be done in orderly fashion with the appropriate amount of public input. For those of you who are committed to home rule, I ask you -- is this the kind of precedent we want to set whereby the State Legislature bypasses the department, bypasses the Land Use Commission, bypasses the entire process. . .

At this point, Representative Anderson rose on a point of information and asked:

"Is the speaker on the bill with the amendment?"

Directed by the Chair to "please proceed," Representative Shon continued his remarks, saying:

"Mr. Speaker, I know that the language of the bill primarily talks about high technology in very general terms. But I also know that one of the thoughts behind it has to do with whether or not Hawaii should be involved in high tech research for the Defense Department, specifically Star Wars systems. And I would like to add my personal objection in this regard. We know that our economy already benefits from the presence of the military here, but if we look back historically, we as a Legislature, really had very little to do or nothing to do with our initial involvement in the defense industries in Hawaii. Pearl Harbor was transferred to the United States government in the 1880s as an addition to an extension of the Reciprocity Treaty.

"Yesterday, we do have industries, we do have income from the military. But, Mr. Speaker, with this bill, for the first time, we go on record in a very important way in a very important message to the children of Hawaii and to the people of Hawaii. With this bill, we are saying that we would like, in the future, to earn our livelihood by making systems -- testing systems -- and doing research

for systems to promote nuclear weapons.

"It is true there is money to be made; it is true that many others are jumping on the Star Wars bandwagon, Mr. Speaker. But we are not just any other place. We have sought repeatedly to stand as a leader among the Pacific nations -- nations which have been dramatically affected in a very negative way by the nuclear age. Is this the kind of idealism that we would like to hold up to our children? This is the promise of economic diversification. We want Star Wars. Is this the image we seek among Pacific peoples?

"Mr. Speaker, I urge that we not jump on this very seductive bandwagon without a thorough public discussion. Not only is this a matter which bypasses our land use laws, our public hearing laws -- this is also a matter which makes a very definite statement about where we stand in a nuclear age, and I am very concerned about that. I think that the idealism, inspiration, the economic opportunities we provide ought to be with a sense that we are sensitive to the sensibilities of our people that if we make a move like this that we take it before our people, that we have a thorough public discussion on this. If we go before the Land Use Commission and say very directly, we want to create a high technology park, a high technology district, for we are going to do Star Wars research -- that is an appropriate forum for the people of Hawaii to debate this issue. This debate has not taken place. There were hardly any members of the committee even at the hearing, hardly anyone from the public was really aware of this, and no one testified in favor.

"I think it is a bad precedent, and I think that we should reject this well-intentioned effort and redirect the Department of Planning and Economic Development, perhaps through a resolution, to look into these matters. There has been the argument that, well, it may take too long. We haven't even asked them, Mr. Speaker. We haven't asked our high technology development corporations to do this. We haven't asked the University, we haven't asked DPED -- I think we should ask first and respect the process by which our citizens have grown to conform to, by which our citizens know that in the event of a major change, we are going to have a chance to come out and express our views. I don't think this has

happened with this, Mr. Speaker. I understand the desire to promote high technology but I don't think this is the way to do it.

"Thank you."

Representative Kamali'i rose and stated:

"Mr. Speaker, I rise to speak against H.B. 2835-86, H.D. 2.

"Mr. Speaker, I am opposed to this bill for a number of reasons. Procedurally and substantively, this measure is fatally-flawed.

"May I direct the attention of this body to the fact that this House Draft 2 was originally submitted as a 'short form' and both the public and the committee were given little notice of the full extent and the import of this bill.

"However, the Department of Planning and Economic Development did submit testimony which clearly and concisely voices the legislative flaws in this measure. Mr. Speaker, allow me to quote from Kent Keith's statement:

'...We do not believe that a separate classification at the State level for a specific high technology district is appropriate. The specific function as outlined under Section 205 - Petition for Establishment of High Technology Districts can be implemented under the present system. The kinds of uses outlined under Section 205-2(f) are already allowed in the urban district and a more specific and restricted use for high technology can be more appropriately designated under the respective county zoning ordinances. The use of a particular type of technology should not be used as a basis for establishing a new state land use district...'

"This bill, however, originally went so far and I thought we were going to have an amendment, as to designate specific parcels by their Tax Map Key numbers at South Point as a high technology district. Tax Map Key No. 931-269-10, specifically. 931-2 is Hawaiian Home Lands which includes 10,290 acres. It also includes Bishop Estate land of 11,300 acres. It also includes U.S.A. 9 acres, and 10 designates easement of 11 acres for a total of 21,610 acres at South Point. Perhaps I understand that there is an amendment to delete that section but while the floor

amendment may be forthcoming to remove these areas, it still begs the questions of whether this measure is necessary or proper.

"Perhaps hoping to gain a false credibility, the accompanying committee report spoke very mysteriously of the use of this designation as 'in support of national defense programs of benefit to Hawaii and its people...'

"What national defense program? And when did either the Department of Defense or the United States State Department allow us to decide such issues?

"If national defense is at issue, clearly the federal government has the legal right to over-ride our land classification and planning laws.

"But for the State to make the same assertion of our ability to over-ride county zoning ordinances -- which is the crux of this measure -- is to do harm not only to the principle of 'home rule', but to our own notions of state general planning as well.

"And when we're talking about 'commercial or experimental rocket launching operations, solid waste resources recovery systems', and other technologies with obvious impact on adjoining community safety and activities, then we should enlarge, not restrict the public and county voice in such decisions.

"Mr. Speaker, I began by noting that this measure was a short form bill originally. I can only conclude my remarks by asking my colleagues to also dispose of this measure in short order.

"Mr. Speaker, I am voting 'no' on this bill and I urge all my colleagues to join me.

"Thank you."

At this time, Representative Levin offered the following amendment to H.B. No. 2835-86, HD 2:

"SECTION 1. House Bill No. 2835-86, H.D. 2, is amended by deleting lines 3 through 6 inclusive on page 2."

Representative Levin moved that the amendment be adopted, seconded by Representative Kihano.

Representative Levin then rose to speak in favor of the amendment, stating:

"I am as strong an advocate as anyone for making Hawaii a participant in, and in fact a center for the exploration of space -- our final frontier. I have proposed funding for space in the higher education budget and we have a resolution and an informational meeting coming up in the near future.

"However, the language which my amendment proposes to delete is the three or four lines referring to South Point. That sentence would mandate that a specific area of thousands of acres be rezoned and that this rezoning take place without public input, without public hearing (except for the legislative hearing that was held in the House on a short-form measure plus whatever takes place in the Senate which we have no control over). Moreover, there is no reason to believe that there is any urgency in this matter. We should not deny the public an opportunity to be heard and we should follow the proper planning procedures unless there is some extraordinary situation that mandates otherwise. There is no evidence at all to indicate that there is any such situation here.

"I suppose that I can conceive of a hypothetical situation where the Legislature would intervene in the planning process if that process breaks down and if there is a matter of statewide importance; then, perhaps, the Legislature needs to take action and mandate new zoning even though it means ignoring all existing rules and procedures which have been set up over the years to assure public participation. But the reason for those rules is to assure that we are basing our decisions on full information, so it should be a drastic step to go that route, since we are setting an extraordinary precedent and we should be undertaking such a step only as a last resort.

"If the amendment I propose is adopted and if the bill is then passed, we will not have stopped South Point from being a high tech district. Instead what we will have done, if the bill passes, is to provide that the DPED can petition for a land use change and existing procedures can be followed. Then come next January, when this Legislature reconvenes, if there is some compelling reason, we can again consider designating South Point as a high tech district. But at least we would have allowed proper procedures to have a chance to operate. We should not set dangerous precedents, especially when they are not necessary, and I

therefore ask for a favorable vote on this amendment.

"Thank you."

Representative Say rose to speak against the amendment, stating:

"Mr. Speaker, the designation of this particular area in question has been a question that has, I think, bothered all of us here during the past four or five years. The site that we are talking about this afternoon is a site that was petitioned by the private developers which was DSSI. It has been four years now that action has been taken on this petition to the Land Use Commission and as a body, I feel that we should take the initiative that this particular site be designated as a high tech district.

"Talking in caucus this morning, it is ironic that there is a lot of misconceptions that is being thrown around by testimony or presentations here. And this is in regards to SDI and other nuclear proliferations. If you look at SDI, to my fellow colleagues, that all we are trying to do is develop fiber optic lasers which will give the United States a better leverage with the Soviet Union in our negotiations in Geneva.

"I realize Representative Kamali'i is correct that I personally hope we have some jurisdiction over Hawaiian Home Lands and classification because all of these lands right now are classified agricultural. All we are doing is creating another classification which is a high tech district, and yes, it may be very expedient and fast but the reason before me, Mr. Speaker, is that I've waited over six years to see that the State of Hawaii and maybe the Department of Planning and Economic Development initiate these types of proposals which are very, very creative, and I think which has a lot of foresight within the next ten to twenty years.

"Representative Apo stated and I gave him my testimony in support of the National Space Commission that came down this January and I supported the South Point area as a site whereby we could have joint relationships with the countries of Japan, Great Britain and other foreign countries that do get involved in the launching of these particular satellites.

"Also, Mr. Speaker, there is some talk now at NASA that they are looking for a second site and this

would put the State of Hawaii at the forefront in the area of high technology development. A lot of our college graduates are leaving the State of Hawaii for California, Texas, to the Southeast, to the West Coast, East Coast, and if we are going to take the initiative, this is one of the major monumental initiatives of this decade.

"I am not afraid this afternoon to go on record in supporting the designation of South Point, that someday I really truly believe, twenty years from now, it will be the next Cape Kennedy. All of us here paid tribute to a fine astronaut and why can't we give our kids, our generation or my kids' generation, that opportunity now to have their sites set. I know for a fact, yes, maybe it is called improper, but we did have a short-form bill but the House Draft 1 was given that public hearing. I'm sorry to say, yes, we had two testimonies in opposition, primarily because the department wanted to take the initiative in having it be the petitioner to the Land Use Commission in reclassifying these particular lands.

"My point to you this afternoon, Mr. Speaker and members of this House, I get frustrated like any businessman. Four years ago, Senator Matsuura and myself pushed the issue of geothermal and the developer hasn't even gotten off the ground yet. After four years and over \$1.25-million. All I am trying to say, Mr. Speaker, is if this is one of the most expedient ways of seeing that the State of Hawaii becomes a forefront in the area of research and development of space communications, I would like to be the one to have that burden fall upon me, and that is why I am supporting this particular measure here this afternoon. And for these reasons, Mr. Speaker, I hope my colleagues would vote against this amendment that is being proposed.

"Thank you."

Representative Andrews rose to speak in favor of the amendment, stating:

"Mr. Speaker, it appears what we had before us here today is a bill that has gone through somewhat questionable discussion and some changes that have been made to the bill that brought forth an intent that certainly wasn't before either the members or the people who testified at the hearing. And that being the case and also it being the case that we create the project or create the

project district of some sort in a district of a particular Representative who does not also favor the amendment, and it seems to be that such a thing, due to a lack of discussion either at the person who represents the area is also opposed to the matter. It could create a very, very dangerous precedent if we allow this to proceed at this point in time. and that's all, Mr. Speaker.

"Thank you."

Representative Levin rose and stated:

"Mr. Speaker, if I may have one more word. If this amendment should pass and then the bill passes and then DPED in fact puts in a proposal, I think I might be one of the first to speak in favor of the proposal before the Land Use Commission. But it seems to me that we, as legislators, have a job that has two aspects to it. One is to do the right thing, and the other is to do the thing the right way. I think it is inappropriate for us to make this designation the way it is being proposed in the original bill.

"Mr. Speaker, I regret but I think I had better ask for a roll call vote.

"Thank you."

At 3:59 o'clock p.m., Representative Isbell asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:32 o'clock p.m.

Roll call having been requested, the motion to adopt the amendment was put by the Chair and failed to carry by a vote of 28 noes to 20 ayes, with Representatives Andrews, Blair, Cachola, Crozier, Grauly, Hagino, Hirono, D. Ige, Isbell, Kihano, Lardizabal, Levin, Menor, Nakata, Onouye, Shon, Souki, Tajiri, Tam and Tungpalan voting aye, and Representatives Leong, Pfeil and Taniguchi being excused.

Representative Tam rose to speak against the bill, stating:

"Mr. Speaker, as a proponent of open government, House Bill 2835-86 hampers the process of openness for the Land Use Commission which we legislatively set up as a means for inviting public input by public hearings. The concept of high technology is good for Hawaii because of its economic benefit towards the State of Hawaii and its people, but we

should be concerned about our form of government -- openness.

"Thank you."

Representative Ikeda rose on a point of information and inquired whether or not the Chairman of Water, Land Use, Development and Hawaiian Affairs would yield to a question.

Representative Say replied in the affirmative.

Representative Ikeda asked:

"Mr. Speaker, I would like to know if the intent of this bill was to include fiber optics under the definition of high technology, why the bill broadens the definition of high technology to include rocket launchers and retail outlets and other extraneous type of industries?"

Representative Say answered:

"This is to conform to the language of the urban classification that we are now not going through. Mr. Speaker, let me state it one more time. This particular classification -- the high tech development district or high tech district -- will allow urban activities that are presently classified in urban lands except for farm dwellings that may be adjacent to these particular areas, but in the urban classification, a lot of these retail merchandise stores are in existence. All we are allowing is that these particular facilities be a part of the district classification."

Representative Ikeda asked:

"Mr. Speaker, what concerns me is the inclusion of experimental rocket launching operations. Is that also part of an urban zoning?"

Representative Say answered:

"Yes, it is not a part of the urban district activities as part of rocket launching. That is why we are now creating a fifth classification known as the high tech district."

Representative Ikeda continued:

"Therefore, Mr. Speaker, I am to conclude then with this definition, the inclusion of experimental rocket launching operations is being done with the intent of having such an operation, and I can further conclude that since a certain designation of South Point is also included in the bill, that the rocket launching

operation is intended for South Point?"

Representative Say replied:

"Yes, it depends on the occupants of that particular district. They may get involved in the utilization of rocket launching; they may not. But they may also be ancillary services to other high tech activities that are stated in this particular measure."

The Chair asked:

"Does that answer your question, Representative Ikeda?"

Representative Ikeda answered:

"In part and Mr. Speaker, I rise to speak against the passage of this bill.

"Mr. Speaker, I think previous speakers have hit on most of the glaring omissions including the fact that this bill is not or has not met the sunshine law requirements and that it does circumvent the planning process that we have presently established, and I do agree that for these reasons that it's ample enough reason to vote against the bill.

"However, Mr. Speaker, the part that bothers me, in spite of the fact that certain . . . which the chairman of the committee has mentioned or has answered my questions regarding the rocket launching, is the fact that it does in fact talk about South Point and it does talk about the rocket launching facility and I can only conclude then that the proposed use of South Point is for a possible nuclear launching base. And I might also add that the citizens of Hawaii county have also declared opposition to the basing of any nuclear rockets on the Big Island.

"And as one of the previous speakers noted, I think in passing this bill, we are giving a clear indication as to where to stand in terms of nuclear weapons by voting for this measure if it should pass.

"For those and for other numerous reasons previously mentioned which I won't go into but that I wholeheartedly agree with, in particular the fact that the public was precluded adequate notice and the right to testify on this measure, that it is a clear violation of sunshine laws as well as the rules of our House. I encourage all the members of this body to vote against this bill.

"Thank you."

Representative Cavasso rose and stated:

"Mr. Speaker, I wish to speak against this bill and I wish to say, first, that I appreciate what the chairman was saying as far as high tech development and such. I share the words and the support that he has given in that area. However, I also agree with the others that this bill was passed underneath the table and we need to keep ourselves out in the light where everybody can see what we are doing and keep it out front and let our words be spoken in front of the people, not in secret.

"Thank you, Mr. Speaker."

Representative Hemmings rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill with reservations.

"I have strong reservations about the mechanics of this bill -- how it was drafted, how it came to be, how it allegedly was heard, and how it arrived here at the floor today. But as in the past, we have voted for dubious pieces of legislation with the intent of keeping it alive because it is a great idea. And that is why I am speaking in favor of this bill.

"We have seen numerous lobbyists from the county of the Big Island come and ask us for money to help support tourism which is dying in the eastern side of the Big Island.

"This bill is a magnificent bill because it shows the people of Hawaii that we have the ability to move expeditiously towards creating a brand new industry on the Big Island, an industry that's trying to develop within its own right, an industry of the stars, an industry of the future. There is a possibility that we could have an earth station in Hawaii, on the Big Island.

"What would it be like if the people of Florida and their Legislature fought Cape Canaveral the way we are fighting this initiative? There is no place that I know, and I haven't heard of anything to do with Star Wars having anything to do with nuclear launches, and I think it is really important that we understand that SDI is a deterrent in the defense field and it is not advocating nuclear weapons. Nevertheless, that argument aside, the Big Island has a magnificent opportunity to step into the future and pull Hawaii into the future. We know we are dependent

upon tourism. This could be a whole new industry.

"The Mauna Kea telescopes are opening up the stars to us and the University of Hawaii is developing international capabilities in astronomy. This would complement that effort. There is infra-structure with an international airport and a great harbor on the Big Island. They are laying fallow right now. There is much land that has been utilized for future home development that is not being developed. There is talk of trying even to build a saddle road to have a 'bedroom' community for the tourist industry in the west end of the island. We don't need a 'bedroom' community for the west end of the island. East Hawaii can pull Hawaii into the future by developing a whole new industry and the South Point of the Big Island could be a magnificent place to launch our State to new horizons.

"This bill is flawed in its mechanics but its intent is magnificent, and I commend the chairman of the committee and the people that worked on the intent of the bill, and I urge everybody to vote in favor of it in hopes that we can adjust the technical aspects of it later so that we, in fact, can achieve the goal of being in private sector development of the space industries.

"Thank you, Mr. Speaker."

Representative Isbell then rose and requested a roll call vote on this measure.

Representative Kawakami rose and stated:

"Mr. Speaker, prior to fulfilling that request, I would like to speak in favor of the bill.

"Mr. Speaker, it really discourages me to hear so many accusations that we bypassed the so-called open meetings and so forth. I think if any of the people here can be very specific to point out how we short-circuited any of the House procedures as far as the handling of this bill, I will sit down right away. I think the chairman has followed the procedures and has allowed all the sunshine provisions that is presently in our statutes.

"Also, Mr. Speaker, the fear of having facilities to accommodate Star Wars, nuclear testing -- nobody knows. I think what we are trying to do here in this House is to make a

commitment that we are in step in trying to develop new economic bases. And this high technology district I think will show some commitment to the public and to the Senate that we, in the House, are very serious about pursuing the development of high technology in our State. Up to now, it has been all talk and most of it have gone to the University. I think, looking down the road, we'll have to make some kind of commitment. I think this commitment, the sooner we make it, I think will show the public and the supporters of the development of high tech that we are serious about pursuing this area.

"Thank you, Mr. Speaker."

Representative Anderson rose to speak against the bill, stating:

"Mr. Speaker, when you have people designating lands that might be constitutionally irregular and not going to be passed because of that, that means we didn't put any thought. When you have five-year plans that is supposed to be for the Hawaiians, then there is a constitutional problem that this will not pass.

"When you can go ahead and not have the counties involved, there is a problem. I don't think that our Representative from Kauai would like us to go ahead and tell us what he wants on his island. Whenever we have had bills within this House, whenever we have been faced with bills in the Finance Committee, it has been the counties that have come up and asked for help. They have asked for the program and they have designated where and when these things should happen because they have plans. They are looking at it and they want it because it is going to be helpful, not destructive. The Mayor of Hilo did not talk to us, not the Council or anybody else in listening to the comments that have gone on here today.

"I don't sit in that Committee. But if I did, I would try to work with the chairman to make sure that some of the lands that were going to be designated were not going to be unconstitutional lands nor would I like to see that come out if everybody spoke against the bill. And we've had this in the last few days. We've had bills that everybody has spoken against, and yet, they've passed, and I can't understand it. We've never done this in the past.

"Now, if the people on the Big

Island are going to need the help that they have said they are, then I think that we should have a resolution that is going to address this. And the Department of Economic Development can work with the people and then we will go ahead and do it. But you don't pass a bill to say this is where everything is going to be designated.

"I hope that my colleagues will vote against this bill.

"Thank you, Mr. Speaker."

Representative Ikeda rose and stated:

"Mr. Speaker, I rise again to speak against the bill.

"Mr. Speaker, I think that we have to make a distinction between technical compliance versus what the rules and sunshine laws were intended to do, and I would like to read for the edification of the Majority Leader testimony that was presented on this bill by the Sierra Club: 'If we sound suspicious of this bill, we are. It was introduced as a short-form bill among the last twenty-four bills to be introduced in the biennium. Its substance is not available through regular channels, even twenty-four hours before this hearing. There is only one place that has been proposed for commercial rocket launching in this State and that is Ka Lae, South Point on the island of Hawaii. We don't know who thought their ox is being gored but please don't pass this bill; it could gore the public's ox all over the State.'

"Thank you, Mr. Speaker."

Representative Hirono rose to speak against the measure, stating:

"I don't think that anyone here has a problem with the notion of high technology districts. However, with this bill, we are being asked to designate South Point on the Big Island by legislative fiat without input from the affected counties. I consider that rather an unusual step for us to take, and based on the discussion that has already gone on previously, I do think that it is warranted for us not to vote for this measure. It is unfortunate that the proposed amendment failed.

"Thank you."

Representative Menor rose to speak against the bill, stating:

"Much of the arguments against this

bill has focused on the designation of South Point and that's one concern that I have, but I do have some additional concerns regarding the mechanics of this bill and the relationship of this particular bill with other laws that govern land use and development approvals.

"More specifically, as I look at this particular bill, there is mandatory language to the effect that if you can meet certain conditions, on page 4 of this bill, if the developer or proponents of a high tech development can meet the conditions on page 4, that there is mandatory language -- the Land Use Commission shall designate the particular parcel or area as a high technology district. As I looked at the conditions on page 4, none of them contain any condition regarding consideration of potential adverse environmental impacts.

"I am very concerned about that, Mr. Speaker, because under current law, for example, to the regulation of the Land Use Commission, the Commission right now does in fact take into account matters relating to environmental impacts and assessing the appropriateness and acceptability of re-districting on urban designation which has development consequences. Similarly, I believe that the environmental impact statement requirements also currently apply to these existing processes.

"But with the passage of this particular bill, I think an argument could be made that this in fact is creating a new acceptance to the existing laws. I am very concerned about that, Mr. Speaker, because of the fact that I represent a district where high tech development will eventually become a reality, a development that has been planned and proposed by Castle and Cooke. They have obtained an urban designation so they can proceed with the development, but I think that that particular development has gained wide-spread acceptance within my community because of the efforts of community groups in negotiations with the developer to ensure that the high tech development that we will in fact have will be the environmentally sound development that has been promised if we have high technology developments here in the State of Hawaii. And what we are talking about essentially, say in the Mililani area, will be high technology developments that emphasize assembly as opposed to manufacturing that will meet or live up to conditions of above-ground sewage disposal and

storage as opposed to underground sewage disposal and storage which could create some environmental hazards in terms of water contamination.

"So, given, I think, the fact that we here in the State of Hawaii are very concerned about promoting environmentally sound and attractive high technology industries, and given the fact that I think there is some ambiguity as to the mandate and requirements of the Land Use Commission, taking into account environmental concerns, and finally, Mr. Speaker, given the fact that the definition of high technology districts under this bill includes more than industries that we can say will definitely be environmentally sound if we include manufacturing and processing, for example, to create some environmental consequences that may not be acceptable to the State of Hawaii, I think that we need safeguards, I think that there are concerns about this whole matter. Accordingly, I think that we ought to study this even further and therefore, I would strongly suggest to this body that they vote against this particular bill.

"Thank you very much."

Representative Hagino rose and stated:

"Mr. Speaker, I, too, rise to speak against this bill and it is with some regret. I had hoped that the amendment that was offered earlier would be accepted so that I could vote in favor of the bill but since that amendment failed, I now speak against the bill.

"I can understand the frustrations that any political leaders may have about how long it takes us to go through a planning process, and I can understand that many of us feel that perhaps high technology offers us another economic base. I think that I have, in my last several years here in the House of Representatives, have advocated high technology, have supported the University efforts to develop its research and development programs.

"But I wish to call to the attention of this body three examples. We hear of Silicon Valley. Now the stimulus for Silicon Valley was started with Stanford University and its development of the Stanford industrial park. I call your attention to the now famous high tech company called Hewlett-Packard. Hewlett and David

Packard were professors at Stanford University and they began this concept well over twenty-somewhat years ago and that's how long it took for Silicon Valley to develop.

"We also note that one of the great high tech areas of this nation is in North Carolina. Well, North Carolina, too, began the development of its high technology industries some thirty years ago when it realized that its textile mills will be facing decay and deterioration.

"The third example that I offer to all of us here is our own fine development at Mauna Kea. The impetus for our development at Mauna Kea began some twenty years ago when a professor, and I apologize for forgetting his name, came to Hawaii in 1966 or 1967 and went up Mauna Kea. He was so impressed with what he saw, he went to see Governor Burns -- John A. Burns at that time -- and stated that this State would someday have the finest facilities for astronomy and for the positioning of telescopes. It was in 1968 that John Jeffries came over to head the Institute of Astronomy here in Hawaii. He left some sixteen years later to go back to the mainland. And that's how long it took to develop our own fine facility at Mauna Kea. The Mauna Kea master plan was only adopted, I believe, in 1982 or 1983, so we are talking about some sixteen or seventeen years of passage of time. But yet, I don't think anyone can say that the Mauna Kea development has not been well planned, well thought through, and no one can say that we are not now poised on a threshold of even greater developments on Mauna Kea.

"I think that that is the best example that I can think of, that sometimes. . . in most occasions, the development of high technology takes a great deal of planning, a great deal of time, and these efforts, if well thought through, will bear fruit as it has done on Mauna Kea. So I think that we are perhaps being a bit too hasty with this bill and we have many fine examples before us of what we can truly do in the new industry of high technology in this State."

Representative Nakata rose to speak against the bill, stating:

"I would really like to see South Point designated as a take-off point in space for the State of Hawaii for this nation. I think symbolically it fits in beautifully with South Point as the take-off point in the South Pacific

in ancient days. That symbolism is tremendous.

"However, the signal we are sending to the people of Naalehu and the handful of activists who opposed this designation earlier is that we will not let you stand in our way; we will bring the power of the State down upon you; your opposition doesn't matter. Where I think if the time were taken and the effort made to persuade them, it could be done harmoniously.

"This bill, I think, is unnecessary. We have the processes in place. The high tech park is an industrial use; we have urban designation into which industrial uses can be put. I don't think we have to rush. We have the time. We should take the extra time and effort to persuade to work harmoniously.

"Thank you."

Representative Blair rose and stated:

"Mr. Speaker, I rise to speak against this bill as unamended. Like Representative Hagino, I would like to vote for this bill in its amended form.

"I think the thrust of my remarks is that in hearing some of the previous speakers against the bill, I am uncomfortable being in company with them because I think this is certainly a disingenuous approach being taken by some of the opponents of the bill; that is to say, on the one hand they will vote against the amendment and on the other hand, they will turn around and say because it is in that unamended form, it is unacceptable. I am very uncomfortable being in the same category with people like that, but nonetheless, I can't support the bill without the amendment.

"Therefore, Mr. Speaker, I would urge those who voted against the amendment in the Majority party to consider the possibility that still exists, that they can move to reconsider on that vote and in doing so, will save the bill and allow it to cross over to the Senate where the hearings can be held on South Point and all the procedural niceties can be adhered to. But I just wanted to be clear that if this bill dies, it is not the fault of the Minority members, whatever their motivations. It is not the fault of those of us who are voting against the bill because we are troubled by the failure of the amendment to pass, but it's a lack of

realization of those who voted for good reason against the amendment but who didn't subsequently, when we've all heard some of the remarks made, realize that they had been sandbagged and they didn't have the good sense to move to reconsider their vote and they didn't, even in this eleventh hour, take the opportunity to amend, and therefore save the bill.

"Thank you, Mr. Speaker."

Representative Crozier rose on a point of information and asked whether or not the previous speaker would yield to a question to which Representative Blair answered in the affirmative.

Representative Crozier asked:

"Are you assuming that everybody who voted 'yes' on the amendment is now going to vote 'no' on the bill, sir?"

Representative Blair answered:

"I am no longer the Majority Leader and I don't have that information available to me. I am only speculating that this is serious risk that the bill will die and I will be distressed to see that happen although I would be more distressed to see it pass unamended, and therefore, I would be voting amongst the 'no' votes."

Representative Crozier thanked the Chair and said;

"Mr. Speaker, I would like to speak for the bill.

Directed by the Chair to "please proceed," Representative Crozier said:

"I've just spoken so thank you."

Representative Anderson rose and stated:

"As one of those who voted against the amendment and I am voting against the bill and I did say that it was because of where they had it and the whole bit. I also said, Mr. Speaker, I did not sit on that committee. Had I sat on that committee, I would have also said, as I did earlier, that it was an unthought-out bill; it did not bring in that particular county as to what they wanted, where they wanted it, how they wanted it; what type of industry they needed; and where it was going.

"We have been passing bills for the Big Island these last four-five years, trying to help them to go ahead and economically be able to be proficient. But they have come to us for the help. They've told us in what areas and where and how. I've worked with the chairman before and I know exactly how he must feel right now. But I think that's the job of every person on this floor to work with your chairman and then back him up a hundred percent if they're right and if they're wrong, then you say no.

"But that is not what happened on this floor. I had said earlier that there was an amendment and I had thought that the first speaker was out of order because, normally, I had the amendment and I said if the bill is still bad, I would have hoped we would have saved ours.

"Thank you, Mr. Speaker, and I am still going to vote no."

Representative Souki rose and stated:

"Mr. Speaker, I wish to vote for the bill with some reservations. Unlike some of my colleagues who vote consistently no, I voted 'yes' for the amendment and I am going to vote 'yes' for the bill on the other side. And the reason I am going to vote 'yes' for the bill, as some of my colleagues have stated that the bill has merits and the concept is good and if we believe in it, then we should keep the bill alive so it can go to the Senate and if work needs to be done, then let it be done in the Senate with our help. But I think. . .members, if we believe that the bill has merits, let us vote for the bill.

"Thank you very much, Mr. Speaker."

Representative Apo rose to speak in favor of the bill, stating:

"Mr. Speaker, it is unfortunate that the members of this House could not have been present at the University of Hawaii when the National Space Commission was here holding a hearing. Very briefly, I might relate to you that in dialogue between them, myself and Senator Matsuura, they sent out a very clear, unmistakable signal that until Hawaii takes some initiative in wanting to invite the space industry and open up our land use laws, or at least in terms of space launching is concerned, do something that might send some encouraging signs, that they are not

even considering proposing Hawaii for a secondary space launch center. I will let that go for what it is worth.

"Mr. Speaker, you know, this Legislature has been characterized on more than one occasion as being a 'do nothing Legislature,' as being a 'care-taker Legislature,' going back to the last twelve years. I believe the opposing party has used this argument consistently and continually in campaigns that, in fact, nothing is happening.

"Yes, this is a bold bill. This bill steps forward and this bill, more than anything else, forces us, through the process of representative democracy, to take a stand without always hiding behind the argument that we have to go back to the people. What were we elected for if not in situations like this to put forth our best effort, our best intelligence, make a decision, stand up and be counted?

"Mr. Speaker, I submit to you that by voting down this bill, what we will be saying is that we are happy in continuing with business as usual which means slow, painstaking and discouraging the industry. I am going to cast my vote, Mr. Speaker, as I think Ellison Onizuka would have cast his vote on this measure, and that is a vote for the bill.

"Thank you."

Representative Metcalf rose and requested that Representative Apo's remarks be incorporated in the Journal as his own and the Chair "so ordered." (By reference only)

Representative Tom rose and requested that Representative Apo's remarks be incorporated in the Journal as his own and the Chair "so ordered." (By reference only)

At 5:07 o'clock p.m., Representative Ikeda asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 5:20 o'clock p.m.

Representative Shon rose and stated:

"Yes, I would like to add a few more remarks, very briefly, in opposition to this bill.

"I've listened very carefully to the discussion and the debate and I've heard a lot of expressions of why folks would want high technology but

very little as to why we need this bill. I repeat -- no one came to testify for it, NASA did not come to testify for it, the high tech community did not come to testify for it, the county did not come to testify, DPED testified against it, the high tech corporation was not involved. I still fail to see where this bill does anything that we need.

"Secondly, it has been expressed that for years there has been a company that has been waiting to do something and the assumption is then that somehow this company is exactly what we want, that it is an example of high quality high technology. I am told by one of my colleagues that this company is now on the mainland trying to secure investments so that they can shoot deceased citizens into space. I suggest that there is a reason why people did not jump on the bandwagon when they were applying for applications for South Point. It may very well be that the application was unworthy of us if they did not have their act together and that's why, very appropriately, went to the Land Use Commission.

"Thirdly, I would like to say that we have, in the last few years and this year, spent a great deal of time looking very carefully at what site we choose for major activities in the State of Hawaii. We've been debating what Aloha Tower should look like; we've been debating garbage to energy plants; we've been debating convention centers, ocean centers, and most of these debates have centered on the site because we wanted to be absolutely sure that when we put up a facility, a facility in an already urban area, that it was appropriate for that area. And now, we are willing to reach down into an area of the Big Island where we know people who live there are in opposition, where we know that people have not even come out to testify on this specific proposal. We are willing to say that with this site specific activity, we're willing to just go for it.

"I think that there is an element of fantasy here that somehow if we pass this, tomorrow NASA is going to call us up and say, well, let's go. We've got billions of dollars we're willing to invest to recreate another space site launching facility in a different state. I think it is very unlikely that this kind of thing were to happen, and if they were interested, who would they contact? DPED is not involved. High tech corporation is not involved as of today -- who among us, in our State

government and our University is prepared to make that crucial link that says we've got to do this in six months or nothing is going to happen. It's not a question of six months. As one of the previous speakers pointed out, these kinds of facilities take years and years of planning, years and years of budget appropriations. I don't think that we have looked at this with any amount of the scrutiny that we apply to other projects which, by comparison, are almost insignificant.

"I urge you to vote against this bill."

Representative M. Ige stated:

"Mr. Speaker, I had the privilege of attending that meeting that morning and I must congratulate. . .at least tell the chairman how much I appreciate his foresight, his dreams about our future, Hawaii's future. I just hope that many of these deficiencies can be worked out in the Senate."

Representative Tam stated:

"Mr. Speaker, it has been said... by the way, I still want to vote against this bill. It has been said by some of my colleagues that why not pass this bill? Pass this bill and let the Senate make its corrections. I say to my fellow colleagues: Are we not equal to them in the Senate? Are we giving up our responsibilities?"

Representative Say rose and stated:

"Mr. Speaker, I would like to speak in favor by, first of all, saying to all of you here this afternoon that this is what I truly enjoy about the democratic process of open debate on this floor. I know it is an issue that is very, very long-range in its planning and its development and I respect all of the comments made here today on this floor.

"I would like to reiterate what Representative Apo said that, Mr. Speaker, this House, when we earlier started this session, stated that we are going to do things and I think this is one issue we are taking the bull by the horn. I am sorry that I am creating enemies on this particular issue, my fellow colleagues on the Big Island, and like I stated to you in private caucus, closed caucus also, that when I ran for office, I didn't realize I was going to create enemies which I am right now, or non-supporters, or opposition. But I was telling my colleague here, Represen-

tative Blair, who becomes a Senator this Fall that I give myself maybe another four years in this House before I retire, and I look at all of you here, you know, we all have to take bold steps and I think this is the second bold step I have taken in my ten-year career.

"On behalf of myself and I think the committee and all of the members of this House, this is what I call the truly democratic process where we have a lot of debate and discussion and let's wait where the chips fall."

Roll call having been requested, the motion was put by the Chair and carried, and H.B. No. 2835-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HIGH TECHNOLOGY", having been read throughout, passed Third Reading by a vote of 29 ayes to 20 noes, with Representatives Anderson, Andrews, Blair, Cavasso, Hagino, Hirono, D. Ige, Ikeda, Isbell, Jones, Kamali'i, Levin, Liu, Marumoto, Medeiros, Menor, Nakata, Onouye, Shon and Tam voting no, and Representatives Leong and Pfeil being excused.

The Chair directed the Clerk to note that H.B. No. 2835-86 had passed Third Reading at 5:30 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 106 to 109) and concurrent resolutions (H.C.R. Nos. 67 and 68) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 106) requesting a feasibility study for the development of a teletrack theatre was offered by Representative Metcalf.

A resolution (H.R. No. 107) relating to the Manoa Innovation Center was jointly offered by Representatives Say and Levin.

A resolution (H.R. No. 108) concerning limitation of litigation costs and discovery abuses was offered by Representative Liu.

A resolution (H.R. No. 109) concerning a review of attorney advertising was offered by Representative Liu.

A concurrent resolution (H.C.R. No. 67) requesting a feasibility study for the development of a teletrack theatre was offered by Representative

Metcalf.

A concurrent resolution (H.C.R. No. 68) relating to the Manoa Innovation Center was jointly offered by Representatives Say and Levin.

COMMITTEE REASSIGNMENT

House Bill No. 1675-86 was re-referred to the Committee on Finance.

ANNOUNCEMENTS

Representative Okamura moved "to keep the Journal open until midnight and that all bills received by the Clerk up till midnight this legislative day pass Second Reading and be placed on the calendar for Third Reading and that all committee reports thereto be adopted except those bills amended recommending passage on Third Reading shall be deferred until Wednesday, March 5, 1986."

The motion was seconded by Representative Ikeda and carried.

At 5:32 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving committee reports.

STANDING COMMITTEE REPORTS

In accordance with the motion made earlier, the following Standing Committee Reports passed Second Reading and were placed on the calendar for Third Reading:

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 589-86) recommending that H.B. No. 307, as amended in HD 2, pass Third Reading.

In accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 307, HD 2, were made available to the members of the House at 11:00 o'clock a.m.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 618-86) recommending that H.B. No. 1944-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 619-86) recommending that H.B. No. 1903-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 620-86) recommending that H.B. No. 2722-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 621-86) recommending that H.B. No. 2424-86 pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 622-86) recommending that H.B. No. 1946-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Graulty, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 623-86) recommending that H.B. No. 2246, as amended in HD 2, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 624-86) recommending that H.B. No. 2189-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 625-86) recommending that H.B. No. 1940-86, as amended in HD 1, pass Second Reading and be placed on the calendar for Third Reading.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Tuesday, March 4, 1986.

TWENTY-NINTH DAY

Tuesday, March 4, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:08 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Duane Contois of Central Union Church, after which the Roll was called showing all members present with the exception of Representative Leong who was excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Twenty-Second and Twenty-Third Days.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Second and Twenty-Third Days were approved.

GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 83 to 103) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 83) transmitting sixty copies of the response to Sections 65, 66 and 81 of Act 300, relating to deinstitutionalization of Waimano Training School and Hospital, was placed on file.

A message from the Governor (Gov. Msg. No. 84) transmitting sixty copies of the reports prepared by the Department of Health in response to the following was placed on file:

House Resolution No. 52, HD1 - Five-Year Hazardous Waste Management Plan; and

House Resolution No. 53, HD1 - Hazardous Waste Management Among State Agencies in Hawaii.

A message from the Governor (Gov. Msg. No. 85) transmitting sixty copies of the report in response to Senate Resolution No. 18, Epidemiological Study to Determine Why Lana'i and Moloka'i Have Extraordinarily High Rates of Birth Defects, was placed on file.

A message from the Governor (Gov. Msg. No. 86) transmitting sixty copies of Response of the Governor's Agriculture Coordinating Committee, Office of the Governor, State of Hawaii, to Senate Resolution No. 150, SD1, Thirteenth Legislature of the State of Hawaii, requesting studies to determine the appropriate footage and feasibility of providing buffer zones between residential lots or hotels and farming operations, was placed on file.

A message from the Governor (Gov. Msg. No. 87) transmitting for introduction a draft of a House Concurrent Resolution authorizing the Department of Land and Natural Resources to dispose, by way of an easement, certain government submerged land off-shore of Kailua-Kona, Hawaii, for a mooring anchor for a fishing platform (vessel), was placed on file.

A message from the Governor (Gov. Msg. No. 88) transmitting sixty copies of the interim report required by Section 184 of Act 300 which sets forth the progress being made on the Review of Hawaii's Insurance Laws, was placed on file.

A message from the Governor (Gov. Msg. No. 89) transmitting sixty copies of the 1985 State Functional Plans Progress Report, prepared pursuant to the following concurrent resolutions, were placed on file:

House Concurrent Resolution No. 31, HD1, SD2, 1985 - Relating to the State Agriculture Functional Plan;

House Concurrent Resolution No. 24, HD1, SD1, 1985 - Relating to the State Conservation Lands Functional Plan;

House Concurrent Resolution No. 38, HD1, 1985 - Relating to the State Education Functional Plan;

House Concurrent Resolution No. 27, HD1, SD1, 1985 - Relating to the State Energy Functional Plan;

House Concurrent Resolution No. 21, HD1, SD2, 1985 - Relating to the State Health Functional Plan;

House Concurrent Resolution No. 30, HD1, SD2, 1985 - Relating to the State Higher Education Functional Plan;

House Concurrent Resolution No. 25, HD1, SD2, 1985 - Relating to

the State Historic Preservation Functional Plan;

House Concurrent Resolution No. 28, HD1, SD2, 1985 - Relating to the State Housing Functional Plan;

House Concurrent Resolution No. 23, HD1, SD2, CD1, 1985 - Relating to the State Tourism Functional Plan;

House Concurrent Resolution No. 29, HD1, SD2, 1985 - Relating to the State Transportation Functional Plan; and

House Concurrent Resolution No. 22, HD1, SD2, 1985 - Relating to the State Water Resources Development Functional Plan.

A message from the Governor (Gov. Msg. No. 90) transmitting sixty copies of the "1986 Report on the Investigations of Manoa Finance Company and Great Hawaiian Financial Corporation," prepared by the Department of the Attorney General pursuant to the request for information contained within House Resolution 404, HD1, of the Thirteenth State Legislature, was placed on file.

A message from the Governor (Gov. Msg. No. 91) transmitting sixty copies of Response to the Governor's Agriculture Coordinating Committee, Office of the Governor, State of Hawaii, to Senate Resolution No. 41, SD1, Thirteenth Legislature of the State of Hawaii, requesting a study relating to deregulation of interisland barge service, was placed on file.

A message from the Governor (Gov. Msg. no. 92) transmitting sixty copies of the Annual Report of my Agriculture Coordinating Committee, was placed on file.

A message from the Governor (Gov. Msg. No. 93) transmitting sixty copies of the 1984-1985 Annual Report prepared by the Hawaii Labor Relations Board (formerly Hawaii Public Employment Relations Board) in accordance with Section 89-5, Hawaii Revised Statutes, as amended, was placed on file.

A message from the Governor (Gov. Msg. No. 94) transmitting sixty copies of a report prepared by the University of Hawaii in response to the following was placed on file:

Act 300 - 1985 Section 141 - Study on Present and Future Student Housing Needs for UH at Hilo Campus.

A message from the Governor (Gov. Msg. No. 95) transmitting sixty copies of the Annual Report of the Public Utilities Commission for Fiscal Year 1984-1985, was placed on file.

A message from the Governor (Gov. Msg. No. 96) transmitting sixty copies of a report prepared by the Department of Social Services and Housing in response to the following was placed on file:

House Resolution No. 269 - Requesting the Department of Social Services and Housing to report on the feasibility of expanding the availability of health care plans under Medicaid.

A message from the Governor (Gov. Msg. No. 97) transmitting sixty copies of the updated Technical Reference Document for use in conjunction with the State Agriculture Functional Plan adopted by the Legislature in 1985 via House Concurrent Resolution No. 37, SD2, was placed on file.

A message from the Governor (Gov. Msg. No. 98) transmitting sixty copies of the Annual Report prepared by the Department of Personnel Services, was placed on file.

A message from the Governor (Gov. Msg. No. 99) transmitting sixty copies of the State Plan Policy Council Progress Report on Activities Conducted in Futherance of the Hawaii State Plan (January 1986), was placed on file.

A message from the Governor (Gov. Msg. No. 100) transmitting sixty copies of the promotional plan relating to the promotion of Hawaii's commercial harbors in response to Senate Resolution No. 153-1985, which also serves as a progress report in response to Section 39, House Bill No. 1 (Act 300), Regular Session of 1985, was placed on file.

A message from the Governor (Gov. Msg. No. 101) transmitting sixty copies of the 1985 Annual Report of the Aloha Tower Development Corporation, was placed on file.

A message from the Governor (Gov. Msg. No. 102) transmitting sixty copies of a report prepared by the Department of Planning and Economic Development on its loan programs, as required under the following statutes was placed on file:

Section 210-8, HRS, requires an annual report on the progress made under Chapter 210, the

Hawaii Capital Loan Program;

Section 189-26, HRS, requires an annual report on the progress made under Chapter 189, Part II, the Large Fishing Vessel Purchase, Construction, Renovation, Maintenance and Repair Loan Program;

Section 189-46, HRS, requires an annual report on the progress made under Chapter 189, Part IV, the Hawaii Small Fishing Vessel Loan Program;

Section 209-5, HRS, requires a annual report from the Rehabilitation Coordinator. However, since DPED administers the Disaster Commercial and Personal Loan Program, an annual report on its progress is presented; and

Chapter 211E, HRS, does not require an annual report, however, DPED included the Hawaii Invention Development Loan Program as part of their loan annual report.

A message from the Governor (Gov. Msg. No. 103) transmitting sixty copies of the 1985 Annual Report of the Department of Planning and Economic Development, was placed on file.

DEPARTMENTAL COMMUNICATIONS

The following communications (Dept. Com. Nos. 9 and 10) were read by the Clerk and were disposed of as follows:

A communication from Leslie S. Matsubara, Director of Health, (Dept. Com. No. 9) transmitting sixty copies of the report in response to Senate Resolution No. 147-84, Relating to the Establishment of a Commission to Review Chapter 326, Hawaii Revised Statutes, Relating to Hansen's Disease and Rules and Regulations of Public Health Policy Appertaining to Hansen's Disease, was placed on file.

A communication from Toshimi Sodehani, Interim Administrative Director of the Courts, (Dept. Com. No. 10) transmitting the "Legislative Program of the Judiciary, State of Hawaii for the 1986 Session", was placed on file.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 25 to 38)

were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 25) transmitting Senate Bill No. 994, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", which passed Third Reading on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 26) transmitting Senate Bill No. 1625-86 entitled: "A BILL FOR AN ACT RELATING TO THE MILK CONTROL PROGRAM", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 27) transmitting Senate Bill No. 1651-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 28) transmitting Senate Bill No. 1652-86 entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 29) transmitting Senate Bill No. 1718-86 entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 30) transmitting Senate Bill No. 1764-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 31) transmitting Senate Bill No. 2050-86 entitled: "A BILL FOR AN ACT RELATING TO STATE EMPLOYEES IN THE COMPENSATION PLAN FOR MANAGERIAL WHITE COLLAR POSITIONS AND MAKING APPROPRIATION AND OTHER ADJUSTMENTS", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 32) transmitting Senate Bill No. 2314-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO STATE GOVERNMENT MOTOR VEHICLES", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 33) transmitting Senate Bill No. 2326-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 34) transmitting Senate Bill No. 2328-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE PRESIDENT OF THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 35) transmitting Senate Bill No. 2332-86 entitled: "A BILL FOR AN ACT RELATING TO HIGHER EDUCATION", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 36) transmitting Senate Bill No. 2463-86 entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF EDUCATION", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 37) transmitting Senate Bill No. 2468-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO LIBRARIES", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 38) transmitting Senate Bill No. 2478-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO EMERGENCY ASSISTANCE", which passed Third Reading in the Senate on March 3, 1986, was placed on file.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, S.B. Nos. 994, SD1; 1625-86; 1651-86, SD1; 1652-86; 1718-86; 1764-86, SD1; 2050-86; 2314-86, SD1; 2326-86, SD1; 2328-86, SD1; 2332-86; 2463-86; 2468-86, SD1; and 2478-86, SD2, passed First Reading by title and further action was deferred.

At this time, the following introductions were made to the members of the House:

Representative Crozier introduced Mrs. Margaret Tyler, a student from Kapiolani Community College, "who is here to observe the Legislature and this individual was fortunate enough to see our democratic majority caucus in action. She was not aware that we are the only caucus that is open to the public."

Representative Oshiro introduced Wendy Epling and Lauri Valeck, 2 students from Ilima Intermediate School who are here for the Legislative Awareness Program.

Representative Jones, on behalf of Representative Ikeda and himself, introduced Elissa Michael and Ann Kurabayashi, 2 eighth grade students from Niu Valley Intermediate School.

Representative Tungpalan introduced 2 members of the H.S.T.A., Mr. Earl Arruda, president, and Mr. Mel Goto.

Representative Ikeda, on behalf of Representative Jones and herself, introduced Devron Bumasang and Scott Little, 2 students from Niu Valley Intermediate School.

Representative Ikeda then remarked:

"Mr. Speaker, as a point of information for Representative Crozier, our caucuses are always open to the public, even though we don't announce them. And one of the reasons why we don't make a purpose of saying, "open" is because they are always open, and the other reason is that nobody ever shows up."

Representative Crozier then rose to apologize by stating:

"To the Minority Floor Leader, I apologize if I made a mistake, but I was under the impression that it was a closed caucus, and I would like for the public to take advantage of it and go in and listen -- it's a dynamic process and I'm excited that everybody in the House is open for the public."

Representative Isbell introduced the youngest of her children, son Rick, who is on his way to Fiji to a surfing camp.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of considering a resolution out of order.

INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 113) was read by the Clerk and disposed of as follows:

A resolution (H.R. No. 113) congratulating Dr. Adrian Brash on being awarded the Hawaii Dental Association's Distinguished Service Award was jointly offered by Representatives Anderson, Andrews, Apo, Blair, Bunda, Cachola, Cavasso, Crozier, Graulty, Hagino, Hashimoto, Hemmings, Hirono, Honda, M. Ige, Ikeda, Isbell, Jones, Kamali'i, Kihano, Lardizabal, Levin, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Menor, Metcalf, Nakata, Onouye, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Tam, Taniguchi and Peters.

On motion by Representative Anderson, seconded by Representative Medeiros and carried, H.R. No. 113 was adopted.

Representative Anderson then rose and stated:

"Mr. Speaker, over the years I've introduced such great people as Dr. George H. Mills, Frank Midkiff, Hawaiian Civic Club members who have been honored as outstanding Hawaiians and outstanding Hawaiian Civic Club members in the community.

"But today, with great pleasure, we have an honoree that is not only great, but he's also my uncle and he has a very lovely wife, Aunty Mae."

At this time, Representative Anderson introduced the honoree, Dr. Adrian Brash and his lovely wife, Aunty Mae Brash. Both were asked to stand and be recognized.

Floral leis were presented to Dr. Brash by Representative Kamali'i; to Mrs. Brash by Representative Medeiros; and Representative Anderson presented the honoree with a certified copy of the Resolution.

At 11:23 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purpose of allowing us to extend our personal aloha to our honorees this morning."

The House of Representatives reconvened at 11:28 o'clock a.m.

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

H.B. No. 1291:

On motion by Representative Hashimoto, seconded by Representative Shito and carried, H.B. No. 1291-86 entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2436-86:

On motion by Representative Andrews, seconded by Representative Tom and carried, H.B. No. 2436-86 entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1291-86 and 2436-86 had passed Third Reading at 11:28 o'clock a.m.

H.B. No. 2516-86:

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, H.B. No. 2516-86 entitled: "A BILL FOR AN ACT RELATING TO MORTGAGES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2273-86, HD1:

On motion by Representative Say, seconded by Representative Honda and carried, H.B. No. 2273-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2516-86 and 2273-86 had passed Third Reading at 11:29 o'clock a.m.

H.B. No. 1856-86:

On motion by Representative Ki-yabu, seconded by Representative Souki and carried, H.B. No. 1856-86 entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2424-86:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2424-86 entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1856-86 and 2424-86 had passed Third Reading at 11:30 o'clock a.m.

At 11:30 o'clock a.m., Representative Okamura asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:39 o'clock a.m.

STANDING COMMITTEE REPORTS

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 590-86) recommending that H.B. No. 1982-86 pass Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1982-86 entitled: "A BILL FOR AN ACT RELATING TO THE REPORTING OF ANIMAL DISEASES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1982-86 had passed Third Reading at 11:40 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 591-86) recommending that H.B. No. 1855-86, HD1, pass Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1855-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO BRANDING",

passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1855-86 had passed Third Reading at 11:41 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 592-86) recommending that H.B. No. 1954-86 pass Third Reading.

Representative Shon then rose to speak against the bill, stating:

"I realize that this is probably a very practical bill, and I just want to record that the legislative recess is very close to my heart. I'm one of the criminals that put it into the constitution.

"The only thing I want to say is that the intent of the recess was that everyone would stop completely and read what was before us. We all know we have dozens and dozens of reports that we really never even have a chance to look at, and I've always felt that the legislative process should completely stop, no hearings, it's not just to go out to the districts but also for us. I've always been very disappointed that we never really took up the intended spirit of the recess.

"While I expect this to pass, this will probably improve the process compared to what it is now, I'd just like to record that the original intent was that we need more time to be deliberative, to be informed and that's what the recess was for."

Representative Blair then rose to speak in favor of the bill, stating:

"I rise to speak in favor of this bill and only that I would like to thank the Majority Leader for seeing the wisdom of re-introducing this bill, which I believe, Representative Stanley had introduced before.

"It received the majority of the votes of those voting on it the last time it was on the ballot; unfortunately, considering the number of people who chose not to vote on that, it did not meet the constitutional requirement. Hopefully, coming back before the voters again, it will be more familiar to them and once more the majority will vote for it, but this time, hopefully, enough people will vote that it will become a part of our Constitution and our deliberations

here will be facilitated to the benefit of the general public.

"I thank the Majority Leader for following through."

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1954-86 entitled: "A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 10, OF THE HAWAII CONSTITUTION TO CHANGE THE LEGISLATIVE SESSION RECESS REQUIREMENT ", passed Third Reading by a vote of 49 ayes which was not less than two-thirds of all the members to which the House is entitled to, with Representative Shon voting no, and Representative Leong being excused.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 593-86) recommending that H.R. No. 2299-86, HD1, pass Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2299-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RIGHT TO FARM ACT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1954-86 and 2299-86 had passed Third Reading at 11:43 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 594-86) recommending that H.B. No. 2700-86, HD1, pass Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2700-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Isbell voting no and Representative Leong being excused.

Representative Tom, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 595-86) recommending that H.B. No. 2125-86, HD1, pass Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf

and carried, the report of the majority of the Committee was adopted and H.B. No. 2125-86, HD1 entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Bunda voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2700-86 and 2125-86 had passed Third Reading at 11:44 o'clock a.m.

Representative Tom, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 596-86) recommending that H.B. No. 2126-86 pass Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the majority of the Committee was adopted and H.B. No. 2126-86 entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Bunda voting no, and Representative Leong being excused.

Representative Tom, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 597-86) recommending that H.B. No. 2124-86, HD1, pass Third Reading.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the majority of the Committee was adopted and H.B. No. 2124-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Bunda voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2126-86 and 2124-86 had passed Third Reading at 11:45 o'clock a.m.

At 11:46 o'clock a.m., Representative Apo asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:48 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 598-86) recommending that H.B. No. 2166-86, HD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2166-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO BLIND OR VISUALLY HANDICAPPED CONCESSIONAIRES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 599-86) recommending that H.B. No. 2121-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2121-86 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 600-86) recommending that H.B. No. 2345-86, HD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2345-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO AND AUTHORIZING AN ADOPTION ASSISTANCE COMPACT AND PROCEDURES FOR INTERSTATE SERVICES PAYMENTS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2166-86; 2121-86; and 2345-86 had passed Third Reading at 11:48 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 601-86) recommending that H.B. No. 2619-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2619-86 entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE QUEEN KAPIOLANI 100th ANNIVERSARY COMMEMORATIVE PROMOTIONAL TOUR", passed Third Reading by a vote of 48 ayes to 2 noes with Representatives Hemmings and Liu voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2619-86 had passed Third Reading at 11:49 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 602-86) recommending that H.B. No. 1823-86 pass Third Reading.

Representative Hemmings then rose to speak against the bill, stating:

"Unfortunately, this bill appropriates money, hard-earned taxpayers money, to compensate alleged victims of crime.

"About 45% of it in 1985, went to people who were claiming the hard to get a handle cost of 'pain and suffering'. Pain and suffering in this bill, if you look through the awards, constitutes varied amounts from a couple of hundred dollars all the way up to five thousand or more out of the ten thousand allowed. In many instances, the pain and suffering award is by itself. There are no medical expenses or other expenses paid for.

"This is indicative of a larger problem that we are facing across the board in our society and here at the Legislature; we are grappling with it in many other areas, and in many other issues. We're headed toward trying to create a no-fault society where nobody is responsible for their actions and nobody's held accountable, both in practice and financially.

"In the insurance industry, we see that the crises is partially due to that society has to pay for, in many instances, the abuses of people upon themselves or others. The no-fault tenets in the legislated insurance industry are causing part of the problem with the payouts.

"In the social service programs, -- I'll never forget during the sixties, that many of the kids who would overindulge in drugs and became the 'walking dead.' They said, 'hey man, don't bother me, I'm hurting nobody but myself.' That no fault mentality has lead to many people being 'walking wounded.' All of the people who used that excuse to abuse themselves are now on the public dole and the taxpayers are having to pay to keep these people alive and functioning.

"In sex abuse, just the other day,

we paid, or we're going to pay to take care and to educate people once they become pregnant. This is so that they can be employable; maybe we should be educating them not to get pregnant.

"In the area of crime, we want to take care of victims who have been abused through no fault of their own; but once again, society is asked to pay the price, rather than the individuals perpetrating the crime.

I'm real sad that we have not pursued prison industries to put prisoners to work. We shouldn't be running country clubs for them and let the A.C.L.U. make sure that they have comfortable lodging and their color television. Maybe they should be going to work and start compensating the victims, besides helping pay the cost of their incarceration.

"With bills like this we're legislating responsibility for people's individual actions out of the process. Irresponsibility is running rampant in our society. It even is in the schools where children aren't getting educated. The state owes everybody an education. We have to beat the kids over the head. We owe them all of this. People owe it to themselves to be responsible for their own action.

"On this particular bill, I urge you to vote 'no' because it will put a stop to this abuse, especially the pain and suffering aspects. I find the most effective way to stop an abuse from happening in any segment of our government, and there's other abuses going on, is to simply stop paying for them. So by voting 'no' maybe we can come back and introduce legislation that is going to make people accountable for these abuses and pay for them.

"Thank you, Mr. Speaker."

Representative Crozier then rose to speak in favor of the bill, stating:

"I agree in many aspects to what the Representative from Kahala has to say except that on this bill, like yesterday, we're talking about the 'victim.' The victim had no part in the crime. He received the punishment.

"What he was talking about was the doper, sitting on the streets, acting up, acting stupid and goofy -- the thieves, the rapists.

"This person is the receiver of the punishment. We should be looking

out for the victim."

"Thank you."

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1823-86 entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFORE", passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Hemmings, Ikeda and Pfeil voting no, and Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 603-86) recommending that H.B. No. 2838-86, HD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, and notwithstanding the recommendations of the Committee, H.B. No. 2838-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO ENERGY", was recommended to the Committee on Finance.

Representative Kiyabu, for the majority of the Committee on Finance, presented a report (Stand. Com. Rep. No. 604-86) recommending that H.B. No. 2262-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the majority of the Committee was adopted and H.B. No. 2262-86 entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION", passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Anderson, Bunda, Cavasso, Hemmings, Ikeda and Pfeil voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1823 and 2262-86 had passed Third Reading at 11:54 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 605-86) recommending that H.B. No. 1964-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1964-86 entitled: "A BILL FOR AN

ACT RELATING TO THE MILK CONTROL PROGRAM", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 606-86) recommending that H.B. No. 2204-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2204-86 entitled: "A BILL FOR AN ACT RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER: CIVIL IDENTIFICATION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1964-86 and 2204-86 had passed Third Reading at 11:55 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 607-86) recommending that H.B. No. 2681-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2681-86 entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE LITTER CONTROL OFFICE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 608-86) recommending that H.B. No. 2106-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2106-86 entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROVISIONS OF AQUATIC RESOURCES AND WILDLIFE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 609-86) recommending that H.B. No. 1763-86, HD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the

Committee was adopted and H.B. No. 1763-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL LOANS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2681-86; 2106-86; and 1763-86 had passed Third Reading at 11:56 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 610-86) recommending that H.B. No. 2726-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2726-86 entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO DEVELOP AGRICULTURE LEADERSHIP PROGRAMS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 611-86) recommending that H.B. No. 1754-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1754-86 entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PRODUCT PROMOTION PROGRAMS FOR ANTHURIUMS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 612-86) recommending that H.B. No. 1966-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1966-86 entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF PINEAPPLE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2726-86; 1754-86; and 1966-86 had passed Third Reading at 11:57 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a

report (Stand. Com. Rep. No. 613-86) recommending that H.B. No. 1983-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1983-86 entitled: "A BILL FOR AN ACT RELATING TO FEES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 614-86) recommending that H.B. No. 1891-86, HD1, pass Third Reading.

By unanimous consent, action was deferred 1 legislative day.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 615-86) recommending that H.B. No. 2000-86, HD1, pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2000-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT PREVENTION", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 616-86) recommending that H.B. No. 2056-86 pass Third Reading.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2056-86 entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CARE PAYMENTS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1983-86; 2000-86; and 2056-86 had passed Third Reading at 11:58 o'clock a.m.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 617-86) recommending that H.B. No. 2427-86 pass Third Reading.

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

2427-86 entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION", passed Third Reading by a vote of 49 ayes to 1 no, with Representative Liu voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2427-86 had passed Third Reading at 11:59 o'clock a.m.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 114 and 115) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 114) designating March 4, 1986, as "Christa McAuliffe National Teacher Day", was jointly offered by Representatives Lindsey, Andrews, Cavasso, Grauly, Hagino, Hashimoto, Hemmings, Honda, D. Ige, Levin, Metcalf, Nakasato, Onouye, Pfeil, Say, Shon, Tam and Yoshimura.

On motion by Representative Lindsey, seconded by Representative D. Ige and carried, H.R. No. 114 was adopted.

Representative Lindsey then rose and stated:

"It was only five weeks ago that we, as a nation, stood in great disbelief and witnessed our valiant space program meet with tragedy. None of us will soon forget the explosion of the space shuttle, Challenger, and the seven crew members who lost their lives. It is imperative, however, that we remember the Challenger crew understood that great enterprises require great risks and that they selflessly gave of themselves toward this end.

"This afternoon, we wish to pay special tribute to a member of the Challenger crew who came from our ranks and who represented our pride, enthusiasm and wonderment at America's space program. This special person was to be our first teacher in space, she was Sharon Christa McAuliffe.

"I'd like to preface the remainder of my presentation by saying that we have not forgotten our native son, Ellison Onizuka. The Onizuka family, sometime soon, will offer to us guidance in determining how we may best honor a favorite son who gave us all good reason to be very proud.

"Today is a most appropriate day to honor Christa McAuliffe with this resolution as it is "National Teachers Day" and across the United States, people are giving praise to those within the teaching profession.

"The National Education Association has requested that all 50 states designate March 4th as 'Christa McAuliffe Day.' I understand our Governor will proclaim this day as such and that the resolution such as ours is being heard in the Senate.

"Christa sought to reawaken the pioneer spirit in Americans, especially children, by demonstrating that space flight is no longer the sole domain of highly trained specialists and technicians. She was selected by N.A.S.A. from amongst 11,000 teacher applicants. She would have taught two science lessons from space, televised over the public broadcasting service, to school children all across America. Through it all, she insisted that she was only an ordinary person and that this mission was just opening up the door for others. She particularly felt for her students saying, 'when Sally Ride and other women began to train as astronauts, I could look among my students and see ahead of them -- an ever increasing list of opportunities.' It was this degree of concern for her students that endeared her to them.

"A past student recounted, 'I asked her about the Gulf of Tonkin resolution which only got a couple of sentences in our textbook on Vietnam. The next day she gave us a whole lecture on how it was the turning point in the war. She had stayed up half the night studying so she could give me an answer. She taught me to respect knowledge and that it takes work to make it yours.'

In her experience as a teacher, Christa had found that the social history of the United States had been best kept in diaries and personal letters. Thus she decided her journey into space could be most meaningfully recorded in a personal journal of her own. It would begin with her training, continue through the mission and end with her thoughts and reactions after her return. Following her return, Christa hoped to, as she put it, 'share my experiences with other educators from different disciplines and lecture to school children of all ages.

"It was this sincerity and spirit that captivated us all. She never got caught up in the attention continuously given her; she saw herself as

a national intermediary charged with letting each of us experience space flight and further charged with simplifying the incomprehensibility of space flight and making its mysteries unfold for everyone. Said she, 'my perceptions as a non-astronaut would help complete and humanize the technology of the space age. Future historians would use my eye-witness account to help in their studies of the space age on the general population.'

"In her optimism, Christa let us see our best image as she saw life as a profound challenge instead of a series of obstacles. She was an adventurer who believed risks were acceptable, even necessary in life. Sharon Christa McAuliffe was truly an American pioneer.

"Thanks so much, Mr. Speaker."

A resolution (H.R. No. 115) extending condolences to the family of the late Kivoko Uchima Chinen was jointly offered by Representatives Marumoto, Anderson, Apo, Honda, Jones, Liu and Pfeil.

On motion by Representative Medeiros, seconded by Representative Pfeil and carried, H.R. No. 115 was adopted.

By unanimous consent, the following resolutions (H.R. Nos. 110 to 112) and concurrent resolution (H.C.R. No. 69) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 110) requesting a study of "exempt" employment in the Judiciary was jointly offered by Representatives Liu, Anderson, Cavasso, Hemmings, Ikeda, Isbell, Jones, Kamali'i, Marumoto, Medeiros and Pfeil.

A resolution (H.R. No. 111) concerning fringe benefits for Judiciary employees was jointly offered by Representatives Liu, Anderson, Cavasso, Hemmings, Ikeda, Isbell, Jones, Kamali'i, Marumoto, Medeiros and Pfeil.

A resolution (H.R. No. 112) calling for the release of records of the Emergency Medical Ambulance Services was jointly offered by Representatives Apo, Jones, Blair, Bunda, Cavasso, Crozier, Hashimoto, Hemmings, Hirono, Honda, D. Ige, Ikeda, Kamali'i, Kihano, Kiyabu, Levin, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Metcalf, Nakata, Okamura, Oshiro, Say, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tom and Tungpalan.

A concurrent resolution (H.C.R. No. 69) calling for the release of records of the Emergency Medical Ambulance Services was jointly offered by Representatives Apo, Jones, Blair, Bunda, Cavasso, Hashimoto, Hemmings, Hirono, D. Ige, Ikeda, Kamali'i, Kihano, Levin, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Metcalf, Nakata, Okamura, Oshiro, Say, Shon, Tajiri, Takamine, Tam, Taniguchi, Tom and Tungpalan.

ANNOUNCEMENTS

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

Representative Kawakami: "We will continue our Majority caucus at 2:00 o'clock p.m. this afternoon."

Representative Ikeda: "There will be a Republican caucus at 8:30

o'clock a.m., tomorrow morning in the caucus room and we invite anyone who wants to attend."

Representative Nakata: "The Committee on Agriculture will be holding a public hearing tomorrow morning at 8:30 o'clock a.m., in Room 328. Decision making to follow."

Representative D. Ige: "Your Committee on Education will be having a public hearing this afternoon at 1:30 o'clock p.m., in Conference Room 310. Decision making to follow."

ADJOURNMENT

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the House of Representatives adjourned until 11:00 o'clock a.m., tomorrow, Wednesday, March 5, 1986.

THIRTIETH DAY

Wednesday, March 5, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:10 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Frank Butterworth, Retired Pastor and former District Superintendent of the United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Apo, Leong and Nakata, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 39 to 41) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 39) transmitting Senate Bill No. 1033-86, SD 3, which passed Third Reading in the Senate on March 4, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 40) transmitting Senate Bill No. 1685-86, SD 1, which passed Third Reading in the Senate on March 4, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 41) transmitting Senate Bill No. 1781-86, SD 1, which passed Third Reading in the Senate on March 4, 1986, was placed on file.

On motion by Representative Okamura, seconded by Representative Marumoto and carried, S.B. Nos. 1033-86, SD 3; 1685-86, SD 1; and 1781-86, SD 1, passed First Reading by title and further action was deferred.

At this time, the following introductions were made to the members of the House:

Representative Levin introduced a group of students from several Big Island schools who are participants in the Legislative Experience Program, as follows: Penny Higuchi, Davin Kushi, Shanon Miyasato, Jordan

Stuart Kinney, Sherrie Tomonaga, Tracy Young, Kathleen Pagalap, Kelly Komingo, Jeanne Miyamoto, Diana Richards, Dawn Yonemitsu, Rondolyn Santos and Kehau Green; Jim White and Donna Nery who are students but belong to the Legislative Experience Committee. They were accompanied by Mr. Wallace Aki and Ms. Yokoyama.

Representative Levin then introduced Mr. Robin Gomes, "an outstanding lobbyist from the Big Island, who graduated from Ka'u High School last year."

Representative Manegdeg introduced "a family originally from Hawaii and now residing in Port Washington, Wisconsin -- Mr. and Mrs. Mike Judd and their children, Nicole, Marty and Elizabeth. Mr. Judd is working for Republic Airlines and Gwen is the granddaughter of the late Representative William Furtado and the aunt is working with us in the House as Chief Engrosser, Willa Furtado Tanaka."

At this time, the Chair directed the Chair to note the presence of Representatives Ikeda and Nakata.

ORDER OF THE DAY

SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of considering bills on Third Reading on the basis of a modified consent calendar.

UNFINISHED BUSINESS

Stand. Com. Rep. No. 614-86 on H.B. No. 1891-86, HD 1:

By unanimous consent, action was deferred to the end of the calendar.

Stand. Com. Rep. No. 498-86 on H.B. No. 2360-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2360-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Third Reading by

a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 499-86 on H.B. No. 2122-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2122-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2360-86 and 2122-86 had passed Third Reading at 11:21 o'clock a.m.

Stand. Com. Rep. No. 500-86 on H.B. No. 2144-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2144-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR JOB TRAINING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 501-86 on H.B. No. 2201-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2201-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GROUNDWATER PROTECTION PROGRAM", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 502-86 on H.B. No. 2223-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2223-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE OFFICE OF COMMUNITY SERVICE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2144-86, 2201-86 and 2223-86 had passed Third Reading at 11:22 o'clock a.m.

Stand. Com. Rep. No. 503-86 on H.B. No. 1764-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1764-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Kamali'i rose to speak in favor of the bill, stating:

"Mr. Speaker, the repeal of the 4% excise tax on drugs and food has been a plank in the Republican platform since 1966.

"I wish that I were standing here today speaking to the adoption of that full and much-needed relief, but at the least, this measure exempts the most burdensome of this tax.

"It has never seemed responsible or proper for our state to collect revenues on pain and disease.

"The accompanying committee report speaks of this bill as finally recognizing and offering some 'tax break' because of the spiralling costs of medical care.

"I would suggest that even if such costs were declining, this bill would still be in order and worthy of our support.

"Mr. Speaker, our tax structure must embody a community philosophy -- a willingness to pay for the necessary services and functions of government, and collect such revenues fairly and with an attitude of encouraging those activities which we believe are most beneficial to the well-being of individual citizens and the entire community.

"Clearly, good health practices and proper medical care must rank at the top of any such list.

"Now, Mr. Speaker, if we could only have taken that next logical step and recognized that this same tax imperative applies to the purchase of food as well.

"Perhaps even more so.

"As I just said, fairness in tax collection is among our highest priorities as legislators. For years

we have known that the proportion of family money spent on food rises in direct relationship to lower income.

"The reverse is true of medical care. The better off someone is, the more likely they are to seek medical services.

"Until we factor in age, then, we are confronted with the terrible cost of staying well which falls disproportionately but logically on our older citizens.

"Mr. Speaker, this repeal of the 4% on these services is crucial. And I urge my colleagues to go that next step next year, and also repeal the 4% on food.

"Thank you."

Representative Souki rose and stated:

"Mr. Speaker, I wish to speak for the motion with some reservations.

"I believe it's a great bill; however, my reservation is that the four percent savings may not be passed on to the consumers and I would want to state fair warning to all the businesses that handle drugs and other merchandise that is going to be exempt, that you will be monitored and if the savings is not passed on, I will do my best to repeal this bill and to bring it back to this body again.

"Thank you very much, Mr. Speaker."

Representative Ikeda rose to speak in favor of the bill, stating:

"Mr. Speaker, House Bill 1764-86, House draft 2, will exempt prescription drugs and prothetic devices from the four percent general excise tax. This is a good Republican bill. I have always believed that we should exempt drugs, medical services and food from the GET.

"Mr. Speaker, much has been said this year concerning the loss of revenue due to the congressional Gramm-Rudman Act, about the increased costs to our State due to new and expanded programs and the unexpected costs of the ACLU consent decree, and much has also been said concerning the loss of revenue we can expect from modification of our tax laws. However, Mr. Speaker, this is one revenue-decreasing measure we should pass. We cannot continue to base the funding of our State on the taxing of basic necessities.

"My one disappointment with this bill, Mr. Speaker, is that it doesn't go far enough. Food and medical services should also be included in this exemption. These are all basic necessities of life and the people of our State should not be subjected to the payment of an additional four percent in order to purchase them.

"Thus, Mr. Speaker, I will vote in favor of this bill and hope that the Senate will consider expanding this bill to also exempt food and medical services from the general excise tax.

"Thank you."

Representative Anderson rose and stated:

"I had almost said that I would like to speak in favor of this bill. I had almost said the same thing in Finance so rather than my notes, I would rather have the previous speaker's words in the Journal as my own please."

The Chair "so ordered." (By reference only)

Representative Kawakami rose and stated:

"I rise to speak in favor of the bill, more in reaction to the remarks that were made by the Minority Floor Leader.

"We really appreciate the endorsement as far as having the Majority pass this very worthwhile bill and let me assure the Speaker that this bill was brought to the floor primarily on the merits and not to satisfy the Minority or the Republican Party.

"Thank you."

Representative Ikeda rose and stated:

"Mr. Speaker, I rise again to speak in favor of the bill.

"I certainly accept the Majority Leader's endorsement of this bill and we wholeheartedly support it. The only problem is that we waited a long time for the rest of you to becoming like this, and we are happy that this day is finally here.

"Thank you."

Representative Kiyabu rose to speak in favor of the bill, stating:

"Mr. Speaker, the concerns raised about expanding this bill -- the

committee looked at it very seriously and although we would have liked to have expanded this bill, the dollars are not there. And if you recall, last year we had a tax reform that would have taken care of all of these concerns; unfortunately, that reform didn't occur and so we are just trying to take care of the immediate needs and stay within the bounds of whatever we can afford.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1764-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 504-86 on H.B. No. 2110-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2110-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1764-86 and 2110-86 had passed Third Reading at 11:30 o'clock a.m.

Stand. Com. Rep. No. 505-86 on H.B. No. 2042-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2042-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRISTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 506-86 on H.B. No. 2037-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2037-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE", having been read throughout, passed Third Reading by a vote of 50

ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 507-86 on H.B. No. 2045-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2045-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FINES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2042-86, 2037-86 and 2045-86 had passed Third Reading at 11:31 o'clock a.m.

Stand. Com. Rep. No. 508-86 on H.B. No. 2035-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2035-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS AND PHARMACY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 509-86 on H.B. No. 2209-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2209-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT MAIN STREET TASK FORCE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2035-86 and 2209-86 had passed Third Reading at 11:32 o'clock a.m.

Stand. Com. Rep. No. 510-86 on H.B. No. 2275-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2275-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Hemmings rose and

stated:

"Mr. Speaker, I rise to speak in favor of the bill with reservations.

"Ocean research and the development of our ocean resources and our ocean industries here in Hawaii is everybody's concern, and I am quite pleased that this bill is going to appropriate money for these purposes to the University of Hawaii. This relates to last year's budget also because much money and effort were put into ocean research. Conference Committee Report of last year's budget had money in their cultural and recreation center going to the Waikiki Aquarium. A proviso in the bill said that planning for a Hawaiian ocean center was to consider implications of Natatorium and Kapiolani Park and traffic flow in Aquarium needs. The budget was held hostage, in my opinion, for the George R. Ariyoshi Memorial Fish Zoo legacy that is being put forth this year and it is common opinion that money that should have been spent on the Natatorium and on the Aquarium to improve it to world-class standards was not done so in order to push the other effort.

"I am hoping that this ocean research money will indeed get to the University of Hawaii so that we can proceed with developing our ocean industries through research at the University of Hawaii and not have this money impounded for other purposes.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2275-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR OCEAN RESEARCH", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 511-86 on H.B. No. 2276-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2276-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR FRESH SEAFOOD PROMOTION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2275-86 and 2276-86 had passed Third Reading at 11:34 o'clock a.m.

Stand. Com. Rep. No. 512-86 on H.B. No. 2280-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the majority of the Committee was adopted and H.B. No. 2280-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2280-86 had passed Third Reading at 11:35 o'clock a.m.

At 11:35 o'clock a.m., Representative Liu asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:40 o'clock a.m.

Stand. Com. Rep. No. 513-86 on H.B. No. 2300-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2300-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROMOTION OF PAPAYAS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 514-86 on H.B. No. 2337-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2337-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER THE INFLUENCE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2300-86 and 2337-86 had passed Third Reading at 11:40 o'clock a.m.

Stand. Com. Rep. No. 515-86 on H.B. No. 1851-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1851-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A CARGO DISTRIBUTION CENTER", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 516-86 on H.B. No. 2412-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2412-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR EXPENSES RELATED TO PARTICIPATION OF A HAWAIIAN VOYAGING CANOE IN THE TALL SHIP CELEBRATION OF THE CENTENNIAL RESTORATION OF THE STATUE OF LIBERTY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1851-86 and 2412-86 had passed Third Reading at 11:41 o'clock a.m.

Stand. Com. Rep. No. 517-86 on H.B. No. 2446-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2446-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRELIMINARY PLANNING AND DESIGN OF A STATEWIDE COMPUTERIZED JUVENILE JUSTICE INFORMATION SYSTEM", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 518-86 on H.B. No. 2482-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2482-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS", having been read throughout,

passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2446-86 and 2482-86 had passed Third Reading at 11:42 o'clock a.m.

Stand. Com. Rep. No. 519-86 on H.B. No. 2540-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2540-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO THE HAWAII CRIMINAL JUSTICE COMMISSION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2540-86 had passed Third Reading at 11:43 o'clock a.m.

Stand. Com. Rep. No. 520-86 on H.B. No. 2624-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2624-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Liu rose to speak in favor of the bill, stating:

"This bill would create an industrial development corporation to nurture entrepreneurial dreams and works in Hawaii and I think it is very welcome. Twenty states have already set up funds for investments and/or tax incentives for investors in such companies in order to enhance economic development in their respective states. The funds range from the \$32-million Michigan venture capital fund to the Montana Capital Company's Act which makes it easier for venture capital companies to do business there.

"My only hope now is that the Governor and his administration will re-prioritize the DPED budget request to in fact make this a reality and not just rhetoric.

"I would like to quote from a venture capital magazine article in regards to these types of funds is that 'although many types of legislation is new on the books, less than

four years old, the state venture capital concept is an experiment that is just at the start of its run but something with a bright future.'

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2624-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII INDUSTRIAL DEVELOPMENT CORPORATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2624-86 had passed Third Reading at 11:44 o'clock a.m.

Stand. Com. Rep. No. 521-86 on H.B. No. 2661-86, HD 2:

Representative Kiyabu moved that the report of the majority of the Committee be adopted and H.B. No. 2661-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Anderson rose and stated:

"Mr. Speaker, I am going to vote against the bill. It might be a bad shot for some people but I would like to explain it very rapidly.

"The problem with this and it always has been, Mr. Speaker, is we don't define 'minority' in this State because we are all minority. I've told them before, if you're going to say you want funds for a minority group, this one happens to be strictly for Hawaiians, Filipinos and Samoans. I am Hawaiian, my cousins are Samoans, and I have nephews or whatever is Filipino. It doesn't say that the rest of us. I am also Caucasian or some people say white. But if you're going to do it ethnically, I am Portuguese/Hawaiian/Norwegian/English/Irish/Scotch, and that's ethnic, and that's a minority. I also have nieces and nephews that are of German ancestry, and that's a minority in this State.

"If we're going to give funds for minority, then it should be for everyone of minority ancestry and not just for a few. That's the only thing that has bothered me for many years and people have said up at the University that we don't have a clear minority that's represented as far as

teachers. Then you have a problem with personnel. You don't have to put it in the statutes. And if you're going to ask for dollars, then it should be in, I think on my own, that we should have a fund set aside for all people who cannot afford certain educational backgrounds. But it bothers me that we just keep focusing on a few people. If we can write this where all minorities are going to be represented, then I could buy it. Other than that, I personally am going to vote against it. You can vote your own conscience.

"Thank you very much, Mr. Speaker."

Representative Lardizabal rose to speak in favor of the bill, stating:

"I hadn't intended to speak on this measure but in response to my good colleague across the aisle concerning minorities, I know it is a very sensitive issue the term minority, but unfortunately, it is a legal definition by the feds. They have their own categories of minority but the term that we use in Hawaii is under-represented -- under-represented. We are all minorities here but there are certain groups in this State that had not had that equal chance to equal education, equal opportunity, equal entrance. I know it is sensitive, but I must speak out.

"You know, we speak in a Hawaii here today, the buzz word is internationalism -- the Pacific Basin, the future of Hawaii. We try to have foreign languages in the schools, try to learn what other countries are doing in the Pacific, Asia, Europe, but right here in our backyard, we have more than 100,000 valuable human resources and they come from Cambodia, Vietnam, the Philippines, Japan, China, Australia, Europe, Central America. They can teach us a lot about internationalism. Let's use this resource -- they are valuable human resources.

"When you say minority, we are not saying target those groups. We are saying, give them a chance. And I think deep down in our hearts, we know that a majority sometimes becomes so imbrued with themselves, they forget that we, too, one hundred, two hundred years ago in this country, were minorities when our parents came to this State and country.

"Let's not forget where we came from. Please vote for the bill.

"Thank you."

Representative Okamura rose to speak in favor of the bill, stating:

"Mr. Speaker, the original bill that was introduced for this program which would provide for two counselors to assist minority students, came out of the Hawaii Democratic Action Conference. It was one of the top priorities that came out of the conference which stated time and again that certain minority groups in Hawaii are not getting adequate support and representation in our State government. This was viewed as a positive means of helping certain minority groups who are under-represented at the University to be given assistance so that they can succeed during their tenure at the University.

"I would also like to add, Mr. Speaker, that no minority student, regardless of ethnic background, if they need the help and apply through this program, will be denied assistance.

"Thank you."

Representative Tungpalan rose and requested that the words of Representative Lardizabal and Representative Okamura be incorporated in the Journal as though they were her own, and the Chair "so ordered." (By reference only)

Representative Graulty rose and requested that the words of Representative Lardizabal and Representative Okamura be incorporated in the Journal as though they were his own, and the Chair "so ordered." (By reference only)

Representative Cachola rose and requested that the words of Representative Lardizabal and Representative Okamura be incorporated in the Journal as though they were his own, and the Chair "so ordered." (By reference only)

Representative Kamali'i rose to speak in favor of the bill, stating:

"Mr. Speaker, when this bill came to Finance, it had a price tag of \$88,000 to conduct a study for the improving of the minority students at the University.

"Yesterday, I had the privilege of attending the meeting at the University at Manoa called by President Simone of all of the leaders of the Hawaiian community to discuss this

very problem of the fact that we only have four percent of Hawaiians now at the University of Hawaii. They have made a commitment, at least to those who were present, to look into the situation of not only the Hawaiians, but for all under-privileged students.

"One of the problems I think that we have with regards to the low percentage rate of minority groups is the fact that we must start at the high school level to get them into college. By the time they get into the University of Hawaii, sometimes they never get there. When we look at encouraging the under-privileged, regardless of what ethnic background they come from, we must begin at the kindergarten age to continue to encourage them to graduate and to go on to college.

"If I didn't have that encouragement when I was going to school, I doubt whether I would have accomplished or have accomplished what I have achieved. I made a promise to myself that that encouragement was going to be given to my children and it would be their choice. My two daughters have completed college -- one from Mount Holyoke and one from Chapman College in Los Angeles. My son chose not to go on to college. He chose to be a wonderful construction worker on Maui. But he now encourages my grandchildren to go on to college.

"What we have now in this bill and what we are providing are two positions and no study. We know what has to be done and with the encouragement that I had at the University meeting and this additional money, I think we are going to move ahead in the right direction of having more children graduate from college.

"Thank you, Mr. Speaker."

Representative Anderson rose and stated:

"I would like to do a follow-up if I may. I guess I can put it in that terminology.

"Mr. Speaker, in essence, I am not really against the bill. I am against what the bills today and the bills yesterday have been doing in focusing on ethnic groups. We have within the Association of Hawaiian Civic Clubs, we give out a hundred and some odd thousand dollars in scholarships. We have been very lax in years as an ethnic group in not making sure that our children would stand on their own two feet within

this community. And I would say, within the last thirty years, we have strived very hard and we are getting somewhere. But it is our responsibility -- it is the parent's responsibility. I don't think it is the government's responsibility.

"I've had the Filipino community ask me before: 'Don't you think we need help?' And I said, 'You're darned right.' And it's got to be the community that's going to do it and it's got to be the parents that's going to do it. Everyone of us owe that to our children and if the high schools or if the universities are not doing their job, you have a problem with that university or with that high school. And I've said before, I don't think that there is every ethnic group represented properly at the University and I think that every organization has a problem with the Personnel Department to make sure that if an individual has the qualifications, then he or she, by golly, should get a job. And that's where the emphasis should be, not on coming to the Legislature and asking us to get involved in ethnic programs.

"Yes, I think that we have to go ahead and make sure that they are provided at the University. But funding and everything else constantly coming from us for the ethnic background is wrong. We should make sure that the programs are there and that the students should be getting the help from their parents. They should be getting help from their own organization and we should push it.

"I am not really against anything that is already in the University or if the University has not been providing a particular study that they are not going to be funded. But constantly to say there's a minority -- we're all minority and every one of us really want help. I know personally that my own sister-in-law who happens to be German -- she would have been very happy to say, well we need this or we need that. And I am saying if we're not going to provide that, then you as a parent have to provide it. You, as an organization, have to provide the background. Then you come to us and if that is not being done and then we can help you. But every year, I think we are not being properly taken care of at the University and they are not doing their jobs, then by golly, go to the Personnel Department and fight. Get involved in your community and fight.

"I am still voting no.

"Thank you, Mr. Speaker."

Representative Okamura rose to again speak in favor of the bill, stating:

"I just wanted to add, Mr. Speaker, that this program is not for any type of monetary aid, scholarships, et cetera. This program is strictly to assist the students. The studies have shown that in the past, these minority groups, in particular the Filipino, Hawaiian and Samoan students that have matriculated at the University of Hawaii, within the first year, upwards of 90 percent of the students have failed and dropped out of the University system.

"A program that was set up by Kamehameha Schools to assist some of the Hawaiian students there has put through the counseling program which has enabled the Hawaiian students to retain upwards of 70 percent of the Hawaiian students that are attending the University so it is a very worthwhile program.

"We have to understand that many of these students that come from minority families, because of economic reasons, oftentimes their parents are working two/three jobs -- they don't have the time to support their students. Many of these students also do not have peers that attend the University so they lack support in many ways. And this is to really enable them to gain that kind of personal support so that they can succeed at the University.

"Thank you."

Representative Tungpalan rose to speak in favor of the bill, stating:

"I can concur wholeheartedly with what Representative Okamura has just said because fifteen years ago when I was on campus, I was President of the American/Filipino Students Association. One of our aims and objectives was to get more students of Filipino ancestry on the campus. At that time, the population reflected two percent Filipinos on campus. We went to the President of the University and asked him for an open door policy so we could get more Filipinos on the campus. When we were given the go-ahead, the green light, we went to various high schools such as Farrington, Roosevelt and McKinley, looking for students who had applied and who had failed.

"This past summer, I just happened to come across one of those individuals we had helped and he told me that he will never forget the phone call that I had given to him that evening when we had chosen him as one of the students we would help counsel through school. He said that he didn't really believe that he had what it took to go to school and it was the assistance of our Association that made it possible for him to finish. Today, he is doing very well. It just goes to show you that with a little bit of encouragement, these students can make it through school and can be productive taxpayers contributing to our society, and I look forward to more such individuals making it through such a program as this.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 2661-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR MINORITY PROGRAMS TO THE UNIVERSITY OF HAWAII", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Anderson voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2661-86 had passed Third Reading at 11:58 o'clock a.m.

Stand. Com. Rep. No. 522-86 on H.B. No. 2210-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2210-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE REOPENING OF STATE AND LOCAL AIR MONITORING STATIONS (SLAMS)", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 523-86 on H.B. No. 2011-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2011-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", having been read

throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2210-86 and 2011-86 had passed Third Reading at 11:59 o'clock a.m.

Stand. Com. Rep. No. 524-86 on H.B. No. 2023-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2023-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A SPECIAL FUND FOR THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 525-86 on H.B. No. 2026-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2026-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 526-86 on H.B. No. 2032-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2032-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF ELECTRICIANS AND PLUMBERS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2023-86, 2026-86 and 2032-86 had passed Third Reading at 12:00 o'clock noon.

Stand. Com. Rep. No. 527-86 on H.B. No. 2199-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the

Committee was adopted and H.B. No. 2199-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RELOCATION AND EXPANSION OF SAINT FRANCIS HOSPITAL'S RENAL DIALYSIS FACILITY AT MAUI MEMORIAL HOSPITAL", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 528-86 on H.B. No. 1737-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1737-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Say rose and requested a conflict ruling saying that "my son has some shares in this particular corporation."

The Chair ruled "no conflict."

Representative Taniguchi rose and requested a conflict ruling saying, "I own some stocks in this company."

The Chair ruled "no conflict."

The Chair then stated:

"Both of you are not in conflict. This is special revenue bonds, but you can be excused from voting."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1737-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISE", having been read throughout, passed Third Reading by a vote of 48 ayes, with Representatives Leong, Say and Taniguchi being excused.

The Chair directed the Clerk to note that H.B. Nos. 2199-86 and 1737-86 had passed Third Reading at 12:01 o'clock p.m.

Stand. Com. Rep. No. 529-86 on H.B. No. 1710-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1710-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Crozier rose to speak in favor of the bill, stating:

"Mr. Speaker, it is not often that we have an opportunity to make great strides in history or the future. You know, this bill seems quite innocuous to everyone but if you realize what this bill intends to do is to take... you know, one man's trash is another man's cash. And the construction industry today, when they make a job site, they dig holes and what have you, a lot of boulders come up and they don't know what to do with it. Okay? So, we worked out a plan and the truckers are willing to donate these boulders. We are willing to take the boulders out into the ocean and drop them off in 400 feet of water so that nobody can see it, no diver can ever get to it; it will be isolated at that depth. What happens at 400 feet of water is that's where the opakapaka, the ehu, onaga, ulaula, all the different types of bottom fish reside or flourish.

"Right now, from the northwest Hawaiian Islands, people are going up there to fish and the stock is so scarce that the fishermen are now shooting at each other. So there are bills before. . . I think we saw in the paper that the Western Fisheries Management Program, they are trying to limit the people that can go out there. But instead of we getting into limitations, we should think a little bit into the future and say, let's go for stock enhancement.

"So what this bill would do, we'll start to create an area so that fish will grow -- right close offshore. At this time, that reef has not been named but eventually, it will get a name. When that reef is in place, you gotta understand it will be producing food. You know, there is an old Chinese saying, since we're on to minorities today, and it goes something like -- give a man a fish, he eats for a day; teach a man to fish, he eats for a lifetime. But if you create an artificial reef, they'll eat for generations and generations.

"Actually, Mr. Speaker, you gotta pay attention to this. When we build this reef, this reef will be there as long as the pyramid stands. The pyramid has been there for five thousand years now and I don't know how long it's going to be there, but this reef will be giving food for five thousand years whatever into the future. And I can foresee two thousand years from now, two fishermen sitting over there at the unnamed bank or reef, you know, and one

fisherman named Pete turns to the other fisherman named Ken and say 'you know, Ken, ancient people, they really were wise and how they benefitted the generations to come.'

"Thank you, sir."

Representative Lardizabal rose and asked whether or not his colleague would yield to a question to which Representative Crozier answered in the affirmative.

Representative Lardizabal asked:

"What is the name of the reef?"

Representative Crozier answered:

"I didn't say it, somebody yelled it out from the gallery. I know that's out of order. . .

The Chair interrupted:

"The question wasn't to the gallery, it was to you."

Representative Crozier replied:

"I have no choice in a name for the reef but Representative Lardizabal recommended a name the other day and if he wants to tell the group, that's fine with me but I have no name to choose. Maybe Peter's Reef would sound good -- how's that, sir? No? Okay, that one's out."

Representative Kamali'i rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill but I'm just delighted that my colleague from across the aisle wants to propagate the State fish - the Humuhumunukunuku Apuaa."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1710-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE CREATION OF ARTIFICIAL HABITATS FOR BOTTOMFISH", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 530-86 on H.B. No. 1706-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1706-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPRO-

PRIATION FOR A HAZARDOUS WASTE PROGRAM", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1710-86 and 1706-86 had passed Third Reading at 12:05 o'clock p.m.

Stand. Com. Rep. No. 531-86 on H.B. No. 1666-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1666-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO A TEACHER INCENTIVE PROGRAM", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Hemmings voting no, and Representative Leong being excused.

Stand. Com. Rep. No. 532-86 on H.B. No. 1665-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1665-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1666-86 and 1665-86 had passed Third Reading at 12:06 o'clock p.m.

Stand. Com. Rep. No. 533-86 on H.B. No. 381, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 381, HD 1, entitled: "A BILL FOR AN ACT RELATING TO JURORS' COMPENSATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 534-86 on H.B. No. 2033-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative

Souki and carried, the report of the Committee was adopted and H.B. No. 2033-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE AND COLLECTION SERVICING AGENTS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 535-86 on H.B. No. 1927-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1927-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF A MASTER PLAN TO PROMOTE HAWAII AS A SPORTS CENTER", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 381, 2033-86 and 1927-86 had passed Third Reading at 12:08 o'clock p.m.

Stand. Com. Rep. No. 536-86 on H.B. No. 1857-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1857-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Lardizabal rose to speak in favor of the bill, stating:

"Mr. Speaker, the other day we passed a bill, the Aloha bill, and I voted for the measure wholeheartedly. But deep down in my heart, I said and it relates to this bill also, that these types of bills sometimes are not really necessary in terms of legality for if we are indeed the Aloha State, we should confirm what we say by our own actions.

"According to the military, the Coast Guard, Navy, and especially the Army, there has been discrimination in Hawaii, and if we are to solve the problems in our community, we first must recognize that they do exist. Unfortunately, only up to this year, we have finally come to terms that there is discrimination, be it albeit very limited, but it does exist.

"The bill attempts to just create a cause of action for any person denied entrance to a restaurant, disco, et

cetera, based on the color of their skin or if they are in a wheelchair. The handicapped people are not able to go to restaurants as you and I can and have taken for granted. The bill does not require that any business modify or restructure their facilities. It merely says, allow these people to enter and to enjoy the same privileges that you and I have today.

"We have more than 20,000 GI's in the State of Hawaii and their families and relatives, and they are visitors and they go back to where they came from and they will relay their experiences that they have been experienced with in Hawaii, and tourism being one of our major industries or the number one, will be affected by this kind of discrimination.

"Again, I know it is a sensitive subject, but again I say to all of you, if we want to solve the problems for our communities as we say we all do, recognize that they do exist first, and even though that they may not be politically expedient, we are here to take that leadership.

"I ask your favorable vote on this measure.

"Thank you."

Representative Crozier rose to speak in favor of the bill, stating:

"Mr. Speaker, let me quote Dr. Martin Luther King on his freedom march in 1962: 'Free at last, free at last; Thank God Almighty, we are free at last.' Dr. King almost but not quite free.

"You know, when I saw that in the paper about how the blacks are being denied going into the different discos, I was really angry and shocked. But most of all, I was ashamed -- ashamed that here in Hawaii, we still allow that to happen. And, you know, as I was writing a letter to my daughter this morning to tell her what I was going to do and while I was writing, I started to think about. . .you know, we gotta correct this problem. But it is much deeper than just denying the blacks their time down at Waikiki.

"Look at the blatant discrimination we are allowing ourselves right now. You know, in the newspapers, when they talk about the police reports, they say local male, local female... look at our gallery right now -- that's all local people. Every one looks different. How can you deter-

mine local? But there is an implied impression what local means.

"Now, you see bumper stickers, you see T-shirts that say, 'Locals Only.' That's discrimination. What about the bumper stickers that say, 'No Fat Chicks.' That's discrimination. Yeah, we laugh, we laugh, we put them down, yeah, big deal. You tell one fat chick, eh, you cannot come in -- see if she laughs. She's gonna say, 'eh, because I'm fat, I'm being denied.'

"Well, if we continue to allow these things to happen, that's blatant discrimination, and when we have blatant discrimination, subtle discrimination compounds on blatant discrimination, sir.

"I ask everybody to support this measure.

"Thank you."

Representative Jones rose and requested that the remarks of Representative Crozier be inserted into the Journal as his own, and the Chair "so ordered." (By reference only)

Representative Liu rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Liu's remarks are as follows:

"Mr. Speaker, House Bill No. 1857-86, HD 2, is a great bill. However, I would like to make clear for the record that it was not the intent of the subject matter committees -- Employment Opportunities and Labor Relations and Judiciary -- to have this law affect the policies of 'private establishments,' that is, private clubs or other establishments not in fact open to the public, except to the extent that the facilities of such establishments are made available to the customers or patrons of establishments within the scope of the meaning of 'place[s] of public accommodation' as defined in this bill. As the Chairman of the House Committee on Employment Opportunities and Labor Relations remarked to the press, the bill is not 'intended to affect places like the Pacific Club or Honolulu Club.'

"Thank you, Mr. Speaker. I shall be voting in favor of this bill."

Representative Anderson rose to

speak in favor of the bill, stating:

"I'd like to mention a little something. When we had the testimony, you're not talking about discrimination throughout the State. There were a few places in Waikiki and we asked at that time if they could not take this to the Liquor Commission so we didn't have to have this kind of thing on our books. They said they went to the Liquor Commission because of these few people; the Liquor Commission said there's no laws that tell them what they can or cannot do because it's a private entity. There was about . . . I think they said there were about seven to eleven different discos that were telling the service personnel they couldn't go in. They really didn't say because you were black, white, brown, green -- it was more or less the personnel.

"Being that I used to be in the bar business, I asked them: Is this young people going in without wives, without girlfriends? So consequently, they were going in asking the people in there to dance with somebody else's wife or girlfriend or whatever. They kinda smiled and said, 'That's part of the problem.' When I had my bar, because I had most local people that lived here, I put my own bar off limits. They don't want to be put off limits and they don't want to be not going there because that's where the young people go and that's where the single girls are even though they're in with another escort.

"So we do have this on the books to take care of that problem, but I don't think any of us, at least myself, when I was a little younger -- I'm still young -- but when I was a little younger, I really didn't know -- to me everybody was local. I didn't find out until I went into the service and we had blacks and the whites come together. And at that time all of the mainland people told me that they weren't going to associate and the whole bit. I found out then I didn't hang around with blacks, not because I was discriminating against them, I didn't understand them. I didn't understand their culture; I didn't understand their heritage, their background, the whole bit. We were brought up with almost every ethnic group here. To me, they were like anybody else. When I didn't understand a culture and I didn't understand somebody's background, I was a little afraid of them. I didn't know how to address a friendship because I was unsure of myself.

"So I would hope that people here would have that same kind of a feeling rather than discrimination and uncertainty of what a person's culture and background is, and I would hope that we would reach out to try and learn a little more about that individual's background so that we could become a lot closer and a lot more understanding.

"Thank you very much, Mr. Speaker."

Representative Tungpalan rose to speak in favor of the bill, stating:

"Mr. Speaker, when and if this bill passes, a cause for action can be filed in our State courts. We the people of Hawaii will be sending a clear message to everyone who lives here that we will no longer tolerate discrimination. This has indeed been a long while in coming, but I am very proud to say that we will be making this initial step and look forward to the final passage at the end of the session.

"Thank you."

Representative Marumoto rose to speak in favor of the bill, stating:

"I am very happy to see this anti-discrimination measure before us today. In the past, unfortunately, some of our servicemen experienced problems which gave rise to bills of this nature.

"Last year, two bills which would have addressed this problem died in the House and also died in the Senate, and the failure of these bills was reported in the New York Times. It was bad press for Hawaii. We are supposed to be the racial Paradise of the Pacific. This news, coupled with our lack of housing units, our less than perfect education system, and our high cost of living hurt our chances of getting the entire Missouri battleship group homeported here in Hawaii.

"This bill is of great importance to the military in Hawaii, symbolically and substantively, and they are very cognizant of its existence. We need it not only for our valued military community but for all the ethnic and diverse groups in this State.

"The original House bill would have offered more immediate and direct action on discrimination. However, I urge an aye vote on the version before us and hope the Senate will strengthen this measure.

"Thank you."

Representative Jones rose and stated:

"Mr. Speaker, just one more comment in favor of this bill if I may.

"I think what I like about this bill is it keeps before us the concept that we have to keep racism out of our State, and growing up in this State as a hapa-Haole and experiencing a lot of the prejudices on both sides of my family, I became very sensitive at an early age to race and to culture.

"And, Mr. Speaker, I really look forward to that day when our children are educated to where when they analyze who they are going to vote for, it is not on the basis of their last names, or their middle names, or which way their eyes go, up or down, or what their skin is, but it is on the basis of the issues that are before them. And I know that there are a lot of problems going on in our State right now that's underneath about hate Haole and hate Japanese, stuff like this. I really am sad to see this in the 20th century, and I really hope that all of us here, in the real spirit of aloha, will be teaching our children as well as ourselves, that we don't look at the skin, we look underneath at the person and treat them as special and creative in God's image.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1857-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN PUBLIC ACCOMMODATIONS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1857-86 had passed Third Reading at 12:19 o'clock p.m.

Stand. Com. Rep. No. 537-86 on H.B. No. 55, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 55, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being

excused.

Stand. Com. Rep. No. 538-86 on H.B. No. 2013-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2013-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO LAND FIRE PROTECTION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 55 and 2013-86 had passed Third Reading at 12:20 o'clock p.m.

Stand. Com. Rep. No. 539-86 on H.B. No. 1990-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1990-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Hagino rose and asked the Chair to be excused from voting on this bill, "the reason being that one of the claims was handled by an attorney in my law firm."

The Chair replied:

"You are not in conflict but you are excused."

Representative Taniguchi rose and asked the Chair to be excused from voting on this bill "for the same reasons."

The Chair replied:

"You are not in conflict but you are excused."

Representatives Hagino and Taniguchi thanked the Chair.

Representative Liu rose and stated:

"Mr. Speaker, I speak in favor of this bill but with some reservations. The reservations are not really on the particular individual announced in there, but rather because I believe this bill represents, in many respects, the reasons why our joint tortfeasor law needs to be modified more than what we have done so far, at least to carve out an exception for the State and I would include the other counties also.

"The Attorney General testified before us that many of the cases involved here related to some degree in their settlement or award to the joint tortfeasor act and that liability or the settlement was found in excess of the State's actual percentage of negligence in various cases. The cases which the Attorney General mentioned during the hearing included the Ahn case on page 1, the Blight case, the Craig case, the Deetz case, and Haupt case on page 2, the Ho case, the Mau case, the Park case on page 3, the Saizon, San Jose, Swers case on page 4, the Toyota, Trujillo, Visaya and Yamamoto case on page 5. I cannot personally verify the accuracy of those but this is what was testified before us in committee. So I would hope we take note of that while we vote on this measure.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1990-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 540-86 on H.B. No. 1965-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the majority of the Committee was adopted and H.B. No. 1965-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO MOLOKAI CATTLE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1990-86 and 1965-86 had passed Third Reading at 12:23 o'clock p.m.

Stand. Com. Rep. No. 553-86 on H.B. No. 2506-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2506-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Grauly rose and

requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Graulty's remarks are as follows:

"I rise to speak in support of House Bill 2506-86, House Draft 2.

"Mr. Speaker, first of all, I wish to commend Chairman Kiyabu and members of the Finance Committee for moving this bill out for Third Reading. Given the time constraints, they did a great job in refining this bill which your Committee on Human Services had carefully considered during and after its own public hearing.

"Mr. Speaker, it was an emotional hearing for those who testified in favor of this bill. Parents, foster parents and guardians of developmentally disabled children all supported the intent of this bill, which is to allow the developmentally disabled to remain in their foster homes upon reaching age 18.

"All were very concerned for these soon-to-be young adults who would legally be of age but with no place to go ... without the love, guidance and nurturing which are now being provided by foster families.

"Those who spoke in opposition to the bill did not dispute the fact that these young adults need a supportive family environment in order to continue to function and thrive, and that the separation between these individuals and their foster families is arbitrary and a disservice to their emotional, mental and physical well-being.

"Mr. Speaker, these same individuals also face the dilemma of having their financial support cut off when they become 18. Without such support --- and without being able to stay with their loved ones --- we literally force the parents and guardians of these young adults to seek other alternatives, such as institutionalization or adult care homes, which are not conducive to the goal of obtaining some degree of self-sufficiency or self-dignity in living.

"The bill before us today would provide immediate relief for these young adults and their foster families with additional payments and special licensure to allow them to remain

together until June 30, 1987, until the Department of Health and the Department of Social Services and Housing can complete their comprehensive study on the scope of this problem and provide their findings and recommendations to the Legislature prior to the 1987 session.

"The deinstitutionalization movement which started about 10 years ago is now resulting in the 'aging out' of the developmentally disabled within the community-based foster care system.

"This bill, Mr. Speaker, albeit a temporary stop-gap measure, will give us more time to seek more viable and lasting solutions to this unhappy and difficult situation.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2506-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTALLY DISABLED", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2506-86 had passed Third Reading at 12:24 o'clock p.m.

Stand. Com. Rep. No. 554-86 on H.B. No. 2428-86, HD 1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2428-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Kihano rose and stated:

"Mr. Speaker, I rise to speak in favor of House Bill 2428-86, House draft 1. I also wish to commend the Department of Transportation for initiating this bill whose intent is to mitigate transportation problems that are existing and hope to lessen them as new communities are developed.

"Mr. Speaker, with the working labor force of 397,889 people in the county of Honolulu, and 369,523 vehicular commuters on 1,383.56 miles of roadways during peak hours of travel, congestion is a major problem that must be carefully studied if we are to use the public roadways for highest and best use methodology.

In our little communities to the urban core of Honolulu, 440 buses have accommodated 76,280,000 passengers in 1984. Central Oahu has grown to such a density that according to the development plans for that district, the area has a population of 114,000 persons with a projection of 139,000 population for the year 2005.

"I am supportive of housing that is needed by our people but by no means do I condone presently existing traffic problems to be compounded by more residences. The frustration of our motoring public is an issue that must be addressed. We must have the cooperation of our counterparts on the county level as they proceed with development. We must seek ways to encourage small businesses within closer distance of our communities, and yet, they should not jeopardize the community's environment and character that is unique to itself. We must find amiable solutions to a problem that has plagued us in the past and will follow us tomorrow unless we take this positive step in approving this bill before us.

"The cost of transportation improvement district is of major importance and government as well as private industry and our citizens should be supportive as all of us will benefit greatly towards better management of our transportation needs.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2428-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONDUCT A STUDY TO INVESTIGATE THE CREATION OF A TRANSPORTATION IMPROVEMENT DISTRICT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2428-86 had passed Third Reading at 12:26 o'clock p.m.

Stand. Com. Rep. No. 555-86 on H.B. No. 2549-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2549-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Tungpalan rose to speak in favor of the bill, stating:

"Mr. Speaker, this bill is the result of the hard work of Mrs. Betty Tatum and Mr. Tim Lyons, and I would also like to say it is the most positive step in reducing the cost in our workers' compensation system.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2549-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2549-86 had passed Third Reading at 12:27 o'clock p.m.

Stand. Com. Rep. No. 556-86 on H.B. No. 2221-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2221-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2221-86 had passed Third Reading at 12:28 o'clock p.m.

At 12:28 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:36 o'clock p.m.

Stand. Com. Rep. No. 557-86 on H.B. No. 1991-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1991-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Hemmings and Liu voting no, and Representative Leong being excused.

Stand. Com. Rep. No. 558-86 on H.B. No. 1934-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1934-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR TRAINING", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1991-86 and 1934-86 had passed Third Reading at 12:37 o'clock p.m.

Stand. Com. Rep. No. 559-86 on H.B. No. 1898-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1898-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OPPORTUNITIES", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Hemmings voting no, and Representative Leong being excused.

Stand. Com. Rep. No. 560-86 on H.B. No. 1878-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1878-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1898-86 and 1878-86 had passed Third Reading at 12:38 o'clock p.m.

Stand. Com. Rep. No. 561-86 on H.B. No. 1392, HD 2:

Representative Kiyabu moved that the report of the majority of the Committee be adopted and H.B. No. 1392, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Shon rose to speak against the bill, stating:

"Mr. Speaker, this bill provides a

certain kind of favoritism to a particularly large company in Hawaii. It would allow our State department to waive the usual bidding process and enter into negotiations.

"One very important problem with this approach, Mr. Speaker, is that there are no conditions outlined in the bill under which a State administrator is to tell that particular company, don't submit a bid but negotiate. I think that this puts the Legislature and that State department -- the Department of Transportation -- in a terrible ethical position. The public has a right to ask: By what right do you show such favoritism? Is there some special need? It is this ethical question which most troubles me.

"In recent years, it's no secret that government has lost some credibility with our citizens and we may debate whether or not this is a problem of image or substance. But the effect is that fewer and fewer of our citizens choose to register to vote, fewer and fewer actually vote, and among those who are coming out of college or high school, the numbers are dramatically low. And I think that this bill is the kind of a law which raises questions about favoritism that are most troubling to a democracy. They sap the spirit and the faith upon which that social contract is based.

"Mr. Speaker, if there is a genuine problem that this bill purports to solve, and I am not certain that there is, I would prefer that we found another less ethically-clouded remedy.

"Thank you."

Representative Hemmings rose to speak against the bill, stating:

"Mr. Speaker, I want to compliment Representative Shon for pointing out the ethical problems with this bill but I would also like to point out another problem. We are in a position, with the passage of this bill, of further strengthening one of the most powerful companies in Hawaii's hold over our airport system.

"We experienced last summer the strike of one airline and it brought our economy to its knees. It's very dangerous to have one business entity have such strength over one aspect of our economy. The same applies here.

"I think with the passage of this bill, it will further increase the possibility that this one company that

presently holds a contract will have further capability of running our airports rather than our airports running them. We know that, financially, the State's receipts on lease paid by Duty-Free pays for most of our airports' services, and this bill would further strengthen Duty-Free's position.

"So, not only from an ethical position should we oppose this bill, but also from a financial reality position. We should leave the process open where outside bids can be accepted, where it can be competitive, and where the financial aspects of the arrangement are discussed openly and candidly so that the airports can better be served and therefore the people of Hawaii.

"I urge you to consider this aspect of it and do vote no on the bill."

Representative D. Ige rose and stated:

"Mr. Speaker, I rise to speak in favor of the bill with reservations.

"I think the business experience has shown over and over again that in certain circumstances, negotiation is a better method than competitive bidding.

"My major objection to this bill is the ethical question raised by Representative Shon. I think major changes are required to this bill to make certain that the State department and the concessionaire are not subject to unfounded questions. It is on this basis that I speak in favor with reservations.

"Thank you."

Representative Hirono rose to speak against the bill, stating:

"Mr. Speaker, the general rule is that all State contracts over a certain amount are to be let through the public bidding process. Six years ago when the question of the in-bond concessionaire at the airport came up for discussion at the Legislature, the issue then was whether we would create by law a duty-free monopoly at the airport. I was among those who voted against the creation of such a monopoly. However, the bill passed, and today, we have just one dutyfree concessionaire at the airport, a concessionaire which happens to take in more retail revenues than Liberty House. In other words, the monopoly that we created is worth millions to the concessionaire.

"We are told that we should support this bill because the State is so dependent on the revenues from the duty-free concessionaire that we shouldn't risk loss of this revenue by having to go through the bid process. It seems to me that this is the precise type of situation where we want to ensure that the contract is arrived at through arms-length negotiations which is one of the safeguards of the bid process. It seems to me that anyone who wins a contract with the State through the bid process would thereafter favor negotiating a new contract with the State rather than risking going through the bid process. Where do we draw the line?

"We are told that this bill would merely authorize the Department of Transportation to use the negotiation rather than the bid process to provide more flexibility for that department. If that is a good thing, why not provide flexibility to all our contracting agencies? Where do we draw the line?

"I encourage my colleagues to vote no on this bill."

Representative Hagino rose and stated:

"Mr. Speaker, I, too, rise to speak against this bill. I only have a few comments that has been said and we've all heard it many times that Hawaii has an unfavorable business climate. Time and time again, the labor unions and labor in general has been pointed and accused as being the basis for the unfavorable business climate in Hawaii. I've heard that many times, and of course, I make no bones that I do favor the labor class. But I think what is often left out in this accusation or the charge that we do have an unfavorable business climate in Hawaii is one of the true basis, I think, for that accusation.

"All too often we have granted favoritism to certain large and wealthy organizations and entities in our society. And I think that this must be brought out to all of us that if you are truly concerned about the business climate in Hawaii, especially in an area where there is no need for this kind of regulated market and the market is open for free enterprise and entrepreneurial market place, that we should not try to regulate it in the way that we are now attempting to do so by this bill. I think it is important for all of us to consider this point if we truly intend to move Hawaii into a new era.

"Thank you."

Representative Jones rose to speak against the bill, stating:

"Mr. Speaker, I'm just so excited to hear Dave Hagino say those comments; I'm just thrilled about free enterprise and I want to thank him for those.

"Mr. Speaker, I think, as far as I am concerned, Duty Free is not doing that bad of a job but I think the issue that is before this body today that each of us has to decide in our own hearts is, are we going to yield the special interest or are we going to continue to support the concept of competitive bidding when it comes to State-let activities? And that is the key issue.

"Thank you, Mr. Speaker, very much."

Representative Isbell rose to speak against the bill, stating:

"The original bill for those who may not have read it, was for renegotiation which would have totally knocked out anybody. Now, we have negotiation which is the change in the bill.

"Recently, there was a large airline that got a special permission to put an in-flight kitchen where a general aviation hangar was supposed to go. I inquired about it because it was most unusual and I thought it should be put out to bid. I inquired about it at the Attorney General's office and I learned that you don't have to go out to bid for those kinds of concessions because in 1967, the Legislature decided to change the law to allow negotiations because the big guys were getting all the bids. So the purpose of negotiation was to let the little guy have the opportunity to get in a concession.

"So what we have done is had it turned around and now it has locked out everybody really because, in negotiations, you do not advertise, nobody knows what's going on, and we did not know what was going on until it was too late. So we are still fussing about this because it's putting an addition into the airport and to an area that wasn't planned for it.

"But the bottom line is that negotiation was meant for the little guy and I think we all should read the history of the Legislature to find out why they allowed it in the first place. Duty Free is not a little guy and when they go to negotiate, nobody

has to know that that negotiation period is open.

"So I would urge you to look carefully at this bill, the history of negotiations and what we're doing in allowing it if we pass it. I urge you to vote against it.

"Thank you, Mr. Speaker."

Representative Crozier rose to speak against the bill, stating:

"Mr. Speaker, the catch word for this whole last six months on television has been free enterprise. On the jobs commercial, they've been talking about the burden of government placing on our business communities so that they cannot function, stifling the economy.

"Mr. Speaker, I am very disappointed to find out when the people came to testify before our committee -- the Finance Committee -- just a lawyer from Duty Free and a member of the Department of Transportation came before us. The exalted Chamber of Commerce went underground. The people who were talking about over-regulation went underground. Where were the champions of free enterprise? Free enterprise except in this case because that's one of the boys. I really resent our heroes from downtown Merchant Street suddenly disappearing but I salute the bankers.

"The other day, before the Finance Committee, there was a bill championed by the jobs' promotion to allow foreign banks into Hawaii. Our two major banks came before the Finance Committee and said, let them in -- let them come in, let them participate with us, but all we ask is that we all play on the same level field. Do not give them an advantage over us because they had come in the way the bill was written; they would have had an advantage because they would have followed different rules. They were willing to accept the challenge of the free enterprise system -- come and let's compete.

"What this bill does, sir, is to remove the competition.

"You know, Duty Free is number one. I can understand us helping the minorities, helping the blind -- we just went through that this morning. They need the help because they are half a lap behind. Right now, Duty Free is the number one retailer in Hawaii. They are three laps ahead of everybody. They

ain't behind. What they need help for?

"You know, the free enterprise system is based on the most aggressive company or individual, the guy with the sharpest pencil, or the people who persevere the most. All of a sudden, we are going to take away those things that have made America's economy strong and positive.

"You know, when the Department of Transportation came before us, they spoke with grave reservations. They did not say they were against the bill but they had grave reservations. They cannot interpret the language of what is public interest. They don't know what to say about that. They didn't want to say no but they were very, very concerned.

"When the lawyer for Duty Free came before us, I will quote exactly what he said: 'Without this amendment, the choice of an in-bond concessionaire would be left to chance. Under the mandatory bidding process, the State may be forced to accept unrealistic bids by an untried and unknown concessionaire.'

"Give me a break! My goodness! In our laws, sir, right here in our laws, HRS 102-3, the qualifications of the bidders. I will just read a portion of this: 'Before any prospective bidders entitled to submit any bid for the occupancy. . .blah, blah, blah, keep going. . .the officer shall satisfy himself of the prospective bidder's financial ability, experience and competence to carry out the terms and conditions of any contract that may be awarded.' Okay, it keeps going on to more verbiage. But the State has the ability right now to reject any unrealistic bids and if Duty Free came in second to an unrealistic bid, they would win. What are they afraid of? How did they get to be number one? By juice? By grease? No, they got to be number one by hard work, by perseverance. Mr. Speaker, let's let them keep working hard and keep being persevering. I ask everybody to vote against this bill.

"Thank you."

Representative Cavasso rose and stated:

"Mr. Speaker, this debate this morning has been informative as I missed the hearings or was unable to sit in on them so I appreciate the words spoken today and it has con-

firmed the decision to speak against this bill and vote no on it.

"I am a small businessman and a contractor and I know what it is like when I get the words in one of my jobs. . .negotiation instead of rebid. All the tension goes out and I relax and feel good -- the worry leaves. Are we trying to take that worry and tension and competition out of our system up here?

"Representative Hirono spoke about the six years' ago. Maybe we should go back if we cannot find people to bid against such a large contract, maybe we should give them the right again to break it up and allow smaller businesses to rebid. Allow mother and father businesses in our community to go out and bid in the shops themselves.

"And so I also urge all of us to reconsider this vote. Put this bill back in next year and come up with a better solution than relaxing the tension and allowing people to move easy without competition.

"Thank you, Mr. Speaker."

Representative Kiyabu rose to speak in favor of the bill, stating:

"Mr. Speaker, the purpose of this bill is to maximize the State's revenues at the airport, an objective that is required under federal law. Revenues from concessions are now a big item for most airports. Here in Hawaii, more than fifty percent of the entire airport system, statewide, depends on Duty Free revenues.

"Also, tourism, our biggest industry, relies on aircraft and airlines to bring the tourists in. Any increase in the cost of airfare will affect tourism. Our landing fees at \$1.82 per one thousand pounds are already one of the highest in the nation.

"Duty Free concessions pay for about one dollar per one thousand pounds. Without it, it will be \$2.82 per one thousand pounds. As a result of Duty Free concession fees, landing fees for inter-island carriers are lower than other carriers and this is a benefit of our entire community.

"Thus, the purpose of the bill is to maintain and maximize the revenues at the airport.

"This is consistent with the airport philosophy worldwide as stated at the Airport Operators' Conferences as recently as October of last year by

Professor Schroeder, Executive Vice President and Senior President (Operations), Frankfurt Airport Authority, who discussed the importance of concessions, and I quote: 'Commercial activities are today a major contribution to the profitability of Frankfurt Airport. Earning money without increasing the landing fees and the handling charges which means without putting the burden on our air carriers. This was the real reason why I wanted to show those responsible for airports the path we went along with our terminals. I would like to emphasize, however, that all the other German airports went along a similar path and were just as efficient.'

"The bill gives the Department of Transportation the option to negotiate with others and if they feel negotiation does not benefit the State, DOT can still go out to bid as it does currently. The Department of Transportation, in the Transportation Committee hearing, stated that they would prefer that the option be limited to Duty Free products.

"Negotiation is favored by many airport operators. Seattle Airport, known as SEATAC, just gave Host/Marriott an extension by negotiation in a form of three additional five-year options. Note, these are options. They are more favorable to the airport operator than would be a straight extension which would bind the operator. In addition to Seattle, negotiation has been used in Japan, Boston, New York, Guam and Saipan, to name a few.

"At the Airport Operators' Conference, they also said, and I quote: 'We encourage private initiative on behalf of the concessionaires and when selecting a concessionaire, we prefer retailers who have similar shops at a different location in order to enable flexibility in labor management as well as merchandise selection. We also pay attention that a concessionaire has a solid competent financial trade background. He should be the most famous and the best in this particular trade. This standard also applies to the personnel and the merchandise. For a business operation at the airport, it is necessary to sign a rent and concession contract with the Airport Authority. We do not believe in demanding excessive concession fees because this would probably influence the passenger against spending his money at the airport.'

"Reasons for negotiations are many.

Honolulu is an unusual airport because it relies most solely on purchases by Japanese tourists.

"What good are percentages or high guarantees if the concessionaire fails as Host did? You choose the concessionaires who can best bring in the customers and increase your sales and income. Who is it that can maximize our income? What does each potential operator bring to the table? Only a small fraction of income is based on the sales at the airport. Duty Free owns its own building in Waikiki with 12,000 square feet of selling space. The airport only has 4,000 square feet. Duty Free pays the employees, pays real property taxes, insurance and all the things necessary for the sale and even reimburses Customs for the employees of the United States which are required. The State has zero investment. If Duty Free pays twenty percent of every sale to the airport, who else brings this to the table -- this kind of capital investment? Who else can generate this kind of income? Who has the best track record? We can't rely on promises.

"Host promised \$50-million a year in seven years at an annual rate of \$56-million for the first one-half year. Did we see the money?

"There is now an opportunity to increase the State's income by putting in large capital improvements but no businessman will do this on short term. If the Department of Transportation has a flexibility to negotiate a reasonable extension -- 2-1/2 to 3 years -- everyone will benefit, for the State and the concessionaire who will be able to recoup his investment.

"Tourism is such that it may go down. With the change in the value of the yen, tourists from Japan have fallen during the past two months of 1986 by as much as thirteen percent. Isn't it good business to negotiate at a higher level and not at the low level? Business does not kick out its best tenant or kill the goose that lays the golden egg. Ala Moana Shopping Center just doesn't kick out Liberty House or Sears. They try to negotiate before the term expires and keep them there.

"Thank you, Mr. Speaker."

Representative Lardizabal rose to speak in favor of the bill, stating:

"The opponents of the bill have stated that there is ethical question if we in fact pass this legislation to

provide some means whereby evil people may do evil things, but going back to the bill itself, on page 1, line 6, and I quote: 'Presently, the Department of Transportation has the flexibility to let certain airport concessions through negotiations rather than by bid under Chapter 102, Hawaii Revised Statutes.'

"This bill extends that ability to in-bond concessionaires. So if you're talking ethics, then the existing laws are unethical or illegal if you choose to say so. Then we should correct those.

"But, you know, as a former Finance Director for Kauai county and contract administrator and the financial officer of the county, I've had the opportunity many, many times over eight years, and even with the University of Hawaii, to go through the bid process of Chapter 102. Yes, the existing laws are good -- they're stringent. But there are inherent weaknesses in the bidding process. At times, when you have the bidding list, if I may go into the details, people that pick up the bid documents for bid, many times are bogus. They organize in name only just to scare the competition. Then when the time comes to provide and submit their bid bond, they disappear. But if in fact they bid and provide a bid bond and they win, the performance bond, I think in this case, is so small that the State or the government loses out if in case the contractor fails. I think in this case, and if I am wrong, please correct me, there is only two months' rent for the ability to perform. Two months' rent is nothing. And the loss of revenue and time and effort and the loss of other, you know, legitimate contractors is gone.

"This bill provides the flexibility only and on page 2, it states in the bill that there is a proviso that the State must find in the public interest to negotiate rather than bid. And that's where the problem is, I think -- what is the State's interest or public interest? And here I say, no matter what kinds of laws we have on the books, unless the people we elect and appoint and hire are ethical, have integrity and honesty, no law can prevent that.

"Please support the bill.

"Thank you."

Representative Ikeda rose to speak in favor of the bill, stating:

"Mr. Speaker, first of all, I would like to share the reservations of my colleague, Representative Ige, regarding the ethical or so-called ethical questions surrounding this measure. However, Mr. Speaker, I think that that can be addressed by perhaps putting specifics into the bill and since this is going over to the Senate, certainly we, as a legislative body, have a second opportunity to do so. I think, to me, what's important is how do we best protect the State asset that provides the major source of funding for our statewide airport system.

"Mr. Speaker, tourism is our largest industry. It is also a very fragile industry; we are dependent upon it; I personally don't like to have to be in that position, but it is a reality. And we have to face the facts that the Duty Free operation at the airport brings in the greatest amount of revenue.

"We tried the bidding process and there were two bids back in 1980, I believe. Host International which was a very large company came in and bid \$245.8-million for the larger facility at the airport. There was no reason for the Department of Transportation or anyone to feel that Host International was not capable of handling this or meeting their obligations. So there was no reason to believe that the bid was frivolous, and therefore, it was accepted. But history will show that within one year, Host defaulted on that bid and that left us up in the air.

"And consequently, in 1981, this Legislature passed a law which again was opposed by some in the community and it was opposed because they felt that it was special interest. But the law that we passed in 1981 is now standard in many states that have these concessions.

"Once again, we have an opportunity to pass a bill that will further protect this vital source of revenue. And while those may feel that bidding is the only way that should be used in dealing with Duty Free concessions, I agree again with my colleague, Representative Ige, that bidding is appropriate at certain times and not the best way in other times, and I think that the bill specifically states, as pointed out by Representative Lardizabal from Kauai, that the department would have to show the public interest demand that the concession be disposed of through negotiation rather than bid before exercising this option.

"I think when a new project comes up and there is no data upon which to make a decision, it makes good sense to let the world at large make a decision through the bidding process. But where a business has operated for many years and has an established record of success and the facts of the operation are well known, it seems to me to be good business judgment to disrupt. . . it would not seem to me to be good business judgment to disrupt that undisputed success record for a public bid of the space involved.

"In the bill again, we are not telling the DOT how to run its business. We are merely giving it the ability to make a business-like judgment on which is the best way to go forward rather than limiting it to the simplistic and potentially inappropriate method of competitive bid.

"Mr. Speaker, I would like to think that tourism would go on forever, that we will continue to benefit from our lucrative tourist industry and that this provision in the bill would never have to be used. On the other hand, Mr. Speaker, if we don't have a mechanism to deal with the bad times, if and when they do come, we will be in a bind. And for this reason, I will vote in favor of this bill.

"Thank you."

Representative Anderson rose to speak in favor of the bill, stating:

"Very roughly, Mr. Speaker, six years ago when we had another person that was interested in becoming a concessionaire and we went through the process, those individuals showed us at no time that they had new ideas, new methods, that they were going to create new money. They were looking at what was out there. Half was going to be in there -- they could pay bills and the whole bit. But generating new dollars is what we're interested in.

"This bill allows the department to negotiate, to find out if a person has a new method to bring new dollars into the State. If that company does have, then I think we should then go back to the bidding process. Other than that, we lost money when Host International went out. We had to wait and see if the other company could recoup, take the losses, take over floor space and the whole bit. We have lost millions of dollars within this State on contractors who have been on bid, who have built buildings

and other things and then gone broke, and the buildings have crumbled, there has been cracks, and there has been other things that we could not get the dollars back. I believe in the bidding process but it all depends on how we are doing it, when we are doing it, and if that company can go ahead and prove they can do a good job.

"I feel very comfortable with this bill and I hope my colleagues vote for it.

"Thank you very much, Mr. Speaker."

Representative Say rose to speak in favor of the bill, stating:

"Mr. Speaker, from a layman's point of view, the basic issue here is simply whether we should give the present or future Director of Transportation the option in determining what process is best for the State in determining who should be the duty-free concessionaire at the Honolulu International Airport.

"There are basically two options: One, bidding; the other, renegotiation. And what Representative Kiyabu stated earlier is correct, that these two options are being presently used internationally by other airports.

"I don't believe we are establishing any new precedent because of what I've stated earlier, but this is something that all of us here should be aware of, that we are simply acknowledging that under some circumstances, bidding may be in the best interest or negotiations may be in the best interest. As we've all heard, the bidding process has some inherent dangers which is reflected in 1981 by Host.

"Under the circumstances and the circumstances are that there is a very large amount of State revenues involved -- \$36-million. It seems apparent that the State should keep its options open and that judgment should be exercised according to whatever circumstances exist at the time the franchise is to be re-established or not. Whatever decision is made by the Department of Transportation at that time, it will be a public decision. And given the importance of this public decision, it will undoubtedly come under intense public scrutiny.

"A very good case in point is one of our fellow colleagues, Mr. Speaker,

who is now a Senator, who questioned the landing fees of the contracts of the major airlines which is with the Honolulu Airlines Committee. Whether the Director wants to bid or negotiate will not be a secret. Neither will the terms of bid or the renegotiation or negotiation.

"So what we are talking about here simply is the degree of flexibility that the State will have in deciding what is in its best interest. In my opinion, there is no question that we should keep all of our options open, and I would also like to say further, Mr. Speaker and members of this House, that, yes, there are ethical questions but the present concessionaire has done a lot for the State of Hawaii in promoting Hawaii as a resort destination, primarily in Japan and the Far East.

"Secondly, it has a very good reputation in the State of Hawaii as a whole, in participating in a lot of the different parades that we have at Waikiki; and third, it also has twenty-five employees who are situated throughout the country of Japan. Presently also, the present Duty Free concessionaires hire over a thousand-two-hundred employees; and last but not least, I think all of you here may realize that this particular concessionaire has donated a lot of time and energy and money to a lot of these different public services that we have throughout the State. A case in point is the Symphony; another case in point is Punahou School; another case is Iolani School, and a lot of the public schools are benefiting from this particular concessionaire.

"So, on behalf of myself, I hope you folks would all support this measure.

"Thank you."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 1392, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AIRPORTS", having been read throughout, passed Third Reading by a vote of 31 ayes to 19 noes, with Representatives Blair, Cachola, Cavasso, Crozier, Graulty, Hagino, Hemmings, Hirono, Isbell, Jones, Levin, Liu, Marumoto, Menor, Nakata, Onouye, Pfeil, Shon and Tam voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1392 had passed

Third Reading at 1:17 o'clock p.m.

Stand. Com. Rep. No. 562-86 on H.B. No. 2008-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2008-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 563-86 on H.B. No. 2219-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2219-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Graulty rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Graulty's remarks are as follows:

"I rise to speak in support of House Bill 2219-86, House Draft 2.

"Mr. Speaker, this bill contains provisions to facilitate the procedures relating to the criminal history record checks for child care providers.

"As you may recall, Mr. Speaker, the 1985 Legislature dealt with the emotional issue of sex-related offenses by child care providers against young children. We were all too familiar with publicized cases where persons charged with the responsibility of caring for our children during the day were accused of molesting or sexually assaulting those very same children whom parents had entrusted them to care for.

"In reaction to this very valid concern, your Committee on Human Services last year worked on a bill that would require providers and other personnel of child care centers to undergo a criminal history record check, which included a fingerprint check by the F.B.I.

"Since the law's enactment, the Hawaii Criminal Justice Data Center, which has the responsibility for

conducting these checks, reported a huge backlog of those who still needed to meet this requirement. Due to shortage of resources, it has been unable to comply with this very law established to protect our young children in day care centers.

"Your Committee on Human Services received testimony arguing about the inconvenience and expense of a criminal record check. The Data Center, however, has provided statistics to your Committee which reveal that in the first three months alone, out of 880 checks processed, eight percent had arrest records, with more than half resulting in convictions.

"The Data Center also reported that the checks have been effective in deterring those with criminal records from going into the business of child care.

"Mr. Speaker, this bill modifies some of the more stringent features of the criminal check procedures. However, your Committee wishes to go on record as supporting the tremendous efforts of the Hawaii Criminal Justice Data Center for its fine work in trying to comply with the law and for surfacing those who may be potentially harmful to our young children.

"When it comes to Hawaii's children, we spare no expense for their protection, safety and well-being.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2219-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILDREN'S FACILITIES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2008-86 and 2219-86 had passed Third Reading at 1:18 o'clock p.m.

Stand. Com. Rep. No. 564-86 on H.B. No. 2468-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2468-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Kamali'i rose to speak in favor of the bill, stating:

"Mr. Speaker, I first want to thank the Chairman of the Water, Land Use, Development and Hawaiian Affairs Committee and the Chairman of the Finance Committee for hearing this bill and for reporting it to this floor.

"Mr. Speaker, for the last several years our island community and their elected representatives have been grappling with the special legal relationship which constrains us all in describing our responsibilities to the native Hawaiians and Hawaiians, and for the two trusts which are established for their benefit.

"For too long, Mr. Speaker, this relationship has been fundamentally paternalistic in nature. While the basis for such trusts is rooted in legal right and entitlement, the prevailing public attitude which has administered these trusts has been unnecessarily tied to a sense of Hawaiians as children who cannot act for themselves in their own best interests.

"In the past, that attitude led to abuses of the trust by non-Hawaiians. Just two years ago, Governor Ariyoshi took the momentous and totally proper step of returning nearly 28,000 acres of Hawaiian Home Lands which had been illegally 'set aside' to non-homesteading purposes.

"Present law requires that such acts must come from good conscience or a 'breach of trust' suit initiated by the federal government.

"Hawaiians cannot themselves seek justice in the courts.

"The Office of Hawaiian Affairs Trust, created in our State Constitution under the provisions of the Admissions Act, must also rely on conscience. And frankly, Mr. Speaker, when we are describing fiduciary obligations and duties, such reliance is always misplaced.

"Misplaced not because of any individual trustee or their actions -- but misplaced because the enormity of such obligation demands a prescribed system for accountability or even challenge.

"Hawaiians are adults. The trusts are established as mechanisms for improved maturity and determinations of how best to assume a rightful place in our community.

"To act in any other way which undermines this faith in the Hawaiian people is a profound disservice.

"Providing native Hawaiians and Hawaiians the right to sue in our state courts to enforce and to facilitate the Hawaiian Homes and OHA Trusts would be a significant acknowledgement by all the people that, yes, Hawaiians are capable of managing their own resources, and of doing so for the common good.

"I urge my colleagues to support this measure and to join me in voting 'aye'.

"Thank you."

Representative Say rose to speak in favor of the bill, stating:

"Mr. Speaker, credit for this particular measure should be given to the Chairman of OMR, Representative Apo.

"And also to state into the record, Mr. Speaker, I am very disturbed that last year, both you and Representative Apo were criticized by individuals in our community that this particular measure was being held up. Yes, it was being held up but it was being held up by the Chairman of the Water, Land Use, Development and Hawaiian Affairs Committee. So I want to lay the record straight that Representative Apo and yourself did not influence me in any other way of having a hearing last year or this year, or even having it here.

"Thank you."

Representative Apo rose to speak in favor of the bill, stating:

"Mr. Speaker, I thank the Water, Land Chairman for his kind comments but I would like to add that there were many other people in this House who supported the bill who should have been given the opportunity to also affix their signatures as authors, and I would like to recognize some of them. They are Representative Kamali'i, Representative Tungpalan... we all know who they are, and it is unfortunate that the timing of the introduction of the bill was such that there was not enough time to circulate for other authors to sign. So I don't wish to take the credit for myself -- there are other supporters here.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2468-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN

INDIVIDUALS AND ORGANIZATIONS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 565-86 on H.B. No. 2157-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2157-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO AN OFFICE OF HANDICAPPED PERSONS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2468-86 and 2157-86 had passed Third Reading at 1:23 o'clock p.m.

Stand. Com. Rep. No. 566-86 on H.B. No. 2472-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2472-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ALLOWANCES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 567-86 on H.B. No. 2532-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2532-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR PRESENTING THE PLAY 'HEAR ME, O MY PEOPLE' IN WASHINGTON, D.C.", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2472-86 and 2532-86 had passed Third Reading at 1:24 o'clock p.m.

Stand. Com. Rep. No. 568-86 on H.B. No. 2580-86, HD 1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2580-86, HD 1,

having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Marumoto rose and stated:

"Mr. Speaker, I speak in favor of this bill with reservations.

"This bill would exempt food stamp purchases from the four percent general excise tax so therefore on a hundred dollar purchase at the supermarket, there would be a four dollar tax. I am voting for the measure with the understanding that the State Tax Department will not tax grocers and bakeries and other retailers this tax on their gross income.

"Though it seems fair enough not to charge the disadvantaged this tax on food, I am wondering whether it is fair to charge it on the next person in line. Would not the next person resent the favoritism? After all, everyone has to eat.

"Republicans have requested the repeal of the four percent tax on food since time immemorial it seems. This year is no exception. And because of the possible loss of the Food Stamp Program due to federal interpretation of our GET, we are exempting only a small portion of our society but we should exempt everyone, not just food stamp recipients.

"The benefits are manifold.

"The repeal of the tax on food is a progressive policy. We all know that the lower the income of the family, the greater the portion of their income is spent for the necessities of life which, of course, includes food. A repeal of the tax on food is immediate tax relief administered right at the cash register, a contrast with the excise tax credit or rebate which comes at the end of the year if the taxpayer files for the exemption. In addition, this exemption will be used primarily by the residents who buy food weekly whereas a visitor we know generally eats out.

"But because it is important to Hawaii not to lose \$90-million in food coupons, because it is important to help our lower income citizens who need this humanitarian program to make ends meet, we should vote for this bill, but it should be broadened to include everyone. Please vote for it.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2580-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2580-86 had passed Third Reading at 1:26 o'clock p.m.

Stand. Com. Rep. No. 569-86 on H.B. No. 2430-86, HD 1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2430-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Menor rose and stated:

"Thank you very much. I think that Representative Tungpalan and myself will have the very same comments to make so I'll try to keep mine quite brief.

"Basically, as the committee report reads, the intent or purpose of this particular bill is to provide funding to study the creation of high occupancy vehicle lanes, or rather car pool lanes, on the state highway system to mitigate the traffic impacts of future developments in Central and Leeward Oahu.

"To get further clarification of the intent of this bill, this morning I contacted the Deputy Director of the Transportation Department, Cheryl Soon, who indicated to me that the Department of Transportation's long-range plan to alleviate traffic congestion in Central Oahu will basically include extending an existing or several existing car pool lanes in the H-1 Freeway -- the Pearl City/Aiea corridor of the H-1 Freeway out towards Mililani. And essentially what this would mean is that the additional lanes that are going to be constructed in the very near future by the Department of Transportation which was made possible through legislative funding, under the Department of Transportation plan, those lanes would essentially be used as car pool lanes.

"So, for clarification of the intent of this particular bill, the appropriation contained therein will

basically be utilized by the State Department of Transportation to facilitate the expansion of car pool lanes as a means of alleviating traffic congestion in Central Oahu. Based on the way this appropriation will be utilized by the State Department of Transportation, as one of the Central Oahu legislators, I ask this body to vote against this particular bill because I do have some very serious concerns about whether in fact the expansion of car pool lanes will be the most effective way of alleviating traffic congestion in Central Oahu. For example, we now do have car pool lanes in the Pearl City/Aiea corridor of the H-1 Freeway and the reality is that those lanes are not alleviating the existing traffic congestion. While many motorists coming, for example, from communities such as Wahiawa or Mililani have to sit in rush-hour traffic for an hour-and-a-half to get to downtown Honolulu, there might be say perhaps one or two vehicles every three to four minutes that utilize the car pool lanes. Needless to say that this under-utilization of the car pool lanes has created a great deal of frustration to motorists who have to sit in traffic or are prevented from increasing access to that high occupancy vehicle lane.

"Now, there are several reasons why car pool lanes, as far as I can perceive the problem, have not worked.

"First of all, I think that we have to recognize that people have varying work hours. We need to take into account the fact that many motorists do not work in job locations that are within proximity of each other, and we also have to address the fact that many motorists have to take their children to school or transport their children to school while other motorists do not. So this makes very difficult coming up with arrangements that would make it possible for more individuals or motorists to utilize car pool lanes.

"Now, I do recognize the fact that there are options that the State can take into account and perhaps try to implement to increase utilization of car pool lanes, but I don't think that's going to be pursued in the very near future. First of all, the State might want to take the bold step of passing laws to encourage consumers and motorists to utilize car pool lanes by perhaps assessing fees on automobiles that have a little ridership as a means of getting them into the car pool lanes that currently have a three-passenger or more requirement. But,

of course, I think as legislators realistically, I don't think it's going to have much likelihood of passing now or in the very near future.

"Perhaps another option which I have vigorously advocated to the State Department of Transportation over the past two years, will be to reduce the car pool passenger requirement from three to two so we get increased use and utilization of the car pool lanes. But I have encountered some very stiff resistance in that regard from the State Department of Transportation and my morning phone call to Cheryl Soon this morning, that position was reiterated.

"Now, there is another approach of perhaps trying to do what other states have done which is to expand or create a ridership or ride-sharing authority in the various communities. In fact, we have a bill that is before this body, House Bill 2429-86, which would provide funding to study the creation of ride-sharing authority. I have no problem with that kind of a study. In fact, I think that the rationale for the study in the ride-sharing authority would be to determine whether we can match riders to car pooling arrangements so that in fact we can increase utilization of the car pool lanes. But in my mind, until we get that study completed, it would seem to me to be very premature to expend dollars that in effect is going to facilitate the implementation or to speed up the process of implementation of car pool lanes in my particular community.

"So based on the concerns I have raised, I ask all legislators, but more specifically the legislators from Central and Leeward Oahu, to vote against this particular bill and, more specifically, I think that a wiser expenditure of tax dollars will be to expand rapid transit, look at contra-flow lanes or perhaps impose a flex or staggered work hour eventually in the State of Hawaii.

"Thank you very much."

Representative Tungpalan rose to speak against the bill, stating:

"Judging from a recent survey taken in my district last week, high occupancy vehicle lanes are not what the majority of my people want. Car pool lanes in the Leeward area really haven't worked. These lanes are very under-utilized, as such, setting aside more lanes for car pools is not justified.

"Last year, we provided funds to improve the H-1 with an additional lane from Waiawa to Halawa. I am now being told that what I thought would be an additional lane to accommodate the more than 16,000 vehicles that go through a bottleneck during the peak morning hours, will now be used as a car pool lane. This means that there will be only one open unrestricted lane to accommodate the people who reside in the second largest city in this State. This is going to create a nightmare for the residents of Pearl City. Instead of setting aside more lanes, we should be looking at opening car pool lanes in the morning only and reducing the number of people allowed in that lane to two.

"Another objection I have is the setting aside of a specific amount of State funds for a study. Mr. Speaker and my fellow colleagues, I have yet to see any one do a study and actually do it for less than the amount set aside. Why do we have to specify the amount? We should look into changing this process. Lots of hard-earned tax dollars are being wasted on studies that should have been done for far less than what we actually paid out.

"The two suggestions I made earlier in an effort to reduce the traffic tie-ups by opening car pool lanes to morning hours and reducing the number allowed in that lane to two doesn't require \$100,000. If the Department of Transportation needs help in testing these two suggestions, Mr. Speaker and my colleagues, I will be very happy to help them -- free of charge.

"Thank you."

At 1:34 o'clock p.m., Representative Okamura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:46 o'clock p.m., Representative Kiyabu withdrew his motion to pass H.B. No. 2430-86, HD 1, on Third Reading, and Representative Souki withdrew his second.

The Chair then deferred action on H.B. No. 2430-86, HD 1, to the end of the calendar.

Stand. Com. Rep. No. 570-86 on H.B. No. 2626-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the

Committee was adopted and H.B. No. 2626-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO VEHICLE WEIGHT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 572-86 on H.B. No. 2618-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2618-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN EXEMPT POSITION IN THE INTERNATIONAL SERVICES BRANCH OF THE BUSINESS AND INDUSTRY DEVELOPMENT DIVISION, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Hemmings and Liu voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2626-86 and 2618-86 had passed Third Reading at 1:48 o'clock p.m.

Stand. Com. Rep. No. 573-86 on H.B. No. 2608-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2608-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR VETERANS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 574-86 on H.B. No. 2381-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2381-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 200TH ANNIVERSARY OF THE ARRIVAL OF THE CHINESE IN HAWAII", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 575-86 on H.B. No. 2495-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2495-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIFELINE TELEPHONE SERVICE", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2608-86, 2381-86 and 2495-86 had passed Third Reading at 1:49 o'clock p.m.

Stand. Com. Rep. No. 576-86 on H.B. No. 2501-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2501-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXABLE MORTGAGE SECURITIES PROGRAMS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 577-86 on H.B. No. 2284-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2284-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 578-86 on H.B. No. 2349-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2349-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE HEARING-IMPAIRED", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2501-86, 2284-86 and 2349-86 had passed Third Reading at 1:50 o'clock p.m.

Stand. Com. Rep. No. 579-86 on H.B. No. 2429-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2429-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONDUCT A STUDY TO INVESTIGATE THE CREATION OF A RIDESHARING AUTHORITY", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Hemmings and Tungpalan voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2429-86 had passed Third Reading at 1:51 o'clock p.m.

At 1:51 o'clock p.m., Representative Tungpalan asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:52 o'clock p.m.

Stand. Com. Rep. No. 580-86 on H.B. No. 2800-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2800-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY INSURANCE", having been read throughout, passed Third Reading by a vote of 44 ayes to 6 noes, with Representatives Andrews, Cavasso, Hemmings, Jones, Liu and Marumoto voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2800-86 had passed Third Reading at 1:53 o'clock p.m.

Stand. Com. Rep. No. 581-86 on H.B. No. 2698-86, HD 2:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 2698-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Kamali'i rose to speak in favor of the bill, stating:

"Mr. Speaker, as amended, this bill offers a clear and strong enhancement of state historic preservation efforts which has the support of the Department of Land and Natural Resources,

the Hawaii Society of Archeologists, the Office of Hawaiian Affairs, and the Sierra Club.

"As most of my colleagues know, it is not often that we see all of these groups on the same side of an issue.

"However, the need for this bill is a call for human decency and care, professional standards and requirements -- as the too-frequent discovery or movement of human bones confronts both our conscience and our scientific curiosity.

"What is now required when ancient native Hawaiian burial grounds are uncovered -- when a bulldozer cuts through an old battle site, or the ocean exposes a grave or a hiker discovers a cave where remains were hidden?

"Today, the law is silent.

"Only superstition guards their rest, and causes the bulldozer operator to pause or the hiker to slowly back away.

"From testimony which we received, superstitiuion is a poor substitute for law.

"Archeologists have found flash bulbs inserted in the sockets of ancient skulls, missing bones are common, and rushed decisions to simply plow through or to pave over ancient burials is the rule, not the exception.

"We can never know who the individual dead were before they stepped into battle or were carefully interred two or more centuries ago, but we should not allow this lack of a name to detract from their significance as being a part of our common heritage, as being central to what we call ourselves.

"This critical linkage between those of the past and our identity today is even more explicit when it comes to the proper care of formal but abandoned cemeteries.

"There is a unique and highly-significant interdependence of family research and grave markers in Hawaii. Current practices often result in a 'mass grave' reinternment with the loss of individual markers and of any record of plot proximities to indicate family ties.

"This bill, with the endorsement of the Department of Land and Natural Resources, would require photo-

graphic records of such graves and the removal and replacement of head stones to accompany the remains.

"Thus, both decency and historical records keeping would be satisfied.

"Other provisions in this bill establish standards for excavation and professional guidelines in the state historic preservation division and activities.

"Mr. Speaker, one of the most haunting of questions once asked by the native Hawaiian culture was: 'Na Wai E Ho'ala I Na Iwi?' Who will care for the bones.

"Under present law, that question has no answer. We begin to phrase our answer with this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2698-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HISTORIC PRESERVATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2698-86 had passed Third Reading at 1:56 o'clock p.m.

Stand. Com. Rep. No. 582-86 on H.B. No. 2705-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2705-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PROVISION OF SUBSTANCE ABUSE SERVICES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

Stand. Com. Rep. No. 583-86 on H.B. No. 2694-86, HD 2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2694-86, HD 2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR STATE MUSICAL PERFORMANCES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2705-86 and 2694-86 had passed Third Reading at 1:57 o'clock p.m.

Stand. Com. Rep. No. 584-86 on H.B. No. 2752-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 2752-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE 'DIAL LAW' PROGRAM OF THE HAWAII BAR ASSOCIATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2752-86 had passed Third Reading at 1:58 o'clock p.m.

Stand. Com. Rep. No. 585-86 on H.B. No. 2536-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the majority of the Committee was adopted and H.B. No. 2536-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2536-86 had passed Third Reading at 1:59 o'clock p.m.

THIRD READING

The following bills, which were on the calendar for Third Reading, were read throughout and the following actions taken:

H.B. No. 2844-86, HD 2:

Representative Shito moved that H.B. No. 2844-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Bunda.

Representative Cachola rose to speak against the bill, stating:

"The bill as proposed prevents escrow companies from disbursing funds from an escrow account until

funds have been verified, confirmed and received to the account. At first impression, the proposed bill appears to address the problem of co-mingling of funds for escrow companies expending their own funds until final settlement has been accomplished.

"This bill seems to be harmless. However, upon closer inspection, the proposed bill does not really correct the perceived problem and this bill, if enacted, would create more problems than it would tend to resolve.

"What are the problems created?

"First, it unnecessarily extends completion of transactions. Second, it encourages parties to withdraw from the transaction, and let me explain to you what I mean. Let's take a simple real estate transaction between A seller who buys property from B buyer. A real estate transaction usually takes about sixty days as agreed upon by the parties. Now, some of the conditions are buyer must apply for financing within five calendar days or seven days. After application, they go to a lender. It takes a minimum of thirty days for lenders to approve the loan. After that, they issue a commitment letter and they require buyers to accept within seven days. Then that's the time escrow companies as well as lenders will come out with documentation. At the time the buyers and sellers are called to sign or close the transaction, it is almost at the very tail-end of the time agreed upon by the parties.

"If we allow escrow companies to hold onto the money and wait until such time it clears, they go beyond the terms that is agreed upon by the parties. It might create problems. One, parties might withdraw. Another is that, what if there are backup overs and the backup over is more attractive than the current transaction being considered? Of course, the seller will back out. It creates problems. What if there are back-to-back transactions wherein the proceeds of this transaction is needed to pay another? It will surely create a lot of problems the way I see it.

"Now, one of the testimonies of the escrow companies is that mortgage companies, as well as lenders, will get a lot of float from the moneys they receive. But will this bill really correct the problem? I don't think so. It will just add another agency getting the float and that is the escrow company because they will get the money or funds from the lender,

they hold it until it clears. What will the escrow company do? They will deposit that money. And who will get the interest for that? It is the company.

"Now, how can we possibly correct and address the concern of the escrow company? It is easy. All they have to do is require that cash or certified check or cashier's check must be given by the lender as well as the parties involved in the transaction. In that case, you are assured that the money will come in.

"The way it is, Mr. Speaker, real estate transactions are very ticklish transactions as well as any other transactions wherein it needs escrow companies.

"I believe that this bill creates more problems than it would tend to resolve. It is counter-productive that I would be remiss if I did not rise to speak in opposition to this bill.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2844-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Cachola voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2844-86 had passed Third Reading at 2:03 o'clock p.m.

H.B. No. 1802-86, HD 1:

On motion by Representative Hashimoto, seconded by Representative Shito and carried, H.B. No. 1802-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LANDLORD TENANT CODE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 2762-86, HD 1:

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, H.B. No. 2762-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", was recommitted to the Committee on Housing.

H.B. No. 2129-86, HD 1:

On motion by Representative Say, seconded by Representative Tam and carried, H.B. No. 2129-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY ABANDONED OR SEIZED ON STATE LAND", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1802-86 and 2129-86 had passed Third Reading at 2:04 o'clock p.m.

H.B. No. 2109-86, HD 1:

Representative Andrews moved that H.B. No. 2109-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Tom.

Representative Liu rose to speak against the bill, stating:

"As I have in the past, beginning in 1981, I continue to have strong feelings against the State Plan. To me, it's always made for good fairy tale-like reading and I guess with the proposed amendments, there are some who feel that the story line might be spiced up. However, I think it is still a bad story and like a bad sitcom, the series should be pulled before we keep on going and creating a poor excuse to waste paper.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2109-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLAN", having been read throughout, passed Third Reading by a vote of 47 ayes to 3 noes, with Representatives Anderson, Liu and Marumoto voting no, and Representative Leong being excused.

H.B. No. 1985-86, HD 2:

On motion by Representative Tom, seconded by Representative Blair and carried, H.B. No. 1985-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF DOG OWNER", passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Anderson and Ikeda voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2109-86 and 1985-86 had passed Third Reading at 2:05 o'clock p.m.

H.B. No. 2119-86, HD 1:

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, H.B. No. 2119-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2119-86 had passed Third Reading at 2:06 o'clock p.m.

At 2:06 o'clock p.m., Representative Medeiros asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:12 o'clock p.m.

H.B. No. 1803-86, HD 1:

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, H.B. No. 1803-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1801-86, HD 1:

On motion by Representative Hashimoto, seconded by Representative Shito and carried, H.B. No. 1801-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 1803-86 and 1801-86 had passed Third Reading at 2:13 o'clock p.m.

H.B. No. 2312-86, HD 1:

Representative Andrews moved that H.B. No. 2312-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Taniguchi.

Representative Isbell rose to speak in favor of the bill, stating:

"I would like to commend the chairman of this primary committee for his work on this bill and for making it very clear that the Department of

Health is responsible for water quality and pollutant discharges from ocean vessels. Recent events which occurred when ocean cruises were discovered to be discharging pollutants in State waters, revealed the glaring omission in our laws. During the past nearly two years, tourists, athletes, spear fishermen, local residents, swimmers, have unknowingly been swimming in polluted waters because the proof of polluting discharge has been and is now up to the public and the State to prove.

"This bill before us also requires an affirmative duty. The person in charge of the ship or the sewage treatment plant must report a sewage spill or a discharge of pollutant and they must report it within twentyfour hours. This allows a warning to the public not to swim or fish in those waters. The fine of \$15,000 for failing to report will certainly encourage the polluters to report the spill. This is a great improvement.

"As more cruise lines are expected to visit our waters from the Mediterranean where there is much terrorism from the Caribbean which is also becoming very polluted. These ships will be expected to be visiting our waters. We become more vulnerable to the spills, and consequently, more dangers to our visitors and residents plus the effect on our ocean environment.

"This bill is a great improvement and I want to again thank the chairman for taking so much time with it, working hard on it, and for the committee for accepting it, and I urge everyone to vote for it.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2312-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY IN HARBORS", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2312-86 had passed Third Reading at 2:15 o'clock p.m.

H.B. No. 2513-86, HD 2:

On motion by Representative Andrews, seconded by Representative Shito and carried, H.B. No. 2513-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL

QUALITY", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1870-86, HD 1:

On motion by Representative Andrews, seconded by Representative Tam and carried, H.B. No. 1870-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2513-86 and 1870-86 had passed Third Reading at 2:16 o'clock p.m.

H.B. No. 2254-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, H.B. No. 2254-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2254-86 had passed Third Reading at 2:17 o'clock p.m.

H.B. No. 2805-86, HD 1:

Representative Kiyabu moved that H.B. No. 2805-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Onouye rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill but with certain reservations.

"I fully support the concept of a hotel room tax and its ability to strengthen our tax base. My reservations about this bill stem from the broadness of the definitions and provisions in Section 6 of this bill which, for example, contains a catch-all phrase '. . . or other place in which lodgings are regularly furnished to transients for a consideration. . .'

"I fear that the current language of this bill may be interpreted to include lodgings not originally intended to fall under the proposed tax as, for example, school dormitories, or at its broadest interpretation, even hospital

rooms may fall prey to this tax.

"Although I have these reservations, I feel that a tax of this type that is intended should be passed, and I urge all of you to vote yes on this matter, and I hope that the issues I have raised will be considered in conference committee.

"Thank you very much."

Representative Ikeda rose and stated:

"Mr. Speaker, I rise to speak in favor of this bill with grave reservations. My reservations concern not with the hotel room tax but the other portion of the bill.

"Mr. Speaker, last year we passed Act 303 to clarify the legislative intent on the subject of 'gross-up.' 'Gross-up' was being applied to tour operators in the following manner: Say a tour provider sells a discounted tour ticket to a travel agent for \$10. The travel agent then turns around and sells that ticket for \$12, \$15, or \$20. The original tour provider never receives more than the original \$10 and has no control over and often no knowledge of the amount the ticket is finally retailed for.

"However, Mr. Speaker, our Tax Department has been interpreting this additional amount as a commission which was supposedly paid to the travel agent by the tour operator. Thus, the tour company is charged the four percent excise tax not only on the \$10 he actually earned but on the total amount received by the travel agent. The Tax Department has continually failed to codify this section of the law and subsequently initiated actions to collect additional taxes on money a tour operator never received. We thought we took care of this problem last year when we passed Act 303 to clarify the Legislature's intent -- which was never to tax people on money they do not receive. The department was supposed to promulgate rules and regulations to fully clarify this law more than fifteen years ago and yet has failed to do so.

"The Legislative Auditor's financial audit of the Department of Taxation completed in January of 1985 pointed out the glaring failure of the department to provide guidance, stating that: 'Industry guidelines have been provided by the department through private rulings but no public information has been issued for the following industries.' The report then

lists the taxing of so-called travel agent commissions as one of three items requiring clarification.

"The report points out the danger that 'private rulings made without public dissemination of interpretations provided to single taxpayers foster inconsistent application of the law. . . it remains the responsibility of the department to develop interpretations that can be applied by taxpayers under varying situations to ensure consistent application of the law for all taxpayers.' The Auditor strongly recommended that since private rulings are confidential, the department must restructure and publish these as interpretations in order to inform the public on the tax laws. Yet nothing has been done by the department to comply with the Auditor's recommendations.

"If the Tax Department issued guidelines regarding their implementation of this law, we might have been made aware sooner of the inequity of the department's application of that law.

"Last year, stating that this practice of grossing up was 'inequitable', the Legislature rejected the Tax Department's interpretation with Act 303. This Act clearly stated that money never received by a tour provider is not part of his taxable income.

"The Tax Director, however, continues to refer to what will happen if this law is implemented. Mr. Speaker, this law went into effect last July and should have been implemented last July.

"The department has no right -- no matter how they interpret the law -- to disregard the clearly stated legislative intent in this matter.

"In addition, Mr. Speaker, after being clearly informed of the legislative intent behind Act 303, as expressed in the committee reports which referred continually to the bill as 'clarification' of the existing law, the Tax Director continues to pursue lawsuits pending against several companies who had not paid the tax. Mr. Speaker, Act 303 was meant to express what the Legislature had always intended as the correct interpretation of the law but which was not recognized by the department. Although we clarified our intent to the Tax Director, he did not drop action against those he was wrongly suing for non-payment of taxes.

"Mr. Speaker, I strongly object to the Director of Taxation's blatant disregard for the intentions of this Legislature. The possible loss of some revenue does not justify his setting aside legislative intent.

"Unfortunately, Mr. Speaker, this is not all the bill does, and I now find myself in a dilemma. I would like to be able to cast a 'no' vote on House Bill 2805-86 regarding its grossing-up provisions of the general excise tax. However, the Committee on Finance has seen fit to include in this bill the provisions of an item I do support -- a hotel room tax. So, Mr. Speaker, this measure is long overdue and in spite of my very serious objections to the grossing-up provisions of this bill, and the inept application of the law by the Tax Department, I find that I cannot vote against this bill.

"For that reason alone, Mr. Speaker, I will vote in favor of House Bill 2805-86.

"Thank you."

Representative Marumoto rose and stated:

"Mr. Speaker, I also rise to speak in favor of House Bill 2805-86, House Draft 1, and I do have some reservations.

"My strong reservations go to the section where the intent is to reverse our position from last year on reimbursement of cost and advances. I might add that there appears to be a drafting error so the intent of the repeal is not accomplished. I am also distressed that we are going to tax our transient accommodations an additional five percent. Although I favor a hotel tax, I feel that this amount is excessive and an insult to the most important segment of our economy. In addition, we have not designated any of this amount towards the tourist industry. At least \$15- to \$18-million should be earmarked for a convention center.

"But for now, I wish to restrict my comments primarily to the reimbursable section. The Tax Department has done their best to tax everything that moves, even reimbursement.

"Last year, Representative Whitney Anderson and I introduced House Bill 1517, along with eleven co-signers. This bill sought to clarify the State policy regarding reimbursable expenses; specifically it would have amended Section 237-20 to exempt

from the four percent GET the transfer of money when the party number one purchases goods and/or services for party number two from party number three. Number two then reimburses number one. Since the money repaid represents a reimbursement, it should not be taxed.

"We believe that House Bill 1517 had merits because the State Tax Department has been taxing reimbursements ever since the 1960s when the law was enacted. The department, interpreting the law in their own fashion, determines that the entire amount is taxable.

"Last year, we also introduced House Resolution 436 requesting an interim review of the Legislative Auditor's recommendations regarding the Tax Department. The Auditor's report was critical of the department having promulgated only one regulation since 1975, 'thereby leaving the administering of the tax laws to the department's own interpretation.' It continued: 'In the absence of rules and regulations, taxpayers are uncertain of their tax liabilities.

"In House Resolution 440 of 1985, I specifically requested the department to promulgate rules regarding reimbursements and cost advances. I pointed out that the legislative intent of Act 297 (1967) was to ensure that payments made by one person through another, without monetary gain to the latter, should not create a taxable incident under the GET law. Despite hearings held in 1968, the department still did not issue any regulations.

"The 1985 Legislative Auditor's financial audit identified the reimbursement issue as one where there is insufficient public information to assist average taxpayers in complying with the law or to ensure consistent application of the law.

"As a result of this confusion, many bills dealing with the subject have been introduced in the Legislature in the past few years. Among them, common paymaster bills, affiliated corporation bills, reimbursements for joint promotional and advertising activities by merchants' associations and others. These piecemeal measures rather should be dealt with in a comprehensive way with the Legislature and the Tax Department in concert with one stated policy.

"The Legislature agreed and in 1985, passed Act 303 (1985) in an attempt to clarify once and for all that policy. In spite of this measure,

the department still has not changed its practices or procedures. All of this confusion of long-standing and the present hullabaloo could have been avoided had the department simply enacted clear rules regarding this subject.

"I ask that we restore the language changes we made in 1985. This bill will not remain in this final form in the Senate. It will, in great likelihood, come back to us so we will have another chance at it, and if we keep trying, we may get it right.

"Thank you very much."

Representative Hemmings rose to speak in favor of the bill with reservations, stating:

"I have the luxury of thinking that both provisions of this bill are gross.

"First of all, the bill does not adequately address the problem promulgated by our State Tax Department on the gross-up problem. But secondly, and more important to me, it continues a bankrupt policy that has been prevalent in this State of taking more money from taxpaying entities and putting it into the general fund to be oftentimes misused. I have to say that government has good cause to spend funds for most programs and there are many services that should be provided by government. But likewise, there are some that should not and there are some expenditures that should not be made.

"We, in this country, are undergoing a metamorphosis at the national level. We are changing from an spendthrift government with high taxation and high spending. We're struggling to reverse that at the national level. The formula change has been successful at the national level. We are enjoying prosperous financial times in the national and world economy because we have cut national taxes and we're struggling to Gramm-Rudman to cut federal spending.

"What is perplexing to me, Mr. Speaker, is that we just implemented a mechanism by which, after two years of surpluses in our State tax revenue collecting system, to refund a dollar to each taxpayer. I see it awfully ironic that we see a necessity to increase taxation with a five percent increase in the tourist industry to go into the State fund while we are also moving a bill to provide a refund. I'm certainly in favor of a

hotel room tax that would fund a convention center and increase the productivity of our tourist industry, but I am against this five percent tax that's going to put more money in our State coffers when the money could be cut from our spending and we could cut taxes across the board.

"Cost savings and government efficiency is something we should be looking to in the future. Our job is not to collect money; we should be looking at ways to save the taxpayers money. Mandatory workfare rather than voluntary workfare would go a long way in saving money. A prison industry which was talked about this year and nothing was done would go a long way. Unemployment for the truly unemployed without having businesses subsidize strikers would go a long way in saving taxpayers money, especially in case of a public strike. We could even look at consolidating and eliminating certain government agencies. We could cut the workers' compensation costs. We could increase the efficiency in the way our government is run. We could streamline top-heavy administrative positions, especially in the Department of Education. We could even have tort reform. The biggest victim of the tort liabilities laws are the people with the deepest pockets and that happens to be in the State, the State of Hawaii. You can see over the last couple of days, we have paid a lot of money out. I was really amused by the three-hundred and some-odd thousand dollars that we voted on earlier. None of it was going to any alleged victim or offended person. All of it was going to the lawyers.

"We have a tremendous chance in this State to reverse the trend of big government and big government spending and repatriate the control of the economy and economic welfare to the people and for the people.

"This bill is a step in the wrong direction. I am in favor of it only for the reason that it does address the need for a hotel room tax and it does address the need to amend the gross-up laws but it does not go far enough and in the right direction, and therefore, I speak to it with reservation.

"Thank you."

Representative Kiyabu rose to speak in favor of the bill, stating:

"Mr. Speaker, this bill is in two parts. One, as the previous speak-

ers have discussed, is the gross-up. This problem is highly complicated and is not as simple as people are, you know, making it out to be. We amended the bill to go back to last year's law so that we could go into conference and work the details out so that the tax office and the business community know exactly what the bill means, and so we need this vehicle to keep this bill alive and we've had many meetings with the Tax Director and the Attorney General's office. I am sure Senator Yamasaki has done the same, and really, no one has a solution at this time so that we don't lose the supposedly \$400-million, if there is a loss of \$400-million. And we wanted to make absolutely sure that in this Legislature that when the bill finally comes out, that we have a clear understanding of what the law really means and so what I need to do is get this bill across and so in conference, hopefully, we can get these details worked out.

"As far as the hotel room tax is concerned, we took the approach of putting all the moneys in the general fund and when the budget bill comes before us, it will reflect the appropriations for the Hawaii Visitors Bureau and an increase in grants-in-aids to all counties, and I urge all members to vote aye on this bill.

"Thank you."

Representative Jones rose to speak in favor of the bill with reservations, stating:

"I don't want to belabor what my colleagues have said, Mr. Speaker, but I do want to just make the members aware of some language problems that really should be addressed.

"The bill, as it is written now, would definitely hurt families who rent out to students, of those who rent out to people who have mental health problems that are in and out of our communities, as well as those who rent out to legislators who are here from the outer islands.

"There is no definition of transients in this. The time of the lease is six months and the question has to be answered: What does this mean for month to month leases, especially when you look at the word 'letting' on page 16, line 2? I would recommend that they substitute the word 'tenant' in there so that they are very sure that we're talking about a new tenant, not letting or re-letting a person there, and I'll stop it there,

Mr. Speaker.

"Thank you for this chance to share."

Representative Anderson rose to speak in favor of the bill, stating:

"Mr. Speaker, I believe everybody is trying to take care of a problem and we do have somewhat of what I believe the Department of Taxation is putting out a scare tactics on \$400-million.

"However, Mr. Speaker, the business community is well aware of what we're doing. You're not talking about an industry with a hundred people or two hundred people -- you're talking about an industry with thousands of people. And they have been coming in, they're looking at this. If we do not listen, and we've also got big companies that have come here for the first time, saying what they believe is not in the bill and we're reading into it. If we refuse to listen to these people, we're all going to be in trouble on an election year. So I don't think that there's anybody that's just going to disregard what everybody is telling us and whatever we're going to come up with, hopefully, it is going to be the best that we can for all of the taxpayers of this State.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2805-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2805-86 had passed Third Reading at 2:37 o'clock p.m.

H.B. No. 2595-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, H.B. No. 2595-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1944-86, HD 1:

On motion by Representative Shito,

seconded by Representative Bunda and carried, H.B. No. 1944-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRUST COMPANIES", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

H.B. No. 1903-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1903-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO PILOTAGE WATERS", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2595-86, 1944-86 and 1903-86 had passed Third Reading at 2:38 o'clock p.m.

H.B. No. 2722-86, HD 1:

Representative Shito moved that H.B. No. 2722-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Bunda.

Representative Cavasso rose to speak against the bill, stating:

"Mr. Speaker, everyone in this House values honesty, good reputation, truthfulness, financial integrity, and fair dealing. I know that and therefore I wonder what's happening here.

"I remember the Contractors' Association which tends to identify and police our own industry of dishonest or contract-breaking licensee. I am also a member of the United States Army Reserve and that body has just declared this year, Mr. Speaker, to be a year of values, emphasizing honesty, integrity and courage.

"Someone asked, how can a legislator or a Legislature legislate values? Some may ask, how can we take away a contractor's license based on lack of truthfulness? Well, Mr. Speaker, you can. You can legislate that value of truthfulness and then you can enforce it with the value of keeping our contract. If we sign a contract, we give our word. We have the ability to enforce that and ensure that truthfulness does happen.

"Some may ask, how can you legislate fair dealing? Again, Mr. Speaker, we can and we should not do away with those values in our statutes which call for fair dealing for

you can look at a contractor working with homeowners on a daily basis and if there is a pattern of cheating or not doing what is called to do in the contract, then there should be a means for our contractors' board to go to that contractor and say, your lack of fair dealing with one, two, three, four, five witnesses is grounds to pull his license.

"I see that this bill is taking out that section of the statutes which says any person who 'does not possess a good reputation for honesty, truthfulness, financial integrity, and fair dealing.' I would like to see that stay in the statutes, and I would like to see the Senate, at least on the other side, keep it in there, and I appreciate the opportunity to speak, Mr. Speaker.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 2722-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", having been read throughout, passed Third Reading by a vote of 49 ayes to 1 no, with Representative Cavasso voting no, and Representative Leong being excused.

H.B. No. 1946-86, HD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1946-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE", passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. Nos. 2722-86 and 1946-86 had passed Third Reading at 2:42 o'clock p.m.

H.B. No. 2246-86, HD 2:

Representative Gaulty moved that H.B. No. 2246-86, HD 2, having been read throughout, pass Third Reading, seconded by Representative Kihano.

Representative Gaulty rose to speak in favor of the bill, stating:

"Mr. Speaker, this bill is the result of many hours of deliberation and hard work by your Committee on Human Services. I would like to thank the members of the committee who sat through many hours of testimony and who worked side-by-side with me as we engaged in

section-by-section decision-making on the bill.

"Public testimony was highly charged on the bill. There were those who had accused the Medicaid Fraud Control Unit of questionable activities and who asked that the Legislature entirely disband the Unit. The trauma of being investigated and the devastating impact on the practice of being criminally indicted can be well-imagined.

"However, Mr. Speaker, fraud is fraud, be it \$7 or \$7,000 or \$70,000. It cannot be condoned. But for fraud to be fraud, there must be an intent to deceive. Yet this is not how the Medicaid Fraud Control Unit defines fraud.

"The injustice, therefore, that House Bill 2246-86 seeks to rectify is the absence of a clear and unambiguous statute in this area. That is the fundamental source of unfairness which must be corrected.

"This bill recognizes that providers have rights of due process and fair play. This bill also recognizes that searches and seizures have to comply with the Fourth Amendment. In a free society such as ours, the rights of all our citizens, even those providing services under the Medicaid Program, must be protected.

"I urge my colleagues to vote aye on this bill."

The motion was put by the Chair and carried, and H.B. No. 2246-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2246-86 had passed Third Reading at 2:44 o'clock p.m.

H.B. No. 2189-86, HD 1:

Representative Bunda moved that H.B. No. 2189-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Metcalf.

Representative Shito then rose and requested that "I be excused from voting on this bill because of a potential conflict of interest."

The Chair responded:

"If you want a ruling from the Chair, Representative Shito, you are not in conflict but the Chair will excuse you from voting."

Representative Lardizabal rose and stated:

"Mr. Speaker, I request the ruling of the Speaker on potential conflict of interest. I am an employee of a financial institution that was taken over by a non-Hawaii company."

The Chair ruled "no conflict."

The motion was put by the Chair and carried, and H.B. No. 2189-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS AND LOAN ASSOCIATIONS", having been read throughout, passed Third Reading by a vote of 48 ayes to 1 no, with Representative Crozier voting no, and Representatives Leong and Shito being excused.

The Chair directed the Clerk to note that H.B. No. 2189-86 had passed Third Reading at 2:45 o'clock p.m.

H.B. No. 1940-86, HD 1:

Representative Shito moved that H.B. No. 1940-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Bunda.

Representative Ikeda rose to speak against the bill, stating:

"Mr. Speaker, this is one of the bills which was introduced by the advisory committee to the commissioner of financial institutions, or commonly known as the Bank Examiner. This eleven-member committee is comprised of people who work with or are affiliated with financial institutions so obviously, Mr. Speaker, this group is not the most objective where legislation affecting financial institutions is concerned.

"Mr. Speaker, what is the purpose of establishing regulatory agencies for the purpose of protecting the consumers if the heads of those agencies turn to the industry for guidance?

"And we have even greater cause for concern, Mr. Speaker, when the legislation thus proposed will directly impact the consumer's protection against usury.

"My greatest reservation about this bill concerns its provisions regarding the presumption of disclosure on

certain items which may be excluded from finance charges. This will decrease the vigilance with which lenders comply with the Truth in Lending Act. House Draft 1 of this bill states that 'for rate computation purposes. . .the creditor shall be conclusively presumed to have given all disclosures in the manner, form and at the time contemplated by the Truth in Lending Act, including those necessary to exclude any charges from the finance charge.' Mr. Speaker, charges which are not included in the finance charge are not subject to usury laws. Thus, to presume that a creditor has made all necessary disclosures that would allow him to charge a total rate above the limit for that type of transaction is a critical leap in faith. How are we to discover if he has not made those disclosures after the fact?

"For this reason and because we did not hear from the Consumer Protector, I will vote against this bill and urge others to join me.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 1940-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY", having been read throughout, passed Third Reading by a vote of 48 ayes to 2 noes, with Representatives Ikeda and Isbell voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1940-86 had passed Third Reading at 2:48 o'clock p.m.

At 2:48 o'clock p.m., Representative Kiyabu asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:54 o'clock p.m.

H.B. No. 307, HD 2:

Representative Kiyabu moved that H.B. No. 307, HD 2, be recommitted to the Committee on Finance, seconded by Representative Souki.

Representative Kiyabu then stated:

"Mr. Speaker, we are recommitting this bill with the understanding that to be consistent with past practice that whatever bill came over first, we will act on that bill. And I understand that the Senate Bill will be

re-referred to the Committee on Finance, that it is our intention then to amend that bill and put this House Bill's version into that Senate Bill and bring that bill back to the floor for a vote."

Representative Anderson then rose on a point of information and said:

"Since the bill is going back into committee and it is coming out, I would hope that at that particular time that when we vote on the bill, it is not -- I would have liked the other version or this version, that we vote particularly on the bill itself.

"Thank you very much, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 307, HD 2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE LOTTERY", was recommitted to the Committee on Finance.

At 2:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:09 o'clock p.m.

MATTERS DEFERRED FROM EARLIER ON THE CALENDAR

Stand. Com. Rep. No. 614-86 on H.B. No. 1891-86, HD 1:

Representative Kiyabu moved that the report of the majority of the Committee be adopted and H.B. No. 1891-86, HD 1, having been read throughout, pass Third Reading, seconded by Representative Souki.

Representative Isbell rose and requested that her remarks, in favor of the bill with reservations, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Isbell's remarks are as follows:

"Mr. Speaker, I rise to speak in favor but with reservations on H.B. 1891-86, H.D. 1., relating to the issuance of \$9 million for a hydro-electric plant on the Wailua River. My remarks refer also to the issuance of \$12 million for a similar project on the Hanalei River.

"Mr. Speaker, my concern focuses on:

1. The imperfect and incomplete nature of the environmental impact assessments of such projects on the minimal stream flow consequences of such projects;

2. The lack of any assurance or concern on the part of the developers or the DPED as to whether such enterprises will result in a cost savings to Kaua'i consumers; and

3. A personal uneasiness that both projects involve the same parties, and results in a questionable and disproportionate share of our revenue bond capability -- a total of \$21 million dollars -- being utilized by a single group.

"Let me briefly address each of these points.

"First, the Finance Committee received testimony from Dr. Doak Cox which eloquently and, I believe, persuasively argued that the EIS for this project could and should include a stream flow impact measurement. Because without such measurements and a full assessment of the implications of probable great diminishing of the flow, there will be adverse affects on the Wailua Falls and inter-dependent flora and fauna.

"Mr. Cox suggested that the release of these bonds be made contingent on the submittal and review of such measurements.

"His proposal, however, was not adopted.

"Second, Mr. Speaker, I am troubled by the lack of any evidence or assurance that this project will allow the residents of Kauai to enjoy both a guaranteed and least expensive source of energy.

"While I do not usually agree with the 'trade-offs' of natural beauty like Wailua River for some financial gain separate from the public interest, I would support a balanced approach to development for the public interest.

"That element is not present in this project.

"Lastly, Mr. Speaker, I am disturbed by the involvement of a single group in both hydro-electric projects. Are we somehow showing an unknowing favoritism or not allowing strict standards of openness by endorsing this information monopoly?

"Why are both these projects before us?

"Can we expect proper over-sight of two on-going projects by this group?"

"Or are we running the risk of over-extension, and a commitment to a new endeavor on too broad a scale?"

"These are my concerns, Mr. Speaker.

"Thank you."

Representative Kawakami rose and requested that his remarks, in favor of the bill, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Kawakami's remarks are as follows:

"Mr. Speaker, I rise to speak in favor of this measure.

"We all know the value of being energy self-sufficient, of relying on our own resources instead of being dependent on petroleum based fuel. The price fluctuations of this form of fuel are dictated by a volatile worldwide fuel market; hydro power is an inexpensive and renewable source of energy.

"Energy self-sufficiency means the creation of jobs. We will benefit from the labor of our own residents and save the costs of purchasing an end product which was processed and refined by others.

"Self reliance has always been a goal of this State and of the island of Kauai. Before Hurricane Iwa, the island of Kauai was 65 percent energy self sufficient. Presently, we are at the 55 percent level. The Waialua River Hydro Power Plant will increase this rate by 5 percent.

"Mr. Speaker, Kauai is blessed as one of the wettest sports on earth. We are not like the Big Island; we don't have the potential of geothermal or wind energy resources. We do not have the refineries which are located on Oahu. But Kauai does have water.

"Except for biomass, the only energy resource readily available on Kauai is hydro or water power.

"Objections have been made that the Waialua River project will have adverse aesthetic consequences. These objections are based on erroneous information. The environmental impact statement prepared for the

project states; 'The project is not expected to cause any significant impacts to the existing qualities for tourism attraction at this site'. The dam itself will not be visible from viewing sites. Further, there are times when there is little or no water going over the falls. This project will channel waters to ensure visual attractiveness of the falls for longer periods of time throughout each year.

"Mr. Speaker, let me remind my colleagues that hydro power is the cleanest form of alternate energy. It is an indigeneous renewable source that has the least environmental impact of any energy source. Hydro power plants are not new on Kauai. Kauai presently has 7 hydro power plants that provide 15 percent of the island's total energy needs. The Wainiha Hydro Power Plant was build in 1905, one of the two hydro power plants at Kekaha was built in 1911. Five additional hydro power plants, including the Waialua project, are planned. Together it is anticipated that these plants will provide 43 percent of Kauai's energy.

"At the present time, biomass provides approximately 40 percent of Kauai's energy. The combined potential of biomass and hydro power is a self sufficiency rate of over 80 percent.

"In closing, I ask passage of this bill. At least 3 major hotel developments are expected on Kauai in the next few years. Kauai needs the proposed project to help meet the anticipated increased electrical energy demands. Thank you for your favorable consideration of this measure."

Representative Anderson rose to speak in favor of the bill, stating:

"Mr. Speaker, as far as I know, no one really was against the project, but when I go back and talk to my constituents, there might be a few people that would be a little concerned because of us floating some bonds. But that's my responsibility as a legislator to go back and explain my position. But when they told me not to vote on this, Mr. Speaker, then I would have to not do that. But at this particular point, I am more than willing to go back, let the people know that Kauai needs this, and I am sure I can convince them that it was a good vote, so I hope everybody votes in favor of this, Mr. Speaker.

"Thank you very much."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.B. No. 1891-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO FINANCE THE WAILUA RIVER HYDRO PROJECT", having been read throughout, passed Third Reading by a vote of 50 ayes, with Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 1891-86 had passed Third Reading at 3:10 o'clock p.m.

H.B. No. 2430-86, HD 1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, H.B. No. 2430-86, HD 1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONDUCT A STUDY ON THE FEASIBILITY OF CREATING HIGH OCCUPANCY VEHICLE (HOV) LANES IN CENTRAL AND LEEWARD OAHU", having been read throughout, passed Third Reading by a vote of 40 ayes to 10 noes, with Representatives Blair, Cavasso, Hemmings, Jones, Liu, Marumoto, Menor, Pfeil, Shito and Tungpalan voting no, and Representative Leong being excused.

The Chair directed the Clerk to note that H.B. No. 2430-86 had passed Third Reading at 3:11 o'clock p.m.

INTRODUCTION OF RESOLUTIONS

By unanimous consent, the following resolutions (H.R. Nos. 116 and 117) and concurrent resolutions (H.C.R. Nos. 70 and 71) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 116) regarding the application of special purpose revenue bond proceeds to a wind energy farm at South Point, County of Hawaii, was offered by Representative Andrews.

A resolution (H.R. No. 117) requesting a change in the titles of the community college faculty was jointly offered by Representatives Manegdeg, Anderson, Andrews, Blair, Bunda, Cachola, Cavasso, Graulty, Hagino, Hashimoto, Hemmings, Honda, D. Ige, Kihano, Levin, Lindsey, Nakasato, Onouye, Pfeil, Say, Shito, Shon, Tam and Yoshimura.

A concurrent resolution (H.C.R. No. 70) regarding the application of special purpose revenue bond proceeds to a wind energy farm at South Point, County of Hawaii, was offered by Representative Andrews.

A concurrent resolution (H.C.R. No. 71) requesting a change in the titles of the community college faculty was jointly offered by Representatives Manegdeg, Anderson, Andrews, Blair, Bunda, Cachola, Cavasso, Graulty, Hagino, Hashimoto, Hemmings, Honda, D. Ige, Kihano, Levin, Lindsey, Nakasato, Onouye, Pfeil, Say, Shito, Shon, Tam and Yoshimura.

ANNOUNCEMENTS

Representative Tam: "Your Committee on Water, Land Use, Development and Hawaiian Affairs will be having a public hearing this evening at 6:00 p.m. in Room 328. Decision-making to follow."

Representative Andrews: "Your Committee on Planning, Energy and Environmental Protection will be having a public hearing tomorrow at 8:30 to hear one bill and several resolutions. Decision-making to follow."

Representative Levin: "At 5:30 today, the Higher Education Committee will be having a joint hearing with Water, Land Use and then we will join Water, Land Use for their joint hearing at 6:00 p.m., both in Room 310."

Representative Manegdeg: "Your Committees on Public Employment and Government Operations and Education will have a joint hearing at 1:30 tomorrow afternoon, Room 314."

At 3:12 o'clock p.m., Representative Okamura asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 3:14 o'clock p.m.

Representative Shito: "This coming Friday, Ralph Nader who was postponed the previous week, will be appearing jointly before the Consumer Protection and Commerce and Judiciary Committees jointly with the Senate at 9:00 a.m. in the Auditorium. Everybody's invited to come."

The Chair asked: "Subject matter?"

Representative Shito: "The subject

matter will be liability insurance."

Representative Lindsey: "Following our joint hearing tomorrow with the PEGO Committee, your Committee on Education will have a public hearing at 2:00 o'clock to take action on certain resolutions."

COMMITTEE REFERRAL

Senate Bill 495, SD 1, was referred

to the Committee on Finance only.

ADJOURNMENT

At 3:15 o'clock p.m., on motion by Representative Okamura, seconded by Representative Ikeda and carried, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Thursday, March 6, 1986.

THIRTY-FIRST DAY

Thursday, March 6, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:10 o'clock with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Roy Birchard of the Metropolitan Community Church of Hawaii, after which the Roll was called showing all members present with the exception of Representatives Bunda, Grauly, Hirono, Kiyabu, Leong, Menor, Takamine and Tom who were excused.

The Clerk proceeded to read the Journals of the House of Representatives of the Twenty-Fourth and Twenty-Fifth Days.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, reading of the Journals was dispensed with and the Journals of the Twenty-Fourth and Twenty-Fifth Days were approved.

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 42 to 65) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 42) transmitting Senate Concurrent Resolution No. 26, which was adopted by the Senate on March 5, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 26 was deferred.

A communication from the Senate (Sen. Com. No. 43) transmitting Senate Bill No. 686, SD1, entitled: "A BILL FOR AN ACT RELATING TO CLASS SIZE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 44) transmitting Senate Bill No. 1060, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE LAPSING OF APPROPRIATIONS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 45) transmitting Senate Bill No. 1496-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL DEVELOPMENT", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 46) transmitting Senate Bill No. 1527-86 entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL-LANDLORD CODE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 47) transmitting Senate Bill No. 1684-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE ESTABLISHMENT OF A SPECIAL FUND FOR THE HIGH TECHNOLOGY DEVELOPMENT CORPORATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 48) transmitting Senate Bill No. 1727-86 entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 49) transmitting Senate Bill No. 1761-86 entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 50) transmitting Senate Bill No. 1762-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO REMOVAL OF CONSTRAINTS INHIBITING THE ESTABLISHMENT AND EXPANSION OF CORRECTIONAL INDUSTRIES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 51) transmitting Senate Bill No. 1789-86 entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC RECORDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 52) transmitting Senate Bill No. 1794-86 entitled: "A BILL FOR AN ACT RELATING TO THE METROPOLITAN PLANNING

ORGANIZATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 53) transmitting Senate Bill No. 1826-86 entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 54) transmitting Senate Bill No. 1855-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 55) transmitting Senate Bill No. 1933-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEY'S FEES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 56) transmitting Senate Bill No. 1958-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO PETTY CASH FUNDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 57) transmitting Senate Bill No. 2046-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 58) transmitting Senate Bill No. 2147-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO LIFELINE TELEPHONE SERVICE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 59) transmitting Senate Bill No. 2190-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 60) transmitting Senate Bill No. 2263-86, SD1, enti-

led: "A BILL FOR AN ACT RELATING TO VICTIM-WITNESS ASSISTANCE PROGRAM", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 61) transmitting Senate Bill No. 2322-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 62) transmitting Senate Bill No. 2403-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 63) transmitting Senate Bill No. 2465-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LIBRARIES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 64) transmitting Senate Bill No. 2512-86 entitled: "A BILL FOR AN ACT ESTABLISHING A STATE POLICY ENCOURAGING RIDE-SHARING", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 65) transmitting Senate Bill No. 2519-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, S.B. Nos. 686, SD1; 1060, SD1; 1496-86, SD2; 1527-86; 1684-86, SD1; 1727-86; 1761-86; 1762-86, SD1; 1789-86; 1794-86; 1826-86; 1855-86, SD2; 1933-86, SD1; 1958-86, SD2; 2046-86, SD2; 2147-86, SD2; 2190-86, SD1; 2263-86, SD1; 2322-86, SD2; 2403-86, SD1; 2465-86, SD2; 2512-86; and 2519-86, SD1, passed First Reading by title and further action was deferred.

At this time, the following introductions were made to the members of the House:

Representative Tam introduced students from the 5th grade at Mae-mae Elementary School accompanied by

their teachers, Mrs. Beverly Wong and Mr. Leon Carlone, and chaperones, Mr. George Kuraya and Ms. Alice Ariyoshi.

Representative Manegdeg, on behalf of Representative Grafty and himself, introduced 50 students from Moanalua Intermediate School accompanied by their teacher, Mrs. Caroline Wong, and chaperones, Donna Person and Gail Farmer.

Representative D. Ige, on behalf of Representatives Hashimoto and Okamura, introduced 40 eleventh and twelfth grade students from Aiea High School accompanied by their teacher, Ms. Lorraine Ota, and parents, Mrs. Alice Baston and Mrs. Pearl Chang.

Representative Honda, on behalf of the Maui delegation, introduced 22 student council members from all the high schools from the County of Maui accompanied by their advisors, Mr. Toshi Seki, Mr. Bob Miyaguchi and Mr. Ken Nomura.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate bills were disposed of as follows:

- | <u>S.B. Nos.</u> | <u>Referred to:</u> |
|------------------|--|
| 994 | Committee on Higher Education and the Arts, then to the Committee on Finance |
| 1033 | Committee on Public Employment and Government Operations, then to the Committee on Finance |
| 1625-86 | Committee on Agriculture, then to the Committee on Finance |
| 1651-86 | Committee on Judiciary, then to the Committee on Finance |
| 1652-86 | Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance |
| 1685-86 | Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance |
| 1718-86 | Committee on Judiciary, then to the Committee on Finance |
| 1764-86 | Committee on Housing, then to the Committee on Finance |
| 1781-86 | Jointly to the Committees on |

Higher Education and the Arts and Public Employment and Government Operations, then to the Committee on Finance

1840-86 Committee on Judiciary, then to the Committee on Finance

2050-86 Committee on Public Employment and Government Operations, then to the Committee on Finance

2314-86 Committee on Public Employment and Government Operations, then to the Committee on Finance

2326-86 Jointly to the Committees on Higher Education and the Arts and Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance

2328-86 Committee on Higher Education and the Arts, then to the Committee on Finance

2332-86 Committee on Higher Education and the Arts, then to the Committee on Finance

2463-86 Committee on Education

2468-86 Jointly to the Committees on Public Employment and Government Operations and Education, then to the Committee on Finance

2478-86 Committee on Human Services, then to the Committee on Finance

DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 96 to 99; 101 to 103; and 105 to 112) concurrent resolutions (H.C.R. Nos. 57 to 69) were disposed of as follows:

H.R. Nos. Referred to:

- | | |
|-----|---|
| 96 | Jointly to the Committees on Housing and Consumer Protection and Commerce, then to the Committee on Finance |
| 97 | Committee on Housing, then to the Committee on Finance |
| 98 | Committee on Higher Education and the Arts, then to the Committee on Finance |
| 99 | Committee on Public Employment and Government Operations, then to the Committee on Finance |
| 101 | Committee on Education, then to the Committee on Finance |

- 102 Committee on Higher Education and the Arts, then to the Committee on Finance
- 103 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Higher Education and the Arts, then to the Committee on Finance
- 105 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Higher Education and the Arts, then to the Committee on Finance
- 106 Committee on Judiciary, then to the Committee on Finance
- 107 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Higher Education and the Arts, then to the Committee on Finance
- 108 Committee on Judiciary, then to the Committee on Finance
- 109 Committee on Judiciary
- 110 Jointly to the Committees on Judiciary and Public Employment and Government Operations, then to the Committee on Finance
- 111 Jointly to the Committees on Judiciary and Public Employment and Government Operations, then to the Committee on Finance
- 112 Committee on Health, then to the Committee on Finance

H.C.R. Nos.

- 57 Committee on Health, then to the Committee on Finance
- 58 Jointly to the Committees on Housing and Consumer Protection and Commerce, then to the Committee on Finance
- 59 Jointly to the Committees on Transportation and Planning, Energy and Environmental Protection
- 60 Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
- 61 Committee on Higher Education and the Arts, then to the Committee on Finance
- 62 Committee on Public Employment and Government Operation, then to the Committee on Finance
- 63 Jointly to the Committees on Water, Land Use Development and

Hawaiian Affairs and Higher Education and the Arts, then to the Committee on Finance

64 Committee on Tourism

65 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Higher Education and the Arts, then to the Committee on Finance

66 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Ocean and Marine Resources, then to the Committee on Finance

67 Committee on Judiciary, then to the Committee on Finance

68 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Higher Education and the Arts, then to the Committee on Finance

69 Committee on Health, then to the Committee on Finance

STANDING COMMITTEE REPORT

Representatives Say and Apo, for the Committees on Water, Land Use Development and Hawaiian Affairs and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 626-86) recommending that H.C.R. No. 34, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Apo and carried, the joint report of the Committees was adopted and H.C.R. No. 34, HD1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DISPOSE BY WAY OF AN EASEMENT, CERTAIN GOVERNMENT SUBMERGED LAND FOR PURPOSES OF ESTABLISHING A MOORING ANCHOR FOR A OFF-SHORE FISHING PLATFORM", was referred to the Committee on Finance.

At 11:16 o'clock a.m., Representative Anderson asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:19 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Hirono, Menor and Takamine.

INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 123 and 122) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 123) honoring Mrs. Betty Shishido for her efforts in developing excellence in education was jointly offered by Representatives Oshiro and Lindsey.

On motion by Representative Oshiro, seconded by Representative Lindsey and carried, H.R. No. 123 was adopted.

Representative Oshiro then rose and stated:

"Mr. Speaker, for many of us here in the State Legislature, education is one of our top priorities. We strive year in and year out towards the continued improvement and enhancement for a much valued educational system.

"This morning, Mr. Speaker, it is a pleasure to have as our honoree an individual who also shares this strong commitment with us. Betty Shishido began as principal at Kaimiloa Elementary School at Ewa Beach in 1977.

"Let me give you a brief physical description of our school, Mr. Speaker. At present the school consist of one permanent classroom building, a cafeteria and fourteen portable structures. With this large number of portable rooms, Mr. Speaker, two of which house our school's library and administrative staff, the physical learning environment at Kaimiloa Elementary School, is Mr. Speaker, admittedly not the best. In spite of this, however, Principal Shishido along with her staff, teachers and students work very harmoniously together to pool their resources towards maximizing learning opportunities at their school.

"Betty and her staff worked very hard and succeeded in instilling pride and a positive self image in her students which is something that will inevitably assist them throughout their future schooling years and inevitable throughout their lifetime.

"Under her innovative and diverse leadership, Mr. Speaker, the overall quality of education at Kaimiloa Elementary School has been elevated significantly. This can most clearly be seen in the substantial improvement in the S.A.T. test scores which have dramatically increased nearly 50% since Betty took over at Kaimiloa School eight years ago.

"Mr. Speaker, the National Association of Elementary School Principals has an ongoing program in which they select each year outstanding principals throughout our nation. This organization recognizes principals, who 'set the character and quality of education during the early school years that shape children's future in the classroom and in life.' Hawaii's recipient of this most prestigious national award for the 1984-1985 school year is our honoree today, Mrs. Betty Shishido.

"In October of 1985, Mr. Speaker, Mrs. Shishido joined fifty-four other distinguished principals throughout our nation in Washington, D.C., where they were recognized and honored by our United States Secretary of Education."

At this time, Representative Oshiro introduced Mrs. Betty Shishido who was asked to stand and be recognized.

Also recognized by Representative Oshiro and who were seated in the gallery were 76 of Mrs. Shishido's students from Kaimiloa Elementary school, along with their instructors, Mrs. Kusunoki, Mrs. Vioment, and Mrs. Watanabe; and P.T.O. president, Ms. Thelma Mersburg and P.T.O. vice-president, Gail Niedius.

Representative Lindsey then rose and stated:

"Mr. Speaker, I would like to add to Representative Oshiro's remarks.

"I know that it takes terrific and great people like Mrs. Shishido to make our public education system work. And on behalf of all us, I'd like to thank her for her enthusiasm, for her energy, and her commitment to public education here in Hawaii. And I would like to thank her family also for all of the support.

"I had not met Mrs. Shishido before today. I read about her and heard about her, and we are truly honored to have you in our midst.

"Thank you."

Representative Okamura then rose and remarked:

"Mr. Speaker, I just want to add my personal aloha and mahalo to Mrs. Shishido.

"I have been aware of her fine qualities for many years since serving on the Board of Education and this is

really no surprise to me, and she is one individual who has made a difference in the lives of so many others.

"I'm really proud of you and you are truly an inspiration to all of us.

"Thank you."

At this time, ilima leis were presented to Mrs. Shishido by Representative Lindsey, and a certified copy of the resolution was presented to the honoree by Representative Oshiro.

At 11:28 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "for the purposes of allowing us the privilege of extending our personal thanksgiving and aloha to our honoree."

The House of Representatives reconvened at 11:38 o'clock a.m.

A resolution (H.R. No. 122) honoring the memory of Mrs. Kame Imanaga Inouye and extending condolences to her family was jointly offered by Representatives Peters, Anderson, Andrews, Apo, Cachola, Cavasso, Crozier, Graulty, Hagino, Hashimoto, Hemmings, Hirono, Honda, D. Ige, M. Ige, Ikeda, Isbell, Jones, Kamali'i, Kawakami, Kihano, Kiyabu, Lardizabal, Levin, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Menor, Metcalf, Nakasato, Nakata, Okamura, Onouye, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tungpalan and Yoshimura.

On motion by Representative M. Ige, seconded by Representative Kawakami and carried, H.R. No. 122 was adopted by rising vote.

By unanimous consent, the following resolutions (H.R. Nos. 118 to 121 and 124) and concurrent resolution (H.C.R. No. 72) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 118) requesting the Board of Regents to study alternate systems for delivering higher education services to the residents of West Hawaii was jointly offered by Representatives Levin, Isbell, Lindsey, Metcalf, Tajiri and Takamine.

A resolution (H.R. No. 119) requesting the University of Hawaii to develop a plan for matching research needs of government agencies with the interests of university students was jointly offered by Representatives Levin, Isbell, Metcalf, Onouye and Takamine.

A resolution (H.R. No. 120) requesting that the University of Hawaii conduct a feasibility study of providing college credit courses at non-traditional times was jointly offered by Representatives Levin, Cavasso, Hagino, D. Ige, Ikeda, Isbell, Lindsey, Metcalf, Onouye, Say, Tajiri, Tam and Taniguchi.

A resolution (H.R. No. 121) requesting government officials to develop an action plan to attract the National New Technology Telescope to Mauna Kea was jointly offered by Representatives Levin, Isbell, Lindsey, Metcalf, Onouye, Say, Tajiri and Takamine.

A resolution (H.R. No. 124) requesting the Department of Land and Natural Resources to study the possibility of exchanging State land for Fort DeRussy was jointly offered by Representatives M. Ige and Say.

A concurrent resolution (H.C.R. No. 72) requesting the Board of Regents to study alternate systems for delivering higher education services to the residents of West Hawaii was jointly offered by Representatives Levin, Isbell, Lindsey, Metcalf, Onouye, Tajiri and Takamine.

ANNOUNCEMENTS

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

Representative Marumoto: "I understand we have an anniversary being celebrated. Today is Representative Hagino's anniversary of his birthday. I wouldn't know how many he's had, but we wish him a "happy anniversary," and a "happy birthday" and hope he will celebrate the occasion in an appropriate manner."

The Chair then remarked:

"Representative Hagino, on behalf of all the members here, we extend to you our best wishes."

Representative Hagino then responded:

"I'm happy to say -- to inform Representative Marumoto and Representative Hirono who, in the past, has made the announcement, that this is the last time they will have to do it."

Representative Isbell then rose to direct a question to Representative Hagino and inquired:

"How come you are not going to

have any more? Are you going to stop having birthdays?"

Representative Hagino answered:

"I've reached the magic age of "39" so I decided to stop here."

Representative Isbell remarked:

"Mr. Speaker, then for the benefit for those who have reached the "point of no return," and for those of us who never get a happy birthday because our birthdays are after the session, from May until December, I would like to suggest that we wish those a "happy birthday," and to those who don't have birthdays any more -- that we recognize them, is that all right?"

The Chair responded:

"Each in our own way?"

Representative Isbell then wished a "happy birthday to those who never get it."

Representative Shito: "As a reminder, there will be a hearing tomorrow morning to be addressed by Mr. Ralph Nader, the consumer advocate, at 9:00 o'clock a.m. in the Auditorium. This is jointly with the Senate and the House Consumer Protection and Judiciary Committees. The subject matter to be addressed will be liability insurance."

Representative Manegdeg: "Just a reminder to the members of the Government Employment and Operations and Lower Education Committees, there will be a joint hearing this afternoon at 1:30 o'clock p.m., in Room 314."

Representative Lindsey: "I guess it must be Representative Cachola day in the Education Committee because when we have that joint hearing at 1:30 o'clock p.m. with the Public Employment and Government Operations Committee, it's his resolution that we will be hearing on sloping roofs; and at 2:00 o'clock p.m., in response to a resolution which he introduced last session, we will be having an informational briefing on a report prepared by Linda Goto of the Legislative Reference Bureau with regard to temporary teaching appointments."

Representative Marumoto: "Mr. Speaker, if you would indulge me, I would like to answer the question that was placed to Representative Hagino."

"When Oliver Wendell Holmes was asked when he was in his eighties whether he minded having another birthday -- and I think we should all share his response -- those of us who are May to December, or January through April, and who are over 40 -- we should enjoy having our birthdays, "considering the alternative."

Representative Kihano then rose and remarked:

"I concur with the Minority Leader; it doesn't mean that because I have "snow on the top" that I don't have any "fire in the furnace."

ADJOURNMENT

At 11:44 o'clock a.m., on motion by Representative Okamura, seconded by Representative Ikeda and carried, the House of Representatives adjourned until 11:00 o'clock a.m., tomorrow, Friday, March 7, 1986.

THIRTY-SECOND DAY

Friday, March 7, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:15 o'clock a.m., with the Vice Speaker presiding.

The Divine Blessing was invoked by Sister Joan Henehan, Superior of the Sisters of Saint Joseph after which the Roll was called showing all members present with the exception of Representatives Bunda, Cachola, Hashimoto, Hirono, D. Ige, Jones, Kihano, Leong, Levin, Medeiros, Menor, Metcalf, Onouye, Peters, Shito, Tajiri, Takamine, Tam, Taniguchi and Tungpalan, who were excused.

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

SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 66 to 217) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 66) returning House Bill No. 2022-86 which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 67) returning House Bill No. 107, HD2, which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 68) transmitting Senate Bill No. 8, SD1, entitled: "A BILL FOR AN ACT RELATING TO NAMES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 69) transmitting Senate Bill No. 81, SD1, entitled: "A BILL FOR AN ACT RELATING TO MAINTENANCE OF DRAINAGEWAYS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 70) transmitting Senate Bill No. 200, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF PRIVATE DETEC-

TIVES AND GUARDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 71) transmitting Senate Bill No. 225, SD1, entitled: "A BILL FOR AN ACT RELATING TO CHECKS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 72) transmitting Senate Bill No. 303, SD1, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL PARTIES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 73) transmitting Senate Bill No. 310, SD1, entitled: "A BILL FOR AN ACT RELATING TO RECONSTRUCTED VEHICLES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 74) transmitting Senate Bill No. 425, SD2, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 75) transmitting Senate Bill No. 505, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE NEWSPAPER ANTI-TRUST EXEMPTION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 76) transmitting Senate Bill No. 718, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE LEASING OF OCEAN AND MARINE RESOURCES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 77) transmitting Senate Bill No. 801, SD2, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 78) transmitting Senate Bill No. 899, SD1, entitled: "A BILL FOR AN ACT RELATING TO CARRYING DEADLY WEAPONS",

which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 79) transmitting Senate Bill No. 970, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 80) transmitting Senate Bill No. 1023, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE COURTS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 81) transmitting Senate Bill No. 1056, SD2, entitled: "A BILL FOR AN ACT RELATING TO UNIFORM AERONAUTICS ACT (MODIFIED)", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 82) transmitting Senate Bill No. 1490-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO SMOKING IN PUBLIC PLACES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 83) transmitting Senate Bill No. 1506-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSTREAM USES OF WATER", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 84) transmitting Senate Bill No. 1514-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 85) transmitting Senate Bill No. 1517-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO TRUST COMPANIES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 86) transmitting Senate Bill No. 1518-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO DEBT COLLECTION

PRACTICES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 87) transmitting Senate Bill No. 1528-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD TENANT CODE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 88) transmitting Senate Bill No. 1531-86, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 89) transmitting Senate Bill No. 1534-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO LICENSING OF PSYCHOLOGISTS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 90) transmitting Senate Bill No. 1538-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO CHECKS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 91) transmitting Senate Bill No. 1550-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF OFFICERS OR DIRECTORS OF NON PROFIT CORPORATIONS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 92) transmitting Senate Bill No. 1551-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 93) transmitting Senate Bill No. 1561-86, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 94) transmitting Senate Bill No. 1569-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE", which passed Third Reading in the Senate on March 5, 1986, was placed

on file.

A communication from the Senate (Sen. Com. No. 95) transmitting Senate Bill No. 1570-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO BARBERS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 96) transmitting Senate Bill No. 1571-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY LICENSING ACT", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 97) transmitting Senate Bill No. 1572-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF MOTOR VEHICLE REPAIRS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 98) transmitting Senate Bill No. 1573-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE CONSUMER AND SMALL BUSINESS ADVOCATE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 99) transmitting Senate Bill No. 1574-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 100) transmitting Senate Bill No. 1576-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES UNDER WARRANTIES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 101) transmitting Senate Bill No. 1604-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 102) transmitting Senate Bill No. 1629-86, entitled: "A BILL FOR AN ACT RELATING TO LIVESTOCK OWNERSHIP AND MOVEMENT CERTIFICATION", which passed Third Reading in the Senate

on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 103) transmitting Senate Bill No. 1644-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FEES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 104) transmitting Senate Bill No. 1646-86 entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF DOG OWNER", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 105) transmitting Senate Bill No. 1655-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 106) transmitting Senate Bill No. 1658-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 107) transmitting Senate Bill No. 1661-86 entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT PREVENTION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 108) transmitting Senate Bill No. 1669-86 entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 109) transmitting Senate Bill No. 1672-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 110) transmitting Senate Bill No. 1679-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 111) transmitting Senate Bill No. 1680-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 112) transmitting Senate Bill No. 1681-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO DUTIES OF THE DIRECTOR OF PERSONNEL SERVICES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 113) transmitting Senate Bill No. 1695-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO NATUROPATHY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 114) transmitting Senate Bill No. 1716-86 entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CARE PAYMENTS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 115) transmitting Senate Bill No. 1748-86 entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROVISIONS OF AQUATIC RESOURCES AND WILDLIFE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 116) transmitting Senate Bill No. 1763-86 entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 117) transmitting Senate Bill No. 1773-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 118) transmitting Senate Bill No. 1778-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 119) transmitting Senate Bill No. 1779-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO PERSONNEL OF THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 120) transmitting Senate Bill No. 1780-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE ALLOTMENT SYSTEM AND THE EXECUTIVE BUDGET", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 121) transmitting Senate Bill No. 1795-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF REAL PROPERTY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 122) transmitting Senate Bill No. 1800-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 123) transmitting Senate Bill No. 1813-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FIREARM, AMMUNITION AND DANGEROUS WEAPONS; UNIFORM ACT ON STATUS OF CONVICTED PERSONS; TO CRIMINAL PROCEDURE: DEFERRED ACCEPTANCE OF GUILTY PLEA, NOLO CONTENDRE PLEA", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 124) transmitting Senate Bill No. 1827-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 125) transmitting Senate Bill No. 1828-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE ACCOUNTS OF THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 126) transmitting Senate Bill No. 1831-86, SD2, en-

titled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 127) transmitting Senate Bill No. 1832-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 128) transmitting Senate Bill No. 1833-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FIREARMS AND AMMUNITION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 129) transmitting Senate Bill No. 1837-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL USE OF BODIES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 130) transmitting Senate Bill No. 1843-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 131) transmitting Senate Bill No. 1846-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL DISABILITIES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 132) transmitting Senate Bill No. 1849-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO GRANTS FOR DEVELOPMENT OF CHILD ABUSE AND NEGLECT PREVENTION PROGRAMS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 133) transmitting Senate Bill No. 1852-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 134) transmitting

Senate Bill No. 1875-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO EXAMINATION OF APPLICANTS FOR HAWAII DRIVER'S LICENSE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 135) transmitting Senate Bill No. 1884-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII CONVENTION CENTER COMMISSION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 136) transmitting Senate Bill No. 1885-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO A CONVENTION CENTER", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 137) transmitting Senate Bill No. 1886-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO A TRANSIENT ACCOMMODATIONS TAX", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 138) transmitting Senate Bill No. 1893-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO FOREIGN BANKS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 139) transmitting Senate Bill No. 1908-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 140) transmitting Senate Bill No. 1912-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 141) transmitting Senate Bill No. 1947-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 142) transmitting

Senate Bill No. 1960-86 entitled: "A BILL FOR AN ACT RELATING TO THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 143) transmitting Senate Bill No. 1961-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 144) transmitting Senate Bill No. 1962-86 entitled: "A BILL FOR AN ACT RELATING TO AND AUTHORIZING AN ADOPTION ASSISTANCE COMPACT AND PROCEDURES FOR INTERSTATE SERVICES PAYMENTS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 145) transmitting Senate Bill No. 1963-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 146) transmitting Senate Bill No. 1965-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 147) transmitting Senate Bill No. 1974-86 entitled: "A BILL FOR AN ACT RELATING TO THE JURISDICTION OF THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 148) transmitting Senate Bill No. 2002-86 entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 149) transmitting Senate Bill No. 2025-86 entitled: "A BILL FOR AN ACT RELATING TO FISHING IN CERTAIN WATERS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 150) transmitting Senate Bill No. 2038-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 151) transmitting Senate Bill No. 2049-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO MANAGERIAL WHITE-COLLAR POSITIONS EXCLUDED FROM COLLECTIVE BARGAINING", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 152) transmitting Senate Bill No. 2051-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO APPEALS FROM SUSPENSIONS, DISMISSALS, AND DEMOTIONS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 153) transmitting Senate Bill No. 2052-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC EMPLOYMENT", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 154) transmitting Senate Bill No. 2053-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO TERMINATIONS, RESIGNATIONS, DISMISSALS, DEMOTIONS, QUILTS, NOTICES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 155) transmitting Senate Bill No. 2056-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 156) transmitting Senate Bill No. 2057-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 157) transmitting Senate Bill No. 2063-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 158) transmitting Senate Bill No. 2069-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 159) transmitting Senate Bill No. 2070-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO EXPENDITURES OF PUBLIC MONEYS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 160) transmitting Senate Bill No. 2072-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 161) transmitting Senate Bill No. 2073-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN AFFAIRS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 162) transmitting Senate Bill No. 2091-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 163) transmitting Senate Bill No. 2095-86, entitled: "A BILL FOR AN ACT RELATING TO ENTERPRISE ZONES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 164) transmitting Senate Bill No. 2126-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 165) transmitting Senate Bill No. 2127-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 166) transmitting Senate Bill No. 2130-86, SD1, en-

titled: "A BILL FOR AN ACT RELATING TO THE AGED", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 167) transmitting Senate Bill No. 2131-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS AND LOAN ASSOCIATIONS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 168) transmitting Senate Bill No. 2134-86, entitled: "A BILL FOR AN ACT RELATING TO AN APPROPRIATION FOR THE HAWAII WORKERS' COMPENSATION STATE FUND", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 169) transmitting Senate Bill No. 2140-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO LAND USE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 170) transmitting Senate Bill No. 2145-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PROTECTION OF HAWAII'S UNIQUE NATIVE FLORA AND FAUNA", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 171) transmitting Senate Bill No. 2155-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 172) transmitting Senate Bill No. 2159-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO DEPARTMENT OF TRANSPORTATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 173) transmitting Senate Bill No. 2166-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO A JOB EVALUATION STUDY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 174) transmitting

Senate Bill No. 2169-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 175) transmitting Senate Bill No. 2170-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE WAGES AND HOURS OF EMPLOYEES ON PUBLIC WORKS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 176) transmitting Senate Bill No. 2173-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 177) transmitting Senate Bill No. 2206-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO COMMERCIAL FISHING VESSELS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 178) transmitting Senate Bill No. 2238-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY FOR MINORS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 179) transmitting Senate Bill No. 2257-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY INSURANCE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 180) transmitting Senate Bill No. 2258-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO TORTS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 181) transmitting Senate Bill No. 2261-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO A CERTAIN EXEMPT POSITION IN THE INTERNATIONAL SERVICES BRANCH OF THE BUSINESS AND INDUSTRY DEVELOPMENT DIVISION, DEPARTMENT OF PLANNING ECONOMIC DEVELOPMENT", which passed Third Reading in the

Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 182) transmitting Senate Bill No. 2262-86, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLANNING ACT", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 183) transmitting Senate Bill No. 2266-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 184) transmitting Senate Bill No. 2268-86, entitled: "A BILL FOR AN ACT RELATING TO ATTORNEYS' FEES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 185) transmitting Senate Bill No. 2277-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE PROTECTION OF ADULT WARDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 186) transmitting Senate Bill No. 2290-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANS AND TRUSTEES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 187) transmitting Senate Bill No. 2295-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO TORT ACTIONS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 188) transmitting Senate Bill No. 2296-86, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR LICENSES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 189) transmitting Senate Bill No. 2300-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO CORPORATIONS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 190) transmitting Senate Bill No. 2303-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO A TOURISM IMPACT MANAGEMENT SYSTEM", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 191) transmitting Senate Bill No. 2308-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 192) transmitting Senate Bill No. 2309-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER CARRIERS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 193) transmitting Senate Bill No. 2310-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COMPANY INSOLVENCY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 194) transmitting Senate Bill No. 2312-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 195) transmitting Senate Bill No. 2315-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO SETTLEMENT OF CLAIMS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 196) transmitting Senate Bill No. 2317-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO ASBESTOS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 197) transmitting Senate Bill No. 2318-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO AN ASBESTOS SURVEY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 198) transmitting

Senate Bill No. 2319-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 199) transmitting Senate Bill No. 2320-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 200) transmitting Senate Bill No. 2325-86, entitled: "A BILL FOR AN ACT RELATING TO FUEL TAX LAW", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 201) transmitting Senate Bill No. 2331-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PORNOGRAPHY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 202) transmitting Senate Bill No. 2346-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 203) transmitting Senate Bill No. 2350-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE SALE OF GASOLINE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 204) transmitting Senate Bill No. 2352-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FOREIGN GOODS SOLD IN HAWAII", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 205) transmitting Senate Bill No. 2358-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO HAWAIIAN HOME LANDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 206) transmitting Senate Bill No. 2359-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INDUSTRIAL DEVELOPMENT BONDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 207) transmitting Senate Bill No. 2370-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 208) transmitting Senate Bill No. 2394-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 209) transmitting Senate Bill No. 2404-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO CONSERVATION LANDS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 210) transmitting Senate Bill No. 2427-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 211) transmitting Senate Bill No. 2453-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FRIVOLOUS SUITS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 212) transmitting Senate Bill No. 2471-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO ICE STORAGE SYSTEMS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 213) transmitting Senate Bill No. 2474-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE CHILDREN'S ADVOCACY PROGRAM", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 214) transmitting Senate Bill No. 2481-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 215) transmitting Senate Bill No. 2484-86, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 216) transmitting Senate Bill No. 2485-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO PRODUCTS AND SERVICES OF HANDICAPPED INDIVIDUALS", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 217) transmitting Senate Bill No. 2515-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO NAMES", which passed Third Reading in the Senate on March 5, 1986, was placed on file.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, S.B. Nos. 8, SD1; 81, SD1; 200, SD1; 225, SD1; 303, SD1; 310, SD1; 425, SD2; 505, SD1; 718, SD1; 801, SD2; 899, SD1; 970, SD1; 1023, SD2; 1056, SD2; 1490-86, SD2; 1506-86, SD1; 1514-86, SD1; 1517-86, SD1; 1518-86, SD1; 1528-86, SD 1; 1531-86; 1534-86, SD1; 1538-86, SD1; 1550-86, SD2; 1551-86, SD1; 1561-86; 1569-86,SD1; 1570-86, SD1; 1571-86, SD1; 1572-86, SD1; 1573-86, SD1; 1574-86, SD1; 1576-86, SD1; 1604-86, SD1; 1629-86; 1644-86, SD1; 1646-86; 1655-86, SD1; 1658-86, SD1; 1661-86; 1669-86; 1672-86, SD1; 1679-86, SD1; 1680-86, SD1; 1681-86, SD1; 1695-86, SD1; 1716-86; 1748-86; 1763-86; 1773-86, SD2; 1778-86, SD1; 1779-86, SD2; 1780-86, SD2; 1795-86, SD1; 1800-86, SD2; 1813-86, SD1; 1827-86, SD2; 1828-86, SD1; 1831-86, SD2; 1832-86, SD1; 1833-86, SD1; 1837-86, SD1; 1843-86, SD2; 1846-86, SD1; 1849-86, SD2; 1852-86, SD1; 1875-86, SD1; 1884-86, SD2; 1885-86, SD2; 1886-86, SD2; 1893-86, SD2; 1908-86, SD1; 1912-86, SD1; 1947-86, SD1; 1960-86; 1961-86, SD1; 1962-86; 1963-86, SD1; 1965-86, SD2; 1974-86; 2002-86; 2025-86; 2038-86, SD1; 2049-86, SD1; 2051-86, SD1; 2052-86, SD1; 2053-86, SD1; 2056-86, SD1; 2057-86, SD1; 2063-86, SD1; 2069-86, SD1; 2070-86, SD1; 2072-86, SD1; 2073-86, SD1; 2091-86, SD1; 2095-86;

2126-86, SD1; 2127-86, SD1; 2130-86, SD1; 2131-86, SD1; 2134-86; 2140-86, SD1; 2145-86, SD1; 2155-86, SD2; 2159-86, SD1; 2166-86, SD2; 2169-86, SD1; 2170-86, SD1; 2173-86, SD1; 2206-86, SD1; 2238-86, SD1; 2257-86, SD1; 2258-86, SD1; 2261-86, SD1; 2262-86; 2266-86, SD2; 2268-86; 2277-86, SD1; 2290-86, SD1; 2295-86, SD1; 2296-86; 2300-86, SD1; 2303-86, SD2; 2308-86, SD1; 2309-86, SD1; 2310-86, SD1; 2312-86, SD1; 2315-86, SD1; 2317-86, SD2; 2318-86, SD1; 2319-86, SD1; 2320-86, SD1; 2325-86; 2331-86, SD1; 2346-86, SD1; 2350-86, SD2; 2352-86, SD1; 2358-86, SD1; 2359-86, SD1; 2370-86, SD2; 2394-86, SD1; 2404-86, SD1; 2427-86, SD1; 2453-86, SD1; 2471-86, SD2; 2474-86, SD2; 2481-86, SD1; 2484-86; 2485-86, SD2; and 2515-86, SD1 passed First Reading by title and further action was deferred.

At this time, the following introductions were made to the members of the House:

Representative Tom introduced a group of 19 students (4-5 years old) from St. Clements School. They were accompanied by their teachers, Mrs. Wysk and Miss Lau; and parents, Mrs. Lum, Mrs. Yee and Mr. Paik. Representative Tom then asked his son, Mark, who was in the group to stand and be recognized.

Representative Shon introduced a group of eighth graders from St. Patrick's School. They were accompanied by their teachers, Ms. Andrea Au, Ms. Lynne Rossi, Ms. Phyllis Jardine and Ms. Stephanie Jardine.

Representative Lindsey introduced a group of students from Kennedy High School in Richmond, California, who are here to compete in the Hawaii State speech championships to be held at Radford High School. They were accompanied by their teachers, Dr. Carl Simmons and Mr. David Dansky, and Carol Hamada, a teacher at Kaewai School.

Representative Marumoto introduced Mr. Michael P. Ames, President of First Strata Corporation, of Woodland Hills, California.

ORDER OF THE DAY

COMMITTEE REFERRALS

The following Senate Bills were disposed of as follows:

S.B. Nos: Referred to:

8 Committee on Judiciary

81 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

200 Committee on Consumer Protection and Commerce

225 Jointly to the Committees on Consumer Protection and Commerce and Judiciary

303 Committee on Judiciary

310 Committee on Transportation

425 Committee on Public Employment and Government Operations, then to the Committee on Finance

505 Committee on Judiciary

686 Jointly to the Committees on Public Employment and Government Operations and Education, then to the Committee on Finance

718 Committee on Ocean and Marine Resources, then to the Committee on Finance

801 Committee on Housing, then to the Committee on Finance

899 Committee on Judiciary

970 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Public Employment and Government Operations, then to the Committee on Finance

1023 Committee on Judiciary

1056 Jointly to the Committees on Transportation and Consumer Protection and Commerce

1060 Committee on Finance

1490-86 Committee on Health, then to the Committee on Consumer Protection and Commerce

1496-86 Jointly to the Committees on Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs

1506-86 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance

1514-86 Committee on Consumer Protection and Commerce

- 1517-86 Committee on Consumer Protection and Commerce
- 1518-86 Committee on Consumer Protection and Commerce
- 1527-86 Jointly to the Committees on Housing and Consumer Protection and Commerce
- 1528-86 Jointly to the Committees on Housing and Consumer Protection and Commerce
- 1531-86 Committee on Consumer Protection and Commerce
- 1534-86 Committee on Consumer Protection and Commerce
- 1538-86 Jointly to the Committees on Consumer Protection and Commerce and Judiciary
- 1550-86 Committee on Consumer Protection and Commerce
- 1551-86 Committee on Consumer Protection and Commerce
- 1561-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 1569-86 Committee on Consumer Protection and Commerce
- 1570-86 Committee on Consumer Protection and Commerce
- 1571-86 Committee on Consumer Protection and Commerce
- 1572-86 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1573-86 Committee on Consumer Protection and Commerce
- 1574-86 Committee on Consumer Protection and Commerce
- 1576-86 Committee on Consumer Protection and Commerce
- 1604-86 Committee on Housing
- 1629-86 Committee on Agriculture, then to the Committee on Finance
- 1644-86 Committee on Agriculture, then to the Committee on Finance
- 1646-86 Committee on Judiciary
- 1655-86 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 1658-86 Committee on Human Services
- 1661-86 Jointly to the Committees on Human Services and Health, then to the Committee on Finance
- 1669-86 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 1672-86 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 1679-86 Committee on Water, Land Use, Development and Hawaiian Affairs
- 1680-86 Committee on Water, Land Use, Development and Hawaiian Affairs
- 1681-86 Committee on Public Employment and Government Operations
- 1684-86 Committee on Water, Land Use, Development and Hawaiian Affairs
- 1695-86 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1716-86 Committee on Human Services, then to the Committee on Finance
- 1727-86 Jointly to the Committees on Transportation and Consumer Protection and Commerce
- 1748-86 Jointly to the Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Affairs
- 1761-86 Committee on Housing
- 1762-86 Committee on Corrections and Rehabilitation, then to the Committee on Finance
- 1763-86 Committee on Human Services, then to the Committee on Finance
- 1773-86 Committee on Higher Education and the Arts, then to the Committee on Finance
- 1778-86 Committee on Higher Education and the Arts, then to the Committee on Finance
- 1779-86 Jointly to the Committees on Higher Education and the Arts and Public Employment and Government Operations, then to the Committee on Finance

- 1780-86 Jointly to the Committees on Higher Education and the Arts and Public Employment and Government Operations, then to the Committee on Finance
- 1789-86 Committee on Judiciary
- 1794-86 Committee on Transportation
- 1795-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 1800-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 1813-86 Committee on Judiciary
- 1826-86 Committee on Housing, then to the Committee on Finance
- 1827-86 Committee on Judiciary, then to the Committee on Finance
- 1828-86 Jointly to the Committees on Higher Education and the Arts and Public Employment and Government Operations, then to the Committee on Finance
- 1831-86 Committee on Judiciary
- 1832-86 Committee on Judiciary
- 1833-86 Committee on Judiciary, then to the Committee on Finance
- 1837-86 Jointly to the Committees on Health and Judiciary
- 1843-86 Jointly to the Committees on Human Services and Judiciary, then to the Committee on Finance
- 1846-86 Committee on Health
- 1849-86 Committee on Human Services, then to the Committee on Finance
- 1852-86 Committee on Higher Education and the Arts, then to the Committee on Finance
- 1855-86 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Ocean and Marine Resources, then to the Committee on Finance
- 1875-86 Committee on Transportation
- 1884-86 Jointly to the Committees on Tourism and Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 1885-86 Jointly to the Committees on Tourism and Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 1886-86 Committee on Tourism, then to the Committee on Finance
- 1893-86 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 1908-86 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, then to the Committee on Finance
- 1912-86 Committee on Consumer Protection and Commerce
- 1933-86 Committee on Judiciary, then to the Committee on Finance
- 1947-86 Committee on Water, Land Use, Development and Hawaiian Affairs
- 1958-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 1960-86 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Planning, Energy and Environmental Protection, then to the Committee on Finance
- 1961-86 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Planning, Energy and Environmental Protection, then to the Committee on Finance
- 1962-86 Jointly to the Committees on Human Services and Judiciary, then to the Committee on Finance
- 1963-86 Committee on Finance
- 1965-86 Committee on Finance
- 1974-86 Jointly to the Committees on Higher Education and the Arts and Public Employment and Government Operations, then to the Committee on Finance
- 2002-86 Committee on Planning, Energy and Environmental Protection, then to the Committee on Finance
- 2025-86 Committee on Ocean and Marine Resources
- 2038-86 Committee on Judiciary
- 2046-86 Committee on Public Em-

- ployment and Government Operations, then to the Committee on Finance
- 2049-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2051-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2052-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2053-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2056-86 Committee on Consumer Protection and Commerce
- 2057-86 Committee on Consumer Protection and Commerce
- 2063-86 Committee on Consumer Protection and Commerce
- 2069-86 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, then to the Committee on Finance
- 2070-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2072-86 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 2073-86 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 2091-86 Committee on Housing
- 2095-86 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 2126-86 Committee on Education
- 2127-86 Committee on Education, then to the Committee on Finance
- 2130-86 Committee on Human Services
- 2131-86 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 2134-86 Jointly to the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, then to the Committee on Finance
- 2140-86 Jointly to the Committees on Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs
- 2145-86 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 2147-86 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 2155-86 Committee on Judiciary, then to the Committee on Finance
- 2159-86 Committee on Transportation, then to the Committee on Finance
- 2166-86 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 2169-86 Jointly to the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce
- 2170-86 Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
- 2173-86 Committee on Human Services, then to the Committee on Finance
- 2190-86 Jointly to the Committees on Housing and Consumer Protection and Commerce, then to the Committee on Finance
- 2206-86 Jointly to the Committees on Transportation and Ocean and Marine Resources
- 2238-86 Committee on Judiciary
- 2257-86 Committee on Consumer Protection and Commerce
- 2258-86 Committee on Judiciary
- 2261-86 Jointly to the Committees on Public Employment and Government Operations and Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 2262-86 Jointly to the Committees on Planning, Energy and Environmental Protection and Employment Opportunities and Labor Relations and

- Human Services
- 2263-86 Committee on Judiciary, then to the Committee on Finance
- 2266-86 Committee on Transportation, then to the Committee on Judiciary
- 2268-86 Committee on Judiciary
- 2277-86 Committee on Judiciary, then to the Committee on Finance
- 2290-86 Committee on Judiciary, then to the Committee on Finance
- 2295-86 Committee on Health, then to the Committee on Judiciary
- 2296-86 Committee on Consumer Protection and Commerce
- 2300-86 Committee on Consumer Protection and Commerce
- 2303-86 Committee on Tourism, then to the Committee on Finance
- 2308-86 Committee on Finance
- 2309-86 Committee on Public Employment and Government Operations, then to the Committee on Consumer Protection and Commerce
- 2310-86 Committee on Consumer Protection and Commerce
- 2312-86 Committee on Finance
- 2315-86 Jointly to the Committees on Public Employment and Government Operations and Consumer Protection and Commerce, then to the Committee on Finance
- 2317-86 Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance
- 2318-86 Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance
- 2319-86 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 2320-86 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 2322-86 Committee on Human Services, then to the Committee on Finance
- 2325-86 Committee on Transportation, then to the Committee on Finance
- 2331-86 Committee on Judiciary
- 2346-86 Committee on Consumer Protection and Commerce
- 2350-86 Committee on Consumer Protection and Commerce
- 2352-86 Committee on Consumer Protection and Commerce
- 2358-86 Committee on Water, Land Use, Development and Hawaiian Affairs
- 2359-86 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 2370-86 Jointly to the Committees on Planning, Energy and Environmental Protection and Health
- 2394-86 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture, then to the Committee on Finance
- 2403-86 Jointly to the Committees on Transportation and Consumer Protection and Commerce
- 2404-86 Jointly to the Committees on Ocean and Marine Resources and Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 2427-86 Committee on Employment Opportunities and Labor Relations
- 2453-86 Committee on Judiciary
- 2465-86 Committee on Education, then to the Committee on Finance
- 2471-86 Committee on Planning, Energy and Environmental Protection, then to the Committee on Finance
- 2474-86 Committee on Human Services, then to the Committee on Finance
- 2481-86 Committee on Consumer Protection and Commerce
- 2484-86 Committee on Human Services, then to the Committee on Finance
- 2485-86 Jointly to the Committees on Public Employment and Government Operations and Human Services, then to the Committee on Finance

2512-86 Committee on Transportation, then to the Committee on Finance

2515-86 Committee on Judiciary

2519-86 Committee on Consumer Protection and Commerce

INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 132) commemorating the Twentieth Anniversary of the Hawaii Neighborhood Youth Corp. was jointly offered by Representatives Peters, Apo, Kihano, Anderson, Andrews, Blair, Bunda, Cachola, Cavasso, Crozier, Graulty, Hemmings, Hirono, Honda, D. Ige, M. Ige, Ikeda, Isbell, Jones, Kawakami, Lardizabal, Levin, Lindsey, Manegdeg, Marumoto, Menor, Metcalf, Nakasato, Nakata, Okamura, Onouye, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Tungpalan and Yoshimura and was read by the Clerk.

On motion by Representative Apo, seconded by Representative Okamura and carried, H.R. No. 132 was adopted.

At this time, Representative Apo rose and stated:

"Mr. Speaker, we honor today a program that has offered more than 1200 youths in our area a chance to become productive and useful members of the community. I am proud that most of those youths, now adults, remain in our area and are a credit to themselves, to their families, and to the neighborhood youth program, and its successor in Waianae, the E'Ala Youth Program.

"I wish to recognize on the floor three people who have played key roles in the development and the execution and implementation of the nineteen projects mentioned by the Clerk."

Representative Apo then introduced Mr. Solomon Naone, "who has been involved from the start of the Neighborhood Youth Corps twenty years ago and he remains active in a variety of youth programs including job training, job placement, and economic development"; Kehau Nunuha, "a trainee in the first year of the Neighborhood Youth Corps Program and now plays a key role in Waianae programs, including the E'Ala Youth Program which offer youth a variety of choices to learn marketable skills and enter the work force"; and

Moses Moki Simeona, "who is also one of the first products of the program and in his non-working hours these days spends a great deal of time and a great deal of aloha helping young people in our area."

Mr. Moses Simeona then entertained the members of the House and audience with a song.

Representative Apo then asked other Waianae residents who had gone through the program and who were seated in the gallery to stand and be recognized.

At 11:35 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "to allow the members to share our aloha, best wishes and encouragement with our honorees here this morning."

Upon reconvening at 11:40 o'clock a.m., the Chair directed the Clerk to note the presence of Representatives Cachola, Hashimoto, D. Ige, Jones and Onouye.

By unanimous consent, the following resolutions (H.R. Nos. 125 to 131) and concurrent resolutions (H.C.R. Nos. 73 to 76) were referred to the Committee on Legislative Management and further action was deferred:

A resolution (H.R. No. 125) requesting a review of time sharing was jointly offered by Representatives Metcalf, Bunda, Honda, Lindsey, Manegdeg, Pfeil, Tajiri, Tam and Tom.

A resolution (H.R. No. 126) requesting a study on the effects of limiting the size of monetary judgments awarded to personal injury victims was jointly offered by Representatives Tam, Hirono, D. Ige, Kawakami, Levin, Okamura, Shon, Tajiri and Taniguchi.

A resolution (H.R. No. 127) requesting a study of investments and use of premiums by insurance companies was jointly offered by Representatives Tam, Hirono, D. Ige, Kawakami, Levin, Okamura, Shon, Tajiri and Taniguchi.

A resolution (H.R. No. 128) requesting the trustees of the Employees' Retirement System to review its present post retirement distribution formula for the purpose of suggesting adjustments to the State Employees' Retirement System was offered by Representative Andrews.

A resolution (H.R. No. 129) re-

questing the Governor of the State of Hawaii to proclaim the month of July 1986 as the U.S. Merchant Marine Month in Hawaii was jointly offered by Representatives Say and Peters.

A resolution (H.R. No. 130) relating to the management of State lands under Chapter 171, Hawaii Revised Statutes was offered by Representative Say.

A resolution (H.R. No. 131) requesting the University of Hawaii to conduct a study on increasing the stock of short term housing for faculty at the University of Hawaii at Manoa was jointly offered by Representatives Levin, Taniguchi, Onouye, Anderson, Andrews, Apo, Blair, Cavasso, Hemmings, Honda, D. Ige, Isbell, Jones, Kamali'i, Lindsey, Liu, Manegdeg, Menor, Nakata, Oshiro, Shon, Tam and Yoshimura.

A concurrent resolution (H.C.R. No. 73) requesting a study on the effects of limiting the size of monetary judgments awarded to personal injury victims was jointly offered by Representatives Tam, Hirono, D. Ige, Kawakami, Levin, Okamura, Shon, Tajiri and Taniguchi.

A concurrent resolution (H.C.R. No. 74) requesting a study of investments and use of premiums by insurance companies was jointly offered by Representatives Tam, Hirono, D. Ige, Kawakami, Levin,

Okamura, Shon, Tajiri and Taniguchi.

A concurrent resolution (H.C.R. No. 75) relating to the management of State lands under Chapter 171, Hawaii Revised Statutes was offered by Representative Say.

A concurrent resolution (H.C.R. No. 76) requesting the University of Hawaii to conduct a study on increasing the stock of short term housing for faculty at the University of Hawaii at Manoa was jointly offered by Representatives Levin, Taniguchi, Onouye, Anderson, Andrews, Apo, Blair, Cavasso, Hemmings, Honda, D. Ige, Isbell, Jones, Kamali'i, Lindsey, Liu, Manegdeg, Menor, Nakata, Oshiro, Shon, Tam and Yoshimura.

ANNOUNCEMENT

Representative Souki: "There will be a Finance Committee meeting in Room 307 on the Judiciary budget and decision-making to follow. It is the Executive budget, of course, so all the members here please be prompt. It will be at 1:30."

ADJOURNMENT

At 11:40 o'clock a.m., on motion by Representative Okamura, seconded by Representative Ikeda and carried, the House of Representatives adjourned until 11:00 o'clock a.m. on Monday, March 10, 1986.