

## FIFTY-FOURTH DAY

Thursday, April 10, 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 Dick Walenta of the Windward United Church of Christ, after which the Roll was called showing all members present.

The Clerk proceeded to read the Journals of the House of Representatives of the Forty-Seventh, Forty-Eighth, Forty-Ninth, Fiftieth and Fifty-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 Forty-Seventh, Forty-Eighth, Forty-Ninth, Fiftieth and Fifty-First Days were approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 489 to 504) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 489) returning House Bill No. 1795-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", which passed Third Reading in the Senate on April 8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 490) returning House Bill No. 1859-86, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS", which passed Third Reading in the Senate on April 8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 491) returning House Bill No. 1937-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE COMPANIES", which passed Third Reading in the Senate on April 8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 492) returning House Bill No. 1944-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO TRUST COMPANIES", which passed Third Reading in the Senate on April

8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 493) returning House Bill No. 2056-86, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL CARE PAYMENTS", which passed Third Reading in the Senate on April 8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 494) returning House Bill No. 2110-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC", which passed Third Reading in the Senate on April 8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 495) returning House Bill No. 2118-86, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT", which passed Third Reading in the Senate on April 8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 496) returning House Bill No. 2121-86, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC ASSISTANCE", which passed Third Reading in the Senate on April 8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 497) returning House Bill No. 2345-86, HD 1, 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 April 8, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 498) transmitting Senate Concurrent Resolution No. 14, SD 1, requesting a plan to allow qualified permittees and lessees of agricultural lands to remain on such lands, which was adopted by the Senate on April 9, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 499) transmitting Senate Concurrent Resolution No. 36, SD 1, requesting a report on possible state and federal governmental actions to achieve an effective management role for the State of Hawaii in the exclusive economic zone, which was adopted by the Senate on April 9, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 499a) transmitting Senate Concurrent No. 52, which was adopted in the Senate on April 9, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 499b) transmitting Senate Concurrent Resolution No. 58, 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, which was adopted by the Senate on April 9, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 499c) transmitting Senate Concurrent Resolution No. 137, which was adopted by the Senate on April 9, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 499d) transmitting Senate Concurrent Resolution No. 140, which was adopted by the Senate on April 9, 1986, was placed on file.

By unanimous consent, further action on S.C.R. Nos. 14, SD 1; 36, SD 1; 52; 58; 137 and 140 was deferred.

A communication from the Senate (Sen. Com. No. 500) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1322 (SD 1), and the request for a conference on the subject matter of said amendments, the President has, on April 9, 1986, appointed Senators Cobb, Chairman; Machida and Henderson as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

A communication from the Senate (Sen. Com. No. 501) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 1767-86, HD 2 (SD 2), and the request for a conference on the subject matter of said amendments, the President has, on April 9, 1986, appointed Senators Cobb, Chairman; B. Kobayashi, Matsuura, McMurdo and A. Kobayashi as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

In accordance therewith, the Chair appointed Representatives Bunda and Shito, Co-Chairmen; Hashimoto, Hirono, D. Ige, Kihano and Liu as Managers on the part of the House at

such conference.

A communication from the Senate (Sen. Com. No. 502) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2173-86, HD 1 (SD 1), and the request for a conference on the subject matter of said amendments, the President has, on April 9, 1986, appointed Senators Kuroda, Chairman; Aki and George as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

A communication from the Senate (Sen. Com. No. 503) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2444-86 (SD 1), and the request for a conference on the subject matter of said amendments, the President has, on April 9, 1986, appointed Senators Cayetano, Chairman; Hagino and Toguchi as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

In accordance therewith, the Chair appointed Representatives Taniguchi and Tom, Co-Chairmen; Blair, Metcalf and Medeiros as Managers on the part of the House at such conference.

A communication from the Senate (Sen. Com. No. 504) informing the House that pursuant to the disagreement of the House to the amendments proposed by the Senate to House Bill No. 2714-86 (SD 1), and the request for a conference on the subject matter of said amendments, the President has, on April 9, 1986, appointed Senators Machida, Chairman; Holt and A. Kobayashi as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

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

Representative Tam introduced a group of 13 students from Roosevelt and McKinley High Schools. They were accompanied by their teachers, Mrs. Arlette Kealoha, Miss Doreen Duwatt, and Mrs. Fay Uyeda who "was the one that totally got me involved. In fact she looked me up. She was my former teacher at Kawanakoa Intermediate School and I appreciate very much for educating me in terms of our public education here in Hawaii."

Representative Hemmings introduced a group of parents from the Kahala Parents/Teachers organization as follows: Pat Bilyk, President; Nikki Miller, Vice President; Pam Podorean, Treasurer; Sandy Del Monte; Joe Snow; and a parent, Mrs. Jan Tomai.

Representative Hemmings then introduced his brother-in-law, Tommy Johnston, "who's gone on to be successful in another part of the world. He is Executive Vice President of Amex Corporation which is involved in international minerals and energy. He incidentally paddled on the second place Lanikai crew in the 1960 Molokai to Oahu canoe race." Accompanying Tommy were his sister, Merrill Johnston, "an ophthalmologist in the San Francisco area"; John Beak, manager of the Denver Broncos football team, and his wife Marsha, from Denver, Colorado; and Mrs. Suzy Hemmings, "my mate in life."

Representative Apo, "on behalf of both of us," introduced 70 eleventh and twelfth graders from Nanakuli High School. They were accompanied by their teachers, Mr. Robert Hu and Mrs. Sue Stock; counselor, Mrs. Margaret Bailey; and parent, Mrs. Caroline Gates.

Representative Apo then introduced Mrs. Frenchy DeSoto, "a dynamic leader in the Hawaiian community."

Representative Shito, on behalf of Representatives Kihano, Crozier and Oshiro, introduced 40 fourth grade students from Honowai Elementary School. They were accompanied by their teachers, Mrs. Ishii and Mr. Mumper.

Representative Leong introduced "two lovely young ladies from Waialua High School" -- Elida Aguinaldo and Gloria Lacbayan.

Representative Kiyabu, on behalf of all the members of the House, introduced a group of 40 HGEA retirees.

Representative Kamali'i introduced 40 members of the Oahu League of Republican Women led by Ann Stevens, President; and a group of Kapahulu senior citizens led by Clara Carvalho.

#### STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 926-86) recommending that H.R. No.

158, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Taniguchi, seconded by Representative Tam and carried, the report of the Committee was adopted and H.R. No. 158, HD 1, entitled: HOUSE RESOLUTION REQUESTING THE ASSISTANCE OF THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNIVERSITY OF HAWAII IN RESOLVING THE LAND MOVEMENT PROBLEM IN MANOA", was referred to the Committee on Finance.

Representative Nakasato, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 927-86) recommending that S.C.R. No. 18, as amended in HD 1, be adopted.

On motion by Representative Nakasato, seconded by Representative Lardizabal and carried, the report of the Committee was adopted and S.C.R. No. 18, HD 1, entitled: "SENATE CONCURRENT RESOLUTION DESIGNATING THE WEEK OF MAY 18, 1986, AS TOURISM WEEK IN HAWAII", was adopted.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 326 to 329) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 326) extending congratulations to Kahala, Nuuanu and Manoa Elementary Schools was jointly offered by Representatives Tam, Hemmings, Taniguchi, Anderson, Cavasso, Hashimoto, Marumoto and Nakata.

On motion by Representative Tam, seconded by Representative Hemmings and carried, H.R. No. 326 was adopted.

Representative Tam rose and stated:

"Mr. Speaker and fellow colleagues, this morning I am deeply honored, along with Representative Taniguchi and Representative Hemmings, to introduce the principals and student council presidents from Kahala, Nuuanu and Manoa Elementary Schools. These three schools, as stated in the resolution, were selected to represent Hawaii's elementary schools for the national recognition awards to be presented this summer in Washington, D.C.

"The resolution speaks for itself for

it tells us, here in the State of Hawaii, that we do have quality teachers and quality students."

Representative Tam then introduced and asked the following honorees to stand and be recognized: Mr. James Tomita, principal of Manoa Elementary School, and Tammy Hiramura, student council president; Mrs. Betty Jane Wada, principal of Nuuanu Elementary School, and Kanoe Matsuura, student council president; and Dr. Lillian Noda, principal of Kahala Elementary School, and Emelett Tomai, student council president. "I might also add that it is really a pleasure to see Nuuanu Elementary School here today and being honored because not only am I involved in other activities, but I am a member of the Nuuanu Elementary School Advisory Board and it shows that Nuuanu is pretty honored."

Representative Tam then asked Mrs. Nitta, mother of Mrs. Betty Jane Wada, who was seated in the gallery to stand and be recognized.

Vanda orchid leis and certified copies of the resolution were presented to Mr. Tomita and Tammy by Representative Taniguchi; to Mrs. Wada and Kanoe by Representative Tam; and to Dr. Noda and Emelett by Representative Hemmings.

A resolution (H.R. No. 327) recognizing and congratulating Candice M. Titsworth, high jump champion, for being Hawaii's first high school athlete to be named an "Honorable Mention National High School Track All-American" was jointly offered by Representatives Apo, Peters, Anderson, Andrews, Crozier, Graulty, Hemmings, M. Ige, Kamali'i, Leong, Lindsey, Manegdeg, Nakasato, Okamura, Shito, Shon and Souki.

On motion by Representative Apo, seconded by Representative Crozier and carried, H.R. No. 327 was adopted.

Representative Apo rose and stated:

"Mr. Speaker, while the resolution speaks for itself, there are a few other notes I would like to make.

"Number one, Candice is the youngest of seven children, and I wanted to note that she is a product of the public school system, spending her entire educational career up to her senior year in the Waianae School complex. She's been active in competitive sports all her life, specializing in basketball, track and

field, and on her way to achieving national recognition, some of which was mentioned in the resolution, and becoming one of the best in the nation: In 1985, she set a new OIA championship record with a jump of 5 feet 4-3/4 inches which means that she could jump over Representative Kihano and others. In 1986, she also won the OIA Leeward District championship with another record jump of 5 feet 5-1/4 inches, and finally the OIA Western Division championship with a jump of 5 feet 4 inches.

"Mr. Speaker, I think her accomplishment is notable since Hawaii particularly is not well-known throughout the country as producing track and field stars, especially at the high school and college level. So, for one of our own to rise up and get up there with the best in the nation, I think is an especially notable achievement.

"With her today is her Dad, Bill Titsworth; her Mom, Louisa Titsworth; her sister, Verna; and the Waianae High School Principal, Mr. Dennis Kajikawa."

Representative Apo then asked Candice, her parents, her sister, and Mr. Kajikawa to stand and be recognized.

Floral leis were presented to the honorees by Representatives Tungpalan, Lindsey, Crozier and Hashimoto, and Representative Apo presented the certified copies of the resolution.

A resolution (H.R. No. 328) honoring Patrick Higa of Iolani High School was jointly offered by Representatives Nakata, Menor, Blair, Anderson, Graulty, Hashimoto, Hemmings, Hiro-no, D. Ige, M. Ige, Ikeda, Lardizabal, Leong, Marumoto, Medeiros, Metcalf, Okamura, Pfiel and Takamine.

On motion by Representative Nakata, seconded by Representative Menor and carried, H.R. No. 328 was adopted.

Representative Nakata rose and stated:

"Mr. Speaker, it is my great pleasure today to be part of the recognition of this tremendous young man, Patrick Higa. His accomplishments in the field of high school wrestling are without precedent in the State of Hawaii. It is through his dedicated effort and determination that he is able to accomplish feats that have

merited recognition by the planners of the National Amateurs' Sports Hall of Fame.

"Patrick, in addition to his individual accomplishments, has always been a true champion who recognizes and is an important part of a team effort.

"Several years ago when I worked at the Legislature, I recognized several important traits in leaders -- will, stamina and intelligence. I think all of these are evident in Patrick and I think that whatever future course his life takes beyond wrestling, he will be a leader.

"We can also appreciate the fact that Mrs. Higa, Patrick's mother, must be very proud of her son. Therefore, we also want to recognize the support and dedication it takes from parents like Mrs. Higa for their children to be able to develop into such inspiring individuals.

"We wish Patrick all the best in his future endeavors with the certainty that he will always be an outstanding citizen of Hawaii."

Representative Nakata asked the honoree, Patrick Higa, to stand and be recognized.

Representative Nakata then asked the following persons who accompanied Patrick to stand and be recognized: Mrs. Edith Higa, Patrick's mother; Mr. Carl Shores, wrestling coach at Iolani School; and Mr. Eddie Hamada, athletic director of Iolani School.

Representative Blair rose and stated:

"Mr. Speaker, I'll be very brief because the accomplishment really speaks for itself but just to put it, perhaps in a slightly different context, I don't think it's really that we're honoring him for being the champion because there were champions in every weight group. It's not even so much that he did it four years in a row although that's an outstanding achievement. But when you really look at what he accomplished, for four years he never had a bad day and, to me, that's really astonishing.

"Shortly after he'd won the championship as a freshman, the way to get a reputation was obviously to beat this kid, and for three years he was the 'gun' that everyone was trying to take out in order to make their own reputation, and for all those years he

never could afford to let down for even a minute. And I think what's really spectacular is he was able to have the perseverance and that sense of commitment to the sport and to doing his very best every single day for those four years that really makes Pat such a spectacular athlete and the reason that I am happy to be able to honor him this morning.

"Thank you."

Representative Menor rose and stated:

"I also would like to commend Patrick for his outstanding accomplishments. I would like to add that when I was in high school at Iolani, I tried my hand at wrestling and to put it in Representative Blair's words, I had many bad days which attest to the fact that wrestling is indeed one of the most grueling physical and mental sports. And just to attain an average 500-1 loss record is difficult enough and to go four years undefeated -- that's really a remarkable accomplishment, especially if you've been involved in wrestling before. But I think that his accomplishments not only reflect his dedication and commitment and also the efforts on the part of the wrestling coach, but also I think on the outstanding athletic program in general that Iolani School has. And the success of that program is of course attributable to Mr. Eddie Hamada.

"Mr. Hamada was once my football coach. I wasn't much of a football player for him and I haven't seen him for many years, so this is kind of a reunion for us today, but I just wanted to take this opportunity to thank him for not only teaching me but many other students at Iolani throughout the years by the virtues of hard work, dedication and, most importantly, good sportsmanship -- all of those values being reflected in the overall, very successful Iolani athletic program.

"So, in this regard, I am very proud to be a co-sponsor of this particular resolution.

"Thank you very much."

Representative M. Ige rose and stated:

"Mr. Speaker, I remember very clearly the afternoon that I saw Patrick Higa's picture in the paper. I called my son, who is six, to my side and tried to explain to him his accomplishment of four years. Pa-

trick, I don't think my boy understood the pain and your dedication to the sport in trying to explain your accomplishment. But I am sure he knows that you're a hero to me. I just wanted to tell you, Patrick, that in the future, I will constantly remind him of you and as I sit here this morning, somewhat awed, that the guy I looked at in the paper as a hero is here sharing this same halls with us.

"To you, Patrick, I am sure I am not the only parent who shared this story with their children. On behalf of the many children of this State, I would like to thank you for your dedication and for your being a model to many of them.

"Thank you very much, Patrick."

Floral leis were presented to the honorees by Representatives Hirono, Tungpalan and Menor, and a certified copy of the resolution was presented to Patrick by Representative Nakata.

A resolution (H.R. No. 329) honoring Eugene D. Gold was jointly offered by Representatives Okamura, Leong, Anderson, Andrews, Hemmings, Isbell, Kawakami, Marumoto, Oshiro, Shon, Souki, Tajiri and Taniguchi.

On motion by Representative Leong, seconded by Representative Okamura and carried, H.R. No. 329 was adopted.

Representative Leong rose and stated:

"Mr. Speaker and members of this House, I wish to honor a man who has overcome great adversity and now is giving to the others in Hawaii who have their own difficulties to deal with.

"The man I am talking about is Mr. Eugene Gold. Mr. Gold worked here at the Sergeant-at-Arms and during this period, he spread warmth and aloha throughout the Capitol. He also has volunteered his services to the State Judiciary Department, all of which just serves to accentuate the kind of man he is -- one that lives for others. This man, the Hawaii Wheelchair Athletic Association and the Hawaii Easter Seal Society have all devoted their time and energies to serving others and to setting an example for all of us. Mr. Gold has truly shown what a man can do in cooperation with these organizations. Not only has he become an athlete that Hawaii can be proud to have

representing it, but he has also found time to help others to love and support his wife and to maintain a personal demeanor which makes him loved by all who know him.

"I thank you, Mr. Gold, the Hawaii Easter Seal Society and the Hawaii Wheelchair Athletic Association for the example of giving and the aloha spirit you continually express."

Representative Leong then introduced Mr. Eugene Gold. Accompanying Mr. Gold were his wife, Judy Gold; his mother, Mrs. Rose Gold; Sandy Sullivan of the Easter Seal Society of Hawaii; and Mr. Terry Young of the Hawaii Wheelchair Athletic Association.

Representative Okamura rose and stated:

"Mr. Speaker, it's a real pleasure for me to speak on behalf of our honoree this morning because of the inspiration that he serves for all of us, and because he is very special, you know because he worked here a number of years in the early '70s, and I had the privilege at that time to serve as a staff member here at the House also and I got to know him very well at that time, so he is really one of us. And at that time, as I am sure the oldtimers such as our Majority Leader remembers, Eugene Gold really was a terrific guy who would stay, working till way past midnight every night, working seven days a week, always smiling, always willing to do every little assignment that was given to him. He was a real joy to work with and that enthusiasm, Mr. Speaker, continues today despite his mishap.

"As Representative Leong stated, he puts in twenty to thirty hours every week with the State court system as a volunteer. He helps out every year with the Junior Olympics, helping less fortunate young children, also helps with fund-raising events with Easter Seals and he will be, in the very near future, also be volunteering his services at St. Michael's School in Waialua, assisting the young people there, and I am very, very honored and pleased to have him with us this morning.

"Also, this is the first time since the early '70s, since his accident, that Eugene has returned and come back to the State Capitol, and so to that I would like to say, 'welcome home, Eugene,' and we would like to see you more often. We wish you well in your future years and thank

you very much for your contribution.

"Thank you."

Representative Okamura then asked the following "very special friends of our honoree" who were seated in the gallery to stand and be recognized: Mr. Damien Vierra, "his childhood friend and still best friend from Waiialua"; Mr. Richard Sugita, "someone very special to the honoree as well as to all of us. Many of us who were staff or former Representatives, this person and his wife are like Eugene's second parents, and he's been a tremendous support to Eugene and Judy and one that we miss also," and his wife, Jane.

Representative Hirono presented Eugene with a maile/pikake lei and a certified copy of the resolution was presented to him by Representative Leong. Carnation leis were presented to the others by Representatives Tungpalan, Bunda and Kawakami.

At 12:54 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "to meet and to extend our personal aloha and best wishes to our honorees this morning."

The House of Representatives reconvened at 12:05 o'clock p.m.

#### ANNOUNCEMENTS

Representative Takamine: "Your Committee on Employment Opportunities and Labor Relations will be holding a public hearing tomorrow morning at 9:00 a.m. in Conference Room 435. Several resolutions are on the agenda. Decision-making to follow if time permits."

Representative Tom requested waiver of the 48-hour notice for hearings on certain House and Senate Bills scheduled for conferencing as follows: "Friday at 10:00 a.m. in House Conference Room 416 -- House Bill Nos. 1691-86, HD 2, SD 1; 2752-86, HD 1, SD 1; and 381, HD 1, SD 1; tomorrow at 3:30 in Senate Conference Room 4 -- House Bill Nos. 326, HD 1, SD 1; 2158-86, SD 1; 2373-86, HD 1, SD 1; Senate Bill Nos. 592-86, SD 1, HD 2; and 2266-86, SD 2, HD 1." The Chair "so ordered."

Representative Tom: "I also wish to remind the conferees on the bills today that we're only on the second bill, the living wills bill, and we will continue with conferencing today, Room 328, at 1:45 p.m., and we will

also commence with conferencing on the Penal Code, House Bill 100, for those conferees on that one, House Bill 100, HD 1, SD 1, at 8:00 p.m. this evening."

Representative Tungpalan requested waiver of the 48-hour notice for hearings on H.B. No. 2280-86, HD 2, SD 1, and the Chair "so ordered."

Representative Tungpalan: "We will be starting our conference on House Bill 2280-86 tomorrow morning at 9:30 in Room 314."

Representative Bunda requested waiver of the 48-hour notice for hearings on House Bill Nos. 172, SD 1; 1767-86, HD 2, SD 2; and 2170-86, SD 2, and the Chair "so ordered."

Representative Bunda: "We will be having a Conference Committee hearing tomorrow on all three bills -- House Bills 172, SD 1, and 1767-86, HD 2, SD 2. We will have conferencing at 10:00 o'clock a.m. in Senate Room No. 6; and on House Bill 2170-86, SD 2, we will have Conference Committee hearing at 8:30 a.m., Senate Conference Room No. 4. Also, your Committee on Consumer Protection and Commerce will be having a hearing on several resolutions starting at 8:30 a.m. in Room 416. Decision-making to follow."

Representative Graulty requested waiver of the 48-hour notice for hearings on House Bill Nos. 2725-86, HD 1, SD 2, and 1680-86, HD 1, SD 1, and the Chair "so ordered."

Representative Graulty: "This afternoon, at 3:30 p.m., in Senate Conference Room 4, your House conferees on the aforesaid two bills will be meeting for the purpose of deliberating on these two measures."

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

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

Representative Levin: "Your Conference Committees will be meeting tomorrow morning. The agenda has been posted on Senate Bills 1773-86, 1780-86 and 2127-86, which include the two University and Department of Education flexibility bills."

Representative Apo then asked the members of the Ocean and Marine Resources Committee to stop by his desk to sign committee reports.

## ADJOURNMENT

At 12:13 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, April 11, 1986.

## FIFTY-FIFTH DAY

Friday, April 11, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:13 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Honorable Bob Nakata, member of the State House of Representatives, after which the Roll was called showing all members present with the exception of Representatives Blair, Hashimoto, Metcalf, Souki and Taniguchi who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 505 to 509) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 505) returning House Bill No. 1720-86 entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEES OF PUBLIC UTILITIES", which passed Third Reading in the Senate on April 10, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 506) returning House Bill No. 1802-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE RESIDENTIAL LANDLORD TENANT CODE", which passed Third Reading in the Senate on April 10, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 507) returning House Bill No. 1981-86 entitled: "A BILL FOR AN ACT RELATING TO FORFEITURE OF ANIMALS", which passed Third Reading in the Senate on April 10, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 508) returning House Bill No. 2005-86 entitled: "A BILL FOR AN ACT RELATING TO APPLICATION PROCEDURES FOR ENVIRONMENTAL PERMITS", which passed Third Reading in the Senate on April 10, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 509) returning House Bill No. 2043-86 entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", which passed Third Reading in the Senate on April 10, 1986, was placed on file.

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

Representative Crozier introduced his 'shadow,' Mr. James Hartford from Campbell High School who is here "to understand the total legislative process."

Representative Crozier also introduced several members of the Leeward District kupunas who are instrumental in promoting the Hawaiian culture in the elementary schools.

Representative Tajiri, on behalf of the Big Island delegation, introduced a group of outstanding students from Waiakea Intermediate School in Hilo and are the island's math counts champions and are here to participate in the statewide competition. They are as follows: Melanie Dixon, Ian Fujiyama, In Bum Hur, Yvette Ono and Marla Maeda. They were accompanied by their advisors, Mr. and Mrs. Richard Funoki.

Representative Graulty, on behalf of Representatives Cachola, Nakasato, Yoshimura and himself, introduced several students from the Students with Limited English Proficiency Program at Farrington High School as follows: Mark Tanji, Hip Duong, Jimmy Intasone, Barbara Liva and Victoria Talaro. They were accompanied by teachers, Mr. Mark Kanji, and Mr. Becky.

Representative Apo, on behalf of Representative Kiyabu and himself, introduced his 'career shadow,' Miss Kawehilani Napoleon, a senior at Kaimuki High School.

Representative Kamali'i introduced Mrs. Lynn Crozier who was in the group of Leeward District kupunas and wife of Representative Crozier.

Representative Okamura introduced former state senator, Yadao Yoshinaga.

The Chair directed the Clerk to note the presence of Representatives Blair, Hashimoto, Metcalf, Souki and Taniguchi.

## ORDER OF THE DAY

## DEFERRED RESOLUTIONS

The following resolutions (H.R. Nos. 275 to 280; and 284 to 322) and concurrent resolutions (H.C.R. Nos. 184 to 216) and (S.C.R. Nos. 14; 36; 52; 58; 137; and 140) were disposed of as follows:

<u>H.R. Nos.</u>	<u>Referred to:</u>
275	Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
276	Committee on Agriculture, then to the Committee on Finance
277	Committee on Ocean and Marine Resources, then to the Committee on Finance
278	Committee on Judiciary, then to the Committee on Finance
279	Committee on Health, then to the Committee on Finance
280	Committee on Consumer Protection and Commerce, then to the Committee on Finance
284	Committee on Education, then to the Committee on Finance
285	Committee on Transportation
286	Committee on Public Employment and Government Operations, then to the Committee on Finance
287	Committee on Ocean and Marine Resources
288	Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Higher Education and the Arts
289	Jointly to the Committees on Education and Public Employment and Government Operations, then to the Committee on Finance
290	Jointly to the Committees on Transportation and Education, then to the Committee on Finance
291	Committee on Transportation, then to the Committee on Finance
292	Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
293	Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance
294	Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
295	Committee on Education, then to the Committee on Finance
296	Committee on Education, then to the Committee on Finance
297	Jointly to the Committees on Education and Public Employment and Government Operations, then to the Committee on Finance
298	Committee on Health
299	Committee on Transportation, then to the Committee on Finance
300	Jointly to the Committees on Higher Education and the Arts and Education.
301	Committee on Higher Education and the Arts, then to the Committee on Finance
302	Committee on Higher Education and the Arts, then to the Committee on Finance
303	Jointly to the Committees on Higher Education and the Arts and Public Employment and Government Operations
304	Committee on Water, Land Use Development and Hawaiian Affairs
305	Committee on Education, then to the Committee on Finance
306	Committee on Ocean and Marine Resources, then to the Committee on Finance
307	Jointly to the Committees on Education and Higher Education and the Arts
308	Committee on Water, Land Use Development and Hawaiian Affairs
309	Committee on Water, Land Use Development and Hawaiian Affairs
310	Committee on Water, Land Use Development and Hawaiian Affairs
311	Committee on Education

- 312 Committee on Education, then to the Committee on Finance
- 313 Committee on Transportation, then to the Committee on Finance
- 314 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Agriculture
- 315 Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
- 316 Jointly to the Committees on Health and Education, then to the Committee on Finance
- 317 Committee on Ocean and Marine Resources, then to the Committee on Finance
- 318 Jointly to the Committees on Health and Consumer Protection and Commerce
- 319 Jointly to the Committees on Health and Consumer Protection and Commerce
- 320 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 321 Committee on Ocean and Marine Resources
- 322 Committee on Health, then to the Committee on Finance
- H.C.R. Nos.
- 184 Committee on Ocean and Marine Resources, then to the Committee on Finance
- 185 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 186 Committee on Education, then to the Committee on Finance
- 187 Committee on Transportation
- 188 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 189 Committee on Ocean and Marine Resources
- 190 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Higher Education and the Arts
- 191 Committee on Transportation
- 192 Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
- 193 Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance
- 194 Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
- 195 Committee on Education, then to the Committee on Finance
- 196 Jointly to the Committees on Education and Public Employment and Government Operations, then to the Committee on Finance
- 197 Committee on Education, then to the Committee on Finance
- 198 Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance
- 199 Committee on Water, Land Use Development and Hawaiian Affairs
- 200 Committee on Education, then to the Committee on Finance
- 201 Committee on Ocean and Marine Resources, then to the Committee on Finance
- 202 Committee on Water, Land Use Development and Hawaiian Affairs
- 203 Committee on Water, Land Use Development and Hawaiian Affairs
- 204 Committee on Education
- 205 Committee on Education, then to the Committee on Finance
- 206 Committee on Transportation, then to the Committee on Finance
- 207 Jointly to the Committees on Water, Land Use Development and Hawaiian Affairs and Agriculture
- 208 Committee on Tourism, then to the Committee on Legislative Management
- 209 Jointly to the Committees on Tourism and Higher Education and the Arts

- 210 Jointly to the Committees on Health and Education, then to the Committee on Finance
- 211 Committee on Ocean and Marine Resources, then to the Committee on Finance
- 212 Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
- 213 Jointly to the Committees on Health and Consumer Protection and Commerce
- 214 Jointly to the Committees on Health and Consumer Protection and Commerce
- 215 Committee on Consumer Protection and Commerce, then to the Committee on Finance
- 216 Committee on Health, then to the Committee on Finance

#### S.C.R. Nos.

- 14 Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
- 36 Committee on Ocean and Marine Resources, then to the Committee on Finance
- 52 Committee on Consumer Protection and Commerce
- 58 Committee on Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
- 137 Committee on Health
- 140 Committee on Human Services

#### COMMITTEE REASSIGNMENT

House Concurrent Resolution No. 150 was re-referred to the Committee on Consumer Protection and Commerce.

#### SUSPENSION OF RULES

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

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 330 to 335) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 330) honoring Faith P. Evans for her outstanding work as United States Marshal for the District of Hawaii was jointly offered by Representatives Ikeda, Kamali'i, Anderson, Andrews, Apo, Cavasso, Graulty, Hagino, Isbell, Jones, Kawakami, Kihano, Kiyabu, Leong, Marumoto, Medeiros, Nakata, Okamura, Shito, Tungpalan and Peters.

On motion by Representative Ikeda, seconded by Representative Kamali'i and carried, H.R. No. 330 was adopted.

Representative Ikeda then rose and stated:

"Mr. Speaker, Marshal Evans is not a stranger to many of us because she was a colleague and served three terms in the House of Representatives; in fact, she was also Minority Floor Leader from 1978 to 1980 and distinguished herself by sending me to 'jail' in 1984.

"Of course it was all in fun, because she was chairman of the National Cancer Society's Jailathon and chairman of the Hawaii Pacific Division, I might add. I want to also thank all of you, especially you, Mr. Speaker, for helping to 'bail me out,' because I was stuck and I wouldn't have gotten out if I didn't meet the bail.

"In addition to her many jobs, she is also a member of the Aloha United Way and served on the board of directors for Little League, Big Sisters, Hawaii Epilepsy Society, the Scoliosis Club of Hawaii, Kailua Community Council and has also served in many parent-teacher organizations and also past president of the Windward District P.T.A.

"It's no wonder, Mr. Speaker, that she also received the Daughters of the American Revolution Medal of Honor for contributions for the betterment of the community in 1985.

"I would like to quote from Marshal Evans's speech upon being confirmed to her office: 'Being the first woman to be presidentially appointed to the position of United States Marshall, is a bit awesome. However, I believe it is not so much that a little history has been made, but that a giant step has been made for women. Another

door has opened and the challenge is not so much in being the first, but doing the best job possible.' And Mr. Speaker, as we all know, Marshal Faith Evans has exceeded her goal. She has done an outstanding job and we are all very proud of her."

At this time, the honoree was introduced to the members of the House and was asked to stand and be recognized. Accompanying Mrs. Evans was her husband, Noel, and daughter, Tricia.

Representative Kamali'i then rose and remarked:

"Mr. Speaker, it is a personal honor for me this morning to add my congratulations to those of this House in recognizing the outstanding job which Faith Evans is doing as our U.S. Marshal.

"It requires a particular strength of character and leadership to perform the duties of a U.S. Marshal. Such traits in the area of law enforcement are still stereotyped as masculine.

"For a woman to assume these duties, and to perform with a distinction meriting the respect and praise of all her colleagues -- most of whom are men -- deserves special notice.

"When Faith was first appointed four years ago, she was the first woman since Annie Oakley to be named a U.S. Marshal. Based in large measure on her competence, other women have now been named.

"That is the nature of not just breaking but of re-forging the roles and responsibilities of women. To succeed as an individual -- and in a way which forces a re-evaluation of opportunities, abilities and skills.

"Faith has taken this role with a deep personal seriousness. As a nurse, as a legislator, and now as a U.S. Marshal -- she has demonstrated the confidence and competence which 'opens doors and minds.'

"And for those few who still believe that a successful woman is one who somehow sacrifices or diminishes her femininity and the love of her family -- then Faith again stand as a model of distinction.

"Her strength finds its source in the love and the respect of Noel and her children.

"I am very proud of Faith -- of her

many accomplishments, and of her unfailing excellence in all that she does. I am also very proud to have her as a friend.

"Thank you."

Floral leis were presented to the honoree by Representative Medeiros; to Mr. Evans by Representative Kamali'i; to daughter, Tricia, by Representative Anderson; and a certified copy of the resolution was presented to Mrs. Evans by Representative Ikeda.

A resolution (H.R. No. 331) congratulating the people of the sugar industry, the ILWU, and support groups on their successful effort to include sugar in the Farm Act of 1985, was jointly offered by Representatives Takamine, Kawakami, Peters, Levin, Lindsey, Tajiri, Metcalf, Lardizabal, Menor, Grauly, Honda, Souki, Nakasato, Leong, Okamura, Cachola, Kihano, Oshiro, Hagino, Tungpalan, Apo, Hemmings, Blair, Taniguchi and Crozier.

On motion by Representative Takamine, seconded by Representative Kawakami and carried, H.R. No. 331 was adopted.

Representative Takamine then rose and stated:

"Mr. Speaker, in performing our legislative duties, we many times find ourselves working in an environment where the parties are in conflict. Today, we have an opportunity to recognize what can be accomplished when parties rise above their own self interests, and work in concert, to achieve a goal that benefits a larger community of people.

"One year ago, the efforts of many people came together to successfully include sugar as one of the commodities provided protection, under the 1985 Farm Act. For awhile now this has been history, but it came about only through a dynamic, well coordinated, collective effort on the part of many parties. Management of the sugar industry, and the ILWU Local 142, (who do not always see eye to eye) stood tall, shoulder to shoulder, in leading the charge. They were joined by many parties in both the public and private sectors, including your very own House of Representatives. Your members were one of the first to recognize clearly, the important role that sugar plays not only in the dollars that it contributes to our economy, but also in providing

the economic means for many, many families in our state, to provide for their needs.

"As I indicated, Mr. Speaker, management of the sugar industry, and the ILWU Local 142 were at the forefront of this effort and provided strong leadership as well as a strong spirit of cooperation. The results and effectiveness of that teamwork became very evident.

"Mr. Speaker, there were those in Congress who did not wish to see sugar receive strong economic support and who tried to decrease the price support for sugar. In 1981, by a margin of 23 votes, these people were able to lower the price support for sugar in the Farm Act. However, in 1985, as a result of the collective effort that was put together, the same attempt to lower the price support for sugar was defeated by a 121 vote margin. This vote occurred in the United States House of Representatives, and I might add, a similar strong showing of support resulted in the United States Senate.

"Mr. Speaker, I would like to point to one illustration of the kind of hard work that it took to bring about this kind of result. The ILWU Local 142 had made inclusion of sugar in the Farm Act its number one lobbying priority in Congress. As part of that effort, it coordinated and organized a letter writing campaign by its members -- the working people in the sugar industry. Those members of Congress who were deemed to be 'sitting on the fence,' were identified and sent at least fifty separate letters independently composed by the sugar workers. These letters were written by the sugar workers themselves and gave the real 'people story' and explained in their own eloquent manner the tremendous impact and hardship that would result if sugar was included in the Farm Act. Mr. Speaker, I understand that thousands of such letters were generated and sent, and it was this kind of effort at home, as well as the leadership provided by our own congressional delegation that contributed to the overall success of the lobbying effort.

"There is no question that a substantial part of the people of Hawaii are committed to keeping sugar a viable industry. The industry has also demonstrated its continued commitment to the same goal, for in 1985, the sugar companies and C & H invested 34 million dollars in capital improvements.

"Mr. Speaker, the members of this House have shown their continued support for the industry; and in fact your majority, in the 1986 program of the Democratic Majority, clearly stated its position as follows: 'To strengthen and stabilize our agricultural economy, we pledge to continue our support of the research and development efforts which have made Hawaii's sugar industry the world leader in productivity and which hold the promise for new and profitable agricultural ventures.'

"Mr. Speaker, the members of this House are keenly aware of the concerns regarding our economic future. In the remarks that you delivered on opening day, you yourself made reference to Hawaii's role in the development of the Pacific rim area. If we are serious about this goal, perhaps we can take a lesson of the teamwork shown by the people involved in the successful campaign to include sugar in the Farm Act. For if we are to achieve this goal, or any other major state goal or objective, it will most effectively be achieved if we all join hands and work for it collectively. Hopefully, it will not take a crisis to make us willing to put into action this fundamental principle in promoting the best interest of our State."

At this time, the following honorees were introduced to the members of the House: Mr. Eddie Lapa, president of the ILWU Local 142, "a gentleman who started his career at Waialua Sugar Company and who has spent his entire working life representing and promoting the interests of the working class"; Mr. Don Heinz, president of the Hawaiian Sugar Planters' Association and director of the HSPA Experiment Station and "who has provided strong leadership in the sugar industry"; Mr. Robert Hughes, past president of the H.S.P.A and "another leader who has made substantial contributions during his many years of involvement in the sugar industry,"; and Mr. Sam Caldwell, "a gentleman that has virtually become part of the halls of the Capitol; the liason between the sugar industry and the members of the Legislature and a person who has contributed much to establishing a very positive work relationship." All were asked to stand and be recognized.

Red carnation leis were presented to the honorees by Representatives Tungpalan, Hashimoto and Hirono and certified copies of the resolution were

presented to each of the honorees by Representatives Kawakami, Okamura and Metcalf.

A resolution (H.R. No. 332) commending and honoring Hon-Chew Hee for his outstanding contributions to the visual arts was jointly offered by Representatives Levin, Anderson, Apo, Blair, Bunda, Cachola, Cavasso, Crozier, Gaulty, Hagino, Hemmings, Honda, D. Ige, M. Ige, Kihano, Kiyabu, Lardizabal, Leong, Lindsey, Manegdeg, Menor, Nakasato, Nakata, Onouye, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Tam and Yoshimura.

On motion by Representative Levin, seconded by Representative Lindsey and carried, H.R. No. 332 was adopted.

Representative Levin then rose and stated:

"It is a great honor for us to honor Mr. Hon-Chew Hee. I would like to, in addition to the words in the resolution, bring to the attention of the Body the art philosophy of Mr. Hee which he has set down: 'Hawaiian art is not a profession. It is a record of lifelong sacrifice, for a true artist has the courage to live a little above the mortal and to forget his body's needs. He thinks only of pouring all of his thoughts into creation and hopes to find comfort in spiritual things. The virtue of the artist of today is to challenge the best instincts within him. He should be thoughtful and imaginative, sensitive to the poetry and drama of life and he sees beauty beyond its visible form. To him, nature is not a conglomeration of animal life or inanimate matter, he considers nature to be another being. The sky, mountain, people and sea are endowed with understanding and sympathy.'

"Those are the words of our honoree today," and Representative Levin then introduced Mr. Hee who was asked to stand and be recognized.

Accompanying the honoree were Ms. Sara Richards, Director of the State Foundation for Culture and the Arts, Mr. Ron Yamakawa also from the State Foundation for the Culture and the Arts, and Mr. Robert Tom, a close associate of the honoree. All were asked to stand and be recognized.

Also recognized by Representative Levin and seated in the gallery was Mrs. Bernice Deutch, the moving force behind the resolution.

Floral leis were presented to Mr. Hee by Representative Tungpalan and a certified copy of the resolution was presented by Representative Levin.

A resolution (H.R. No. 333) congratulating Rito Saniatan for being named one of America's ten outstanding young men and Hawaii Jaycees President of the quarter for two consecutive quarters was jointly offered by Representatives Cachola, Andrews, Apo, Blair, Bunda, Gaulty, Hagino, Hashimoto, Hirono, Honda, D. Ige, Kawakami, Kihano, Lardizabal, Levin, Lindsey, Manegdeg, Marumoto, Nakasato, Nakata, Okamura, Say, Shito, Souki, Tam, Taniguchi and Tungpalan.

A resolution (H.R. No. 334) congratulating the Oahu Filipino Jaycees for being named the number one Jaycees chapter for eight consecutive months in 1985 and 1986 was jointly offered by Representatives Cachola, Gaulty, Bunda, Lardizabal, Kihano, Tungpalan, Manegdeg, Hagino, Andrews, Apo, Blair, Hashimoto, Hirono, Honda, D. Ige, Levin, Lindsey, Marumoto, Nakasato, Nakata, Okamura, Say, Shito, Souki, Tam and Taniguchi.

On motion by Representative Cachola, seconded by Representative Gaulty and carried, H.R. Nos. 333 and 334 were adopted.

Representative Cachola then rose and stated:

"Mr. Speaker and members of this Honorable Body: The Jaycee organizations all over the world is known for its leadership training and commendable accomplishments in improving the communities wherein they dwell. As a matter of fact, in countries such as the Philippines where I came from, becoming a member of the Jaycees is a very privileged and prestigious matter.

"More often than not, Mr. Speaker, in the Philippines only young executives with means can become members of the Jaycees. The Jaycees are so respected and influential in the Philippines that candidates, mind you, spend millions of pesos just to run for the national presidency of the organization. The most common person, like myself, will surely have a difficult time to becoming a member of the Jaycees.

"Fortunately, here in the United States, opportunities to become a part of the Jaycees are much better.

Immigrants like myself and most members of the Oahu Filipino Jaycees are given the wonderful opportunity of developing leadership skills -- as a matter of fact, many members of this Honorable Body are or have been members of the Jaycees organization.

"Today, there exist an organization called the Oahu Filipino Jaycees whose membership is made up of young men and women of Filipino ancestry. The Oahu Filipino Jaycees have been chosen from all of the fifty-four chapters statewide as the number one Jaycee chapter for eight consecutive months. It is a distinct honor, Mr. Speaker, to pay tribute to those outstanding men and women of the Oahu Filipino Jaycees.

"First of all, Mr. Speaker, I would like to introduce to you, a young man, whom I first met when I hired him to work with me some years ago. At that time, I could already see the potential of this man. Today, he is one of America's young, outstanding man as declared by the national Jaycees and was also named statewide president for two quarters.

At this time, the honoree, Mr. Rito Saniatan, was introduced and asked to stand and be recognized. Accompanying Mr. Saniatan was the executive vice-president of the chapter, Mr. Jeff Caberto, and Mrs. Gloria Ponce, a member and officer of the Oahu Filipino Jaycees.

Representative Cachola also recognized several directors and officers of the Oahu Filipino Jaycees who were seated in the gallery.

Floral leis were presented to the honoree by Representative Tungpalan; to Mr. Caberto by Representative Hashimoto; to Ms. Ponce by Representative Graulty; and a certified copy of the resolution was presented by Representative Cachola.

A resolution (H.R. No. 335) honoring Mrs. Jean Ariyoshi, First Lady of the State of Hawaii, on the celebration of the Tenth Annual First Lady's Outstanding Volunteer Awards was jointly offered by Representatives Okamura, Anderson, Andrews, Blair, Bunda, Cachola, Cavasso, Crozier, Graulty, Hagino, Hashimoto, Hemmings, Hirono, Honda, D. Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Leong, Levin, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Nakata, Onouye, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tom, Tungpalan and Yoshimura.

On motion by Representative Okamura, seconded by Representative Manegdeg and carried, H.R. No. 335 was adopted.

Representative Okamura then rose and stated:

"Mr. Speaker, today we are honored with the presence of Mrs. Jean Ariyoshi and we honor her not only as our esteemed First Lady of our State, but equally importantly, we honor her as one of the State's most valued community organizer and volunteer. Apart from her responsibilities as being a loving mother to three children and the wife of our Governor she has made enormous contributions to the state.

"We honor Mrs. Ariyoshi today for one of her most significant contribution, the establishment of the First Lady Volunteer Award Program which recognizes on an annual basis, the State's outstanding volunteers who serve all facets of our community without remuneration and without the expectation of recognition. Mrs. Ariyoshi, on her own initiative, established this program in 1976 and winners are named in five categories: organization, project, senior citizens, youth and adults, and the winners are then recommended for national recognition.

"Mr. Speaker, as the Governor approaches the remainder of his last term in office, I think it is appropriate at this time, to recap other significant contributions of Mrs. Ariyoshi.

"She has been active in such organizations as the Mental Health Association of Hawaii, the American Red Cross, the Y.W.C.A. and the Aloha United Way. She is presently honorary chairperson for the March of Dimes Birth Defect Foundation of Hawaii. For the 25th anniversary of Hawaii's statehood, Mrs. Ariyoshi sponsored a project to distribute 25,000 seedlings and cuttings for residents to plant. The project called, 'Planting a Lifetime of Aloha,' was a highly successful part of the Silver Jubilee celebration.

"In 1985, Mrs. Ariyoshi, together with Dr. John Byars, chairman of the Hawaii Sugar Planters' Association, directed a similar project called, 'A Million Trees of Aloha,' to commemorate the 100th anniversary of Japanese immigration to Hawaii and the 150th anniversary of the first planting of sugar cane in Hawaii.

"During her first 3 years at Washington Place, which was the former resident of the last queen of Hawaii, Queen Liliuokalani, Mrs. Ariyoshi redecorated the entire mansion taking great pains to restore the home and its furnishings and preserving the historic atmosphere of this landmark. Mrs. Ariyoshi then organized tours of the mansion conducting many of them herself to give Hawaii residents the opportunity to visit and enjoy the Governor's home. And indeed Washington Place has become truly a part of the community.

"In speaking to those most close to Mrs. Ariyoshi, she is described most often as caring, gracious, hard-working, warm, dedicated and sincere. She started her career with very humble beginnings in Wahiawa -- she picked pineapples for many years there and over the years she has evolved into a gracious woman as our First Lady.

"In her duties as First Lady, I would like to point out one incident which was brought to my attention: In Molokai, which the First Lady has visited on numerous occasions, and is dearly loved by the people there and often has been told to run for governor, an incident there occurred whereby she was asked to dance the hula. A refrigerated lei was presented to her, but as the morning sun shown on the lei, the buds on the lei began to open and hundreds of black bugs were revealed, crawling all over the First Lady's muumuu, but because of her sensitivity to the people there, she kept dancing the hula. This incident happened not once, but twice on Molokai. This just shows what kind of a person she really is.

"One other story that I wanted to share with you is a few years back in Japan -- not many of us know this but Mrs. Ariyoshi is also an avid swimmer, although she doesn't has much time to do that. In an incident at a hotel in Japan a few years ago, she saved a child from drowning. This just shows the kind of a person she is, a very human, a very warm, dedicated person; and we wish you, Mrs. Ariyoshi, very well in the years to come; you know that your contributions will continue to the people of this great state and on behalf of all of us, I would like to say, 'Domo Arigato.'"

At this time, Representative Okamura introduced Mrs. Ariyoshi who was asked to stand and be recognized. Accompanying Mrs. Ariyoshi was Ms. Grace Tsukada, coordinator

for the Statewide Volunteer Services Program, Office of the Governor.

Representative Okamura also recognized several members of the Statewide Volunteer Services Program who were seated in the gallery. They are as follows: Baron Gushiken, Joan Nagua, Calvin Harata, Norman Fujioka, Elaine Tamashiro, Milton Mau and Renee Nakama.

Representative Marumoto then rose and remarked:

"Mr. Speaker, I think I have known Mrs. Jean Ariyoshi longer than most people here. I think it has been over 25 years since I first met her and worked with her. And I must tell you all that even back then, she acted like a first lady. She always had a distinctive style, her demeanor was always very reserved and distinguished. At a young age she acted very mature and ladylike. She was always decorous and modest and courteous and correct and proper and polite and pleasant to boot. I was rather like a clod when I was next to her back then; I used to call her 'Jean' then -- oh well, I guess in private I could call her that still. She used to call me 'Babs' then, and I wasn't too crazy about that.

"To top it all off, not only did she act mature when she was young; now that we have a few more years under our belts, she still looks very young and that's quite amazing, she still looks the same. So I must commend her; it must be the good life that she leads.

"Her husband has been getting paid for her job and some might say underpaid; but she has never been paid and she has worked very hard at being First Lady. So I'm glad that we are commending her for her work today.

"Thank you."

Floral leis were presented to the First Lady by Representatives M. Ige, Okamura, Kawakami, Marumoto and Ikeda and a certified copy of the resolution was presented to the honoree by Representative Peters.

At 12:08 o'clock p.m., the Chair declared a recess, subject to the call of the Chair, "to allow all the members of this House the opportunity to extend our personal congratulations and best wishes and aloha to our honorees this morning."

STANDING COMMITTEE REPORTS

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 928-86) recommending that H.R. No. 23, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.R. No. 23, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ROLE OF THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES IN FACILITATING BUSINESS AND ECONOMIC DEVELOPMENT IN HAWAII", was referred to the Committee on Finance.

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 929-86) recommending that H.C.R. No. 17, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.C.R. No. 17, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ROLE OF THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES IN FACILITATING BUSINESS AND ECONOMIC DEVELOPMENT IN HAWAII", was referred to the Committee on Finance.

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 930-86) recommending that H.R. No. 210 be referred to the Committee on Finance.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.R. No. 210 entitled: "HOUSE RESOLUTION URGING THE BOARD OF REGENTS TO EXAMINE THE OPERATIONS OF THE WEST OAHU COLLEGE", was referred to the Committee on Finance.

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 931-86) recommending that H.C.R. No. 135 be referred to the Committee on Finance.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.C.R. No. 135 entitled: "HOUSE CONCURRENT RESOLUTION URGING THE BOARD

OF REGENTS TO EXAMINE THE OPERATIONS OF THE WEST OAHU COLLEGE", was referred to the Committee on Finance.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 932-86) recommending that H.R. No. 181, as amended in HD1, be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 181, HD1, entitled: "HOUSE RESOLUTION RELATING TO NATIVE HAWAIIAN REFORESTATION", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 933-86) recommending that H.R. No. 74, HD1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 74, HD1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE LONG-TERM CARE SYSTEM", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 934-86) recommending that H.C.R. No. 63, HD1, be adopted.

Representative Shon then rose to speak in support of the resolution, stating:

"This resolution seeks to establish a sister-state relationship with a relatively small island, and most of you, I am sure, have never even heard of. But I can assure you that the people of Cheju Island are very much aware of us, and in fact, it is increasingly common for Cheju Island to be referred to by the Koreans as the "Hawaii of the East."

"Cheju's environment is white sand beaches. It's fishing, mariculture, tropical agriculture and tourism all suggest areas of mutual cooperation; and we have much to share amongst us.

"There is a larger context, however, for this seemingly humble resolution plays a more significant role in helping to open up the doors to a newer and more objective perspective on east Asia.

"A few years ago, Mr. Speaker, a

reporter travelling to the People's Republic of China visited a little school and was especially struck by the uniformed children, their short hair, their tiny desks and the discipline, he declared with some alarm, 'this is the face of communism.' However, little did he know that if he had travelled to Korea or Japan or Taiwan or any number of places, he would have found exactly the same outward features. He not only misunderstood the system he was observing, he also failed to understand what was Asian and what was Chinese.

"This is similar to a situation when a reporter came to Hawaii a few years ago and seeking to appear well informed wanted to describe the outrigger canoe, which the ancient Hawaiians called, 'da kine.' This kind of mistake, Mr. Speaker, is the result of not having the proper and broad perspective, and I firmly believe that in East Asia one must know the differences and the similarities between Korea, Japan and China. And among the three, I might add, only one really has had a significantly long history where all three influences exist side by side.

"For centuries Korea absorbed the Chinese style of government, its bureaucratic state while maintaining and cultivating its own indigenous culture; and then in the twentieth century, Korea was colonized by Japan and its modernization and its process of moving into the modern world was really facilitated by the adoption of Japanese style of bureaucratic systems.

"I have heard many scholars of China speak of things of which they thought was purely Chinese but which was actually east Asian in general and the same can be said of Japanese scholars because even at the university level, they have not sought a broad perspective.

"It's true that to see accurately and with perspective, you need to see three dimensions and I think one can say that Korea is the third dimension of Asia, and I firmly believe that if we are serious about increasing our ties, we will look more and more into ways to broaden our perspectives about East Asia.

"I would like, at this time, to mention that this small, little resolution is so important to the folks at Cheju that the governor of Cheju made a special point to visit Hawaii late last year with our governor and various other people and its these

personal contacts that can really make a difference.

"I would like to even suggest a modest proposal that, in the future, we take a look at the sister-state relationship, and we send an annual mission which include people from our tourism industry management program, from our tropical agriculture department, from DPD, from various programs who have the power to set up programs, and that this mission become a working mission, and once a year they visit many of the sister-state relationships and do more than simply to re-establish the ties.

"The governor of Cheju mentioned specifically of how we had a lot of talk; now let's set something up. I think that this is something we have to look at very seriously in our other sister-state relationships. Let's get the programs going and let's make the personal contact.

"In conclusion, Mr. Speaker, I hope that all of you will have the chance in the future to visit Cheju Island. But I think that it is opportunities like this that increase our perspective on Asia and enhance our ability to deal with those ties which we already have.

"Thank you."

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.C.R. No. 63, HD1, entitled: "HOUSE CONCURRENT RESOLUTION PROPOSING A SISTER STATE-PROVINCE RELATIONSHIP BETWEEN THE STATE OF HAWAII AND THE PROVINCE OF CHEJU, REPUBLIC OF KOREA", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 935-86) recommending that H.C.R. No. 46 be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 46 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A PROGRAM AND MANAGEMENT AUDIT OF STATE ENVIRONMENTAL PROTECTION PROGRAMS", was adopted.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 936-86) recommending that H.R. No. 213 be adopted.

Representative Pfeil then rose and stated:

"Mr. Speaker, in the interest of time could I have some written comments in support of H.R. No. 213 be inserted into the Journal?"

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

The following are the remarks of Representative Pfeil in support of H.R. No. 213:

"The farmers of Hawaii face extreme obstacles in producing a crop. We have the hazards of weather, insect infestations, whims in the marketplace, competition from relatively cheap mainland inshipments, and a host of other known and unknown factors that effect production. Farming is the only gambling that is legal in this State.

"Mr. Speaker, this State has been very supportive of its farmers. Farmers have sold more than one-half billion in crops and livestock each year, and this figure is growing. Continued support, and improvement, is encouraged.

"And, Mr. Speaker, the work of the Hawaii Farm Bureau, the lobby and advocacy group for the farmers, have done such valuable work on the farmers' behalf, it is with great pleasure to see House Resolution No. 213 congratulating the Hawaii Farm Bureau and furthering the State's support and recognition of the valuable agriculture industry of Hawaii."

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.R. No. 213 entitled: "HOUSE RESOLUTION CONGRATULATING THE HAWAII FARM BUREAU FEDERATION AND REQUESTING THE GOVERNOR TO PROCLAIM THE WEEK OF JUNE 27 TO JULY 6 AS 'HAWAII AGRICULTURE WEEK'", was adopted.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 937-86) recommending that H.C.R. No. 138 be adopted.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.C.R. No. 138 entitled: "HOUSE CONCURRENT RESOLUTION CONGRATULATING THE HAWAII FARM BUREAU FEDERATION AND REQUESTING THE GOVERNOR

TO PROCLAIM THE WEEK OF JUNE 27 TO JULY 6 AS 'HAWAII AGRICULTURE WEEK'", was adopted.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 938-86) recommending that H.R. No. 231 be adopted.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.R. No. 231 entitled: "HOUSE RESOLUTION URGING THE USDA, ANIMAL AND PLANT HEALTH INSPECTION SERVICE TO EXPEDITE THE PENDING CHANGE IN REGULATIONS TO ALLOW SHARWIL VARIETY OF AVOCADO TO BE MOVED FROM HAWAII INTERSTATE", was adopted.

Representative Honda, for the Committee on Agriculture, presented a report (Stand. Com. Rep. No. 939-86) recommending that H.C.R. No. 157 be adopted.

On motion by Representative Honda, seconded by Representative Nakata and carried, the report of the Committee was adopted and H.C.R. No. 157 entitled: "HOUSE CONCURRENT RESOLUTION URGING THE USDA, ANIMAL AND PLANT HEALTH INSPECTION SERVICE TO EXPEDITE THE PENDING CHANGE IN REGULATIONS TO ALLOW SHARWIL VARIETY OF AVOCADO TO BE MOVED FROM HAWAII INTERSTATE", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 940-86) recommending that H.C.R. No. 22, as amended in HD1, be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 22, HD1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DISPOSE BY WAY OF AN EASEMENT, CERTAIN GOVERNMENT SUBMERGED LANDS AND LANDS BENEATH TIDAL WATERS FOR PURPOSES OF CONSTRUCTING CERTAIN OFFSHORE IMPROVEMENTS", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 941-86) recommending that H.C.R.

No. 79, as amended in HD1, be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 79, HD1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO DISPOSE BY WAY OF AN EASEMENT, CERTAIN GOVERNMENT SUBMERGED LANDS AND LANDS BENEATH TIDAL WATERS FOR PURPOSES OF CONSTRUCTING CERTAIN OFFSHORE IMPROVEMENTS", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 942-86) recommending that H.R. No. 116 be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 116 entitled: "HOUSE RESOLUTION REGARDING THE APPLICATION OF SPECIAL PURPOSE REVENUE BOND PROCEEDS TO A WIND ENERGY FARM AT SOUTH POINT, COUNTY OF HAWAII", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 943-86) recommending that H.C.R. No. 70 be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.C.R. No. 70 entitled: "HOUSE CONCURRENT RESOLUTION REGARDING THE APPLICATION OF SPECIAL PURPOSE REVENUE BOND PROCEEDS TO A WIND ENERGY FARM AT SOUTH POINT, COUNTY OF HAWAII", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 944-86) recommending that H.C.R. No. 13 be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 13 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FOREIGN TRADE ACTION PLAN", was adopted.

Representative Apo, for the Commit-

tee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 945-86) recommending that H.C.R. No. 104, as amended in HD1, be referred to the Committee on Finance.

Representative Apo then rose and stated:

"Mr. Speaker, may I have some remarks in support of the resolution be inserted into the Journal," and the Chair, noting that there were no objections, "so ordered."

The following are the remarks of Representative Apo on H.C.R. No. 104, HD1,:

"Mr. Speaker, H.C.R. No. 104, HD1, is one of several actions that your Committee on Ocean and Marine Resources is taking to revitalize our efforts to gain shared management rights and fee simple ownership of certain lands in the Northwest Hawaiian island now under the jurisdiction of the federal government.

"The 1983 presidential proclamation declaring the United States 200 mile exclusive economic zone signals the beginning of a national Ocean Agenda that spells opportunity for Hawaii in capital letters. Our abilities to pursue these economic development opportunities will largely depend on the degree to which Hawaii has shared management and/or ownership rights to these ocean resources."

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 104, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO TAKE ACTION ON OBTAINING SHARED USE OF TERN ISLAND, FRENCH FRIGATE SHOALS FOR THE PURPOSE OF ESTABLISHING A FISHERY SUPPORT BASE", was referred to the Committee on Finance.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 946-86) recommending that H.R. No. 152, as amended in HD1, be referred to the Committee on Legislative Management.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 947-86) recommending that H.C.R. No. 94, as amended in HD1, be referred to the Committee on Legislative Management.

Representative M. Ige then rose and stated:

"Mr. Speaker, I have some comments in support of these resolutions that I would like to have inserted into the Journal," and the Chair, noting that there were no objections, "so ordered."

The following are the remarks of Representative M. Ige on H.R. No. 152, HD1, and H.C.R. No. 94, HD1:

"Mr. Speaker, these resolutions request the Chief Justice to conduct a study of the feasibility of allowing the limited licensing in Hawaii of foreign legal consultants from Japan, and establishing a reciprocity program with Japan under which Hawaii attorneys may practice as foreign legal consultants.

"Mr. Speaker, the need for Hawaii attorneys to have information about foreign law has never been greater. The world is shrinking as international economic interdependence grows. Hawaii companies would benefit from information about foreign markets to export and invest wisely. For example, Hawaii residents who have inherited property in Japan need technical advice as to how to protect their interests. Further, international contracts often touch upon legal rights and obligations in several countries and it can be very expensive, time consuming and cumbersome to contact legal counsel in foreign countries by visit or various forms of communication. The first major difficulty is in locating qualified foreign counsel. Even then, they may not understand the legal questions or be able to provide an intelligible answer.

"Mr. Speaker, a foreign legal consultant in Hawaii can help overcome barriers of language and legal interpretation, especially when working with a Hawaii lawyer. Together they can provide comprehensive legal analysis and better serve the desires of the Hawaii client.

"Mr. Speaker, to achieve this mutual cooperation with Japan, Japan requires a reciprocity provision. Hawaii lawyers will be excluded from Japan unless Japanese lawyers are given the opportunity to be foreign legal consultants here in Hawaii. Thus, this resolution would help to pave the way to stimulate American exports and foreign investments in Japan and to provide opportunities for Hawaii lawyers.

"Mr. Speaker, the Hawaii educational requirements for persons from non-common law countries are very strict. The only practical way for a Japanese lawyer to provide legal services in Hawaii is for the Hawaii State Supreme Court to allow the licensing of foreign legal consultants. This is also true of Hawaii lawyers who want to provide legal services in Japan, since it is a practical impossibility for a Hawaii lawyer to pass the entrance examination to the Legal Research and Training Institute of the Japan Supreme Court.

"Mr. Speaker, the resolutions under consideration here will directly lead to the opening of Hawaii law offices in major Asian centers. The presence in Hawaii of foreign legal consultants from Japan will increase the flow of international trade through Hawaii, and will thereby encourage the use of Hawaii lawyers in Japan to serve Japanese businesses participating in the growing trade.

"Mr. Speaker, by adopting these resolutions, we will be taking a significant step in enabling Hawaii to play a major role in providing international legal services in Asia and the Pacific. It is a positive step in making Hawaii a center for international business.

"Mr. Speaker, I therefore ask my colleagues to support these measures.

"Thank you."

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.R. No. 152, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE CHIEF JUSTICE TO STUDY THE FEASIBILITY OF ALLOWING THE LIMITED LICENSING OF FOREIGN LEGAL CONSULTANTS FROM JAPAN AND ESTABLISHING A RECIPROCITY PROGRAM FOR HAWAII ATTORNEYS TO PRACTICE AS LEGAL CONSULTANTS IN JAPAN", was referred to the Committee on Legislative Management.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.C.R. No. 94, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHIEF JUSTICE TO STUDY THE FEASIBILITY OF ALLOWING THE LIMITED LICENSING OF FOREIGN LEGAL CONSULTANTS FROM JAPAN AND ESTABLISHING A RECIPROCITY PROGRAM FOR HAWAII ATTORNEYS

TO PRACTICE AS LEGAL CONSULTANTS IN JAPAN", was referred to the Committee on Legislative Management.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 336 to 338) were disposed of as follows:

A resolution (H.R. No. 336) congratulating Dr. William B. Michael on his accomplishments in the field of psychological research and education was jointly offered by Representatives Hagino, Anderson, Andrews, Blair, Bunda, Cachola, Cavasso, Crozier, Graulty, Hirono, Honda, M. Ige, Ikeda, Isbell, Kamali'i, Kihano, Lardizabal, Leong, Levin, Liu, Manegdeg, Marumoto, Medeiros, Menor, Metcalf, Nakasato, Nakata, Okamura, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi and Tom.

A resolution (H.R. No. 337) recognizing the contributions of the Okinawan Young Farmers Program in the sister-state relationship between Hawaii and Okinawa, Japan, and commending of the extension service, College of Tropical Agriculture and Human Resources, University of Hawaii, for its fostering of this relationship was jointly offered by Representatives Takamine, Lindsey, Oshiro, M. Ige, Kiyabu, D. Ige, Nakata, Nakasato, Anderson, Blair, Cachola, Cavasso, Hagino, Hashimoto, Hemmings, Ikeda, Isbell, Kamali'i, Kihano, Levin, Liu, Manegdeg, Marumoto, Menor, Okamura, Onouye, Pfeil, Shito, Shon, Tam, Taniguchi and Tungpalan.

A resolution (H.R. No. 338) recognizing the contributions of the rural South Hilo Community Association, the North Hilo Community Council and the Hamakua Development Council was jointly offered by Representatives Takamine, Anderson, Apo, Cachola, Cavasso, Hagino, Hashimoto, Hirono, Honda, D. Ige, Isbell, Kamali'i, Kawakami, Kihano, Kiyabu, Lardizabal, Leong, Lindsey, Liu, Medeiros, Menor, Metcalf, Nakata, Onouye, Oshiro, Pfeil, Shon, Souki, Tajiri, Tam, Taniguchi and Tungpalan.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, H.R. Nos. 336, 337 and 338 were adopted.

#### ANNOUNCEMENTS

The following announcements were

made to the members of the House:

Representative Shon: "There will be a hearing for the Ocean and Resource Committee on Monday morning at 9:00 o'clock a.m., in Room 328; and at this time, I would also like to request waiver of the 48-hr. notice for S.C.R. No. 36 and H.R. No. 321," and the Chair, "so ordered." "Decision making to follow if time permit."

Representative Cachola: "The Committee on Housing will be holding a public hearing this coming Monday morning at 8:30 o'clock a.m., in Conference Room 314. Decision making to follow."

Representative Tam: "Your Committees on Water, Land Use Development and Hawaiian Affairs and Tourism will be having a joint hearing this afternoon at 1:00 o'clock p.m., in Room 435. Decision making to follow."

Representative Levin: "We are having a reception for our honoree, Mr. Hon-Chew Hee, immediately after session in Room 435. Members and their staffs are invited to attend."

Representative Shito: "I would like to announce that conferees on H.B. No. 26, HD1, relating to the drinking-age bill will meet this afternoon at 1:30 o'clock p.m., in Conference Room 328."

Representative Crozier: "I would like to request waiver of the 48-hr. notice requirement for H.R. 152, HD1, and H.C.R. 94, HD1," and the Chair, "so ordered."

"Your Committee on Legislative Management will be having a hearing at 2:00 o'clock p.m., in Room 416 on those resolutions. Decision making to follow."

Representative Tungpalan: "The House conferees on H.B. No. 1857-86, HD2, SD1, will commence conferencing with the Senate conferees on the above-mentioned bill in Room 435 at 9:00 o'clock a.m., on Monday. This bill relates to discrimination in public accommodations."

Representative Tom: "I would like to request the waiver of the 48-hr. notice on H.B. Nos. 2221-86, HD2, SD2, 1493, SD3, S.B. Nos. 934, SD2, HD2, 1933-86, SD1, HD2, and 2258-86, SD1, HD1," and the Chair, "so ordered."

"Mr. Speaker, at this time, I would like to announce that tomorrow morning at 9:00 o'clock a.m., in Confer-

ence Room 328, we will be conferencing with the Senate Judiciary on H.B. Nos. 2221-86, HD2, SD2 and 1493, SD3. At 12:30 o'clock p.m., tomorrow afternoon, we will be at Senate Conference Room 4, same committees, for S.B. Nos. 932, SD2, HD2, and 1933-86, SD1, HD2. Tomorrow evening at 6:30 o'clock p.m., in Senate Conference 4, conferees for tort reform -- S.B. No. 2258-86, SD1, HD1, -- we will be conferencing with the Senate.

"I would also like to remind the member conferees that we will be meeting this afternoon at 3:30 o'clock p.m., in Senate Conference Room 4 to conference on 5 bills."

The Chair then announced:

"Waiver is granted on said bills."

Representative Gaulty: "I would like to announce that your House conferees will be meeting on Saturday at 2:00 o'clock p.m., in Senate Conference Room 4 on H.B. Nos. 2725-86, HD1, SD2, relating to CPS immunity. Following that, the House conferees will be meeting at 3:00 o'clock p.m., in Conference Room 314 to conference on H.B. No. 2069-86, HD1, SD1, relating to elderly abuse; and H.B. No. 2246-86, HD2, SD1, relating to medicaid."

Representative Kiyabu: "Your conferees on the Executive and Judiciary Budget will be meeting this afternoon at 2:00 o'clock p.m., and I request that all subject co-chairmen listed on today's 2:00 o'clock p.m., agenda, will be subject to call, and will they please leave their number where they can be reached when we get to those bills so that you can be informed when we do discuss those bills."

At 12:40 o'clock p.m., Representative Crozier asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:43 o'clock p.m.

The Chair then announced:

"The Chair will waive the 48-hr. notice requirement on all bills in conference so that managers on the part of the House are requested to at least adhere "to the spirit" of that requirement.

Representative D. Ige: "Conferees on S.B. No. 909 will be meeting this evening at 5:30 o'clock p.m., in Conference Room 314."

At 12:44 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 12:45 o'clock p.m.

At this time, the Chair made the following announcements:

"In respect to House bills returned with Senate drafts, managers on the part of the House are hereby notified to be prepared to make their motions to reconsider action previously taken on those measures that you intend to agree with respect to Senate drafts made to House bills.

"You should have an idea of that just by looking at your action sheet; certain conferees or conferees were not named for those measures, that's one indication at least. Subject matter chairmen will be called upon to make those motions come Monday, and by Wednesday, motions for Final Reading will be considered.

"The Chair discharges the conferees on the part of the House for the following bills. These bills were carryover House bills in conference from last year, 1985: H.B. Nos. 520, HD1, SD1; 1270, HD1, SD1; and 1366, SD1.

#### ADJOURNMENT

At 12:46 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., Monday, April 14, 1986.

## FIFTY-SIXTH DAY

Monday, April 14, 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 Mrs. Leona Salvador of the First Church of Christ Scientist, after which the Roll was called showing all members present with the exception of Representatives Apo, Isbell, Pfeil and Shon, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 510 to 520) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 510) returning House Bill No. 2436-86, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", which passed Third Reading in the Senate on April 11, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 511) transmitting Senate Concurrent Resolution No. 13, SD 1, recognizing the Main Street Hawaii program as a proven program of economic revitalization of small towns and expressing legislative support for its efforts, which was adopted by the Senate on April 11, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 512) transmitting Senate Concurrent Resolution No. 22, requesting an intensive technical program of study be developed for state and county agency personnel dealing with geothermal energy resource development, which was adopted by the Senate on April 11, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 513) transmitting Senate Concurrent Resolution No. 41, requesting the creation of a blue ribbon committee to determine the most appropriate site for the King Kalakaua statue, which was adopted by the Senate on April 11, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 514) transmitting Senate Concurrent Resolution No. 45, SD 1, requesting the State acquire additional Oneloa Beach (Big Beach) lands at Makena, Maui for State park purposes, which was adopted by the Senate on April 11, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 515) transmitting Senate Concurrent Resolution No. 63, encouraging continued efforts toward development of geothermal resources, which was adopted by the Senate on April 11, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 516) informing the House that the Senate has reconsidered its action taken on April 4, 1986, in passing Senate Bill No. 2359-86, SD 1, HD 1, on Final Reading, was placed on file.

A communication from the Senate (Sen. Com. No. 517) informing the House that the Senate has reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 1837-86, SD 1 (HD 1) were agreed to by the Senate on April 11, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 518) informing the House that the President has, on April 11, 1986, added Senators Cayetano and Henderson as additional Managers on the part of the Senate at the conference on House Bill No. 1692-86, HD 2, SD 2, was placed on file.

A communication from the Senate (Sen. Com. No. 519) informing the House that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 1514-86, SD 1 (HD 1) and the request for a conference on the subject matter of said amendments, the President has, on April 11, 1986, appointed Senators Cobb, Chairman; B. Kobayashi and Henderson, as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

In accordance therewith, the Chair appointed Representatives Shito, Chairman; Blair, Bunda, Hashimoto and Liu as Managers on the part of the House at such conference.

A communication from the Senate

(Sen. Com. No. 520) informing the House that pursuant to the disagreement of the Senate to the amendments proposed by the House to Senate Bill No. 2258-86, SD 1 (HD 1) and the request for a conference on the subject matter of said amendments, the President has, on April 11, 1986, appointed Senators Chang, Chairman; Cayetano, Cobb, Toguchi and A. Kobayashi, as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

In accordance therewith, the Chair appointed Representatives Tom and Bunda, Co-Chairmen; Hashimoto, Hirono, Kiyabu, Metcalf, Shito, Taniguchi, Cavasso and Medeiros as Managers on the part of the House at such conference.

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

Representative Honda, on behalf of the Maui delegation, introduced 12 seniors from the various Maui high schools, and "they are participating in the Upward Bound Program of Maui Community College." They were accompanied by their counselors, Charmane Tavares and Brian McKinnon.

Representative Okamura, on behalf of Representative Cachola and himself, introduced a group of 33 students in grades nine to twelve, who are class and student body officers at Radford High School. They were accompanied by Mrs. Barbara Velasco, student activities coordinator; Mrs. Kolleen Overman, Junior class adviser; and Mrs. Gabrielle Clapp, student teacher.

Representative Menor, on behalf of Representative Tungpalan and himself, introduced Mr. Domingo Los Banos, "a close friend and former Leeward District Superintendent," and Mr. Hy Gore, "a close personal family friend of mine from California who served with my father in the Filipino Infantry Unit during World War II."

Representative Souki introduced Mr. Goro Hokama, Council Chairman from the County of Maui, and Gwen Kai, County aide.

Representative Blair introduced the Honorable Vinny Marsuella, Representative from Rhode Island.

#### 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 certain resolutions.

#### INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 339 to 342) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 339) congratulating and commending John Greer on his outstanding achievements was jointly offered by Representatives M. Ige and Tom.

On motion by Representative M. Ige, seconded by Representative Tom and carried, H.R. No. 339 was adopted.

A resolution (H.R. No. 340) congratulating and commending Michael Cho on his outstanding achievements was jointly offered by Representatives M. Ige and Anderson.

On motion by Representative M. Anderson, seconded by Representative Anderson and carried, H.R. No. 340 was adopted.

Representative M. Ige rose and stated:

"Mr. Speaker, I am pleased to have John and Mike here this morning. I want to commend these two young men who are involved in promoting wheelchair sports here in our great State of Hawaii. They have helped to broaden the spectrum of the public's understanding of the needs of the disabled population. These two individuals are an inspiration to everyone.

"Mr. Speaker, I had the privilege of travelling over to Georgia, and in Georgia I visited the gravesite of the late Reverend Martin Luther King, and in one of his grave stones is engraved the saying that 'the ultimate measure of any individual is not where he stands in comfort and convenience, but where he stands in times of challenge and controversy.' I am sure the late Reverend King did not write this saying for individuals like John and Mike; it was more in terms of material. . . I guess political types of philosophies. But I think if we imagine a little bit and ask ourselves, what is times of challenge and controversy, it could ripple probably everything we do as human beings.

"Mr. Speaker, at this time, I would like to introduce a good friend of mine, Mr. John Greer. John, would you raise your hand to be recognized."

"And also from the community of Kailua, an individual who has written to me on many occasions, asking for financial support to support his tremendous accomplishments, I guess, in his rifle shooting. Mr. Mike Cho, would you please be recognized."

Representative M. Ige then asked Linda Kahana, Mike's sister, "who is presently working for the Senate Sergeant-at-Arms," to stand and be recognized.

Representative Hashimoto presented Mr. Greer with a carnation/tuberose lei while Representative Tom presented him with a certified copy of the resolution.

Representative Ikeda presented Mr. Cho with a carnation/tuberose lei while Representative Anderson presented him with a certified copy of the resolution.

A resolution (H.R. No. 341) commending and honoring KHET-HAWAII PUBLIC TELEVISION on its 20th anniversary was jointly offered by Representatives Onouye, Tam, Levin, Cachola, Hashimoto, Hemmings, Isbell, Lindsey, Manegdeg, Medeiros, Nakasato, Oshiro, Say, Shon, Souki, Tajiri, Takamine, Taniguchi and Tungpalan.

On motion by Representative Onouye, seconded by Representative Tam and carried, H.R. No. 341 was adopted.

Representative Onouye rose and stated:

"Mr. Speaker, it is my honor to have co-introduced this resolution commending KHET with my esteemed colleague, Representative Levin and Representative Tam.

"Tomorrow will mark a proud milestone in the history of public television here in Hawaii. On April 15, 1966, KHET began high quality broadcast from the enjoyment and education of all Hawaii's television viewers. During the past two decades, KHET has been an invaluable instructional resource for extending and reinforcing lessons taught in our State schools. Additionally, KHET has served as a training laboratory for UH students who aspire leadership in the field of modern telecommuni-

cations.

"While KHET is a fine educational resource, Mr. Speaker, it is also a source of very high quality entertainment. KHET provides beautiful music and fine theatre and a wide spectrum of cultural shows. It is with great pleasure that I share in commending KHET for twenty years of informative, educational, cultural and recreational enrichment provided to the viewers of Hawaii public television.

"At this time, I am honored to introduce the Executive Director of KHET Public Television, Mr. Edward Robello."

Representative Onouye then asked Mr. Robello to stand and be recognized.

Representative Tungpalan presented Mr. Robello with a tuberose lei while Representative Tam presented him with a certified copy of the resolution.

A resolution (H.R. No. 342) honoring Leimomi Nuuhiwa, Miss Aloha Hula 1986, was jointly offered by Representatives Kiyabu, Anderson, Apo, Bunda, Cachola, Cavasso, Crozier, Hagino, Hashimoto, Hemmings, Hirono, Honda, Ikeda, Isbell, Kamali'i, Kihano, Lardizabal, Leong, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Menor, Metcalf, Nakata, Okamura, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tungpalan, Yoshimura and Peters.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, H.R. No. 342 was adopted.

Representative Kiyabu rose and stated:

"Mr. Speaker and members of the House, the resolution really speaks for itself, but I am very embarrassed because I read the newspaper, the name was Leimomi and I've always known Leimomi as Stanette, and I have sponsored her for many years, working in these chambers, and I really did not know her name was Leimomi. But I am very proud of her. She has represented Kaimuki very well -- a girl from Kaimuki dancing to a song about lovers from Kaimuki. And that's what we have in Kaimuki -- just lovers, no fighters.

"And I am really proud of her, and her parents and Stanette have helped

me on my campaign a lot. And at this time, without further ado, I would like to introduce to you, Miss Aloha Hula, Leimomi Nuuhiwa," and asked Leimomi to stand and be recognized."

Representative Kiyabu then asked Mrs. Bertha Nahoopii, "a very good friend of Stanette," who was seated in the gallery to stand and be recognized.

Representative Crozier rose and stated:

"Mr. Speaker, when I came to the Legislature, Stanette was already working here, and she use to stand right behind of me. And, in fact, until just very recently, I didn't even take the time to find out her real name. Between she and I, I use to just call her Princess Kaiulani because if you look at her, she really looks like the Princess from by-gone days. And now that I see how she is into the culture and she has proven herself, it really makes me appreciate her a little bit more -- not only her features look like Princess Kaiulani, but even from her soul, that has come out. And when I read the paper and saw that she won and she kind of told what had happened there, some of the problems that she had encountered -- the lights went out on her and she didn't get riled, she just focused in on what she was supposed to do, she knew that her supporters were out there, she got up on the floor and she just went for it -- and I know where she learned how to do that. It's right here -- amongst us. So we-

all can feel a little pride because she watched us when it got lonely, each of us had our turn having to go against the floor. . . our fellow colleagues, so she learned that from here. So, I think we can share in some of the accomplishments of Stanette, and Princess Kaiulani -- congratulations."

Representative Crozier presented a floral lei to Leimomi while Representative Kiyabu presented her with a certified copy of the resolution.

At 11:44 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, "to meet and to extend our personal aloha to our honorees this morning."

Upon reconvening at 12:20 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Shon.

## STANDING COMMITTEE REPORTS

Representatives Tungpalan and Shito, for the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 948-86) recommending that H.R. No. 140, as amended in HD 1, be adopted.

On motion by Representative Tungpalan, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.R. No. 140, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REPORT ON THE REASONS FOR THE NON-IMPLEMENTATION OF THE REQUIREMENTS THAT ALL WORKERS' COMPENSATION INSURANCE POLICIES INCLUDE OPTIONAL DEDUCTIBLES FOR MEDICAL BENEFITS AND THAT ALL POLICIES BE IN A STANDARD FORM", was adopted.

Representatives Tungpalan and Shito, for the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 949-86) recommending that H.C.R. No. 80, as amended in HD 1, be adopted.

On motion by Representative Tungpalan, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.C.R. No. 80, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REPORT ON THE REASONS FOR THE NONIMPLEMENTATION OF THE REQUIREMENTS THAT ALL WORKERS' COMPENSATION INSURANCE POLICIES INCLUDE OPTIONAL DEDUCTIBLES FOR MEDICAL BENEFITS AND THAT ALL POLICIES BE IN A STANDARD FORM", was adopted.

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 950-86) recommending that H.R. No. 22 be adopted.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.R. No. 22, entitled: "HOUSE RESOLUTION SUPPORTING THE UNIVERSITY OF HAWAII OUTREACH AND EXTENDED DEGREE EFFORTS AND ENCOURAGING THE CONTINUATION OF THESE EFFORTS", was adopted.

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand.

Com. Rep. No. 951-86) recommending that H.C.R. No. 19 be adopted.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.C.R. No. 19, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE UNIVERSITY OF HAWAII OUTREACH AND EXTENDED DEGREE EFFORTS AND ENCOURAGING THE CONTINUATION OF THESE EFFORTS", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 952-86) recommending that H.R. No. 94, as amended in HD 2, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 94, HD 2, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON CONGENITAL TOXOPLASMOSIS", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 953-86) recommending that H.C.R. No. 57, as amended in HD 2, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 57, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON CONGENITAL TOXOPLASMOSIS", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 954-86) recommending that H.R. No. 177, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 177, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF LONG TERM CARE INSURANCE AND THE FEASIBILITY OF ALLOWING A TAX CREDIT FOR LONG TERM CARE INSURANCE PREMIUMS", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 955-86) recommending that H.C.R. No. 110, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative

Souki and carried, the report of the Committee was adopted and H.C.R. No. 110, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF LONG TERM CARE INSURANCE AND THE FEASIBILITY OF ALLOWING A TAX CREDIT FOR LONG TERM CARE INSURANCE PREMIUMS", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 956-86) recommending that H.R. No. 130, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 130, HD 1, entitled: "HOUSE RESOLUTION RELATING TO THE MANAGEMENT OF STATE LANDS UNDER CHAPTER 717, HAWAII REVISED STATUTES", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 957-86) recommending that H.C.R. No. 75, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 75, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE MANAGEMENT OF STATE LANDS UNDER CHAPTER 717, HAWAII REVISED STATUTES", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 958-86) recommending that H.R. No. 118, as amended in HD 2, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 118, HD 2, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF REGENTS TO STUDY ALTERNATE SYSTEMS FOR DELIVERING HIGHER EDUCATION SERVICES TO THE RESIDENTS OF WEST HAWAII", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 959-86) recommending that H.C.R. No. 72, as amended in HD 2, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R.

No. 72, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE BOARD OF REGENTS TO STUDY ALTERNATE SYSTEMS FOR DELIVERING HIGHER EDUCATION SERVICES TO THE RESIDENTS OF WEST HAWAII", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 960-86) recommending that H.R. No. 60, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 60, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE OF HAWAII TO IMPLEMENT A CONTINUUM OF SERVICES IN THE COMMUNITY FOR PERSONS WITH MENTAL RETARDATION, AND FOR PERSONS WHO ARE DEVELOPMENTALLY DISABLED", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 961-86) recommending that H.C.R. No. 33, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 33, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE OF HAWAII TO IMPLEMENT A CONTINUUM OF SERVICES IN THE COMMUNITY FOR PERSONS WITH MENTAL RETARDATION, AND FOR PERSONS WHO ARE DEVELOPMENTALLY DISABLED", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 962-86) recommending that H.R. No. 120, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 120, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE UNIVERSITY OF HAWAII CONDUCT A FEASIBILITY STUDY OF PROVIDING COLLEGE CREDIT COURSES AT NON-TRADITIONAL TIMES", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 963-86) recommending that H.R. No. 102, HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.R. No. 102, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY OF THE POSSIBLE SEPARATION OF THE SCHOOL OF TRAVEL INDUSTRY MANAGEMENT FROM THE COLLEGE OF BUSINESS ADMINISTRATION OF THE UNIVERSITY OF HAWAII AT MANOA AND AN INCREASE IN SUPPORT ALLOCATED TO THE SCHOOL OF T.I.M.", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 964-86) recommending that H.C.R. No. 66, as amended in HD 2, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 66, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION 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", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 965-86) recommending that H.C.R. No. 4 be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 4, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE UNEMPLOYMENT INSURANCE COMPENSATION FUND", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 966-86) recommending that H.C.R. No. 82, as amended in HD 2, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 82, HD 2, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF AN EMPLOYEE ASSISTANCE PROGRAM FOR STATE EMPLOYEES", was adopted.

Representative Kiyabu, for the

Committee on Finance, presented a report (Stand. Com. Rep. No. 967-86) recommending that H.C.R. No. 91 be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 91, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE REORGANIZATION OF STATE GOVERNMENT", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 968-86) recommending that H.C.R. No. 102, as amended in HD 1, be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 102, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING AN EVALUATION OF THE TRAINING PROVIDED TO INDIVIDUALS INVOLVED IN EARLY INTERVENTION OF CHILD ABUSE AND NEGLECT", was adopted.

Representative Kiyabu, for the Committee on Finance, presented a report (Stand. Com. Rep. No. 969-86) recommending that H.C.R. No. 60 be adopted.

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.C.R. No. 60, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE ACQUIRE ADDITIONAL ONELOA BEACH (BIG BEACH) LANDS AT MAKENA, MAUI FOR STATE PARK PURPOSES", was adopted.

At 12:22 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:25 o'clock p.m.

#### INTRODUCTION OF RESOLUTIONS

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the following resolutions (H.R. Nos. 343 to 346) were adopted:

A resolution (H.R. No. 343) honoring Darrell Lupenui was jointly offered by Representatives Kiyabu, Anderson, Andrews, Apo, Bunda,

Cachola, Cavasso, Crozier, Hagino, Hashimoto, Hemmings, Hirono, Honda, Ikeda, Isbell, Kamali'i, Kihano, Lardizabal, Leong, Lindsey, Liu, Manegdeg, Marumoto, Medeiros, Menor, Metcalf, Nakata, Okamura, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tungpalan, Yoshimura and Peters.

A resolution (H.R. No. 344) congratulating the Governor's Native Hawaiian Advisory Panel for its commendable performance and support of the native Hawaiians was offered by Representative Lindsey.

A resolution (H.R. No. 345) congratulating Wilbert "Aping" Lee for being nominated for the National Thomas Jefferson Award was jointly offered by Representatives Tam, Gaulty, Levin, Lindsey, Marumoto, Shito, Shon, Taniguchi and Yoshimura.

A resolution (H.R. No. 346) congratulating and commending the Kamehameha Secondary School for the 64th annual song contest was jointly offered by Representatives Say, Lindsey, Anderson, Andrews, Apo, Blair, Bunda, Cavasso, Crozier, Gaulty, Hagino, Hashimoto, Hirono, Honda, M. Ige, Ikeda, Isbell, Jones, Kawakami, Kihano, Lardizabal, Leong, Levin, Liu, Manegdeg, Marumoto, Medeiros, Menor, Nakasato, Nakata, Okamura, Onouye, Oshiro, Pfeil, Shito, Souki, Tajiri, Takamine, Tam, Taniguchi, Tom and Tungpalan.

#### STANDING COMMITTEE REPORTS

Representatives Say and Levin, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 970-86) recommending that H.R. No. 214, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Levin and carried, the joint report of the Committees was adopted and H.R. No. 214, HD 1, entitled: "HOUSE RESOLUTION RELATING TO SPACE INDUSTRIES", was referred to the Committee on Finance.

Representatives Say and Levin, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 971-86) recommending that

H.C.R. No. 140, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Levin and carried, the joint report of the Committees was adopted and H.C.R. No. 140, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO SPACE INDUSTRIES", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 972-86) recommending that H.R. No. 167, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Shon, seconded by Representative Andrews and carried, the report of the Committee was adopted and H.R. No. 167, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE BOARD OF LAND AND NATURAL RESOURCES TO TAKE ACTION ON OBTAINING SHARED USE OF TERN ISLAND, FRENCH FRIGATE SHOALS FOR THE PURPOSE OF ESTABLISHING A FISHERY SUPPORT BASE", was referred to the Committee on Finance.

Representatives Shito and Tungpalan, for the Committees on Consumer Protection and Commerce and Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 973-86) recommending that H.C.R. No. 86, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Tungpalan and carried, the report of the Committee was adopted and H.C.R. No. 86, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE LEGISLATIVE AUDITOR PREPARE AN ANALYSIS OF THE TRANSFER OF THE DUTY AND RESPONSIBILITY TO CERTIFY PROVIDERS OF REHABILITATION SERVICES", was referred to the Committee on Finance.

Representatives Shito and Tungpalan, for the Committees on Consumer Protection and Commerce and Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 974-86) recommending that H.R. No. 144, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Tungpa-

lan and carried, the report of the Committee was adopted and H.R. No. 144, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE LEGISLATIVE AUDITOR PREPARE AN ANALYSIS OF THE TRANSFER OF THE DUTY AND RESPONSIBILITY TO CERTIFY PROVIDERS OF REHABILITATION SERVICES", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 975-86) recommending that H.R. No. 125, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.R. No. 125, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF TIME SHARING", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 976-86) recommending that H.R. No. 164 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.R. No. 164, entitled: "HOUSE RESOLUTION REQUESTING A STUDY ON THE ADVISABILITY TO STATUTORILY REQUIRING REAL ESTATE LICENSEES TO ASCERTAIN AND DISCLOSE PERTINENT FACTS, AND DEFINING PERTINENT FACTS", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 977-86) recommending that H.C.R. No. 99 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.C.R. No. 99, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE ADVISABILITY TO STATUTORILY REQUIRING REAL ESTATE LICENSEES TO ASCERTAIN AND DISCLOSE PERTINENT FACTS, AND DEFINING PERTINENT FACTS", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and

Commerce, presented a report (Stand. Com. Rep. No. 978-86) recommending that H.R. No. 163, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.R. No. 163, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF INSURANCE AND BONDING PROBLEMS RELATED TO MANAGEMENT OF CONDOMINIUMS AND REAL ESTATE LICENSEES", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 979-86) recommending that H.C.R. No. 98, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.C.R. No. 98, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF INSURANCE AND BONDING PROBLEMS RELATED TO MANAGEMENT OF CONDOMINIUMS AND REAL ESTATE LICENSEES", was referred to the Committee on Finance.

Representative Crozier, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 980-86) recommending that H.R. No. 152, HD 1, be adopted.

On motion by Representative Crozier, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.R. No. 152, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE CHIEF JUSTICE TO STUDY THE FEASIBILITY OF ALLOWING THE LIMITED LICENSING OF FOREIGN LEGAL CONSULTANTS FROM JAPAN AND ESTABLISHING A RECIPROCITY PROGRAM FOR HAWAII ATTORNEYS TO PRACTICE AS LEGAL CONSULTANTS IN JAPAN", was adopted.

Representative Crozier, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 981-86) recommending that H.C.R. No. 94, HD 1, be adopted.

On motion by Representative Crozier, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.C.R. No. 94, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUEST-

ING THE CHIEF JUSTICE TO STUDY THE FEASIBILITY OF ALLOWING THE LIMITED LICENSING OF FOREIGN LEGAL CONSULTANTS FROM JAPAN AND ESTABLISHING A RECIPROCITY PROGRAM FOR HAWAII ATTORNEYS TO PRACTICE AS LEGAL CONSULTANTS IN JAPAN", was adopted.

#### ANNOUNCEMENTS

Representative Okamura, on behalf of the members of the House, extended birthday greetings to Representative Hashimoto and Representative Medeiros.

Representative Kiyabu: "This afternoon, at 1:30, your conferees on the budget will be meeting at 1:30 p.m. in Room 310. Following the budget conferences, those bills that were listed on April 11th on agendas 1, 2 and 3, and there may be others -- we will be taking those bills up so the subject matter chairmen, please make yourselves available. At certain points, things will be moving rapidly."

Representative Oshiro rose and requested waiver of the 48-hour notice for hearings on House Resolution No. 285, and the Chair "so ordered."

Representative Oshiro: "Your Committee on Transportation will be hearing this resolution, as well as some others, tomorrow morning, 8:30, in Conference Room 328. Decision-making to follow."

Representative Shito: "Your conferees on House Bill 26, in reference to the drinking age, will try again this afternoon at 3:30 in Room 416."

Representative Tom: "I would like to add more bad news. Your conferees also on Senate Bill 2258-86 will be meeting right now for tort reform."

Representative Say rose and requested waiver of the 48-hour notice for hearings on the following resolutions and concurrent resolutions: H.R. Nos. 288, 292, 294, 304, 309, 310 and 315; H.C.R. Nos. 60, 113, 114, 117, 190, 192, 194, 199, 202 and 203; and S.C.R. Nos. 26, 45 and 58. The Chair "so ordered."

Representative Say: "Your hearings will be tomorrow, subject to the call of the Chair."

Representative Yoshimura rose and requested waiver of the 48-hour

notice for hearings on S.B. No. 471, CD 1, and the Chair "so ordered."

Representative Yoshimura: "Tomorrow morning, at 10:00, I was advised by the Senate that we will be having a hearing, so to speak, of the pay bill and that's tentatively set in Conference Room 310. No decision-making."

Representative Souki: "This is a little belated but it's in regards to Representative Medeiros' birthday. I just would like to mention, Mr. Speaker and members of the House, that I just hope that, someday when I reach his age, I would look as well as him."

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

Representative Cavasso introduced a person from Waimanalo, Mrs. Nicky Hines.

Representative Oshiro introduced Miss Emogene Martin, "one of the community leaders from Ewa Beach and Chairperson of the Ewa Neighborhood Board."

Representative Marumoto introduced Mr. Alexander Pool.

#### SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills.

#### RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that the House reconsider its action taken on April 3, 1986, in disagreeing to the amendments proposed by the Senate to House Bill Nos. 82, HD 1; 526, HD 1; 692, HD 1; 1316, HD 1; 1322; 1488; 1672-86, HD 1; 1694-86, HD 1; 1695-86; 1727-86, HD 1; 1729-86; 1815-86, HD 2; 1826-86, HD 1; 1829-86; 1855-86, HD 1; 1869-86, HD 1; 1870-86, HD 1; 1878-86, HD 1; 1898-86, HD 2; 1905-86, HD 1; 1906-86, HD 1; 1907-86, HD 1; 1908-86, HD 1; 1913-86, HD 1; 1940-86, HD 1; 1945-86, HD 1; 1946-86, HD 1; 1951-86, HD 1; 1959-86, HD 1; 1967-86, HD 1; 1969-86, HD 1; 1970-86, HD 2; 1971-86, HD 1; 1974-86; 1976-86;

1983-86; 1984-86; 1993-86, HD 1; 1995-86, HD 1; 1999-86, HD 1; 2001-86, HD 1; 2002-86, HD 1; 2003-86, HD 1; 2007-86, HD 1; 2010-86; 2011-86, HD 1; 2013-86, HD 1; 2014-86, HD 1; 2024-86, HD 1; 2026-86, HD 1; 2027-86; 2032-86, HD 1; 2033-86, HD 1; 2035-86, HD 1; 2036-86, HD 1; 2038-86; 2039-86; 2042-86, HD 1; 2044-86; 2048-86; 2049-86; 2051-86; 2054-86; 2060-86, HD 1; 2062-86, HD 2; 2074-86, HD 1; 2102-86, HD 1; 2103-86, HD 1; 2105-86, HD 1; 2108-86, HD 1; 2109-86, HD 1; 2111-86; 2112-86; 2114-86; 2116-86; 2119-86; 2123-86; 2129-86, HD 1; 2138-86, HD 1; 2142-86, HD 1; 2158-86; 2168-86, HD 1; 2173-86, HD 1; 2189-86, HD 1; 2191-86, HD 1; 2192-86, HD 1; 2193-86; 2194-86; 2201-86, HD 1; 2216-86; 2217-86; 2238-86, HD 2; 2273-86, HD 1; 2337-86, HD 2; 2358-86; 2362-86; 2363-86; 2374-86; 2424-86; 2425-86, HD 1; 2427-86; 2465-86; 2479-86, HD 1; 2483-86; 2513-86, HD 2; 2526-86, HD 1; 2569-86; 2586-86; 2599-86, HD 1; 2605-86, HD 1; 2656-86; 2695-86, HD 1; 2714-86; 2715-86, HD 1; 2722-86, HD 1; 2730-86; 2752-86, HD 1; 2756-86; 2760-86; 2786-86; 2800-86, HD 2; and 2844-86, HD 2.

At 12:42 o'clock p.m., Representative Andrews asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:50 o'clock p.m., the motion was seconded by Representative Ikeda and carried.

Representative Okamura then gave notice of intent to agree to the amendments proposed by the Senate to House Bill Nos. 82, HD 1; 526, HD 1; 692, HD 1; 1316, HD 1; 1322; 1488; 1672-86, HD 1; 1694-86, HD 1; 1695-86; 1727-86, HD 1; 1729-86; 1815-86, HD 2; 1826-86, HD 1; 1829-86; 1855-86, HD 1; 1869-86, HD 1; 1870-86, HD 1; 1878-86, HD 1; 1898-86, HD 2; 1905-86, HD 1; 1906-86, HD 1; 1907-86, HD 1; 1908-86, HD 1; 1913-86, HD 1; 1940-86, HD 1; 1945-86, HD 1; 1946-86, HD 1; 1951-86, HD 1; 1959-86, HD 1; 1967-86, HD 1; 1969-86, HD 1; 1970-86, HD 2; 1971-86, HD 1; 1974-86; 1976-86; 1983-86; 1984-86; 1993-86, HD 1; 1995-86, HD 1; 1999-86, HD 1; 2001-86, HD 1; 2002-86, HD 1; 2003-86, HD 1; 2007-86, HD 1; 2010-86; 2011-86, HD 1; 2013-86, HD 1; 2014-86, HD 1; 2024-86, HD 1; 2026-86, HD 1; 2027-86; 2032-86, HD 1; 2033-86, HD 1; 2035-86, HD 1; 2036-86, HD 1; 2038-86; 2039-86; 2042-86, HD 1; 2044-86; 2048-86; 2049-86; 2051-86; 2054-86; 2060-86, HD 1; 2062-86, HD 2; 2074-86, HD 1; 2102-86, HD 1; 2103-86, HD 1; 2105-86, HD 1; 2108-86, HD 1;

2109-86, HD 1; 2111-86; 2112-86;  
2114-86; 2116-86; 2119-86; 2123-86;  
2129-86, HD 1; 2138-86, HD 1; 2142-  
86, HD 1; 2158-86; 2168-86, HD 1;  
2173-86, HD 1; 2189-86, HD 1; 2191-  
86, HD 1; 2192-86, HD 1; 2193-86;  
2194-86; 2201-86, HD 1; 2216-86;  
2217-86; 2238-86, HD 2; 2273-86, HD  
1; 2337-86, HD 2; 2358-86; 2362-86;  
2363-86; 2374-86; 2424-86; 2425-86,  
HD 1; 2427-86; 2465-86; 2479-86, HD  
1; 2483-86; 2513-86, HD 2; 2526-86,  
HD 1; 2569-86; 2586-86; 2599-86, HD  
1; 2605-86, HD 1; 2656-86; 2695-86,  
HD 1; 2714-86; 2715-86, HD 1; 2722-  
86, HD 1; 2730-86; 2752-86, HD 1;  
2756-86; 2760-86; 2786-86; 2800-86,  
HD 2; and 2844-86, HD 2.

## ANNOUNCEMENTS

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

Representative Kawakami: "There will be an open Majority caucus tomorrow morning at 9:00 a.m. on all bills so stated previously."

## ADJOURNMENT

At 12:52 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, Tuesday, April 15, 1986.

## FIFTY-SEVENTH DAY

Tuesday, April 15, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:38 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Captain Robert Rubin of the Salvation Army, Kaneohe Corps, after which the Roll was called showing all members present with the exception of Representative Tom who was excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 521 to 531) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 521) returning House Concurrent Resolution No. 138, which was adopted by the Senate on April 14, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 522) returning House Concurrent Resolution No. 14, HD1, supporting the new owners of the Hawaiian Tuna Packers Company, which was adopted by the Senate on April 14, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 523) transmitting Senate Concurrent Resolution No. 23, requesting that the Department of Planning and Economic Development guidelines for a permit processing and approval system to assist geothermal development, which was adopted by the Senate on April 14, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 23 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 524) transmitting Senate Concurrent Resolution No. 32, requesting that fish dealers refrain from purchasing or handling ahi that weighs less than three pounds, which was adopted

by the Senate on April 14, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 32 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 525) transmitting Senate Concurrent Resolution No. 39, SD1, requesting a study of an employee assistance program for State employees, which was adopted by the Senate on April 14, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 39, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 526) transmitting Senate Concurrent Resolution No. 56, SD1, requesting the Legislative Auditor to conduct a management and financial audit of Molokai General Hospital, which was adopted by the Senate on April 14, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 56, SD1, was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 527) transmitting Senate Concurrent Resolution No. 72, requesting a study to establish a means of subsidizing re-refined used motor oil to encourage its collection and reuse as an energy generating fuel, which was adopted by the Senate on April 14, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 72 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 528) informing the House that the amendments proposed by the House to Senate Concurrent Resolution No. 18, HD1, were agreed to by the Senate, and said Resolution, as thus amended, was finally adopted by the Senate on April 14, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 529) informing the House that Senate Bill No. 1837-86, SD1, passed Final Reading in the Senate on April 14, 1986, in the amended form, (HD1), was placed on file.

A communication from the Senate

(Sen. Com. No. 530) informing the House that the Senate has reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 310, SD1, (HD1) were agreed to by the Senate, was placed on file.

A communication from the Senate (Sen. Com. No. 531) informing the House that the Senate has reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 934, SD2, (HD2) were agreed to by the Senate on April 14, 1986, was placed on file.

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

Representative Oshiro, on behalf of Representative Crozier and himself, introduced Van Lynn Venhassa and Sonia Camart, two students from Ilima Intermediate School in Ewa Beach who are participants in the Legislative Awareness Program.

Representative Menor introduced 13 members of the Hale Kula student council accompanied by their teacher, Mrs. Ann Toyoda, staff member, Mrs. Walten and parents, Mr. Hackaday and Mrs. Springfield.

Representative Apo introduced Mr. Kalani Ohelo, "a longtime friend and constituent from the Waianae coast who has spent many years in community service working in youth programs and Hawaiian affairs."

Representative Cavasso introduced 10 children from the Hawaiian school, "Halau Likolaulani o Hawaii" accompanied by their administrators, Kapua Kamakea, and Kapuna Pikake, along with Mr. Kamakea and his daughter, Kawehine.

#### ORDER OF THE DAY

##### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
13	Committee on Water, Land Use Development and Hawaiian Affairs
22	Committee on Planning, Energy and Environmental Protection
23	Committee on Planning, Energy and Environmental Protection

32 Jointly to the Committees on Ocean and Marine Resources and Water, Land Use Development and Hawaiian Affairs

39 Committee on Public Employment and Government Operations, then to the Committee on Finance

41 Committee on Higher Education and the Arts

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

56 Committee on Health, then to the Committee on Finance

63 Committee on Planning, Energy and Environmental Protection

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

##### COMMITTEE REASSIGNMENTS

House Resolution No. 189 was re-referred to the Committee on Planning, Energy and Environmental Protection, then to the Committee on Finance.

House Concurrent Resolution No. 121 was re-referred to the Committee on Planning, Energy and Environmental Protection, then to the Committee on Finance.

House Resolution No. 175 was re-referred to the Committee on Transportation.

House Concurrent Resolution No. 107 was re-referred to the Committee on Transportation.

Senate Concurrent Resolution No. 14 was re-referred to the Committee on Water, Land Use Development and Hawaiian Affairs.

##### STANDING COMMITTEE REPORTS

Representative Lindsey, for the Committee on Education, presented a report (Stand. Com. Rep. No. 982-86) recommending that H.R. No. 201, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Pfeil, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.R. No. 201, HD1, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF EDUCATION TO DEVELOP A TEACHER ACHIEVEMENT AWARDS PRO-

GRAM", was referred to the Committee on Finance.

Representative Lindsey, for the Committee on Education, presented a report (Stand. Com. Rep. No. 983-86) recommending that H.R. No. 212 be referred to the Committee on Finance.

On motion by Representative Lindsey, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.R. No. 212 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF IMPLEMENTING THE CONCEPT OF YEAR-ROUND SCHOOL", was referred to the Committee on Finance.

Representative Yoshimura, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 984-86) recommending that H.C.R. No. 118 be referred to the Committee on Finance.

On motion by Representative Yoshimura, seconded by Representative Manegdeg and carried, the report of the Committee was adopted and H.C.R. No. 118 entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 985-86) recommending that H.C.R. No. 109, as amended in HD1, be adopted.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.C.R. No. 109, HD1, entitled: "HOUSE CONCURRENT RESOLUTION URGING CONGRESS TO IMMEDIATELY ADDRESS THE REINSURANCE MARKET CRISES", was adopted.

Representative Tungpalan, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 986-86) recommending that H.R. No. 208 be referred to the Committee on Finance.

On motion by Representative Tungpalan, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 208 entitled: "HOUSE RE-

SOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO ESTABLISH A MONITORING PROCEDURE FOR THE PURPOSE OF ENSURING THAT MAINLAND CONTRACTORS PERFORMING CONSTRUCTION WORK ON MILITARY INSTALLATIONS PAY THE STATE EXCISE TAX AS REQUIRED BY CHAPTER 237, HAWAII REVISED STATUTES", was referred to the Committee on Finance.

Representative Tungpalan, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 987-86) recommending that H.C.R. No. 133 be referred to the Committee on Finance.

On motion by Representative Tungpalan, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.C.R. No. 133 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TAXATION TO ESTABLISH A MONITORING PROCEDURE FOR THE PURPOSE OF ENSURING THAT MAINLAND CONTRACTORS PERFORMING CONSTRUCTION WORK ON MILITARY INSTALLATIONS PAY THE STATE EXCISE TAX AS REQUIRED BY CHAPTER 237, HAWAII REVISED STATUTES", was referred to the Committee on Finance.

Representatives Yoshimura and Say, for the Committees on Public Employment and Government Operations and Water, Land Use Development and Hawaiian Affairs, presented a joint report (Stand. Com. Rep. No. 988-86) recommending that H.C.R. No. 146, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Yoshimura, seconded by Representative Say and carried, the joint report of the Committees was adopted and H.C.R. No. 146, HD1, entitled: "HOUSE CONCURRENT RESOLUTION RELATING TO A SURVEY OF COUNTY LANDS USED OR PREVIOUSLY USED FOR SCHOOL PURPOSES", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 989-86) recommending that H.R. No. 83 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.R. No. 83 entitled: "HOUSE RESOLUTION

REQUESTING A STUDY ON THE FEASIBILITY OF IMPROVING THE COST AND AVAILABILITY OF MARINE INSURANCE FOR COMMERCIAL FISHERS", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 990-86) recommending that H.C.R. No. 53 be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.C.R. No. 53 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY ON THE FEASIBILITY OF IMPROVING THE COST AND AVAILABILITY OF MARINE INSURANCE FOR COMMERCIAL FISHERS", was referred to the Committee on Finance.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 991-86) recommending that S.C.R. No. 61, SD1, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and S.C.R. No. 61, SD1, HD1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR TO APPOINT A PANEL TO STUDY THE INSURANCE PREMIUM TAX", was referred to the Committee on Finance.

Representatives Shito and Tungpalan, for the Committees on Consumer Protection and Commerce and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 992-86) recommending that H.R. No. 55, as amended in HD1, be adopted.

On motion by Representative Shito, seconded by Representative Tungpalan and carried, the joint report of the Committees was adopted and H.R. No. 55, HD1, entitled: "HOUSE RESOLUTION REQUESTING THAT THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS, IN COOPERATION WITH THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS, REVIEW THE USE OF PROCESSING FEES CHARGED TO JOB APPLICANTS BY PROSPECTIVE EMPLOYERS AND RECOMMEND ANY REMEDIAL LEGISLATION WHICH MAY BE APPROPRIATE TO PROTECT PROSPECTIVE EMPLOYEES", was

adopted.

Representatives Shito and Tungpalan, for the Committees on Consumer Protection and Commerce and Employment Opportunities and Labor Relations, presented a joint report (Stand. Com. Rep. No. 993-86) recommending that H.C.R. No. 30, as amended in HD1, be adopted.

On motion by Representative Shito, seconded by Representative Tungpalan and carried, the joint report of the Committees was adopted and H.C.R. No. 30, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE DIRECTOR OF COMMERCE AND CONSUMER AFFAIRS, IN COOPERATION WITH THE DIRECTOR OF LABOR AND INDUSTRIAL RELATIONS, REVIEW THE USE OF PROCESSING FEES CHARGED TO JOB APPLICANTS BY PROSPECTIVE EMPLOYERS AND RECOMMEND ANY REMEDIAL LEGISLATION WHICH MAY BE APPROPRIATE TO PROTECT PROSPECTIVE EMPLOYEES ", was adopted.

Representative Shito, for the Committee on Consumer Protection and Commerce, presented a report (Stand. Com. Rep. No. 994-86) recommending that H.C.R. No. 150, as amended in HD1, be adopted.

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.C.R. No. 50, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A SPECIAL INTERIM COMMITTEE TO CONDUCT A STUDY ON FOREIGN BANKING IN HAWAII", was adopted.

Representatives Taniguchi and Shito, for the Committees on Transportation and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 995-86) recommending that H.R. No. 171, as amended in HD1, be adopted.

On motion by Representative Taniguchi, seconded by Representative Shito and carried, the joint report of the Committees was adopted and H.R. No. 171, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION, THE OFFICE OF CONSUMER PROTECTION, AND THE BUSINESS REGISTRATION DIVISION OF THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS TO CONDUCT A STUDY OF THE USE OF PRESALE TICKET PROMOTIONS BY THE AIRLINE INDUSTRY", was adopted.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 996-86) recommending that H.R. No. 175, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, and notwithstanding the recommendations of the Committee, H.R. No. 175, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE 'LT. COL. ONIZUKA FIELD' IN THE NAMING OF KEAHOLE AIRPORT, HAWAII", was adopted.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 997-86) recommending that H.C.R. No. 107, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, and notwithstanding the recommendations of the Committee, H.C.R. No. 107, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO INCLUDE 'LT COL. ONIZUKA FIELD' IN THE NAMING OF KEAHOLE AIRPORT, HAWAII", was adopted.

#### INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 347) was read by the Clerk and disposed of as follows:

A resolution (H.R. No. 347) recognizing the "Teacher in Inner Space" project was jointly offered by Representatives Apo, Anderson, Andrews, Cachola, Cavasso, Crozier, Hirono, M. Ige, Kamali'i, Kihano, Lindsey, Manegdeg, Medeiros, Menor, Okamura, Shon, Souki, Tam and Yoshimura.

On motion by Representative Apo, seconded by Representative Shon and carried, H.R. No. 347 was adopted.

At 11:51 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:08 o'clock a.m.

#### STANDING COMMITTEE REPORTS

Representative Tom, for the major-

ity of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 998-86) recommending that H.R. No. 106, as amended in HD1, be referred to the Committee on Finance.

Representative Lardizabal then rose and stated:

"Mr. Speaker, contrary to my colleagues, I'll be voting for it, only for the reason that I want to hear what is being proposed. I'm not part of the primary committee; I don't understand the concept.

"Thank you."

On motion by Representative Metcalf, seconded by Representative Blair and carried, H.R. No. 106, HD1, entitled: "HOUSE RESOLUTION REQUESTING A FEASIBILITY STUDY FOR THE DEVELOPMENT OF A TELETRACK THEATRE", was referred to the Committee on Finance with Representatives Apo, Cachola, Cavasso, Hagino, Hemmings, Isbell, Jones, Leong, Levin, Marumoto, Menor, Nakata, Pfeil, Shon, Tam and Tungpalan registering "no" votes.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 999-86) recommending that H.C.R. No. 115, HD1, be adopted.

On motion by Representative Apo, seconded by Representative Tam and carried, H.C.R. No. 115, HD1, entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE, BY WAY OF A LEASE, OF CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A SHIPYARD FACILITY", was adopted.

#### ANNOUNCEMENTS

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

Representative Tam: "Your Committee on Water, Land Use and Hawaiian Affairs will be having a public hearing at 1:30 o'clock p.m., in Room 435. Decision making to follow.

"Also, I would like to request a waiver of the 48-hr. notice on H.R. No. 225; S.C.R. No. 14, SD1; H.R. No. 315; and H.C.R. No. 212," and the Chair, "so ordered."

Representative Shito: "The conferees on H.B. No. 26 which is your drinking age (bill) will make one more

attempt today at 1:30 o'clock p.m., in Room 416; and then at 4:30 o'clock p.m., we will take up H.B. No. 2495 -- the lifeline rate -- in Room 416."

Representative Lindsey: "I would like to request waiver of the 48-hr. notice on H.R. No. 295 and H.C.R. No. 197," and the Chair, "so ordered."

"Your Committee on Education will be having a public hearing today on several resolutions including the two resolutions just mentioned in Room 314."

Representative Souki: "The House conferees on the budget will be meeting today at 1:30 o'clock p.m., in Room 312 and after the budget meeting is over we will be hearing other bills under conference. All the member are urged to be around and certain to be there at 1:30 o'clock p.m."

Representative Tungpalan: "The House conferees on H.B. No. 2549-86 will be meeting after the Finance committee gets through with the budget."

Representative Levin: "May I request the waiver of the 48-hr. notice on S.C.R. No. 41," and the Chair, "so ordered," "and hearing on that will be scheduled with our regular scheduled hearing tomorrow."

"Mr. Speaker, I would like to announce that your conferees on H.B. No. 2117-86, SD1, -- the fine prints bill -- we have a conference scheduled for today at 3:30 o'clock p.m., in Room 314."

At 12:15 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 12:23 o'clock p.m.

Representative Yoshimura: "Your conferees on S.B. 471, CD1, will be tentatively meeting at 8:00 o'clock p.m., in Senate Conference room 5."

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, the following House Bills were taken from the Clerk's desk: H.B. Nos. 82, HD1, SD2; 526, HD1, SD1; 692, HD1, SD1; 1316, HD1, SD1; 1322, SD1; 1488, SD1; 1672-86, HD1, SD1; 1727-86, HD1, SD1; 1729-86, SD1; 1815-86,

HD2, SD1; 1826-86, HD1, SD1; 1829-86, SD1; 1855-86, HD1, SD1; 1869-86, HD1, SD1; 1870-86, HD1, SD1; 1878-86, HD1, SD2; 1898-86, HD2, SD1; 1905-86, HD1, SD1; 1906-86, HD1, SD1; 1907-86, HD1, SD1; 1908-86, HD1, SD1; 1913-86, HD1, SD1; 1940-86, HD1, SD1; 1945-86, HD1, SD1; 1946-86, HD1, SD1; 1951-86, HD1, SD1; 1959-86, HD1, SD1; 1967-86, HD1, SD1; 1969-86, HD1, SD1; 1970-86, HD2, SD1; 1971-86, HD1, SD1; 1974-86, SD1; 1976-86, SD1; 1983-86, SD1; 1984-86, SD1; 1993-86, HD1, SD1; 1995-86, HD1, SD1; 1999-86, HD1, SD1; 2001-86, HD1, SD1; 2002-86, HD1, SD1; 2003-86, HD1, SD1; 2007-86, HD1, SD1; 2010-86, SD1; 2011-86, HD1, SD1; 2013-86, HD1, SD1; 2014-86, HD1, SD1; 2024-86, HD1, SD1; 2026-86, HD1, SD1; 2027-86, SD1; 2032-86, HD1, SD1; 2033-86, HD1, SD1; 2035-86, HD1, SD1; 2036-86, HD1, SD1; 2038-86, SD1; 2039-86, SD1; 2042-86, HD1, SD1; 2044-86, SD1; 2048-86, SD1; 2049-86, SD1; 2051-86, SD1; 2054-86, SD1; 2060-86, HD1, SD1; 2062-86, HD2, SD1; 2074-86, HD1, SD1; 2102-86, HD1, SD2; 2103-86, HD1, SD1; 2105-86, HD1, SD1; 2108, HD1, SD1; 2109-86, HD1, SD1; 2111-86, SD1; 2112-86, SD1; 2114-86, SD1; 2116-86, SD1; 2119-86, HD1, SD1; 2123-86, SD1; 2129-86, HD1, SD1; 2138-86, HD1, SD1; 2142-86, HD1, SD1; 2158-86, SD1; 2168-86, HD1, SD1; 2173-86, HD1, SD1; 2189-86, HD1, SD1; 2191-86, HD1, SD1; 2192-86, HD1, SD1; 2193-86, SD1; 2194-86, SD1; 2201-86, HD1, SD1; 2216-86, SD1; 2217-86, SD1; 2238-86, HD2, SD1; 2273-86, HD1, SD2; 2337-86, HD2, SD1; 2358-86, SD1; 2362-86, SD1; 2363-86, SD1; 2374-86, SD1; 2424-86, SD1; 2425-86, HD1, SD1; 2427-86, SD1; 2465-86, SD1; 2479-86, HD1, SD1; 2483-86, SD1; 2513-86, HD2, SD1; 2526-86, HD1, SD1; 2569-86, SD1; 2586-86, SD1; 2599-86, HD1, SD1; 2605-86, HD1, SD1; 2656-86, SD1; 2695-86, HD1, SD1; 2714-86, SD1; 2715-86, HD1, SD1; 2722-86, HD1, SD1; 2730-86, SD1; 2752-86, HD1, SD1; 2756-86, SD1; 2760-86, SD1; 2786-86, SD2; 2800-86, HD2, SD2; and 2844-86, HD2, SD1.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the House agreed to the amendments proposed by the Senate to the following House Bills: H.B. Nos. 82, HD1.; 526, HD1.; 692, HD1.; 1316, HD1.; 1322.; 1488.; 1672-86, HD1.; 1727-86, HD1.; 1729-86.; 1815-86, HD2.; 1826-86, HD1.; 1829-86.; 1855-86, HD1.; 1869-86, HD1.; 1870-86, HD1.; 1878-86, HD1.; 1898-86, HD2.; 1905-86, HD1.; 1906-86, HD1.; 1907-86, HD1.; 1908-86, HD1.; 1913-86, HD1.; 1940-86, HD1.;

1945-86, HD1,; 1946-86, HD1,; 1951-86, HD1,; 1959-86, HD1,; 1967-86, HD1,; 1969-86, HD1,; 1970-86, HD2,; 1971-86, HD1,; 1974-86,; 1976-86,; 1983-86,; 1984-86,; 1993-86, HD1,; 1995-86, HD1,; 1999-86, HD1,; 2001-86, HD1,; 2002-86, HD1,; 2003-86, HD1,; 2007-86, HD1,; 2010-86,; 2011-86, HD1, 2013-86, HD1,; 2014-86, HD1,; 2024-86, HD1,; 2026-86, HD1,; 2027-86,; 2032-86, HD1,; 2033-86, HD1,; 2035-86, HD1,; 2036-86, HD1,; 2038-86,; 2039-86, 2042-86, HD1,; 2044-86,; 2048-86,; 2049-86,; 2051-86,; 2054-86,; 2060-86, HD1,; 2062-86, HD2,; 2074-86, HD1,; 2102-86, HD1,; 2103-86, HD1,; 2105-86, HD1,; 2108, HD1,; 2109-86, HD1,; 2111-86,; 2112-86,; 2114-86,; 2116-86,; 2119-86, HD1,; 2123-86,; 2129-86, HD1,; 2138-86, HD1,; 2142-86, HD1,; 2158-86,; 2168-86, HD1,; 2173-86, HD1,; 2189-86, HD1,; 2191-86, HD1,; 2192-86, HD1,; 2193-86,; 2194-86,; 2201-86, HD1,; 2216-86,; 2217-86,; 2238-86, HD2,; 2273-86, HD1,; 2337-86, HD2,; 2358-86,; 2362-86,; 2363-86,; 2374-86,; 2424-86,; 2425-86, HD1,; 2427-86,; 2465-86,; 2479-86, HD1,; 2483-86,; 2513-86, HD2,; 2526-86, HD1,; 2569-86,; 2586-86,; 2599-86, HD1, SD1; 2605-86, HD1,; 2656-86,; 2695-86, HD1,; 2714-86,; 2715-86, HD1,; 2722-86, HD1,; 2730-86,; 2752-86, HD1,; 2756-86,; 2760-86,; 2786-86,; 2800-86, HD2,; and 2844-86, HD2, with Representative Liu voting "no" in objection to H.B. No. 1672-86, HD1, SD1, and H.B. No. 2189-86, HD1, SD1; and Representative Ikeda voting "no" in objection to H.B. No. 1672-86, HD1, SD1; H.B. No. 2569-86, SD1; and H.B. No. 2844-86, HD1, SD1.

The Chair then announced:

"Managers on the part of the House for those measures for which Senate drafts have been agreed to will be recognized tomorrow for the final motion."

At this time, Representative Okamura moved that the Journal remain open until midnight in order for the Clerk to receive Conference Drafts to satisfy the 48-hr. availability constitutional requirement before passage on Final Reading, seconded by Representative Ikeda and carried, with Representative Kamali'i registering a "no" vote.

At 12:27 o'clock p.m., the Chair declared the House in recess for the purpose of receiving Conference Committee Reports.

#### CONFERENCE COMMITTEE REPORTS

Representatives Crozier and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1954-86, SD1, presented a report (Conf. Com. Rep. No. 1-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 1-86 on H.B. No. 1954-86, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1954-86, SD1, CD1, were made available to the members of the House at 1:00 o'clock p.m.

Representatives Andrews and Say, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1678-86, HD1, presented a report (Conf. Com. Rep. No. 2-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 2-86 on S.B. No. 1678-86, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1678-86, HD1, CD1, were made available to the members of the House at 1:00 o'clock p.m.

Representative Bunda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 172, SD1, presented a report (Conf. Com. Rep. No. 3-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 3-86 on H.B. No. 172, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 172, SD1, CD1, were made available to the members of the House at 2:30 o'clock p.m.

Representatives Tungpalan and Souki, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2280-86, HD2, SD1, presented a report (Conf. Com. Rep. No. 4-86) recommending to their respective Houses the final passage of the bill with certain

amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 4-86 on H.B. No. 2280-86, HD2, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2280-86, HD2, SD1, CD1, were made available to the members of the House at 2:30 o'clock p.m.

Representatives Bunda and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2170-86, SD2, presented a report (Conf. Com. Rep. No. 5-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 5-86 on H.B. No. 2170-86, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2170-86, SD2, CD1, were made available to the members of the House at 4:00 o'clock p.m.

Representatives Taniguchi and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2444-86, SD1, presented a report (Conf. Com. Rep. No. 6-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 6-86 on H.B. No. 2444-86, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2444-86, SD1, CD1, were made available to the members of the House at 4:00 o'clock p.m.

Representatives Yoshimura and Kiyabu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 425, SD2, HD2, presented a report (Conf. Com. Rep. No. 7-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 7-86 on S.B. No. 425, SD2, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii,

printed copies of S.B. No. 425, SD2, HD2, CD1, were made available to the members of the House at 4:00 o'clock p.m.

Representatives Hashimoto and Shito, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2190-86, SD1, HD2, presented a report (Conf. Com. Rep. No. 8-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 8-86 on S.B. No. 2190-86, SD1, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2190-86, SD1, HD2, CD1, were made available to the members of the House at 4:00 o'clock p.m.

Representatives Shito and Yoshimura, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2309-86, SD1, HD2, presented a report (Conf. Com. Rep. No. 9-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 9-86 on S.B. No. 2309-86, SD1, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2309-86, SD1, HD2, CD1, were made available to the members of the House at 6:00 o'clock p.m.

Representatives Lindsey and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 383, SD1, HD1, presented a report (Conf. Com. Rep. No. 10-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 10-86 on S.B. No. 383, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 383, SD1, HD1, CD1, were made available to the members of the House at 6:00 o'clock p.m.

Representative Gaulty, for the

Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2069-86, HD1, SD1, presented a report (Conf. Com. Rep. No. 11-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 11-86 on H.B. No. 2069-86, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2069-86, HD1, SD1, CD1, were made available to the members of the House at 6:00 o'clock p.m.

Representatives Grauly and Lindsey, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2166-86, HD1, SD1, presented a report (Conf. Com. Rep. No. 12-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 12-86 on H.B. No. 2166-86, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2166-86, HD1, SD1, CD1, were made available to the members of the House at 7:30 o'clock p.m.

Representatives Grauly and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1680-86, HD1, SD1, presented a report (Conf. Com. Rep. No. 13-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 13-86 on H.B. No. 1680-86, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1680-86, HD1, SD1, CD1, were made available to the members of the House at 7:30 o'clock p.m.

Representatives Andrews and Say, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2202-86, HD1, SD1, presented a report (Conf. Com. Rep. No. 14-86) recommending to

their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 14-86 on H.B. No. 2202-86, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2202-86, HD1, SD1, CD1, were made available to the members of the House at 7:30 o'clock p.m.

Representatives Andrews and Say, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1595-86, HD1, presented a report (Conf. Com. Rep. No. 15-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 15-86 on S.B. No. 1595-86, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1595-86, HD1, CD1, were made available to the members of the House at 7:30 o'clock p.m.

Representative Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2348-86, HD1, SD1, presented a report (Conf. Com. Rep. No. 16-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 16-86 on H.B. No. 2348-86, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2348-86, HD1, SD1, CD1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2845-86, HD2, SD1, presented a report (Conf. Com. Rep. No. 17-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 17-86 on H.B. No. 2845-86, HD2, SD1, CD1, was deferred, and in accordance with

Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2845-86, HD2, SD1, CD1, were made available to the members of the House at 9:00 o'clock p.m.

Representatives Shito and Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2495-86, HD2, SD1, presented a report (Conf. Com. Rep. No. 18-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 18-86 on H.B. No. 2495-86, HD2, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2495-86, HD2, SD1, CD1, were made available to the members of the House at 9:00 o'clock p.m.

Representatives Grauly and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2725-86, HD1, SD2, presented a report (Conf. Com. Rep. No. 19-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 19-86 on H.B. No. 2725-86, HD1, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2725-86, HD1, SD2, CD1, were made available to the members of the House at 9:00 o'clock p.m.

Representatives Kiyabu and Lindsey, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 393, HD1, SD1, presented a report (Conf. Com. Rep. No. 20-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 20-86 on H.B. No. 393, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 393, HD1, SD1, CD1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1998-86, HD1, SD1, presented a report (Conf. Com. Rep. No. 21-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 21-86 on H.B. No. 1998-86, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1998-86, HD1, SD1, CD1, were made available to the members of the House at 9:30 o'clock p.m.

Representative Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2596-86, SD1, presented a report (Conf. Com. Rep. No. 22-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 22-86 on H.B. No. 2596-86, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2596-86, SD1, CD1, were made available to the members of the House at 9:30 o'clock p.m.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:00 o'clock a.m., tomorrow, Wednesday, April 16, 1986.

## FIFTY-EIGHTH DAY

Wednesday, April 16, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Reverend Tevita Fineanganofa, Associate Pastor of the First United Methodist Church, after which the Roll was called showing all members present with the exception of Representatives Nakasato and Taniguchi, who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 532 to 547) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 532) transmitting Senate Concurrent Resolution No. 50, SD 1, requesting improved U.S. Immigration and Customs support at Honolulu International Airport, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 533) transmitting Senate Concurrent Resolution No. 53, relating to the report on the final compensation plan and the cost thereof, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 534) transmitting Senate Concurrent Resolution No. 55, SD 1, relating to the development of a back-up system to ensure a continuous supply of the deep, seawater resource to the Natural Energy Laboratory of Hawaii and the Hawaii Ocean Science and Technology Park at Keahole Point, Kailua-Kona, Hawaii, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 535) transmitting Senate Concurrent Resolution No. 68, requesting the Department of Land and Natural Resources to lease State land for a shooting range in West Hawaii, which was adopted by the Senate on April 15, 1986, was placed

on file.

A communication from the Senate (Sen. Com. No. 536) transmitting Senate Concurrent Resolution No. 82, urging the United States Congress to support the completion of the Department of Energy's Mod-5B research wind turbine at Kahuku, Hawaii, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 537) transmitting Senate Concurrent Resolution No. 91, SD 1, urging the Department of Land and Natural Resources and the Kahana Advisory Council to continue work on Kahana State Park, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 538) transmitting Senate Concurrent Resolution No. 97, requesting the Governor to formulate a plan to hold a Hawaii Day in Washington, D.C., which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 539) transmitting Senate Concurrent Resolution No. 103, SD 1, expressing support for the Interstate H-3 Freeway, and urging Hawaii's congressional delegation to continue to seek congressional remedy to expedite the construction of H-3, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 540) transmitting Senate Concurrent Resolution No. 104, requesting a study on a convention center site, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 541) transmitting Senate Concurrent Resolution No. 110, requesting a study of "exempt" employment in the civil service, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 542) transmitting Senate Concurrent Resolution No. 111, requesting the Legislative Auditor to prepare an analysis of the transfer of the duty and responsibility to certify providers of rehabilitation services, which was adopted by the Senate on April 15,

1986, was placed on file.

A communication from the Senate (Sen. Com. No. 543) transmitting Senate Concurrent Resolution No. 159, SD 1, relating to airport lei sellers, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 544) informing the House that the Senate has on, April 15, 1986, reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 1188 (HD 1), were agreed to by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 545) informing the House that the Senate has on, April 15, 1986, reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 1780-86, SD 2 (HD 2), were agreed to by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 546) informing the House that the Senate has on, April 15, 1986, reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 2038-86, SD 1 (HD 1), were agreed to by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 547) informing the House that the Senate has on, April 15, 1986, reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 2127-86, SD 1 (HD 1), were agreed to by the Senate on April 15, 1986, was placed on file.

By unanimous consent, further action on S.C.R. Nos. 50, 53, 55, 68, 82, 91, 97, 103, 104, 110, 111 and 159 was deferred until later in the calendar.

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

Representative Hashimoto, on behalf of Representatives Tungpalan, D. Ige and herself, introduced Mr. Ed Misaki, "an outstanding Pearl City person."

Representative Gaulty introduced Tom Farrell, Deputy Attorney General. "Tom is getting married this weekend and for that very special

occasion, he has some out-of-town family -- sister, Jo Ann Farrell, from San Francisco; his aunt, Eileen, and her husband, Ken Massarolli, from Long Island, New York."

Representative Crozier introduced Mrs. Laverne Hatch from Makakilo; Mrs. Betty Rickson and Ms. Marilyn Barb Harlan from Carmel, California; and Betty Anderson of Queen's Hospital.

Representative Menor introduced Mr. Roger Soto, "a personal friend of mine from the Mililani area. He is a very active community leader out there. He was the past president of the Mililani Jaycees and an officer of the statewide Jaycees organization, currently an officer with the Mililani Community Association, active with the Mililani Lions Club, with the Democratic Party out in that area, and is currently an employee with the Department of Hawaiian Home Lands."

#### ORDER OF THE DAY

#### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
35	Committee on Judiciary
37	Committee on Ocean and Marine Resources
40	Committee on Health, then to the Committee on Finance
49	Committee on Water, Land Use, Development and Hawaiian Affairs
50	Committee on Transportation
53	Committee on Public Employment and Government Operations
55	Jointly to the Committees on Planning, Energy and Environmental Protection and Water, Land Use, Development and Hawaiian Affairs
65	Committee on Human Services, then to the Committee on Finance
67	Jointly to the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, then to

- the Committee on Finance
- 68 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 71 Committee on Health, then to the Committee on Finance
- 74 Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 75 Committee on Health
- 77 Committee on Water, Land Use, Development and Hawaiian Affairs
- 81 Committee on Judiciary
- 82 Committee on Planning, Energy and Environmental Protection
- 83 Committee on Consumer Protection and Commerce
- 84 Committee on Judiciary
- 91 Committee on Water, Land Use, Development and Hawaiian Affairs
- 94 Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance
- 97 Committee on Tourism
- 103 Committee on Transportation, then to the Committee on Finance
- 104 Committee on Tourism, then to the Committee on Finance
- 105 Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Legislative Management
- 108 Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture
- 110 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 111 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 113 Committee on Employment Opportunities and Labor Relations
- 116 Jointly to the Committees on Human Services and Health, then to the Committee on Finance
- 120 Committee on Human Services
- 130 Committee on Public Employment and Government Operations, then to the Committee on Finance
- 136 Committee on Health, then to the Committee on Finance
- 142 Committee on Judiciary, then to the Committee on Finance
- 159 Committee on Transportation
- 165 Committee on Finance

#### COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were re-referred as follows:

- | <u>H.R. Nos.</u>       | <u>Re-referred to:</u>   |
|------------------------|--|
| 96                     | Jointly to the Committees on Housing and Consumer Protection and Commerce  |
| 97                     | Committee on Housing   |
| 249                    | Committee on Housing   |
| 255                    | Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Planning, Energy and Environmental Protection |
| 271                    | Committee on Transportation, then to the Committee on Finance  |
| 294                    | Committee on Water, Land Use, Development and Hawaiian Affairs   |
| 295                    | Committee on Education   |
| <br><u>H.C.R. Nos.</u> |  |
| 58                     | Jointly to the Committees on Housing and Consumer Protection and Commerce  |
| 169                    | Committee on Housing   |
| 194                    | Committee on Water, Land Use, Development and Hawaiian Affairs   |

197 Committee on Education

## STANDING COMMITTEE REPORTS

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1000-86) recommending that H.R. No. 97, as amended in HD 1, be referred to the Committee on Finance.

Representative Jones then rose and stated:

"Mr. Speaker, I just want to make my comments short and to commend the Chair for this outstanding resolution. She has chosen a great organization with good backup from HHA. I think we have here a concept that will have a major impact on providing good, affordable housing for the people of the State of Hawaii. And I hope to see an outstanding study recommendations come back next session. So I encourage my colleagues to vote 'aye' on this resolution.

"Thank you, Mr. Speaker."

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, the report of the Committee was adopted and notwithstanding the recommendation of the Committee Report, H.R. No. 97, HD 1, entitled: "HOUSE RESOLUTION REQUESTING ASSISTANCE TO ALU LIKE IN ITS FEASIBILITY STUDY FOR BUILDING PREFABRICATED HOUSING IN HAWAII", was adopted.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1001-86) recommending that H.R. No. 249, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, the report of the Committee was adopted and notwithstanding the recommendation of the Committee Report, H.R. No. 249, HD 1, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE LAND OWNERSHIP PATTERNS OF HAWAII'S RESIDENTIAL CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS", was adopted.

Representative Hashimoto, for the Committee on Housing, presented a report (Stand. Com. Rep. No. 1002-86) recommending that H.C.R. No. 169, as amended in HD 1, be referred

to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, the report of the Committee was adopted and notwithstanding the recommendation of the Committee Report, H.C.R. No. 169, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE LAND OWNERSHIP PATTERNS OF HAWAII'S RESIDENTIAL CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS", was adopted.

Representatives Hashimoto and Shito, for the Committees on Housing and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1003-86) recommending that H.R. No. 96 be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Shito and carried, the joint report of the Committees was adopted and notwithstanding the recommendation of the Committee Report, H.R. No. 96, entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF THE RESIDENTIAL LANDLORD-TENANT CODE", was adopted.

Representatives Hashimoto and Shito, for the Committees on Housing and Consumer Protection and Commerce, presented a joint report (Stand. Com. Rep. No. 1004-86) recommending that H.C.R. No. 58 be referred to the Committee on Finance.

On motion by Representative Hashimoto, seconded by Representative Shito and carried, the joint report of the Committees was adopted and notwithstanding the recommendation of the Committee Report, H.C.R. No. 58, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE RESIDENTIAL LANDLORD-TENANT CODE", was adopted.

Representative Nakasato, for the Committee on Tourism, presented a report (Stand. Com. Rep. No. 1005-86) recommending that H.C.R. No. 208, as amended in HD 1, be referred to the Committee on Legislative Management.

On motion by Representative Lardizabal, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 208, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A SPECIAL INTERIM COMMITTEE TO SELECT A SITE FOR A CONVENTION

CENTER", was referred to the Committee on Legislative Management.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1006-86) recommending that H.R. No. 269 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, the report of the Committee was adopted and H.R. No. 269, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF A PUBLIC SECTOR EXPORT TRADING COMPANY FOR HAWAII", was referred to the Committee on Finance.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1007-86) recommending that H.R. No. 221, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, the report of the Committee was adopted and H.R. No. 221, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO EXAMINE THE NEEDS OF SCHOOLS WHICH TEACH THE HAWAIIAN LANGUAGE TO PRESCHOOL CHILDREN THROUGH THE LANGUAGE IMMERSION TECHNIQUE", was referred to the Committee on Finance.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1008-86) recommending that H.C.R. No. 143, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, the report of the Committee was adopted and H.C.R. No. 143, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE OFFICE OF HAWAIIAN AFFAIRS TO EXAMINE THE NEEDS OF SCHOOLS WHICH TEACH THE HAWAIIAN LANGUAGE TO PRESCHOOL CHILDREN THROUGH THE LANGUAGE IMMERSION TECHNIQUE", was referred to the Committee on Finance.

#### INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 351) extending congratulations to Lorena Hazama on becoming the State Spelling Bee champion was jointly offered by Representatives Hashimoto, Tungpalan and D. Ige and was read by the Clerk.

On motion by Representative Hashimoto, seconded by Representative Tungpalan and carried, H.R. No. 351 was adopted.

Representative Hashimoto rose and stated:

"Mr. Speaker, on Sunday morning when I woke up, I read the newspaper and it said, 'Hazama wins the war of the words.' It really gave me great, great pride to be someone from Pearl City. I know that Representative Tungpalan and Representative David Ige also share in my excitement.

"Lorena has won the Hawaii State Spelling Bee. She will be representing the State of Hawaii at the National Spelling Bee and we all would like to wish her well.

"Lorena is up in the gallery today and I would like to please ask her to stand to be recognized.

"Mr. Speaker, if you think this is planned, it was, with a tremendous amount of confidence. Her teachers, about a month ago, called and asked for a tour of the State Capitol and, at that time, Lorena had already won the Leeward District Spelling Bee contest, and they wanted her to be recognized at that time, knowing that she would be the State champion.

"Today, with her, she has her father, Mr. Larry Hazama, and her grandfather, Mr. Richard Okita. Would you please stand to be recognized.

"Also with her are 150 of her fellow eighth graders from Highlands Intermediate School and they are accompanied by teachers, Mrs. Karen Kawakami, Mrs. Janet Shibuya, Mrs. Carol Odo and Mr. Greg Yamate; and parent chaperones, Peter and Kelly Chuberko, Miss Carla Shully, Mrs. Evelyn Lorigo, Roy and Emogene Taniguchi, Mabel Tome and Margie Okuhara. Will you all please rise to be recognized.

"Lorena, on behalf of all of us, we'd like to wish you well, and I know that you will represent the State of Hawaii and make us all proud.

"Thank you very much."

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the following resolutions (H.R. Nos. 348 to 350) were adopted:

A resolution (H.R. No. 348) extending congratulations to the 1985 Kailua High Junior Varsity Football team for its championship season was jointly offered by Representatives Cavasso, Medeiros, Anderson, Andrews, Apo, Cachola, Hagino, Honda, Isbell, Jones, Liu, Marumoto, Nakata and Shito.

A resolution (H.R. No. 349) honoring the delegation of Puerto Rican-Hawaiians who traveled to Puerto Rico in a symbolic visit to commemorate the 85th anniversary of Puerto Rican immigration to Hawaii was jointly offered by Representatives Isbell, Anderson, Andrews, Apo, Blair, Bunda, Cachola, Cavasso, Crozier, Graulty, Hagino, Hemmings, Hirono, Honda, D. Ige, Ikeda, Jones, Kamali'i, Kiyabu, Lardizabal, Leong, Levin, Liu, Marumoto, Menor, Nakata, Okamura, Onouye, Oshiro, Pfeil, Say, Shito, Tajiri, Takamine, Tam, Taniguchi, Tungpalan and Yoshimura.

A resolution (H.R. No. 350) congratulating Wally Miura for an outstanding job as President of the Kalihi Business Association was jointly offered by Representatives Cachola, Nakasato, Manegdeg, Graulty, Yoshimura, Andrews, Apo, Bunda, Hashimoto, Hemmings, Honda, Isbell, Kihano, Kiyabu, Lardizabal, Onouye, Oshiro, Shito, Souki and Tam.

#### STANDING COMMITTEE REPORTS

Representatives Graulty and Levin, for the Committees on Human Services and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1009-86) recommending that H.C.R. No. 156, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Graulty, seconded by Representative Levin and carried, the joint report of the Committees was adopted and H.C.R. No. 156, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO CONDUCT A FEASIBILITY STUDY AND MAKE RECOMMENDATIONS ON ESTABLISHING SENIOR CITIZEN CENTERS ON THE COMMUNITY COLLEGE CAMPUSES", was referred to the

Committee on Finance.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1010-86) recommending that S.C.R. No. 14, SD 1, be adopted.

On motion by Representative Anderson, seconded by Representative Tam and carried, the report of the Committee was adopted and S.C.R. No. 14, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A PLAN TO ALLOW QUALIFIED PERMITTEES AND LESSEES OF AGRICULTURAL LANDS TO REMAIN ON SUCH LANDS", was adopted.

#### ANNOUNCEMENTS

Representative Andrews rose and requested waiver of the 48-hour notice for hearings on Senate Concurrent Resolution Nos. 82 and 55, and the Chair "so ordered."

Representative Andrews: "Tomorrow, at 9:00 o'clock in Conference Room 328, your Committee on Planning, Energy and Environmental Protection will be having a public hearing on the aforesaid Senate Concurrent Resolutions. Decision-making to follow."

Representative Onouye: "Your Committee on Higher Education and the Arts will be having a public hearing today in Room 314 at 1:30. Decision-making to follow."

At 11:47 o'clock a.m., Representative Say asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:01 o'clock p.m., the Chair directed the Clerk to note the presence of Representative Taniguchi.

#### SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of reconsidering action previously taken in disagreeing to amendments made by the Senate to certain House Bills.

#### RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that

the House reconsider its action taken on April 3, 1986, in disagreeing to the amendments proposed by the Senate to House Bill Nos. 1687-86, HD 2; 1694-86, HD 1; 1695-86; and 1767-86, HD 2.

At 12:02 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 12:12 o'clock p.m.

Representative Okamura rose and stated:

"Mr. Speaker, I would like to amend the motion. I would like to, at this time, delete House Bills 1694-86, HD 1, and 1695-86 on page 3, and to include House Bills 1706-86, HD 1, and 2284-86, HD 2."

The motion was seconded by Representative Ikeda and carried.

Representative Okamura then gave notice of an intent to agree to the amendments proposed by the Senate to House Bill Nos. 1687-86, HD 2; 1706-86, HD 1; 1767-86, HD 2; and 2284-86, HD 2.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S CLERK

By unanimous consent, H.B. No. 1694-86, HD 1, SD 2, was taken from the Clerk's desk.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1694-86, HD 1 (SD 2).

By unanimous consent, H.B. No. 1695-86, SD 1, was taken from the Clerk's desk.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 1695-86 (SD 1).

#### 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 Final Reading on the basis of a modified consent calendar.

#### FINAL READING

##### H.B. No. 1316, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1316, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REFUNDS AND EXCHANGES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

##### H.B. No. 1826-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1826-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTOXICATING LIQUOR", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 1316 and 1826-86 had passed Final Reading at 12:15 o'clock p.m.

##### H.B. No. 1829-86, SD 1:

Representative Shito moved that H.B. No. 1829-86, SD 1, having been read throughout, pass Final Reading, seconded by Representative Bunda.

At 12:16 o'clock p.m., Representative Blair asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:17 o'clock p.m., the motion was put by the Chair and carried, and H.B. No. 1829-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO COUNTY LICENSES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

##### H.B. No. 1869-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Tom and carried, H.B. No. 1869-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ALARM BUSINESSES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

##### H.B. No. 1905-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1905-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 1829-86, 1869-86 and 1905-86 had passed Final Reading at 12:18 o'clock p.m.

H.B. No. 1906-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1906-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR INDUSTRY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 1907-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1907-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BOXING COMMISSION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 1906-86 and 1907-86 had passed Final Reading at 12:19 o'clock p.m.

H.B. No. 1908-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1908-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PEST CONTROL", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 1913-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Crozier and carried, H.B. No. 1913-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE LEGISLATIVE AUDITOR", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representa-

tive Nakasato being excused.

H.B. No. 1940-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1940-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INTEREST AND USURY", having been read throughout, passed Final Reading by a vote of 49 ayes to 1 no, with Representative Ikeda voting no, and Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 1908-86, 1913-86 and 1940-86 had passed Final Reading at 12:20 o'clock p.m.

H.B. No. 1945-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1945-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BARBERING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 1946-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1946-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO BEAUTY CULTURE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 1945-86 and 1946-86 had passed Final Reading at 12:21 o'clock p.m.

H.B. No. 2026-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Souki and carried, H.B. No. 2026-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2027-86, SD 1:

On motion by Representative Shito,

seconded by Representative Bunda and carried, H.B. No. 2027-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC UTILITIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2032-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Kiyabu and carried, H.B. No. 2032-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REGULATION OF ELECTRICIANS AND PLUMBERS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2026-86, 2027-86 and 2032-86 had passed Final Reading at 12:22 o'clock p.m.

H.B. No. 2033-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Kiyabu and carried, H.B. No. 2033-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MORTGAGE AND COLLECTION SERVICING AGENTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2035-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Kiyabu and carried, H.B. No. 2035-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PHARMACISTS AND PHARMACY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2033-86 and 2035-86 had passed Final Reading at 12:23 o'clock p.m.

H.B. No. 2036-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2036-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE

ARCHITECTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2038-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2038-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICINE AND SURGERY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2039-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2039-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE REPAIR INDUSTRY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2036-86, 2038-86 and 2039-86 had passed Final Reading at 12:24 o'clock p.m.

H.B. No. 2042-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Kiyabu and carried, H.B. No. 2042-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PODIATRISTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2044-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2044-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SANCTIONS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2048-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2048-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LICENSE DENIAL

APPEALS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2042-86, 2044-86 and 2048-86 had passed Final Reading at 12:25 o'clock p.m.

H.B. No. 2049-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2049-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CHIROPRACTIC", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2051-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2051-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTAL HYGIENISTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2054-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2054-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE INDUSTRY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2049-86, 2051-86 and 2054-86 had passed Final Reading at 12:26 o'clock p.m.

H.B. No. 2111-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2111-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2112-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2112-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO DENTISTRY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2111-86 and 2112-86 had passed Final Reading at 12:27 o'clock p.m.

H.B. No. 2114-86, SD 1:

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

H.B. No. 2116-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2116-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO PSYCHOLOGISTS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2142-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2142-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO LABELING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2114-86, 2116-86 and 2142-86 had passed Final Reading at 12:28 o'clock p.m.

H.B. No. 2191-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2191-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO HORIZONTAL PROPERTY REGIMES", having been read throughout, passed Final Read-

ing by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2193-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2193-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO SECURITIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2194-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2194-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONDOMINIUMS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2191-86, 2193-86 and 2194-86 had passed Final Reading at 12:29 o'clock p.m.

H.B. No. 2216-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2216-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO VETERINARY MEDICINE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2217-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2217-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO THE MOTOR VEHICLE INDUSTRY", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2424-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2424-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO NO-FAULT INSURANCE", having been read throughout, passed Final Reading by

a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2216-86, 2217-86 and 2424-86 had passed Final Reading at 12:30 o'clock p.m.

H.B. No. 2425-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2425-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLES UNDER WARRANTIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2586-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2586-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2695-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2695-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CERTAIN FOREIGN GOODS SOLD IN HAWAII", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2425-86, 2586-86 and 2695-86 had passed Final Reading at 12:31 o'clock p.m.

H.B. No. 2715-86, HD 1, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2715-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO MASSAGE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2722-86, HD 1, SD 1:

On motion by Representative Shito,

seconded by Representative Bunda and carried, H.B. No. 2722-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO CONTRACTORS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

H.B. No. 2756-86, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2756-86, SD 1, entitled: "A BILL FOR AN ACT RELATING TO REAL ESTATE", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. Nos. 2715-86, 2722-86 and 2756-86 had passed Final Reading at 12:32 o'clock p.m.

H.B. No. 2844-86, HD 2, SD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 2844-86, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ESCROW DEPOSITORIES", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Nakasato being excused.

The Chair directed the Clerk to note that H.B. No. 2844-86 had passed Final Reading at 12:33 o'clock p.m.

At 12:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:42 o'clock p.m.

STANDING COMMITTEE REPORTS

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1011-86) recommending that H.R. No. 53, as amended in HD 1, be adopted.

Representative Tom moved that the report of the Committee be adopted and H.R. No. 53, HD 1, be adopted.

At 12:43 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:44 o'clock p.m., the motion was seconded by

Representative Metcalf and carried, and the report of the Committee was adopted and H.R. No. 53, HD 1, entitled: "HOUSE RESOLUTION URGING UTMOST DISCRETION IN DISCLOSING THE IDENTITY OF CHILD VICTIMS AND WITNESSES", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1012-86) recommending that H.C.R. No. 170, as amended in HD 1, be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.C.R. No. 170, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE COMPLETION OF THE DEPARTMENT OF ENERGY'S MOD-5B RESEARCH WIND TURBINE AT KAHUKU, HAWAII", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1013-86) recommending that H.R. No. 226 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 226, entitled: "HOUSE RESOLUTION ENCOURAGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO STUDY ALTERNATIVE MEANS TO RESOLVE THE ANAHOLA PARK ISSUE", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1014-86) recommending that H.C.R. No. 153 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 153, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE DEPARTMENT OF HAWAIIAN HOME LANDS TO STUDY ALTERNATIVE MEANS TO RESOLVE THE ANAHOLA PARK ISSUE", was adopted.

Representatives Say and Nakasato, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Tourism, presented a joint report (Stand. Com. Rep. No. 1015-86) recommending that H.R. No.

234 be adopted.

On motion by Representative Tam, seconded by Representative Lardizabal and carried, the joint report of the Committees was adopted and H.R. No. 234, entitled: "HOUSE RESOLUTION EXPRESSING SUPPORT FOR THE NEW ZEALAND TRADE EXPO IN HONOLULU", was adopted.

Representatives Say and Nakasato, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Tourism, presented a joint report (Stand. Com. Rep. No. 1016-86) recommending that H.C.R. No. 160 be adopted.

On motion by Representative Tom, seconded by Representative Lardizabal and carried, the joint report of the Committees was adopted and H.C.R. No. 160, entitled: "HOUSE CONCURRENT RESOLUTION EXPRESSING SUPPORT FOR THE NEW ZEALAND TRADE EXPO IN HONOLULU", was adopted.

Representatives Apo and Yoshimura, for the Committees on Ocean and Marine Resources and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 1017-86) recommending that H.R. No. 143, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Manegdeg and carried, the joint report of the Committees was adopted and H.R. No. 143, HD 1, entitled: "HOUSE RESOLUTION PROCLAIMING BLACK CORAL THE OFFICIAL STATE GEM OF HAWAII", was adopted.

Representatives Apo and Yoshimura, for the Committees on Ocean and Marine Resources and Public Employment and Government Operations, presented a joint report (Stand. Com. Rep. No. 1018-86) recommending that H.C.R. No. 85, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Manegdeg and carried, the joint report of the Committees was adopted and H.C.R. No. 85, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION PROCLAIMING BLACK CORAL THE OFFICIAL STATE GEM OF HAWAII", was adopted.

At this time, the Chair stated:

"The Chair will be recognizing motions on Final Reading tomorrow. I realize that we have a number of

conferences still going on. The conferees on the part of the House are reminded to make themselves available."

#### ANNOUNCEMENTS

Representative Metcalf: "Your Judiciary Chairman is getting bored and restless so he has scheduled a hearing on certain resolutions this afternoon at 2:30 in Conference Room 328."

Representative Kiyabu: "Your conferees on the budget and all other bills remaining on the agendas listed on April 11th will meet immediately following the session, and also the conferees on the pay bill will be meeting right after that."

#### DISPOSITION OF MATTER PLACED ON CLERK'S DESK

By unanimous consent, H.C.R. No. 14, HD 1, SD 1, was taken from the Clerk's desk.

Representative Apo moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 14, HD 1.

At 12:49 o'clock p.m., Representative Kamali'i asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 12:50 o'clock p.m., Representative Shon seconded the motion to agree to the amendments proposed by the Senate to H.C.R. No. 14, HD 1.

Representative Apo then rose and stated:

"Mr. Speaker, this is a resolution supporting the new owners of the Hawaiian Tuna Packers cannery and request that the Department of Transportation expedite the lease negotiations with the new owners of Hawaiian Tuna Packers."

Representative Kamali'i rose on a point of information and inquired whether or not the Chairman of Ocean and Marine Resources would yield to a question, to which Representative Apo replied in the affirmative.

Representative Kamali'i asked:

"What were the amendments from the Senate that you're agreeing to?"

Representative Apo answered:

"Non-substantive. There was a technical error in the House Concurrent Resolution in not referring to Senate concurring."

Representative Kamali'i thanked the Chair.

The motion to agree to the amendments proposed by the Senate to H.C.R. No. 14, HD 1, was put by the Chair and carried.

Representative Apo moved that H.C.R. No. 14, HD 1, SD 1, be adopted, seconded by Representative Shon.

At 12:51 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:52 o'clock p.m.

The motion was put by the Chair and carried, and H.C.R. No. 14, HD 1, SD 1, was finally adopted.

The Chair, at this time, recommitted H.B. No. 1998-86, HD 1, SD 1, CD 1, to the Committee on Conference.

#### ANNOUNCEMENTS

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

Representative Okamura: "There will be a Minority caucus immediately following session with Representative Andrews and myself."

Chair: "Again, conferees, please make yourselves available. We will stand in recess and we shall reconvene tomorrow at 11:00 a.m."

At 12:55 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Conference Committee Reports.

#### CONFERENCE COMMITTEE REPORTS

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 105, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 23-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 23-86 on

H.B. No. 105, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 105, HD 1, SD 1, CD 1, were made available to the members of the House at 10:30 o'clock a.m.

Representatives Kiyabu and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2221-86, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 24-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 24-86 on H.B. No. 2221-86, HD 2, SD 2, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2221-86, HD 2, SD 2, CD 1, were made available to the members of the House at 10:30 o'clock a.m.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1688-86, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 25-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 25-86 on H.B. No. 1688-86, HD 1, SD 2, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1688-86, HD 1, SD 2, CD 1, were made available to the members of the House at 10:30 o'clock a.m.

Representatives Menor and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1762-86, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 26-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 26-86 on S.B. No. 1762-86, SD 1, HD 2, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1762-86, SD 1, HD 2, CD 1, were made avail-

able to the members of the House at 11:00 o'clock a.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1550-86, SD 2, HD 1, presented a report (Conf. Com. Rep. No. 27-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 27-86 on S.B. No. 1550-86, SD 2, HD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1550-86, SD 2, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock a.m.

Representatives Kiyabu and Levin, for the majority of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1663-86, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 28-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 28-86 on H.B. No. 1663-86, HD 2, SD 1, CD 1, was deferred, 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, SD 1, CD 1, were made available to the members of the House at 2:00 o'clock p.m.

Representative Andrews, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2282-86, SD 1, presented a report (Conf. Com. Rep. No. 29-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 29-86 on H.B. No. 2282-86, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2282-86, SD 1, CD 1, were made available to the members of the House at 2:00 o'clock p.m.

Representatives Say and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate

in H.B. No. 2468-86, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 30-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 30-86 on H.B. No. 2468-86, HD 2, SD 2, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2468-86, HD 2, SD 2, CD 1, were made available to the members of the House at 2:00 o'clock p.m.

Representatives Levin and Shito, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2117-86, SD 1, presented a report (Conf. Com. Rep. No. 31-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 31-86 on H.B. No. 2117-86, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2117-86, SD 1, CD 1, were made available to the members of the House at 2:00 o'clock p.m.

Representatives Souki and Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2608-86, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 32-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 32-86 on H.B. No. 2608-86, HD 2, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2608-86, HD 2, SD 1, CD 1, were made available to the members of the House at 2:00 o'clock p.m.

Representatives Gaulty and Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2246-86, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 33-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 33-86 on H.B. No. 2246-86, HD 2, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2246-86, HD 2, SD 1, CD 1, were made available to the members of the House at 4:00 o'clock p.m.

Representatives Kiyabu and Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1665-86, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 34-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 34-86 on H.B. No. 1665-86, HD 2, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1665-86, HD 2, SD 1, CD 1, were made available to the members of the House at 4:00 o'clock p.m.

Representatives Souki and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 381, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 35-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 35-86 on H.B. No. 381, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 381, HD 1, SD 1, CD 1, were made available to the members of the House at 4:00 o'clock p.m.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2373-86, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 36-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 36-86 on H.B. No. 2373-86, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2373-86,

HD 1, SD 1, CD 1, were made available to the members of the House at 4:00 o'clock p.m.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 326, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 37-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 37-86 on H.B. No. 326, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 326, HD 1, SD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representatives Kiyabu and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1691-86, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 38-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 38-86 on H.B. No. 1691-86, HD 2, SD 1, CD 1, was deferred, 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, SD 1, CD 1, were made available to the members of the House at 5:00 o'clock p.m.

Representatives Shito and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 26, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 39-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 39-86 on H.B. No. 26, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 26, HD 1, SD 1, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Shito, for the Committee on Conference on the disagreeing vote of the House to the

amendments proposed by the Senate in H.B. No. 1388, HD 1, SD 1, presented a report (Conf. Com. Rep. No. 40-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 40-86 on H.B. No. 1388, HD 1, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1388, HD 1, SD 1, CD 1, were made available to the members of the House at 8:00 o'clock p.m.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1740-86, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 41-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 41-86 on H.B. No. 1740-86, HD 2, SD 1, CD 1, 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, HD 2, SD 1, CD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representatives Kiyabu and Levin, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1666-86, HD 2, SD 2, presented a report (Conf. Com. Rep. No. 42-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 42-86 on H.B. No. 1666-86, HD 2, SD 2, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1666-86, HD 2, SD 2, CD 1, were made available to the members of the House at 9:00 o'clock p.m.

Representative Taniguchi, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1998-86, HD 1, SD 1, CD 2, presented a report (Conf. Com. Rep. No. 43-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 43-86 on H.B. No. 1998-86, HD 1, SD 1, CD 2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1998-86, HD 1, SD 1, CD 2, were made available to the members of the House at 10:00 o'clock p.m.

Representative Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 122, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 44-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 44-86 on H.B. No. 122, HD 1, SD 2, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 122, HD 1, SD 2, CD 1, were made available to the members of the House at 10:00 o'clock p.m.

Representatives Tom and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 592, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 45-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 45-86 on S.B. No. 592, SD 1, HD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 592, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Tom and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1933-86, SD 1, HD 2, presented a report (Conf. Com. Rep. No. 46-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 46-86 on S.B. No. 1933-86, SD 1, HD 2, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1933-86, SD 1, HD 2, CD 1, were made avail-

able to the members of the House at 11:00 o'clock p.m.

Representative Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 303, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 47-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 47-86 on S.B. No. 303, SD 1, HD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 303, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock p.m.

Representative Tom, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2290-86, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 48-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 48-86 on S.B. No. 2290-86, SD 1, HD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2290-86, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Lindsey and Taniguchi, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 909, SD 1, HD 1, presented a report (Conf. Com. Rep. No. 49-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 49-86 on S.B. No. 909, SD 1, HD 1, CD 1,

was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 909, SD 1, HD 1, CD 1, were made available to the members of the House at 11:00 o'clock p.m.

Representatives Tungpalan, Souki and Metcalf, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1857-86, HD 2, SD 1, presented a report (Conf. Com. Rep. No. 50-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 50-86 on H.B. No. 1857-86, HD 2, SD 1, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1857-86, HD 2, SD 1, CD 1, were made available to the members of the House at 11:45 o'clock p.m.

Representatives Tom and Menor, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 100, HD 1, SD 2, presented a report (Conf. Com. Rep. No. 51-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 51-86 on H.B. No. 100, HD 1, SD 2, CD 1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 100, HD 1, SD 2, CD 1, were made available to the members of the House at 11:45 o'clock p.m.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:00 o'clock a.m. tomorrow, Thursday, April 17, 1986.

## FIFTY-NINTH DAY

Thursday, April 17, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:28 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Mrs. Patricia Mumford, executive coordinator of the Hawaii Council of Churches, after which the Roll was called showing all members present with the exception of Representative Taniguchi who was excused.

The Clerk proceeded to read the Journal of the House of Representatives of the Forty-Sixth Day.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, reading of the Journal was dispensed with and the Journal of the Forty-Sixth Day was approved.

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 548 to 574) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 548) transmitting Senate Concurrent Resolution No. 35, urging support of the people of Negros, Philippines, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 35 was deferred.

A communication from the Senate (Sen. Com. No. 549) transmitting Senate Concurrent Resolution No. 37, encouraging and supporting the development of a program to aid the large fresh tuna industry which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 37, was deferred.

A communication from the Senate (Sen. Com. No. 550) transmitting Senate Concurrent Resolution No. 40, SD1, requesting a study of insurance coverage for alcohol dependency, drug abuse and

mental illness, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 40, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 551) transmitting Senate Concurrent Resolution No. 49, SD1, requesting the designation of certain government lands within the Ahupuaa at Kialakehe, North Kona, Hawaii, for use as a regional sports complex under the County of Hawaii, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 49, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 552) transmitting Senate Concurrent Resolution No. 65, requesting a study of the reasonableness of child care laws and rules as they relate to different types of child care programs, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 65 was deferred.

A communication from the Senate (Sen. Com. No. 553) transmitting Senate Concurrent Resolution No. 67, SD1, requesting a study on the revenue impact of indexing permanent total disability benefits to the inflation rate, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 67, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 554) transmitting Senate Concurrent Resolution No. 71, SD1, requesting a study of the services for the seriously mentally ill provided by the mental health division, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 71, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 555) transmitting Senate Concurrent Resolution No. 74,

SD1, requesting a management study of the Molokai Irrigation System and the establishment of an irrigation district on Molokai, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 74, SD1, was deferred.

A communication from the Senate (S.C.R. No. 556) transmitting Senate Concurrent Resolution No. 75, SD1, urging the U.S. Congress to reject the proposed provision in the tax reform bill which would remove the tax exempt status of non-profit health plan organizations, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 75, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 557) transmitting Senate Concurrent Resolution No. 77, requesting the United States Department of the Navy to release Federal lands to the State of Hawaii for the development of Aiea Bay State Park, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 77 was deferred.

A communication from the Senate (Sen. Com. No. 558) transmitting Senate Concurrent Resolution No. 81, protesting apartheid and the increase of violence in South Africa, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 81 was deferred.

A communication from the Senate (Sen. Com. No. 559) transmitting Senate Concurrent Resolution No. 83, SD1, urging control of the decibel level of television commercials, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 83, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 560) transmitting Senate Concurrent Resolution No. 84, recognizing the continuing problem of those missing or otherwise unaccounted for from the war in Southeast Asia, which was adopted by the

Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 84 was deferred.

A communication from the Senate (Sen. Com. No. 561) transmitting Senate Concurrent Resolution No. 94, concerning the general revenues of the State of Hawaii, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 94 was deferred.

A communication from the Senate (Sen. Com. No. 562) transmitting Senate Concurrent Resolution No. 105, requesting a feasibility study for the development of a teletrack theatre, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 105 was deferred.

A communication from the Senate (Sen. Com. No. 563) transmitting Senate Concurrent Resolution No. 108, urging support for the continued development of the Pacific International Center for High Technology Research (PICTHR), which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 108 was deferred.

A communication from the Senate (Sen. Com. No. 564) transmitting Senate Concurrent Resolution No. 113, SD1, requesting a study of the alleged unequal treatment and unfair practices by mainland contractors in obtaining public works contracts at all military bases, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 113, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 565) transmitting Senate Concurrent Resolution No. 116, SD1, requesting the Department of Health to conduct a study of the extent of the problem of the medically indigent in Hawaii, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further

action on S.C.R. No. 116, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 566) transmitting Senate Concurrent Resolution No. 120, requesting foster child placement agencies to provide training to foster parents, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 120 was deferred.

A communication from the Senate (Sen. Com. No. 567) transmitting Senate Concurrent Resolution No. 130, requesting a study on the implementation of ZIP + 4 codes for State mail, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 130 was deferred.

A communication from the Senate (Sen. Com. No. 568) transmitting Senate Concurrent Resolution No. 136, requesting the Department of Health to review and evaluate reports on Waimano Training School and Hospital and develop strategies to correct problems and deficiencies, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 136 was deferred.

A communication from the Senate (Sen. Com. No. 569) transmitting Senate Concurrent Resolution No. 142, encouraging better and more coordinated and cooperative relationships between the various state, county, and private programs and agencies established to respond to the needs of victims and witnesses of crime, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 142 was deferred.

A communication from the Senate (Sen. Com. No. 570) transmitting Senate Concurrent Resolution No. 165, SD1, requesting the State Director of Taxation and the Finance Directors of the various counties to provide immediate relief to victims of designated natural disaster areas, which was adopted by the Senate on April 16, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 165, SD1, was deferred.

A communication from the Senate (Sen. Com. No. 571) returning House Concurrent Resolution No. 2, HD1, which was adopted by the Senate on April 16, 1986, in an amended form (SD1), was placed on file.

By unanimous consent, H.C.R. No. 2, HD1, as amended by the Senate, was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 572) informing the House that Senate Bill No. 1188 which had passed Third Reading in the Senate on April 16, 1986, in the amended form (HD1), was placed on file.

A communication from the Senate (Sen. Com. No. 573) informing the House that Senate Bill No. 2038-86, SD1, which had passed Third Reading in the Senate on April 16, 1986, in the amended form (HD1), was placed on file.

A communication from the Senate (Sen. Com. No. 574) informing the House that the Senate has reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 81, SD1, was agreed to by the Senate on April 16, 1986, was placed on file.

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

Representative Metcalf introduced Ms. Roberta Campbell, "a friend of long standing," who was accompanied by her mother, Mrs. Ray Clements.

Representative Hemmings introduced Ms. Jackie Pung, "a very special person in the history of Hawaiian sports, for she has not only contributed to the recreational welfare of the people, but she also helped promote the industry of sports both here in Hawaii and abroad and is a pioneer in womens' sports."

Representative Menor introduced several members of his family, his mother, Mrs. Menor, niece, Carrie, and brother, Dr. Rick Menor.

#### ORDER OF THE DAY

#### COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-Referred to:</u>
292	Committee on Water, Land Use Development and Hawaiian Affairs
315	Committee on Water, Land Use Development and Hawaiian Affairs
170	Jointly to the Committees on Transportation and Ocean and Marine Resources
227	Jointly to the Committees on Transportation and Ocean and Marine Resources
317	Committee on Ocean and Marine Resources
308	Committee on Ocean and Marine Resources
271	Committee on Transportation
189	Committee on Planning, Energy and Environmental Protection
260	Committee on Planning, Energy and Environmental Protection
244	Committee on Ocean and Marine Resources
246	Committee on Ocean and Marine Resources
277	Committee on Ocean and Marine Resources
313	Committee on Transportation
306	Committee on Ocean and Marine Resources

<u>H.C.R. Nos.</u>	<u>Re-Referred to:</u>
192	Committee on Water, Land Use Development and Hawaiian Affairs
212	Committee on Water, Land Use Development and Hawaiian Affairs
113	Committee on Water, Land Use Development and Hawaiian Affairs
114	Committee on Water, Land Use Development and Hawaiian Affairs
117	Committee on Water, Land Use Development and Hawaiian Affairs
106	Jointly to the Committees on Transportation and Ocean and Marine Resources
154	Jointly to the Committees on Transportation and Ocean and Marine Resources
211	Committee on Ocean and

<u>Marine Resources</u>	
121	Committee on Planning, Energy and Environmental Protection
175	Committee on Planning, Energy and Environmental Protection
165	Committee on Ocean and Marine Resources
167	Committee on Ocean and Marine Resources
184	Committee on Ocean and Marine Resources
201	Committee on Ocean and Marine Resources
206	Committee on Transportation

<u>S.C.R. Nos.</u>	<u>Re-Referred to:</u>
58	Committee on Water, Land Use Development and Hawaiian Affairs
45	Committee on Water, Land Use Development and Hawaiian Affairs
26	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 Final Reading on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 1-86 on H.B. No. 1954-86, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 2-86 on S.B. No. 1678-86, HD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 3-86 on H.B. No. 172, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 4-86 on H.B. No. 2280-86, HD2, SD1, CD1, on

## Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 5-86 on H.B. No. 2170-86, SD2, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 6-86 on H.B. No. 2444-86, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 7-86 on S.B. No. 425, SD2, HD2, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 8-86 on S.B. No. 2190-86, SD1, HD2, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 9-86 on S.B. No. 2309-86, SD1, HD2, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 10-86 on S.B. No. 383, SD1, HD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 11-86 H.B. No. 2069-86, HD1, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 12-86 on H.B. No. 2166-86, HD1, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 13-86 on H.B. No. 1680-86, HD1, SD1, CD1, on Final Reading:

By unanimous consent, Conf. Com. Rep. No. 13-86 and H.B. No. 1680-86, HD1, SD1, CD1, were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 14-86 on

H.B. No. 2202-86, HD1, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 15-86 on S.B. No. 1595-86, HD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 16-86 on H.B. No. 2348-86, HD1, SD1, CD1, on Final Reading:

By unanimous consent, Conf. Com. Rep. No. 16-86 and H.B. No. 2348-86, HD1, SD1, CD1, were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 17-86 on H.B. No. 2845-86 HD2, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 18-86 on H.B. No. 2495-86, HD2, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 19-86 on H.B. No. 2725-86, HD1, SD2, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 20-86 on H.B. No. 393, HD1, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

Conf. Com. Rep. No. 22-86 on H.B. No. 2596-86, SD1, CD1, on Final Reading:

By unanimous consent, action was deferred one day.

At 11:35 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 11:37 o'clock a.m.

## STANDING COMMITTEE REPORTS

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a

report (Stand. Com. Rep. No. 1019-86) recommending that S.C.R. No. 58 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, S.C.R. No. 58, entitled: "SENATE CONCURRENT RESOLUTION 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", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1020-86) recommending that S.C.R. No. 45, SD1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, S.C.R. No. 45, SD1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE STATE ACQUIRE ADDITIONAL ONELOA BEACH (BIG BEACH) LANDS AT MAKENA, MAUI FOR STATE PARK PURPOSES", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1021-86) recommending that S.C.R. No. 26, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, S.C.R. No. 26, HD1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE LAND AND NATURAL RESOURCES EXCHANGE LAND WITH THE HAWAIIAN MEMORIAL PARK CEMETERY ASSOCIATION TO PROVIDE LAND FOR A STATE VETERANS CEMETERY", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1022-86) recommending that H.R. No. 292 be referred to the Committee on Finance.

On motion by Representative Say,

seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, H.R. No. 292 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN IN-HOUSE MANAGEMENT STUDY OF THE BEACH AREAS FROM ST. THERESA'S CHURCH TO THE SECOND DITCH IN KEKAHA, KAUAI", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1023-86) recommending that H.C.R. No. 192 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, H.C.R. No. 192 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONDUCT AN IN-HOUSE MANAGEMENT STUDY OF THE BEACH AREAS FROM ST. THERESA'S CHURCH TO THE SECOND DITCH IN KEKAHA, KAUAI", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1024-86) recommending that H.R. No. 315, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, H.R. No. 315, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF LAND AND NATURAL RESOURCES TO COORDINATE A STUDY OF AND REPORT TO THE STATE LEGISLATURE ON STATE HISTORIC PRESERVATION STANDARDS", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1025-86) recommending that H.C.R. No. 212, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, H.C.R. No. 212, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE DEPART-

MENT OF LAND AND NATURAL RESOURCES TO COORDINATE A STUDY OF AND REPORT TO THE STATE LEGISLATURE ON STATE HISTORIC PRESERVATION STANDARDS", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1026-86) recommending that H.C.R. No. 113 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, H.C.R. No. 113 entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1027-86) recommending that H.C.R. No. 114 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, H.C.R. No. 114 entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY", was adopted.

Representative Say, for the Committee on Water, Land Use Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1028-86) recommending that H.C.R. No. 117 be referred to the Committee on Finance.

On motion by Representative Say, seconded by Representative Tam and carried, and notwithstanding the recommendation of the Committee, H.C.R. No. 117 entitled: "HOUSE CONCURRENT RESOLUTION AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DISPOSE BY WAY OF A LEASE, CERTAIN GOVERNMENT SUBMERGED LANDS FOR THE PURPOSE OF A MARINA FACILITY", was adopted.

Representative Andrews, for the

Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1029-86) recommending that H.R. No. 189 be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 189 entitled: "HOUSE RESOLUTION REQUESTING INFORMATION ON PETROLEUM AND AUTOMOTIVE OIL STORAGE AND DISPOSAL TO BE DISSEMINATED", was referred to the Committee on Finance.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1030-86) recommending that H.C.R. No. 121 be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.C.R. No. 121 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING INFORMATION ON PETROLEUM AND AUTOMOTIVE OIL STORAGE AND DISPOSAL TO BE DISSEMINATED", was referred to the Committee on Finance.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1031-86) recommending that H.R. No. 260 be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 260 entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO ESTABLISH A MEANS OF SUBSIDIZING RE-REFINED USED MOTOR OIL TO ENCOURAGE ITS COLLECTION AND REUSE AS AN ENERGY GENERATING FUEL", was referred to the Committee on Finance.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1032-86) recommending that H.C.R. No. 175 be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.C.R.

No. 175 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY TO ESTABLISH A MEANS OF SUBSIDIZING RE-REFINED USED MOTOR OIL TO ENCOURAGE ITS COLLECTION AND REUSE AS AN ENERGY GENERATING FUEL", was referred to the Committee on Finance.

Representatives Taniguchi and Apo, for the Committees on Transportation and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1033-86) recommending that H.R. No. 227, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Apo and carried, the joint report of the Committees was adopted and H.R. No. 227, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW PERMITS FOR COMMERCIAL BOATING OPERATIONS ON PUBLIC BEACHES LOCATED ON THE NORTH SHORE OF KAUAI", was referred to the Committee on Finance.

Representatives Taniguchi and Apo, for the Committees on Transportation and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1034-86) recommending that H.C.R. No. 154, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Apo and carried, the joint report of the Committees was adopted and H.C.R. No. 154, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO ISSUE A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW PERMITS FOR COMMERCIAL BOATING OPERATIONS ON PUBLIC BEACHES LOCATED ON THE NORTH SHORE OF KAUAI", was adopted.

Representatives Taniguchi and Apo, for the Committees on Transportation and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1035-86) recommending that H.R. No. 170, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Apo and carried, the joint report of the Committees was adopted and H.R. No. 170, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPART-

MENT OF TRANSPORTATION TO FORMULATE AN OCEAN RECREATIONAL MOTORCRAFT MANAGEMENT PLAN TO REDUCE CONFLICTS WITH OTHER OCEAN USERS", was referred to the Committee on Finance.

Representatives Taniguchi and Apo, for the Committees on Transportation and Ocean and Marine Resources, presented a joint report (Stand. Com. Rep. No. 1036-86) recommending that H.C.R. No. 106, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Apo and carried, the joint report of the Committees was adopted and H.C.R. No. 106, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORMULATE AN OCEAN RECREATIONAL MOTORCRAFT MANAGEMENT PLAN TO REDUCE CONFLICTS WITH OTHER OCEAN USERS", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1037-86) recommending that S.C.R. No. 36, SD1, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and S.C.R. No. 36, SD1, HD1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A REPORT ON POSSIBLE STATE AND FEDERAL GOVERNMENTAL ACTIONS TO ACHIEVE AN EFFECTIVE MANAGEMENT ROLE FOR THE STATE OF HAWAII IN THE EXCLUSIVE ECONOMIC ZONE", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1038-86) recommending that H.R. No. 229, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 229, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE CHAIRPERSON OF THE BOARD OF LAND AND NATURAL RESOURCES TO INVESTIGATE SUSPECTED VIOLATIONS OF STATE FISHING LAW RELATING TO THE ILLEGAL USE OF ANIMAL OR FISH CHUM TO CATCH OPELU WITH LIFT NETS IN FISHING GROUNDS OFF THE

COAST OF MILOLII, HAWAII", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1039-86) recommending that H.R. No. 246 be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 246 entitled: "HOUSE RESOLUTION REQUESTING A COMPENDIUM OF OCEAN AND MARINE-RELATED POLICIES", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1040-86) recommending that H.C.R. No. 167 be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 167 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A COMPENDIUM OF OCEAN AND MARINE-RELATED POLICIES", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1041-86) recommending that H.R. No. 277, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 277, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO PREPARE A REPORT ON THE INSTITUTE OF OCEANOGRAPHIC SCIENCES' PLANNED GEOLOGICAL SURVEY OF THE SEAFLOOR WITHIN THE EXCLUSIVE ECONOMIC ZONE SURROUNDING THE HAWAIIAN ARCHIPELAGO", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1042-86) recommending that H.C.R. No. 184, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee

was adopted and H.C.R. No. 184, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT TO PREPARE A REPORT ON THE INSTITUTE OF OCEANOGRAPHIC SCIENCES' PLANNED GEOLOGICAL SURVEY OF THE SEAFLOOR WITHIN THE EXCLUSIVE ECONOMIC ZONE SURROUNDING THE HAWAIIAN ARCHIPELAGO", was referred to the Committee on Finance.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1043-86) recommending that H.R. No. 271 be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 271 entitled: "HOUSE RESOLUTION REQUESTING AN INTERIM COMMITTEE TO STUDY THE FEASIBILITY OF ESTABLISHING A CARGO DISTRIBUTION CENTER AT GENERAL LYMAN FIELD, COUNTY OF HAWAII", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1044-86) recommending that H.C.R. No. 201, as amended in HD1, be referred to the Committee on Finance.

At 11:42 o'clock a.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 11:46 o'clock a.m.

On motion by Representative Apo, seconded by Representative Shon and carried, and notwithstanding the recommendation of the Committee, H.C.R. No. 201, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF HOLDING AN OCEAN RECREATION CONFERENCE IN 1987", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1045-86) recommending that H.R. No. 244 be referred to the Committee on Finance.

On motion by Representative Apo,

seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 244 entitled: "HOUSE RESOLUTION REQUESTING A STUDY OF REPLENISHING DEPLETED STOCKS OF FISH AND SHELLFISH THROUGH CULTURE AND RELEASE PROGRAMS", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1046-86) recommending that H.C.R. No. 165 be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 165 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF REPLENISHING DEPLETED STOCKS OF FISH AND SHELLFISH THROUGH CULTURE AND RELEASE PROGRAMS", was referred to the Committee on Finance

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1047-86) recommending that H.R. No. 313 be referred to the Committee on Finance

On motion by Representative Oshiro, seconded by Representative Takamine and carried, and notwithstanding the recommendation of the Committee, H.R. No. 313 entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT A USE AUDIT OF THE ALA WAI CANAL AND TO STUDY THE IMPACT OF ANY FUTURE MIX OF COMMERCIAL AND RECREATIONAL ACTIVITIES", was adopted.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1048-86) recommending that H.C.R. No. 206 be referred to the Committee on Finance.

On motion by Representative Oshiro, seconded by Representative Takamine and carried, and notwithstanding the recommendation of the Committee, H.C.R. No. 206 entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO CONDUCT A USE AUDIT OF THE ALA WAI CANAL AND TO STUDY THE IMPACT OF ANY FUTURE MIX OF COMMERCIAL AND RECREATIONAL ACTIVITIES", was adopted.

## INTRODUCTION OF RESOLUTIONS

The following resolutions (H.R. Nos. 352 and 353) were read by the Clerk and were disposed of as follows:

A resolution (H.R. No. 352) congratulating the Hawaiian community on the planning of 1987 as "The Year of the Hawaiian: Ho'olaki" was jointly offered by Representatives Kamali'i, Apo, Anderson, Bunda, Hemmings, Honda, Isbell, Kihano, Lardizabal, Levin, Lindsey, Liu, Manegdeg, Medeiros, Menor, Metcalf, Nakasato, Onouye, Oshiro, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tom, Tungpalan, Yoshimura and Peters.

A resolution (H.R. No. 353) congratulating Western Airlines on its Sixtieth Anniversary was jointly offered by Representatives Taniguchi, Oshiro, Anderson, Andrews, Apo, Blair, Bunda, Cavasso, Crozier, Graulty, Hagino, Hashimoto, Hemmings, Hirono, Honda, D. Ige, M. Ige, Ikeda, Isbell, Jones, Kamali'i, Kihano, Lardizabal, Leong, Lindsey, Liu, Marumoto, Medeiros, Menor, Nakasato, Okamura, Onouye, Pfeil, Say, Shito, Shon, Souki, Tajiri, Takamine, Tom, Yoshimura and Peters.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, H.R. Nos. 352 and 353 were adopted.

## STANDING COMMITTEE REPORTS

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1049-86) recommending that H.R. No. 306, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, and notwithstanding the recommendation of the Committee, H.R. No. 306, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DIRECTOR OF PLANNING AND ECONOMIC DEVELOPMENT TO STUDY THE FEASIBILITY OF HOLDING AN OCEAN RECREATION CONFERENCE IN 1987", was adopted.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1050-86) recommending that H.R. No. 299 be referred to the Committee on Finance.

On motion by Representative Oshi-

ro, seconded by Representative Takamine and carried, the report of the Committee was adopted and H.R. No. 299 entitled: "HOUSE RESOLUTION REQUESTING THE STATE DEPARTMENT OF TRANSPORTATION TO STUDY CONDITIONS WHICH POSE HAZARDS TO ATHLETES ON THE QUEEN KAAHUMANU STATE HIGHWAY", was referred to the Committee on Finance.

#### FINAL READING

##### H.B. No. 2119-86, HD1, SD2:

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, H.B. No. 2119-86, HD1, SD2, entitled: "A BILL FOR AN ACT RELATING TO RESIDENTIAL LEASEHOLDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Taniguchi being excused.

##### H.B. No. 2123-86, SD1:

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, H.B. No. 2123-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Taniguchi being excused.

The Chair directed the Clerk to note that H.B. Nos. 2119-86 and 2123-86 had passed Final Reading at 11:51 o'clock a.m.

##### H.B. No. 1951-86, HD1, SD1:

On motion by Representative Bunda, seconded by Representative Grauly and carried, H.B. No. 1951-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Taniguchi being excused.

##### H.B. No. 1995-86, HD1, SD1:

On motion by Representative Bunda, seconded by Representative Kihano and carried, H.B. No. 1995-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO DRUG PRODUCT SELECTION", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Taniguchi being excused.

The Chair directed the Clerk to note that H.B. Nos. 1951-86 and

1995-86 had passed Final Reading at 11:52 o'clock a.m.

##### H.B. No. 1999-86, HD1, SD1:

On motion by Representative Bunda, seconded by Representative Kihano and carried, H.B. No. 1999-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL RECORDS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Taniguchi being excused.

##### H.B. No. 2003-86, HD1, SD1:

On motion by Representative Bunda, seconded by Representative Kihano and carried, H.B. No. 2003-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO POISONS", having been read throughout, passed Final Reading by a vote of 50 ayes, with Representative Taniguchi being excused.

The Chair directed the Clerk to note that H.B. Nos. 1999-86 and 2003-86 had passed Final Reading at 11:53 o'clock a.m.

##### H.B. No. 2062-86, HD2, SD1:

On motion by Representative Bunda, seconded by Representative Shito and carried, H.B. No. 2062-86, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Final Reading by a vote of 49 ayes, to 1 no, with Representative Tungpalan voting "no" and Representative Taniguchi being excused.

The Chair directed the Clerk to note that H.B. No. 2062-86 had passed Final Reading at 11:54 o'clock a.m.

##### H.B. No. 2189-86, HD1, SD1:

Representative Bunda moved that H.B. No. 2189-86, HD1, SD1, having been read throughout, pass Final Reading, seconded by Representative Kihano.

At 11:55 o'clock a.m., Representative Ikeda asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:57 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Taniguchi.

At this time, Representative Shito rose and asked the Chair for a ruling on a "conflict of interest" on the

measure and the Chair ruled:

"No conflict."

Representative Jones then rose to speak in favor of the bill, with reservations, stating:

"I think that I will vote 'yes' on this bill today, but there are some reservations that I thought I'd like to just share with my colleagues here.

"There are two valid concerns that bear our consideration as we take a closer look at this bill. This measure copies language from both the Federal act and regulations, and the restatement and rearrangement of existing Federal law in a state statute can create some risk of conflicting interpretations and decisions.

"Mr. Speaker, some of you may recall that identical issues raised by this bill were resolved two years ago by the Legislature, in repealing HRS 403-38.5 which provided that foreign corporations and nonresidential aliens could not acquire control of a state regulated bank without bank examiner approval. In recommending the repeal of that section, the Conference Committee correctly concluded that the Federal government has the resources to more adequately regulate in this area.

"Further, the legislators, last year, reasoned that the State's interest is also adequately protected by the notification of the State bank examiner in the Federal statute. If the bank examiner has objections to the potential acquiring party, those objections can be made clear to the Federal regulating authority. There was expressed concern that the application of that section, could result in a conflict between the State and the Federal statute concluding in the State statute being pre-empted by the Federal statute.

"House Bill No. 2189-86, Mr. Speaker, adds another layer of regulation and some question the real need for this bill.

"The second issue that must be addressed is the impact that the bill might have on the marketability of the stock of savings and loan associations. There are valid, serious reservations regarding the placement of further obstacles on the ability of savings and loan associations to access some capital markets, particularly at a time when the industry is in need of additional net worth. Not only is the financial market very

sensitive to governmental controls but the cost of duplicating regulation can be enormous in terms of State administrative costs, executive time, professional fees and lost business opportunities due to some red tape and delay, all of which costs are ultimately borne by the public.

"Mr. Speaker, and colleagues, I believe that we are in agreement that the people of our State should be able to have the assurances that the party or parties in control are properly regulated, qualified as fiduciaries and capable of delivering long term, dependable, financial services.

"If we are to act prudently and with foresight, it is imperative that we give consideration to the total impact of this measure.

"So I do have some reservations, Mr. Speaker, but I am in favor of this bill, and I would urge my colleagues to vote 'aye.'"

"Thank you."

Representative Liu then rose to speak in favor of the bill, with reservations, stating:

"First, to indicate that I concur with most of the comments of my colleague from Aina Haina and to add, however, that I will be voting in favor because I'm hopeful that the bank examiner will exercise the correct discretion in implementing the law.

"Secondly, to express my reservations to Section 2 of the bill which I am confident will be found to be inapplicable for various reasons dealing with debt collections, and just to indicate that I am hopeful that in the future, those on the other side who somehow have a penchant for doing such things to bills like these, either will not be around or perhaps the practice will be eliminated.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2189-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO SAVINGS AND LOAN ASSOCIATIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2189-86 had passed Final Reading at 12:41 o'clock p.m.

H.B. No. 1322, SD1:

On motion by Representative Tungpalan, seconded by Representative Shito and carried, H.B. No. 1322, SD1, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 1672-86, HD1, SD1:

On motion by Representative Tungpalan, seconded by Representative Takamine and carried, H.B. No. 1672-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1322 and 1672-86 had passed Final Reading at 12:02 o'clock p.m.

At 12:02 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 12:07 o'clock p.m.

H.B. No. 2010-86, SD1:

On motion by Representative Tungpalan, seconded by Representative Takamine and carried, H.B. No. 2010-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE ADVISORY COMMISSION ON EMPLOYMENT AND HUMAN RESOURCES", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2011-86, HD1, SD1:

On motion by Representative Tungpalan, seconded by Representative Kiyabu and carried, H.B. No. 2011-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT SECURITY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2010-86 and 2011-86 had passed Final Reading at 12:09 o'clock p.m.

H.B. No. 2714-86, SD1:

On motion by Representative Tungpalan, seconded by Representative Shito and carried, H.B. No. 2714-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO UNEMPLOYMENT COMPENSATION", having been read throughout, passed Final Reading by a vote of 50 ayes, to 1 no, with Representatives Anderson voting no.

The Chair directed the Clerk to note that H.B. No. 2714-86 had passed Third Reading at 12:10 o'clock p.m.

H.B. No. 1488, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1488, SD1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 1727-86, HD1, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1727-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 1729-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1729-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1488, 1727-86 and 1729-86 had passed Final Reading at 12:11 o'clock p.m.

H.B. No. 1959-86, HD1, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1959-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE JUVENILE JUSTICE INTERAGENCY BOARD", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 1993-86, HD1, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 1993-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO EXCEPTIONS TO THE STATE TORT LIABILITY ACT", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2007-86, HD1, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2007-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTAL

DISABILITIES AND MENTAL RETARDATION RECORDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1959-86, 1993-86 and 2007-86 had passed Final Reading at 12:13 o'clock p.m.

H.B. No. 2103-86, HD1, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2103-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO CONTROLLED SUBSTANCES", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2358-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2358-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2362-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2362-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2103-86, 2358-86 and 2362-86 had passed Final Reading at 12:14 o'clock p.m.

H.B. No. 2363-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2363-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2465-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2465-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO RESTITUTION TO VICTIMS OF CRIME", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2363-86 and 2465-86 had passed Final Reading at 12:15 o'clock p.m.

H.B. No. 2479-86, HD1, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2479-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2483-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2483-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT JURISDICTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2479-86 and 2483-86 had passed Final Reading at 12:16 o'clock p.m.

H.B. No. 2526-86, HD1, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2526-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO PRIVACY", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2656-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2656-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO NAMES", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2760-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2760-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO ATTACHMENT AND EXECUTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2526-86, 2656-86 and 2760-86 had passed Final Reading at 12:17 o'clock p.m.

At 12:17 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 12:25 o'clock p.m.

H.B. No. 2158-86, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2158-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2337-86, HD2, SD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 2337-86, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO DRIVING UNDER INFLUENCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2158-86 and 2337-86 had passed Final Reading at 12:26 o'clock p.m.

H.B. No. 692, HD1, SD1:

On motion by Representative Yoshimura, seconded by Representative Manegdeg and carried, H.B. No. 692, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO TERMS OF BOARDS AND COMMISSIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2427-86, SD1:

On motion by Representative Yoshimura, seconded by Representative Manegdeg and carried, H.B. No. 2427-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF TRANSPORTATION", having been read throughout, passed Final Reading by a vote of 50 ayes, to 1 no, with Representative Liu voting "no."

The Chair directed the Clerk to note that H.B. Nos. 692 and 2427-86 had passed Final Reading at 12:27 o'clock

H.B. No. 2569-86, SD1:

On motion by Representative Yoshimura, seconded by Representative Manegdeg and carried, H.B. No. 2569-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO "ALOHA SPIRIT", having been read throughout, passed Final Reading by a vote of 41 ayes to 10 noes, with Representatives Anderson, Cavasso, Hemmings, Ikeda, Isbell, Jones, Kamali'i, Kihano, Liu and Marumoto voting "no."

The Chair directed the Clerk to note that H.B. No. 2569-86 had

passed Final Reading at 12:28 o'clock p.m.

H.B. No. 1815-86, HD2, SD1:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 1815-86, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO HARBORS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1815-86 had passed Final Reading at 12:29 o'clock p.m.

H.B. No. 2060-86, HD1, SD1:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 2060-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO SEAT BELTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2192-86, HD1, SD1:

On motion by Representative Taniguchi, seconded by Representative Shito and carried, H.B. No. 2192-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTORCYCLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2374-86, SD1:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 2374-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR VEHICLE LICENSING", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2060-86, 2192-86 and 2374-86 had passed Final Reading at 12:30 o'clock p.m.

H.B. No. 2599-86, HD1, SD1:

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.B. No. 2599-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR AND OTHER VEHICLES", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2605-86, HD1, SD1:

On motion by Representative Tani-

guchi, seconded by Representative Oshiro and carried, H.B. No. 2605-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO BOATING SAFETY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2599-86 and 2605-86 had passed Final Reading at 12:31 o'clock p.m.

H.B. No. 82, HD1, SD1:

On motion by Representative Apo, seconded by Representative Shon and carried, H.B. No. 82, HD1, SD2, entitled: "A BILL FOR AN ACT RELATING TO AQUACULTURE", having been read throughout, passed Final Reading by a vote of 50 ayes, to 1 no, with Representative Liu voting "no."

H.B. No. 2138-86, HD1, SD1:

On motion by Representative Menor, seconded by Representative Blair and carried, H.B. No. 2138-86, HD1, SD1, 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 Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 82 and 2138-86 had passed Final Reading at 12:32 o'clock p.m.

H.B. No. 1870-86, HD1, SD1:

On motion by Representative Andrews, seconded by Representative Say and carried, H.B. No. 1870-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO COASTAL ZONE MANAGEMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1870-86 had passed final Reading at 12:33 o'clock p.m.

H.B. No. 2108-86, HD1, SD1:

On motion by Representative Andrews, seconded by Representative Shito and carried, H.B. No. 2108-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO CONTROL OF PETROLEUM PRODUCTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2109-86, HD1, SD1:

On motion by Representative Andrews, seconded by Representative Shon and carried, H.B. No. 2109-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII STATE PLAN", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Anderson, Liu and Marumoto voting "no."

The Chair directed the Clerk to note that H.B. Nos. 2108-86 and 2109-86 had passed Final Reading at 12:34 o'clock p.m.

H.B. No. 2168-86, HD1, SD1:

On motion by Representative Andrews, seconded by Representative Shon and carried, H.B. No. 2168-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2730-86, SD1:

On motion by Representative Andrews, seconded by Representative Shon and carried, H.B. No. 2730-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY ENFORCEMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2786-86, SD2:

On motion by Representative Andrews, seconded by Representative Levin and carried, H.B. No. 2786-86, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2168-86, 2730-86 and 2786-86 had passed Final Reading at 12:35 o'clock p.m.

H.B. No. 1855-86, HD1, SD1:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1855-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO BRANDING", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 1967-86, HD1, SD1:

On motion by Representative Honda, seconded by Representative Nakata

and carried, H.B. No. 1967-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION OF MEAT AND MEAT PRODUCTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 1969-86, HD1, SD1:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1969-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSPECTION OF POULTRY AND POULTRY PRODUCTS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1855-86 1967-86 and 1969-86 had passed Final Reading at 12:37 o'clock p.m.

H.B. No. 1970-86, HD2, SD1:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1970-86, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO PENALTIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1970-86 had passed Final Reading at 12:38 o'clock.

H.B. No. 1971-86, HD1, SD1:

Representative Honda moved that H.B. No. 1971-86, HD1, SD1, having been read throughout, pass Final Reading, seconded by Representative Nakata.

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

"Mr. Speaker, there are good intentions in H.B. No. 1971-86 to enforce quarantines and related regulations, but I want to bring attention to a consequence of this bill that would allow a state agency to enter any premises without a search warrant.

"No other person can search private residences without a search warrant, and although I certainly support the otherwise good efforts of the Department of Agriculture, I see no reason why this power of searching private premises without a warrant, be granted the Department of Agriculture.

"For this reason, I vote 'no' on this bill."

The motion was put by the Chair

and carried, and H.B. No. 1971-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO RIGHTS OF ENTRY", having been read throughout, passed Final Reading by a vote of 49 ayes to 2 noes, with Representatives Pfeil and Hemmings voting "no."

H.B. No. 1974-86, SD1:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1974-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO ISSUANCE OF SUMMONS AND CITATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1971-86 and 1974-86 had passed Final Reading at 12:39 o'clock p.m.

H.B. No. 1976-86, SD1:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1976-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH CERTIFICATE", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 1983-86, SD1:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1983-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO FEES", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 1984-86, SD1:

On motion by Representative Honda, seconded by Representative Nakata and carried, H.B. No. 1984-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO DESTRUCTION OF ANIMALS FERAE NATURAE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1976-86, 1983-86 and 1984-86 had passed Final Reading at 12:40 o'clock p.m.

H.B. No. 2173-86, HD1, SD1:

On motion by Representative Levin, seconded by Representative Onouye and carried, H.B. No. 2173-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO EMBLEMS AND SYMBOLS", having been read throughout, passed Final Reading by a vote of 51

ayes.

H.B. No. 2001-86, HD1, SD1:

On motion by Representative Graulty, seconded by Representative Leong and carried, H.B. No. 2001-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2173-86 and 2001-86 had passed Final Reading at 12:41 o'clock p.m.

H.B. No. 2002-86, HD1, SD1:

On motion by Representative Graulty, seconded by Representative Leong and carried, H.B. No. 2002-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO DOMICILIARY CARE", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2074-86, HD1, SD1:

On motion by Representative Graulty, seconded by Representative Shito and carried, H.B. No. 2074-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO TRAFFIC VIOLATIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2002-86 and 2074-86 had passed Final Reading at 12:42 o'clock p.m.

H.B. No. 2238-86, HD2, SD1:

On motion by Representative Graulty, seconded by Representative Shito and carried, H.B. No. 2238-86, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO CHILD CARE LIABILITY INSURANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2014-86, HD1, SD1:

On motion by Representative Say, seconded by Representative Tam and carried, H.B. No. 2014-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2238-86 and 2014-86 had passed Final Reading at 12:43 o'clock p.m.

H.B. No. 2024-86, HD1, SD1:

On motion by Representative Say, seconded by Representative Tam and carried, H.B. No. 2024-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2102-86, HD1, SD2:

On motion by Representative Say, seconded by Representative Tam and carried, H.B. No. 2102-86, HD1, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2024-86 and 2102-86 had passed Final Reading at 12:44 o'clock p.m.

H.B. No. 2105-86, HD1, SD1:

On motion by Representative Say, seconded by Representative Tam and carried, H.B. No. 2105-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2129-86, HD1, SD1:

On motion by Representative Say, seconded by Representative Tam and carried, H.B. No. 2129-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO PROPERTY ABANDONED OR SEIZED ON STATE LAND", having been read throughout, passed Final Reading by a vote of 51 ayes.

H.B. No. 2273-86, HD1, SD2:

On motion by Representative Say, seconded by Representative Tam and carried, H.B. No. 2273-86, HD1, SD2, entitled: "A BILL FOR AN ACT RELATING TO AGRICULTURAL PARKS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2105-86, 2129-86 and 2273-86 had passed Final Reading at 12:45 o'clock p.m.

H.B. No. 1695, SD1:

On motion by Representative Shito, seconded by Representative Bunda and carried, H.B. No. 1695-86, SD1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having

been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1695-86 had passed Final Reading at 12:46 o'clock p.m.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. Nos. 1687-86, HD2, SD2; 1706-86, HD1, SD1; and 2284-86, HD2, SD1, were taken from the Clerk's desk.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the House agreed to the amendments proposed by the Senate to H.B. Nos. 1687-86, HD2; 1706-86, HD1; and 2284-86, HD2.

At 12:45 o'clock p.m. Representative Tom asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:57 o'clock p.m.

At this time, the Chair made the following announcement:

"There are two bills laying on the Clerk's desk. These are carryover bills, returned by the Senate to the House in an unamended form. The Constitution require us to pass it on Final Reading."

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 107, HD2, was taken from the Clerk's desk.

On motion by Representative Yoshimura, seconded by Representative Manegdeg and carried, H.B. No. 107, HD2, entitled: "A BILL FOR AN ACT RELATING TO STATE WARRANTS", having been read throughout, passed Final Reading by a vote of 51 ayes, in accordance with Article III, Section 15, of the Constitution of the State of Hawaii.

By unanimous consent, H.B. No. 317, HD1, was taken from the Clerk's desk.

On motion by Representative Tom, seconded by Representative Metcalf and carried, H.B. No. 317, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE LIMITATIONS PERIOD FOR FEDERAL ACTIONS

BROUGHT IN STATE COURT", having been read throughout, passed Final Reading by a vote of 51 ayes, in accordance with Article III, Section 15, of the Constitution of the State of Hawaii.

The Chair directed the Clerk to note that H.B. Nos. 107 and 317 had passed Final Reading at 12:58 o'clock p.m.

At this time, the Chair recommitted H.B. No. 2348-86, HD1, SD1, CD1, to Conference Committee.

#### ANNOUNCEMENTS

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

Representative Manegdeg: "May I request a 48-hr. waiver notice on S.C.R. No. 53," and the Chair, "so ordered."

"Mr. Speaker, there will be a meeting of the Public Employment and Government Operations Committee at 1:30 o'clock p.m., in Room 314."

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

Representative Crozier: "I would like to ask a waiver of the 48-hr. notice on H.C.R. No. 172 and H.C.R. No. 208, HD1," and the Chair, "so ordered."

"Mr. Speaker, the Legislative Management Committee will have a hearing at 1:30 o'clock p.m. in Room 435. Decision making to follow."

Representative Say: "Your conferees on the Water Code will be meeting at 2:00 o'clock p.m., in Conference room 310. Will all the House conferees be on call by about 1:30 o'clock p.m., to look at Senate Draft No. 2."

Representative Souki: "Will the Finance Committee conferees be available for the whole day. We will be having a conference right after the Water Code meeting on the executive and budget bills and other bills related to the budget."

The Chair then announced:

"All conferences will continue. Conferees on the part of the House are requested to make themselves available for that purpose."

At 1:03 o'clock p.m., the Chair

declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:07 o'clock p.m.

Representative Ikeda: "There will be a Republican caucus tomorrow morning at 10:00 o'clock a.m."

#### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

S.C.R. Nos.      Referred to:

- 35      Committee on Judiciary
- 37      Committee on Ocean and Marine Resources
- 40      Committee on Health, then to the Committee on Finance
- 49      Committee on Water, Land Use, Development and Hawaiian Affairs
- 65      Committee on Human Services, then to the Committee on Finance
- 67      Jointly to the Committees on Employment Opportunities and Labor Relations and Consumer Protection and Commerce, then to the Committee on Finance
- 71      Committee on Health, then to the Committee on Finance
- 74      Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
- 75      Committee on Health
- 77      Committee on Water, Land Use, Development and Hawaiian Affairs
- 81      Committee on Judiciary

83      Committee on Consumer Protection and Commerce

84      Committee on Judiciary

94      Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Finance

105     Jointly to the Committees on Public Employment and Government Operations and Judiciary, then to the Committee on Legislative Management

108     Jointly to the Committees on Water, Land Use, Development and Hawaiian Affairs and Agriculture

113     Committee on Employment Opportunities and Labor Relations

116     Jointly to the Committees on Human Services and Health, then to the Committee on Finance

120     Committee on Human Services

130     Committee on Public Employment and Government Operations, then to the Committee on Finance

136     Committee on Health, then to the Committee on Finance

142     Committee on Judiciary, then to the Committee on Finance

165     Committee on Finance

At 1:08 o'clock p.m., the Chair declared the House in recess, subject to the call of the Chair.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 11:00 o'clock a.m., tomorrow, Friday, April 18, 1986.

## SIXTIETH DAY

Friday, April 18, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 11:30 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Sister Grace Dorothy Lim, Director of the Diocesan Tribune Office, after which the Roll was called showing all members present.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 575 to 637c) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 575) returning House Bill No. 1763-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL LOANS", which passed Third Reading in the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 576) returning House Bill No. 1979-86, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF ARRIVAL OF ANIMALS", which passed Third Reading in the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 577) returning House Bill No. 1989-86, entitled: "A BILL FOR AN ACT RELATING TO GLANDERS AND FARCY", which passed Third Reading in the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 578) returning House Bill No. 2262-86, entitled: "A BILL FOR AN ACT RELATING TO WORKER'S COMPENSATION", which passed Third Reading in the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 579) returning House Concurrent Resolution No. 13, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 580) returning House

Concurrent Resolution No. 63, HD 1, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 581) returning House Concurrent Resolution No. 70, which was adopted by the Senate on April 15, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 582) informing the House that Senate Bill No. 310, SD 1 (HD 1), passed Final Reading in the Senate on April 15, 1986, in the amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 583) returning House Bill No. 1938-86, entitled: "A BILL FOR AN ACT RELATING TO BANK LOANS AND INVESTMENTS", which passed Third Reading in the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 584) returning House Bill No. 1972-86, entitled: "A BILL FOR AN ACT RELATING TO PROHIBITION OF ENTRY OF ANIMALS WITHOUT INSPECTION", which passed Third Reading in the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 585) returning House Bill No. 2016-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO FISHING", which passed Third Reading in the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 586) returning House Bill No. 2299-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII RIGHT TO FARM ACT", which passed Third Reading in the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 587) returning House Bill No. 2361-86, entitled: "A BILL FOR AN ACT RELATING TO FAMILY COURT", which passed Third Reading in the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 588) returning House Bill No. 2482-86, entitled: "A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS", which passed Third Reading in the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 589) returning House Concurrent Resolution No. 19, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 590) returning House Concurrent Resolution No. 22, HD 1, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 591) returning House Concurrent Resolution No. 33, HD 1, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 592) returning House Concurrent Resolution No. 57, HD 2, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 593) returning House Concurrent Resolution No. 60, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 594) returning House Concurrent Resolution No. 66, HD 2, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 595) returning House Concurrent Resolution No. 72, HD 2, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 596) returning House Concurrent Resolution No. 79, HD 1, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 597) returning House Concurrent Resolution No. 80, HD 1, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 598) returning House Concurrent Resolution No. 82, HD 2, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 599) returning House Concurrent Resolution No. 157, which was adopted by the Senate on April 16, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 600) returning House Bill No. 55, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HOUSING", which passed Third Reading in

the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 601) returning House Bill No. 1992-86, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 602) returning House Bill No. 2045-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO FINES", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 603) returning House Bill No. 2106-86, entitled: "A BILL FOR AN ACT RELATING TO GENERAL PROVISIONS OF AQUATIC RESOURCES AND WILDLIFE", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 604) returning House Bill 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", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 605) returning House Bill No. 2214-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII PENAL CODE", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 606) returning House Bill No. 2254-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 607) returning House Bill No. 2395-86, HD 2, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 608) returning House Bill No. 2397-86, HD 1, entitled: "A

BILL FOR AN ACT RELATING TO LIMITATIONS OF ACTIONS", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 609) returning House Bill No. 2589-86, HD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH SERVICES", which passed Third Reading in the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 610) returning House Concurrent Resolution No. 8, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 611) returning House Concurrent Resolution No. 30, HD 1, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 612) returning House Concurrent Resolution No. 50 (SD 1), which was adopted by the Senate on April 17, 1986, in the amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 613) returning House Concurrent Resolution No. 107, HD 1, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 614) returning House Concurrent Resolution No. 115, HD 1, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 615) transmitting Senate Concurrent Resolution No. 7, requesting congressional action to exempt matured money market certificates as preferential transfers in bankruptcy proceedings, which was adopted by the Senate on April 17, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 7 was deferred.

A communication from the Senate (Sen. Com. No. 616) transmitting Senate Concurrent Resolution No. 9, SD 1, requesting a management audit of the Corrections Division of the Department of Social Services and Housing, which was adopted by the Senate on April 17, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 9, SD 1, was deferred.

A communication from the Senate (Sen. Com. No. 617) transmitting Senate Concurrent Resolution No. 30, SD 1, requesting a study to predict capacity needs for Hawaii's correctional facilities, which was adopted by the Senate on April 17, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 30, SD 1, was deferred.

A communication from the Senate (Sen. Com. No. 618) transmitting Senate Concurrent Resolution No. 54, requesting the Governor of the State of Hawaii to take immediate action toward the acquisition and return of Tern Island and its facilities to the State of Hawaii, which was adopted by the Senate on April 17, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 54 was deferred.

A communication from the Senate (Sen. Com. No. 619) transmitting Senate Concurrent Resolution No. 78, requesting the cooperation of the military in its use and development of Hawaii's water resources, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 620) transmitting Senate Concurrent Resolution No. 93, SD 1, requesting a study to determine the number of elderly, disabled, poor, and jobless who are homeless in Hawaii, and requesting the State of Hawaii to develop and implement a fiscally sound approach to assist the homeless in finding housing at the earliest possible time, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 621) transmitting Senate Concurrent Resolution No. 99, supporting the activities of the Neighborhood Reinvestment Corporation and representatives of government, business, and communities in forming a Neighborhood Housing Services (NHS) corporation in Honolulu, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 622) transmitting Senate Concurrent Resolution No. 101, requesting the Legislature to study the administration of the Hawaiian Homes Trust within the Department of Hawaiian Home Lands,

to suggest an alternative administrative structure as a possible means of providing creative solutions to current constraints and problems, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 623) transmitting Senate Concurrent Resolution No. 114, requesting a study on the possible civilian industrial uses for Pearl Harbor Naval Shipyard, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 624) transmitting Senate Concurrent Resolution No. 117, SD 1, requesting an evaluation of the Act granting the family court the discretionary power to order parents of unmarried minor parents to pay child support, which was adopted by the Senate on April 17, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 117, SD 1, was deferred.

A communication from the Senate (Sen. Com. No. 625) transmitting Senate Concurrent Resolution No. 118, requesting a study by a committee appointed by the family court to explore the feasibility, advantages, and disadvantages of mandatory mediation in divorce cases, which was adopted by the Senate on April 17, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 118 was deferred.

A communication from the Senate (Sen. Com. No. 626) transmitting Senate Concurrent Resolution No. 131, urging the four county governments of the State of Hawaii to continue to work closely with the Department of Hawaiian Home Lands to provide building permits and water meters to homestead lessees, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 627) transmitting Senate Concurrent Resolution No. 132, requesting an audit by the Legislative Auditor of public land trust funds as described in Section 10-3, Hawaii Revised Statutes, which are managed and expended by certain departments of state government, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 628) transmitting Senate Concurrent Resolution No. 135, urging congressional support for the cooperative extension service programs of the United States Department of Agriculture, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 629) transmitting Senate Concurrent Resolution No. 138, SD 1, requesting a study to determine what criteria should be used in evaluating the need for mandatory health care insurance coverage, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 630) transmitting Senate Concurrent Resolution No. 139, requesting a study on the feasibility of establishing a forensic center within the Hawaii Criminal Justice System, which was adopted by the Senate on April 17, 1986, was placed on file.

By unanimous consent, further action on S.C.R. No. 139 was deferred.

A communication from the Senate (Sen. Com. No. 631) transmitting Senate Concurrent Resolution No. 146, SD 1, encouraging the Department of Hawaiian Home Lands to study alternative means to resolve the Anahola Village Park issue, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 632) transmitting Senate Concurrent Resolution No. 147, relating to fisheries management, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 633) transmitting Senate Concurrent Resolution No. 148, requesting a survey to be conducted regarding conservation, public use, and management of native Hawaiian stream fauna, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 634) transmitting Senate Concurrent Resolution No. 150, SD 1, requesting a study and revision of rules relating to gillnet fishing, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 635) transmitting Senate Concurrent Resolution No. 152, SD 1, requesting a study of problems related to the employee or independent contractor status of real estate licensees, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 636) transmitting Senate Concurrent Resolution No. 157, SD 1, requesting the Board of Land and Natural Resources, Department of Hawaiian Home Lands, and Office of Hawaiian Affairs to participate with the County of Hawaii, Kamehameha Schools/Bishop Estate, Alu Like, Incorporated, and the Bishop Museum to explore the feasibility of state acquisition of Waipi'o Valley on the Island of Hawaii, which was adopted by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 637) transmitting Senate Concurrent Resolution No. 158, requesting the Department of Land and Natural Resources and the University of Hawaii Sea Grant College Program to study the impact of regulating salt-water shoreline fishing, which was adopted by the Senate on April 17, 1986, was placed on file.

By unanimous consent, further action on S.C.R. Nos. 78, 93, 99, 101, 114, 131, 132, 135, 138, 146, 147, 148, 150, 152, 157 and 158 was deferred until later in the calendar.

A communication from the Senate (Sen. Com. No. 637a) informing the House that Senate Bill No. 81, SD 1 (HD 2), has passed Final Reading in the Senate on April 17, 1986, in the amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 637b) informing the House that the Senate has, on April 17, 1986, reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 1961-86, SD 1 (HD 2), were agreed to by the Senate on April 17, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 637c) informing the House that the Senate has, on April 17, 1986, reconsidered its action taken on April 3, 1986, and that the amendments proposed by the House to Senate Bill No. 2474-86, SD 2 (HD 2), were agreed to by the Senate on April 17, 1986, was placed on file.

At this time, the following intro-

ductions were made to the members of the House:

Representative Liu introduced his uncle, Mr. Robert Liu, "someone I have known all my life. . . a man who has worked very, very hard and who has always set an example for me."

Representative Jones introduced Ms. Ruth Grimm, "a 'young' lady who began in voting and voting Republican when women were first allowed to vote in the 1920s and has voted ever since, and is fondly known as 'Grandma Grimm.' She has helped many in Hawaii through active participation in cancer drives, various church activities, pro-family programs, and many GOP activities -- a real good friend and campaign worker of mine who is 90 years old."

Representative Takamine introduced Mrs. Shirley Metcalf, wife of Representative Metcalf, and Muts, his secretary. "Shirley is not only Representative Metcalf's strongest supporters but one of his strongest campaigners, and in many respects many times more effective than her own husband."

Representative Metcalf introduced representatives from the Professional Secretaries International from the Big Island and the Future Secretaries Association from Hawaii Community College, as follows: Mrs. Kelly Johnson, Mrs. Connie Sasarita, Ms. Dee Kawaguchi, Ms. Patty Manuel, Ms. Donna Shibuya, Ms. Jodi Savella, Ms. Irma Sumera and Gwen Nicolas; Ms. Dawn Matsui, instructor at Hawaii Community College; and his wife, Shirley Metcalf, "my campaign manager."

Representative Tom rose and stated:

"Mr. Speaker, I wanted to make a further comment on Mrs. Metcalf.

"You know, I have spent two years with Representative Metcalf and I'll tell you, I would rather spend two years with Mrs. Metcalf as Vice Chairman because she is very charming, beautiful, and I may be blind but I am not stupid. And I tell you this, Representative Metcalf introduced this lady as his campaign manager -- I would say his better half. Just because her name is Metcalf, you know, she's not haole you know. She makes tremendous Oriental food and she cooked for us one night and I think that's one of the things Representative Metcalf misses most when he is here because

of her cooking.

"So I want to say to Representative Metcalf: You're a real, real tremendously lucky person to have Mrs. Metcalf behind you, and I just wanted to make those comments on behalf of Mrs. Metcalf."

Representative Metcalf responded:

"Mr. Speaker, I hope the members of this body realize that I must have done something right to deserve the wife that I have."

Representative Kamali'i introduced Mrs. Lana Jones, wife of Representative Jones.

#### ORDER OF THE DAY

##### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

S.C.R. Nos.	Referred to:
78	Committee on Water, Land Use, Development and Hawaiian Affairs
93	Committee on Human Services, then to the Committee on Finance
99	Committee on Housing
101	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Legislative Management
114	Committee on Employment Opportunities and Labor Relations, then to the Committee on Finance
131	Committee on Water, Land Use, Development and Hawaiian Affairs
132	Committee on Water, Land Use, Development and Hawaiian Affairs, then to the Committee on Finance
135	Jointly to the Committees on Higher Education and the Arts and Agriculture
138	Committee on Health, then to the Committee on Finance
146	Committee on Water, Land Use, Development and Hawaiian Affairs
147	Committee on Ocean and

Marine Resources, then to the Committee on Finance

148 Committee on Ocean and Marine Resources, then to the Committee on Finance

150 Committee on Ocean and Marine Resources, then to the Committee on Finance

152 Committee on Consumer Protection and Commerce, then to the Committee on Finance

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

158 Committee on Ocean and Marine Resources, then to the Committee on Finance

##### INTRODUCTION OF RESOLUTIONS

A resolution (H.R. No. 358) recognizing the contributions of Kiyoko Chinen to Hawaii and the Japanese community was offered by Representative Marumoto and read by the Clerk.

On motion by Representative Marumoto, seconded by Representative Ikeda and carried, H.R. No. 358 was adopted.

Representative Marumoto rose and stated:

"It is my distinct honor to introduce to you today the designee of the resolution we just passed. Kiyoko Chinen is in the gallery this morning with family members.

"Many of you may know Mrs. Chinen as the radio host of the Ryukyu Hour Music Program, or as an authority on Japanese cuisine and culture, or as the mother also of Ernest Chinen and May Goya and of local entertainers, KZOO disc jockey, Ms. Doris Chinen Stockstill, and the very famous Mr. Teddy Tanaka.

"Mrs. Chinen worked many years at the Board of Water Supply and now that she is retired, she displays her culinary talents at Shiro's Saimin at Classic Bowl in Kalihi. This is a family enterprise. As you see, Mrs. Chinen is a gracious, intelligent, hardworking woman of many talents who deserves recognition, and she has been an inspiration to us all. As a Japanese woman, she is way ahead of her time, and as a person who has contributed and enriched the diverse

ethnic community which is Hawaii, we should recognize her.

"I am delighted that the House of Representatives can honor her today and acknowledge the presence of Mrs. Chinen, her son and daughter-in-law, Teddy and Nancy Tanaka."

Representative Marumoto then asked Mrs. Chinen, Teddy and Nancy Tanaka to stand and be recognized.

Representative Marumoto then thanked the Chair.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the following resolutions (H.R. Nos. 354 to 357) were adopted:

A resolution (H.R. No. 354) honoring and commending Steven S. Nagamine for his outstanding citizenship and his unselfish service to civic and community groups and to the restaurant industry of Hawaii was jointly offered by Representatives Kiyabu, Anderson, Andrews, Apo, Blair, Bunda, Cachola, Crozier, Gaulty, Hagino, Hashimoto, Hemmings, Hirono, Honda, D. Ige, M. Ige, Ikeda, Isbell, Kamali'i, Kawakami, Kihano, Lardizabal, Leong, Levin, Lindsey, Liu, Marumoto, Medeiros, Menor, Metcalf, Nakasato, Nakata, Okamura, Onouye, Oshiro, Pfeil, Say, Shito, Shon, Souki, Tajiri, Takamine, Tam, Taniguchi, Tom, Tungpalan and Yoshimura.

A resolution (H.R. No. 355) commending Mr. B. Krishan Kapur for his outstanding commitment to democracy, and the goals of open government and an informed electorate was jointly offered by Representatives Onouye, Anderson, Andrews, Apo, Blair, Cavasso, Crozier, Gaulty, Hashimoto, Hirono, Jones, Kihano, Levin, Nakasato, Okamura, Shito, Shon, Tajiri, Takamine, Tungpalan and Yoshimura.

A resolution (H.R. No. 356) commending Clarence K.F. Hoe for his contributions to the youth of Hawaii was jointly offered by Representatives Onouye, Anderson, Andrews, Blair, Bunda, Cavasso, Gaulty, Hagino, Hashimoto, Hemmings, Hirono, Honda, D. Ige, Jones, Lardizabal, Leong, Levin, Manegdeg, Menor, Metcalf, Nakasato, Okamura, Pfeil, Shon, Souki, Tam, Taniguchi, Tungpalan, Yoshimura and Peters.

A resolution (H.R. No. 357) commending McKinley High School for winning recognition as the Oahu Math

League champion of 1985-1986 was jointly offered by Representatives Onouye, Andrews, Apo, Blair, Cavasso, Crozier, Gaulty, Hashimoto, Hirono, Jones, Kihano, Levin, Nakasato, Okamura, Shito, Shon, Tajiri, Takamine, Tungpalan, Yoshimura and Peters.

#### 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 Final Reading on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 1-86 on H.B. No. 1954-86, SD 1, CD 1:

On motion by Representative Crozier, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1954-86, SD 1, CD 1, 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", having been read throughout, passed Final Reading by a vote of 51 ayes, which was not less than two-thirds of all the members to which the House is entitled.

The Chair directed the Clerk to note that H.B. No. 1954-86 had passed Final Reading at 11:53 o'clock a.m.

Conf. Com. Rep. No. 2-86 on S.B. No. 1678-86, HD 1, CD 1:

On motion by Representative Andrews, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 1678-86, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NOTIFICATION OF OWNERS OF PROPERTIES INCLUDED WITHIN AND ADJOINING AREAS BEING DESIGNATED GEOTHERMAL RESOURCE SUBZONES", having been read throughout, passed Third Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 3-86 on H.B. No. 172, SD 1, CD 1:

On motion by Representative Kihano, seconded by Representative Shito and carried, the report of the

Committee was adopted and H.B. No. 172, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HEALTH", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1678-86 and H.B. No. 172 had passed Final Reading at 11:54 o'clock a.m.

Conf. Com. Rep. No. 4-86 on H.B. No. 2280-86, HD 2, SD 1, CD 1:

Representative Tungpalan moved that the report of the Committee be adopted and H.B. No. 2280-86, HD 2, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Souki.

Representative Cavasso rose and stated:

"Mr. Speaker, in reading the report this morning. . . actually, I'm not sure whether I'm voting for or against this right now so I think I'll speak for it with reservations and if someone else cares to stand up and speak, then I'll make my decision.

"I am looking at that portion that says that, comparing the House and the Senate versions, we had it in the House a version which did not include under the handicapped individual or definition of handicapped persons those who are drug users or alcoholics. And then I look at this law that we have in front of us, House Bill No. 2280-86, under Section 3, and I see that should we include or should be construed that drug users or alcoholics could be construed as being handicapped under this law, that an employer then could be attacked for making any inquiry in connection with the prospective employment which expresses directly or indirectly any limitations, specifications, et cetera.

"I am concerned when we are fighting so hard against drug and alcohol abuse in our community, I am concerned when I see our President coming and his wife directly addressing this subject, that we may be loosening the law and maybe by passing this, implying that at some later time, drug or alcohol abuse may be included under handicapped status. I have read the Committee Report and I see that it is the intention under the third paragraph that one of the necessary clarifications will include a statement that handicapped status does not include

alcohol or drug abuse, where the current use of alcohol or drugs prevents performing the duties and the jobs. That simple word 'current' concerns me for I think that, from personal experience in employing people in my own business, there are times when the drug history is important although not currently using drugs. It is something that we should, as employers, be permitted to inquire into for, in my case, I have had people who were not using drugs who have then begun again and caused us much problem. To deny an employer the right to question that sounds foolish.

"Thank you, Mr. Speaker."

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

"Just one point of clarification. The Department of Labor will be promulgating rules and regulations to effectuate this bill when it becomes law and at that time, I do hope Representative Cavasso and all those lawyers who are concerned about this one particular section, I do hope that they will come out and testify at the hearings.

"Thank you."

At 11:59 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 12:31 o'clock p.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2280-86, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT PRACTICES", having been read throughout, passed Final Reading by a vote of 47 ayes to 4 noes, with Representatives Anderson, Hemmings, Liu and Medeiros voting no.

The Chair directed the Clerk to note that H.B. No. 2280-86 had passed Final Reading at 12:32 o'clock p.m.

Conf. Com. Rep. No. 5-86 on H.B. No. 2170-86, SD 2, CD 1:

On motion by Representative Bunda, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 2170-86, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO

BLOOD TEST", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 6-86 on H.B. No. 2444-86, SD 1, CD 1:

On motion by Representative Taniguchi, seconded by Representative Tom and carried, the report of the Committee was adopted and H.B. No. 2444-86, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SUN SCREENING DEVICES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2170-86 and 2444-86 had passed Final Reading at 12:33 o'clock p.m.

Conf. Com. Rep. No. 7-86 on S.B. No. 425, SD 2, HD 2, CD 1:

On motion by Representative Kiyabu, seconded by Representative Manegdeg and carried, the report of the Committee was adopted and S.B. No. 425, SD 2, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 8-86 on S.B. No. 2190-86, SD 1, HD 2, CD 1:

On motion by Representative Hashimoto, seconded by Representative Shito and carried, the report of the Committee was adopted and S.B. No. 2190-86, SD 1, HD 2, entitled: "A BILL FOR AN ACT RELATING TO HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 425 and 2190-86 had passed Final Reading at 12:34 o'clock p.m.

Conf. Com. Rep. No. 9-86 on S.B. No. 2309-86, SD 1, HD 2, CD 1:

On motion by Representative Shito, seconded by Representative Manegdeg and carried, the report of the Committee was adopted and S.B. No. 2309-86, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO PASSENGER CARRIERS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 10-86 on S.B. No. 383, SD 1, HD 1, CD 1:

On motion by Representative Lindsey, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 383, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE SPECIAL SUMMER SCHOOL FUND", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 2309-86 and 383 had passed Final Reading at 12:35 o'clock p.m.

Conf. Com. Rep. No. 11-86 on H.B. No. 2069-86, HD 1, SD 1, CD 1:

On motion by Representative Gaulty, seconded by Representative Leong and carried, the report of the Committee was adopted and H.B. No. 2069-86, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELDERLY ABUSE OR NEGLECT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2069-86 had passed Final Reading at 12:36 o'clock p.m.

Conf. Com. Rep. No. 12-86 on H.B. No. 2166-86, HD 1, SD 1, CD 1:

Representative Gaulty moved that the report of the Committee be adopted and H.B. No. 2166-86, HD 1, SD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Lindsey.

Representative Pfeil rose to speak against the bill, stating:

"Mr. Speaker, because of an ambiguity in this bill caused by a minor punctuation problem, I cast a 'no' vote."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2166-86, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO BLIND OR VISUALLY HANDICAPPED CONCESSIONAIRES", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Pfeil voting no.

The Chair directed the Clerk to

note that H.B. No. 2166-86 had passed Final Reading at 12:37 o'clock p.m.

Conf. Com. Rep. No. 14-86 on H.B. No. 2202-86, HD 1, SD 1, CD 1:

On motion by Representative Andrews, seconded by Representative Say and carried, the report of the Committee was adopted and H.B. No. 2202-86, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 15-86 on S.B. No. 1595-86, HD 1, CD 1:

On motion by Representative Andrews, seconded by Representative Say and carried, the report of the Committee was adopted and S.B. No. 1595-86, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL RESOURCE SUB-ZONES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2202-86 and S.B. No. 1595-86 had passed Final Reading at 12:38 o'clock p.m.

Conf. Com. Rep. No. 17-86 on H.B. No. 2845-86, HD 2, SD 1, CD 1:

On motion by Representative Shito, seconded by Representative Hirono and carried, the report of the Committee was adopted and H.B. No. 2845-86, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIFORM COMMERCIAL CODE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2845-86 had passed Final Reading at 12:39 o'clock p.m.

Conf. Com. Rep. No. 18-86 on H.B. No. 2495-86, HD 2, SD 1, CD 1:

On motion by Representative Shito, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2495-86, HD 2, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIFELINE TELEPHONE SERVICES",

having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 19-86 on H.B. No. 2725-86, HD 1, SD 2, CD 1:

On motion by Representative Graulty, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2725-86, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD ABUSE AND NEGLECT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2495-86 and 2725-86 had passed Final Reading at 12:40 o'clock p.m.

Conf. Com. Rep. No. 20-86 on H.B. No. 393, HD 1, SD 1, CD 1:

By unanimous consent, Conf. Com. Rep. No. 20-86 and H.B. No. 393, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO EDUCATION", were recommitted to the Committee on Conference.

Conf. Com. Rep. No. 22-86 on H.B. No. 2596-86, SD 1, CD 1:

On motion by Representative Tani-guchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.B. No. 2596-86, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MOPEDES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 23-86 on H.B. No. 105, HD 1, SD 1, CD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 105, HD 1, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO NAMES", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2596-86 and 105 had passed Final Reading at 12:41 o'clock p.m.

Conf. Com. Rep. No. 24-86 on H.B. No. 2221-86, HD 2, SD 2, CD 1:

On motion by Representative Tom, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2221-86, HD 2, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 25-86 on H.B. No. 1688-86, HD 1, SD 2, CD 1:

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1688-86, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Metcalf.

Representative Jones rose to speak against the bill, stating:

"I have some comments I would like inserted in the Journal and I would just like to summarize from them. I would appreciate it.

"I think that all the emotions surrounding this bill has been taxing on myself personally and an awful lot of us here. I think the purpose of the bill is noble and that is as stated in the Committee Report: 'The purpose of this bill is to enable a person to express their decision relating to their own medical treatment.'

"Mr. Speaker, if this bill was solely for that purpose and if this bill spoke to that purpose in proper language, I would probably be able to support this bill, but the purpose, although stated, is not fulfilled and in fact it is expanded. In the 35 states across the union, we find that only 20 percent of the people execute some form of will. Therefore, it's been projected only 20 percent of the people will execute some form of living will, meaning that 80 percent of the people will be excluded from executing a living will.

"Now, this document here not only creates the legal verbage necessary to codify living will legislation, but it also goes over into the area of the people who do not execute living wills. And it causes an awful lot of problems with ambiguities and obscurities that are going to be a major source of law suits and there are going to be people who have not executed a living will who are going to be held beyond the time of normal expiration because of law suits. We heard from a testifier who spoke on behalf of a durable power-of-attorney

against living wills, citing all the lawsuits that are presently going on in California. We know that in New York right now, which does not have living wills, the common law is more than adequate, lawsuits are not going on and people who are on life-sustaining equipment are released from that as per the decision of the proper body established in the common law.

"This bill goes beyond the purpose of the bill, Mr. Speaker. It also has some major flaws -- again, in terms of life-sustaining which I have said before and I've again clarified with a number of attorneys in town and in Washington that our life-sustaining definition is very poor and very open to future lawsuits.

"Finally, in Section 21, Mr. Speaker, it deals with the absence of declaration. This section should not be in there. This section, it will be argued from my opposition, is going to clarify what happens to those who do not execute living wills. On the contrary, the argument is for many other people in the medical community, in the legal community, this section is going to cause more problems for those who do not execute a living will which will be 80 percent of the people probably in the State. This is the most dangerous section of this bill -- Section 21.

"I appreciate the senior citizens; I've always been supportive of their programs and their needs. I think it is wrong to simply say that a vote against this bill is a vote against what they want. To vote against this bill at this time is sound legislative responsibility as far as I am concerned. If we are going to pass legislation dealing with life and death issues, I think we should discuss this longer and clean it up before we go out and start to impact the 80 percent of the people that this is not supposed to touch.

"So, therefore, I strongly encourage my colleagues to vote 'no' on this legislation.

"Thank you, Mr. Speaker."

Representative Jones' comments are as follows:

"Mr. Speaker, like all living will legislation, this bill entitled, 'A Bill for an Act relating to medical treatment decisions,' suffers from a defective legislative purpose. That purpose is narrow and uni-directional: Control of the death bed by

mandating the withholding and withdrawal of life preserving technologies. This purpose proceeds from the opinion that the only problem faced by the critically ill and the dying is that no one will let them die soon enough.

"With the growing social-economic pressures for legislation of this type, we now know that many more problems are at stake than the potential for misplaced vitalism in a few cases. The case of the elderly infirmed patients is under attack due to the course of medical care and equally important, the inconvenience of family members and society imposed by such care.

"A legislative response which incorporates only the option of death is skewed in a dangerous direction and is thus fundamentally flawed. The appropriate legislative response while perhaps incorporating the right to make a written declaration regarding one's future health care ought to proceed from a different premise -- concern for all rights of the elderly and terminally ill regarding medical care.

"At the very least, this should include the right to ask for medical treatment as well as the right to refuse medical treatment, and a guarantee that a level of basic care including nutrition will be maintained in all cases unless there is clear medical indication to the contrary.

"In regard to definitions, Mr. Speaker, this bill is flawed in its basic definition of 'life-sustaining procedure.' The bill defines 'life-sustaining procedure' as any medical procedure and intervention except for the provision of fluids, nourishment, medication or other procedures necessary for patient comfort or pain relief and that when administered to a qualified patient, will only serve to prolong the dying process.

"Now at first glance, Mr. Speaker, this sounds as if nutrition, hydration and medication are to be given. But a closer examination will reveal, in fact, this is not the case. This definition in the use of the word 'or' in its exception will permit the withdrawal of fluids, nourishment or medication from a terminally ill patient if it was not necessary for patient comfort or pain relief.

"In other words, this Act would permit the withdrawing of nutrition from a patient while providing fluids and medication. The obvious result

is death from starvation. Or it could mean the withholding of insulin from a diabetic. Again, the result is death but not from the underlying disease. Since the Act permits the withdrawal of any life-sustaining procedure from a terminally ill patient except those necessary for patient comfort or pain relief, . . . it would open the possibility of withdrawing nutrition from all patients who signed a living will. The risk that starvation will be used as a means of 'death control' is increased by this definition. Furthermore, the declaration in this bill only permits patients to direct that treatment be withheld or withdrawn. However, it is increasingly felt that patients ought to have the right to request, as well as to decline, life preserving medical treatment. This would be more in keeping with the precepts of informed consent to medical care. It would also blunt the perception in reality of the 'living will' as a forerunner of legalized euthanasia.

"Although the primacy of informed consent must be preserved, this is not accomplished by the Act as presently drafted. The only aspect of informed consent that is preserved is the consent. Neither the declaration nor the Act gives the person executing the declaration any useful information. A declaration regarding medical treatment should be legally binding only when a patient has been aware of a specific medical condition and of the treatment alternatives, otherwise the directive should be advisory only.

"And lastly, Section 21, procedure in absence of declaration, which states in the first paragraph: 'In the absence of a declaration, ordinary standards of current medical practice will be followed.'

"Basically, this open-ended statement gives the doctor a blank check to sign anyone's death warrant, especially the unwanted, the deformed and the imperfect. The second paragraph of this section gives the doctor immunity from prosecution in the case of euthanasia since all a doctor would have to do is bring in a few doctors who would testify that they too would have 'pulled the plug'. . . thus making it ordinary standard of current medical practice.

"Mr. Speaker, this is the most disturbing aspect of the bill since it fails to protect the most vulnerable. . . those who cannot speak for themselves, the incompetent. This bill, Mr. Speaker, does nothing to ensure

that treatment or care is not withheld or withdrawn solely on the basis of age or a prognosis of mental or physical disability. This bill fails to protect those in most need of protection and, I fear, Mr. Speaker, those most likely to be the targets of euthanasia. As long as there is no protection for the most vulnerable, I would ask my colleagues to join me and vote to defeat this bill."

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

"I just want to reiterate what I've stated prior that a living will law will simply allow a competent individual the choice to execute a written declaration stating that in the event that I become incompetent, unable to make decisions, and certified by two doctors, including my treating physician, that my condition is terminal, irreversible, and I want to be able to die in natural death with dignity and not be kept alive by artificial means intended only to prolong my life.

"What the prior speaker did not tell you is that there is a second purpose and I think this purpose is equally as important.

"The second purpose of this bill is to add direction. It is to give direction to our health care professions, to our doctors, so that if a person does have a living will that that doctor can, if so directed by the living will, withdraw life-sustaining procedures without the fear of being prosecuted or sued. And that is very important.

"Now, I just want to state here that the speaker does not also mention, or he does indirectly mention, but if a person doesn't want to make a living will, if a person feels that I want the standard medical practice to prevail, whatever is done now, he has that choice. It doesn't force every individual to make a living will and come under this law. It gives the choice.

"I want to just address very briefly some of the things that the prior speaker says that infringes on people who do not execute living wills. I can understand that because this law only applies to people who do make living wills, who do exercise that decision. He says that more law suits will be created. I can't understand that because with a living will, for those people who execute living wills, it will be clear that if a physician follows the intent and declaration of that person, then he is not subject to

suit or at least will have a better chance of defending himself. Right now, thirty-five states and the District of Columbia have such laws and we don't. And, you know, why should our physicians be subject to more liability than other physicians and health care professions in other states?

"Finally, Mr. Speaker, in terms of Section 21 that the speaker addressed himself, all that section says is that if a person doesn't want to make a living will, in the absence of a declaration, ordinary standards of current medical practice will be followed. You know what bothers me? What bothers me is that everytime these opponents of the living will keep saying, 'don't interfere with the medical profession, don't interfere with the doctor/patient relationship,' and we put language like this in there that says that, okay, if a person doesn't have a living will, you follow the normal standard medical practice and they still have a gripe.

"You know, Mr. Speaker, the final thing is this. The prior speaker may have some moral or morality perspectives or differences, but I say this -- don't let your personal morality affect a good law because this is a good law for those people who want to make living wills.

"Thank you, Mr. Speaker."

Representative Jones, in rebuttal, stated:

"First of all, every single one of us in here has morality. If you don't have any morality, you're not a human being. Law is a reflection of morality. Law comes from mores. Anybody who studies Sociology 101 knows that and I wish the former speaker might go back and check his notes on that.

"Secondly, I stand in rebuttal concerning the idea of him saying that standard medical practice provides a choice. Page 17, in our bill before us, says, 'In the absence of a declaration, ordinary standards of current medical practice will be followed.' I just came from talking to a man who was at a medical conference in New York City and he said the current ethical or the current ordinary standards of medical practice vary, not only from state to state, but from city to city. In fact, in many times from hospital to hospital. Also, he says, just recently to have a respirator on you was extraordinary care. Today, it is ordinary care,

except for a few rural hospitals where they don't have a respirator, it is extraordinary care.

"There are all kinds of problems with the vague statement of ordinary standards of current medical practice. I've checked this out with numerous doctors and attorneys in this town and they have all asked me, 'why is this even in the statutes?' It is going to be a major source of lawsuits. The same statement, or the same speaker, went on to say he can't seem to understand how we're going to have more lawsuits. Well, he should look at the California case and he should talk with other legislators as I have who have tried to work through this and I've talked to California legislators and I've talked with the Chairman of the Health Committee on California and he says this is a phenomenal problem -- this law. And he's told me to be very, very careful before we start enacting this stuff, and he pointed out some major flaws in the statute which I didn't want to bring out today but which my esteemed colleague across the aisle felt we should.

"Secondly, if you . . . there are some more contradiction on the affidavit of terminal condition. There is nothing in there that says it has to be the family doctor. It says 'attending physician.' So these attending physicians are not necessarily the family doctor.

"Finally, I challenge anybody in this office later on to read through Section 23 dealing with no presumption and try and define what that means. That's going to be a fun-time trying to define that.

"So I'll close on this, Mr. Speaker, but I think to have somebody stand up and make all kinds of grand-ill statements like this is what's happening is quite irresponsible, and I strongly encourage my colleagues to vote 'no' on this legislation.

"Thank you."

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

"I think that the bill before us is a good bill. It certainly is not a perfect one, but the chairman has gone through a great deal of work and I think should be congratulated on coming up with a bill that is probably as good or better than most comparable legislation in this country.

"Nevertheless, I think it is ap-

propriate to note that the United States courts have, in a sense, gone beyond legislative action and have acknowledged the constitutional rights of self dignity, privacy and liberty as guaranteed by the number of specific guarantees of the Bill of Rights, and more specifically, the Fifth Amendment to the United States Constitution. Plus the courts have recognized that a competent person has the right to refuse fluid and nutrition; and second, the patient has the right to refuse treatment whether or not doctors qualify or certify them as having a terminal condition.

"So even if we pass House Bill 1688-86, it may be necessary for patients who want to refuse fluid or nutrition, or who have not been certified as 'qualified patients,' to go to court to enforce their constitutional and common law rights. And we need to assure that our action today is not interpreted as an attempt to, in any way, restrict those rights. For those who execute or for that matter, for those who do not execute a living will, it would be the great irony if our action today were interpreted that the provisions for patients who make declarations for refusal or withholding of treatment, that those provisions are much more stringent and difficult to meet than those for patients who do not make such declarations.

"Therefore, I wanted to note that there presently exists these constitutional and common law rights for any competent person to refuse treatment. Those who support patients' rights are concerned that the language of this bill may be interpreted to actually restrict those rights, especially for those who sign a living will.

"In spite of Paragraph 22 of the bill which specifically provides for preserving existing rights, it is important that the record reflect that the legislative intent is not to tamper with existing constitutional and common law rights for people who execute a living will nor for people who do not sign such a document. Our citizens, whether or not they make a living will, still retain additional rights such as the right to refuse treatment even when they do not come under the definitions of 'qualified patient' or 'terminal condition.'

"Thank you."

Representative Tungpalan rose and stated:

"Mr. Speaker, I rise to speak

against this measure for the very reasons that Representative Levin stated that there are currently constitutional and common law rights available to anyone in this State. I really don't believe we are doing anything much but perhaps infringing on these rights and as such, I will be voting 'no' on this measure."

Representative Ikeda 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 believe that people should be allowed to retain control over their lives. They should be able to prepare for the possible deterioration of their ability to make decisions by leaving instructions regarding their future medical treatment.

"I spoke in favor of this bill when it passed Third Reading in the House. The Conference Committee draft has improved on that version. This draft includes additional safeguards to assure that a person is truly unable to make decisions regarding medical treatment before a living will goes into effect. Two physicians must certify that a patient is incompetent -- in addition to certifying a terminal condition -- before a declaration can be valid.

"Mr. Speaker, we need to clearly establish the human right to die with dignity. I believe this bill will help do that."

Representative Medeiros rose and stated:

"On February 27th, I rose to speak in favor of this bill. I would like, with your permission, to have those remarks made at that time be inserted into today's Journal."

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

Representative Medeiros' remarks are as follows:

"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 a voluntary basis.

"So now you ask, why am I 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 Metcalf then rose and requested that Representative Tom's remarks be inserted into the Journal as his own and the Chair "so ordered." (By reference only)

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 1688-86, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAL TREATMENT DECISIONS", having been read throughout, passed Final Reading by a vote of 45 ayes to 6 noes, with Representatives Cachola, Cavasso, Jones, Leong, Menor and Tungpalan voting no.

The Chair directed the Clerk to note that H.B. No. 1688-86 had passed Final Reading at 12:58 o'clock p.m.

Conf. Com. Rep. No. 26-86 on S.B. No. 1762-86, SD 1, HD 2, CD 1:

On motion by Representative Menor, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 1762-86, SD 1, HD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO REMOVAL OF CONSTRAINTS INHIBITING THE ESTABLISHMENT AND EXPANSION OF CORRECTIONAL INDUSTRIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 27-86 on S.B. No. 1550-86, SD 2, HD 1, CD 1:

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and S.B. No. 1550-86, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO LIABILITY OF OFFICERS OR DIRECTORS OF NONPROFIT CORPORATIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to

note that S.B. Nos. 1762-86 and 1550-86 had passed Final Reading at 12:59 o'clock p.m.

The following Conference Committee Reports and accompanying bills, awaiting the expiration of the 48-hour period prior to Final Reading, were deferred one day:

Conf. Com. Rep. No. 28-86 on H.B. No. 1663-86, HD 2, SD 1, CD 1.

Conf. Com. Rep. No. 29-86 on H.B. No. 2282-86, SD 1, CD 1.

Conf. Com. Rep. No. 30-86 on H.B. No. 2468-86, HD 2, SD 2, CD 1.

Conf. Com. Rep. No. 31-86 on H.B. No. 2117-86, SD 1, CD 1.

Conf. Com. Rep. No. 32-86 on H.B. No. 2608-86, HD 2, SD 1, CD 1.

Conf. Com. Rep. No. 33-86 on H.B. No. 2246-86, HD 2, SD 1, CD 1.

Conf. Com. Rep. No. 34-86 on H.B. No. 1665-86, HD 2, SD 1, CD 1.

Conf. Com. Rep. No. 35-86 on H.B. No. 381, HD 1, SD 1, CD 1.

Conf. Com. Rep. No. 36-86 on H.B. No. 2373-86, HD 1, SD 1, CD 1.

Conf. Com. Rep. No. 37-86 on H.B. No. 326, HD 1, SD 1, CD 1.

Conf. Com. Rep. No. 38-86 on H.B. No. 1691-86, HD 2, SD 1, CD 1.

Conf. Com. Rep. No. 39-86 on H.B. No. 26, HD 1, SD 1, CD 1.

Conf. Com. Rep. No. 40-86 on H.B. No. 1388, HD 1, SD 1, CD 1.

Conf. Com. Rep. No. 41-86 on H.B. No. 1740-86, HD 2, SD 1, CD 1.

Conf. Com. Rep. No. 42-86 on H.B. No. 1666-86, HD 2, SD 2, CD 1.

Conf. Com. Rep. No. 43-86 on H.B. No. 1998-86, HD 1, SD 1, CD 2.

Conf. Com. Rep. No. 44-86 on H.B. No. 122, HD 1, SD 2, CD 1.

Conf. Com. Rep. No. 45-86 on S.B. No. 592, SD 1, HD 2, CD 1.

Conf. Com. Rep. No. 46-86 on S.B. No. 1933-86, SD 1, HD 2, CD 1.

Conf. Com. Rep. No. 47-86 on S.B. No. 303, SD 1, HD 1, CD 1.

Conf. Com. Rep. No. 48-86 on S.B. No. 2290-86, SD 1, HD 1, CD 1.

Conf. Com. Rep. No. 49-86 on S.B. No. 909, SD 1, HD 1, CD 1.

Conf. Com. Rep. No. 51-86 on H.B. No. 100, HD 1, SD 2, CD 1.

By unanimous consent, Conf. Com. Rep. No. 50-86 and H.B. No. 1857-86, HD 2, SD 1, CD 1, were recommended to the Committee on Conference.

#### RECONSIDERATION OF ACTIONS TAKEN

Representative Okamura moved that the House reconsider its action previously taken on the following House Resolutions and House Concurrent Resolutions: House Resolutions Nos. 146, 170, 200, 208, 227, 229, 244, 246, 271, 277 and 308; and House Concurrent Resolution Nos. 89, 106, 116, 127, 133, 154, 165, 167 and 184.

At 1:01 o'clock p.m., Representative Tungpalan asked for a recess and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 1:12 o'clock p.m., the motion was seconded by Representative Ikeda and carried.

On motion by Representative Okamura, seconded by Representative Ikeda and carried, and notwithstanding the recommendations of the Committee Reports, H.R. Nos. 146, 170, 200, 208, 227, 229, 244, 246, 271, 277 and 308; and H.C.R. Nos. 89, 106, 116, 127, 133, 154, 165, 167 and 184 were adopted, with Representative Blair voting no on all resolutions and concurrent resolutions listed above.

#### STANDING COMMITTEE REPORTS

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1051-86) recommending that H.R. No. 317, as amended in HD 1, be referred to the Committee on Finance.

Representative Hemmings rose to speak against H.R. No. 317 and H.C.R. No. 211, stating:

"Mr. Speaker, I am adamantly opposed and I hope the logic of it could be reflected in my comments to having the State continue pursuing the concept of a Hawaii Ocean Awareness Center. It is once again an instance where government is intervening into a source of economic prosperity that could be better and more beneficially prosper in the private sector. Much time, energy and taxpayers' resources have already been put into this effort and with the passage of this resolution, we will continue down the road towards having ultimately a multi-million dollar, estimates up to \$52-million, worth of ocean awareness created by government with no guarantee that it is going to be an economic asset to the taxpayers of Hawaii. I would much rather have us pursue allowing the private sector by clearing the way with taxes and bureaucratic encumbrances have the private sector develop these resources which should be developed and then have them turn around and be economic benefits rather than a drain on our taxpayers.

"Thank you, Mr. Speaker."

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted, and notwithstanding the recommendation of the Committee Report, H.R. No. 317, HD 1, entitled: "HOUSE RESOLUTION REQUESTING THE STATE POLICY COUNCIL TO STUDY THE FEASIBILITY OF EXPANDING THE HAWAII OCEAN CENTER CONCEPT BY INCLUDING MAJOR OCEAN EXHIBITS AND DISPLAYS IN THE ACTUAL MARINE ENVIRONMENT", was adopted, with Representatives Blair, Hemmings and Liu voting no.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1052-86) recommending that H.C.R. No. 211, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted, and notwithstanding the recommendation of the Committee Report, H.C.R. No. 211, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE STATE POLICY COUNCIL TO STUDY THE FEASIBILITY OF EXPANDING

THE HAWAII OCEAN CENTER CONCEPT BY INCLUDING MAJOR OCEAN EXHIBITS AND DISPLAYS IN THE ACTUAL MARINE ENVIRONMENT", was adopted, with Representatives Blair, Hemmings and Liu voting no.

At 1:15 o'clock p.m., Representative Hagino asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:20 o'clock p.m.

#### ANNOUNCEMENTS

Representative Kiyabu: "Your conferees on the budget and several other bills relating to the budget -- request that the members be on call and please stay in the building. Hopefully, there is still some hope that things may happen yet."

Representative Takamine requested waiver of the 48-hour notice for hearings on S.C.R. No. 113, SD 1, and the Chair "so ordered."

Representative Takamine: "There will be a public hearing held by your Committee on Employment Opportunities and Labor Relations this afternoon at 1:30 in Room 314 on said resolution. Decision-making to follow."

Representative Kawakami: "There will be an open Majority caucus this afternoon at 3:00 p.m. to continue Majority caucus on the conference drafts."

At 1:23 o'clock p.m., Representative Tom requested a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 1:28 o'clock p.m.

At 1:29 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 1:32 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that the House reconsider its action previously taken on House Resolution 308, seconded by Representative Ikeda.

Representative Ikeda then said:

"Mr. Speaker, I would like to request that the Majority Floor Leader explain why this is being done."

Representative Okamura responded:

"Mr. Speaker, there was an inadvertent error. The waiver is from Water, Land Use to OMR and this resolution has not had a hearing. There's a hearing scheduled this afternoon."

The motion was put by the Chair and carried, and H.R. No. 308 was referred to the Committee on Ocean and Marine Resources only.

#### ANNOUNCEMENTS

Representative Apo then rose and stated:

"By way of an announcement, Ocean and Marine Resources Committee will be having a hearing this afternoon at 4:00 o'clock. I would like to ask for the 48-hour waiver on the following measures: House Resolution 308; Senate Concurrent Resolutions 32, 37, 147, 148, 150 and 158. The Chair "so ordered."

Representative Ikeda: "There will be a Republican caucus immediately following this session in the Caucus Room."

The Chair stated: "All conferees are reminded to make themselves available. There are a number of conferences still going on so we will stand in recess to receive a lot of those conference reports, hopefully. So we will stand in recess until 9:30 p.m. this evening."

At 1:35 o'clock p.m., the House of Representatives stood in recess until 9:30 o'clock p.m. tonight.

#### NIGHT SESSION

The House of Representatives reconvened at 10:53 o'clock p.m.

At this time, the Chair recommitted Conf. Com. Rep. No. 50-86 and H.B. No. 1857-86, HD 2, SD 1, CD 1, to the Committee on Conference.

#### STANDING COMMITTEE REPORTS

Stand. Com. Rep. No. 1053-86 on H.R. No. 289, HD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1054-86 on H.R. No. 220:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1055-86 on H.C.R. No. 142:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1056-86 on H.R. No. 203, HD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1057-86 on H.C.R. No. 129, HD 1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1058-86 on H.R. No. 241:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1059-86 on H.C.R. No. 164:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1060-86 on H.R. No. 295, HD1:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1061-86 on H.R. No. 311:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1062-86 on H.R. No. 307:

By unanimous consent, action was deferred one day.

Stand. Com. Rep. No. 1063-86 on H.R. No. 300:

By unanimous consent, action was

deferred one day.

Stand. Com. Rep. No. 1064-86 on  
H.R. No. 248, HD 1:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1065-86 on  
S.C.R. No. 41:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1066-86 on  
H.R. No. 255, HD 1:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1067-86 on  
H.R. No. 250, HD 1:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1068-86 on  
H.R. No. 191, HD 1:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1069-86 on  
H.R. No. 245:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1070-86 on  
H.C.R. No. 166:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1071-86 on  
H.R. No. 321:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1072-86 on  
H.R. No. 287:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1073-86 on  
H.C.R. No. 189:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1074-86 on  
H.R. No. 256:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1075-86 on  
H.C.R. No. 173:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1076-86 on  
H.C.R. No. 208, HD 1:

By unanimous consent, action was  
deferred one day.

Stand. Com. Rep. No. 1077-86 on  
H.C.R. No. 172:

By unanimous consent, action was  
deferred one day.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1078-86) recommending that S.B. No. 291 pass Second Reading and be placed on the calendar for Third Reading.

On motion by Representative Menor, seconded by Representative Blair and carried, the report of the Committee was adopted and S.B. No. 291, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION", passed Second Reading and was placed on the calendar for Third Reading.

At this time, Representative Say rose and asked:

"Is it proper, at this time, that we can make a motion to consider a 1985 bill that was in conference. . .that we would like to agree at this point in time?"

At 10:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:57 o'clock p.m.

"THE THIRTEENTH LEGISLATURE  
State of Hawaii  
State Capitol  
Honolulu, Hawaii

April 18, 1986

To the Speaker of the House of  
Representatives and the President of

the Senate:

Your petitioners, members of the House of Representatives and of the Senate of the Thirteenth Legislature of the State of Hawaii, respectfully request an extension of 1 day beyond the sixtieth day of the Regular Session of 1986 of the Thirteenth Legislature of the State of Hawaii.

Signed by all members of the Senate.

Signed by all member of the House."

"PROCLAMATION

We, Richard S.H. Wong, President of the Senate, and Henry Haalilio Peters, Speaker of the House of Representatives, of the Thirteenth Legislature of the State of Hawaii, Pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which each house is entitled, do hereby extend the Regular Session of 1986 of the

Thirteenth Legislature of the State of Hawaii for a period of One Day beyond the Sixtieth day of the 1986 Regular Session, excluding Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution.

/s/ Richard S.H. Wong

Richard S.H. Wong  
President of the Senate

/s/ Henry Haalilio Peters

Henry Haalilio Peters  
Speaker of the House of Representatives"

At 10:58 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving Conference Committee Reports.

ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m. on Monday, April 21, 1986.

## SIXTY-FIRST DAY

Monday, April 21, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 10:23 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by the Honorable Peter Apo, member of the State House of Representatives, after which the Roll was called showing all members present with the exception of Representatives Cachola, Onouye, and Yoshimura who were excused.

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

## SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 638 to 651 a and b) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 638) returning House Bill No. 420 which passed Third Reading in the Senate on April 18, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 639) returning House Concurrent Resolution No. 28, HD1, establishing a sister province-state relationship between Alberta, Canada, and Hawaii, which was adopted by the Senate on April 18, 1986, in the amended form (SD1), was placed on file.

By unanimous consent, H.C.R. No. 28, HD1, as amended by the Senate, was placed on the Clerk's desk and further action was deferred.

A communication from the Senate (Sen. Com. No. 640) returning House Concurrent Resolution No. 32, HD1, which was adopted by the Senate on April 18, 1986, in the amended form, (SD1), was placed on file.

By unanimous consent, H.C.R. No. 32, HD1, as amended by the Senate, was placed on the Clerk's desk and further action was deferred.

A communication from the Senate (Sen. Com. No. 641) returning

House Concurrent Resolution No. 52, which was adopted by the Senate on April 18, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 642) returning House Concurrent Resolution No. 105, HD1, which was adopted by the Senate on April 18, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 643) returning House Concurrent Resolution No. 153, which was adopted by the Senate on April 18, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 644) returning House Concurrent Resolution No. 160, which was adopted by the Senate on April 18, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 645) transmitting Senate Concurrent Resolution No. 92, SD1, which was adopted by the Senate on April 18, 1986, was placed on file.

By unanimous consent, S.C.R. No. 92, SD1, was placed on the Clerk's desk and further action was deferred.

A communication from the Senate (Sen. Com. No. 646) transmitting Senate Concurrent Resolution No. 98, SD1, which was adopted by the Senate on April 18, 1986, was placed on file.

By unanimous consent, S.C.R. No. 98, SD1, was placed on the Clerk's desk and further action was deferred.

A communication from the Senate (Sen. Com. No. 647) transmitting Senate Concurrent Resolution No. 133, which was adopted by the Senate on April 18, 1986, was placed on file.

By unanimous consent, S.C.R. No. 133, was placed on the Clerk's desk and further action was deferred.

A communication from the Senate (Sen. Com. No. 648) transmitting Senate Concurrent Resolution No. 154, SD1, which was adopted by the Senate on April 18, 1986, was placed on file.

By unanimous consent, S.C.R. No. 154, SD1, was placed on the Clerk's desk and further action was deferred.

A communication from the Senate (Sen. Com. No. 649) transmitting Senate Concurrent Resolution No.

161, which was adopted by the Senate on April 18, 1986, was placed on file.

By unanimous consent, S.C.R. No. 161 was placed on the Clerk's desk and further action was deferred.

A communication from the Senate (Sen. Com. No. 650) transmitting Senate Concurrent Resolution No. 164, SD1, which was adopted by the Senate on April 18, 1986, was placed on file.

By unanimous consent, S.C.R. No. 164, SD1, was placed on the Clerk's desk and further action was deferred.

A communication from the Senate (Sen. Com. No. 651) informing the House that the following conference drafts have passed Final Reading on April 18, 1986, was placed on file:

#### SENATE BILLS

383, SD1, HD1, CD1;  
1595-86, HD1, CD1;  
1678-86, HD1, CD1;  
2309-86, SD1, HD2, CD1;

#### HOUSE BILLS

105, HD1, SD1, CD1;  
172, SD1, CD1;  
1954-86, SD1, CD1;  
2069-86, HD1, SD1, CD1;  
2166-86, HD1, SD1, CD1;  
2170-86, SD2, CD1;  
2202-86, HD1, SD1, CD1;  
2280-86, HD2, SD1, CD1;  
2444-86, SD1, CD1;  
2596-86, SD1, CD1;  
2725-86, HD1, SD2, CD1; and  
2845-86, HD2, SD1, CD1

A communication from the Senate (Sen. Com. No. 651 a) informing the House that Senate Bill No. 1780-86, SD2, passed Final Reading in the Senate in the amended form, (HD2), on April 18, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 651 b) informing the House that Senate Bill No. 2127-86, SD1, passed Final Reading in the Senate in the amended form, (HD1), on April 18, 1986, was placed on file.

At this time, the following introduction was made to the members of the House:

Representative Anderson introduced seven students from Kamehameha School, one of which was his grandson, Ikaika, and they were accompanied by their teacher, Ms. Lorrie; parents, Mrs. Nell and Mrs. Ander-

son, wife of Representative Anderson; and secretary of Representative Anderson, Ms. Lorraine Rice.

### ORDER OF THE DAY

#### COMMITTEE REASSIGNMENTS

House Resolution No. 284 was re-referred to the Committee on Education.

House Resolution No. 147 was re-referred to the Committee on Human Services.

House Resolution No. 289 was re-referred to the Committee on Education.

House Concurrent Resolution No. 156 was re-referred jointly to the Committees on Human Services and Higher Education and the Arts.

#### 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 or Final Readings on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 28-86 on H.B. No. 1663-86, HD2, SD1, CD1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1663-86, HD2, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Graulty.

Representative Graulty then rose and stated:

"Mr. Speaker, I have some remarks that I would like to have entered into the Journal in support of this bill," and the Chair, noting that there were no objections, "so ordered."

Representative Graulty's remarks are as follows:

"Mr. Speaker, and members of the House: I stand in proud support of H.B. No. 1663-86, which establishes a child care center pilot project at the University of Hawaii. Your committee on Human Services is extremely proud of this bill. The bill was sponsored by your House Democrats and was part of your majority package.

"The final version of the bill is very different from the bill in its original form. As originally drafted, the bill would have required an appropriation of state funds. In its final form, the bill sets up a revolving fund for the fees to be charged and mandates that the pilot project be self supporting.

"The University, through Dr. Richard Hinze, a recognized national expert in child care, has assured the committees involved that the University can have a self-supporting child care center. Dr. Hinze further assures us that within one year, the child care center at the Manoa campus shall have been set up. The students, faculty and staff can, therefore, look forward to a September 1987 start-up date.

"Your conferees intended that more than one child care center be established under this pilot project and that an evaluation under this pilot project and an evaluation report be provided to the Legislature prior to the convening of the 1988 Regular Session to address the financial viability of each child care center, of students, faculty and staff served at each center, and particularly, the extent of the need at each campus.

"We recognize that in order for the program to be self supporting, there needs to be a consistent year-round base. Hence, the inclusion of faculty and staff. But we hope there will be no mistake on legislative intent: the primary population to be served are the students.

"The important societal goal being addressed by this bill is access to higher education. Parents with young children are very often hampered in their efforts to gain a university education because of child care problems. That is the unique goal and purpose behind H.B. No. 1663-86.

"As the person who drafted House Draft 1 to H.B. 1663-86, I have spent countless hours on this bill. I would like to thank Dr. Richard Hinze who assisted me greatly. I would like to thank Representative Levin, chairman of the Higher Education Committee, and Representative Kiyabu, chairman of the Finance Committee, and the members of our three committees for their interest and support of this bill. Our Senate counterparts, particularly Senator Holt, are also to be commended for their assistance and support.

"Mr. Speaker, this is a bill we can all be proud of, I urge all members to vote 'aye.'

"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, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO A UNIVERSITY OF HAWAII CHILD CARE CENTER PILOT PROJECT", having been read throughout, passed Final Reading by a vote of 48 ayes with Representatives Cachola, Onouye and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 1663-86 had passed Final Reading at 10:28 o'clock a.m.

Conf. Com. Rep. No. 29-86 on H.B. No. 2282-86, SD1, CD1:

On motion by Representative Andrews, seconded by Representative Crozier and carried, the report of the Committee was adopted and H.B. No. 2282-86, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE PESTICIDES ADVISORY COMMITTEE", having been read throughout, passed Final Reading by a vote of 48 ayes with Representatives Cachola, Onouye and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 2282-86 had passed Final Reading at 10:29 o'clock a.m.

Conf. Com. Rep. No. 30-86 on H.B. No. 2468-86, HD2, SD2, CD1:

Representative Kamali'i moved that the report of the Committee be adopted and H.B. No. 2468-86, HD2, SD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Tom.

Representative Kamali'i then rose to speak in favor of the bill, stating:

"Mr. Speaker, this bill would, for the first time, expressly allow Hawaiians the right to sue in state circuit courts for the enforcement of the native Hawaiian public trusts.

"This right -- called 'standing' in legal terminology -- was a recommendation contained in the final reports of both the joint Federal-State Task Force on Hawaiian Homes and in Volume II of the congressionally-created Native Hawaiians Study Commission Report, of which I chaired.

"While federal attention has focused on and recognized the legal status of native Hawaiians to be granted certain rights which are not extended to the general public, there is still a basic mistrust and misunderstanding about the quality of these rights in the state of Hawaii.

"If I may, I would like to quote from a recent article which appeared in the University of Hawaii Law Review:

'...legal opinions opposing Hawaiian rights are frequently received with sympathy among many sectors of our community because they seem to be consistent with the constitutional principle that we should treat and evaluate each person as an individual rather than as a member of a group. We have a strong national commitment to grant or deny benefits on the basis of individual evaluations, without regard to race, creed or color. We are, therefore, naturally wary of programs that appear to single out one group for particular benefits.

This view fails to recognize, however, that special programs and preferences for native Hawaiians -- and other native Americans on the mainland -- are enacted and upheld not for racial reasons, but rather because of the 'special relationship' that exists between the United States government and native peoples as a result of the historical events whereby the United States and its citizens overcame the natives and took possession of their lands...'

"Typically, however, this 'special relationship' has been viewed as one of guardian to a child or a ward.

"But consistently, the guardian has been the greatest violator.

"Consider the stewardship of first the Territory and then the State of Hawaii in supposedly protecting and enforcing the Hawaiian Homes Trust.

"More than 28,000 acres of the Homes Trust lands were illegally and improperly 'set aside' by territorial and state governors for public and not native Hawaiian trust purposes.

"Only the threat of a federal breach of trust suit against the State of Hawaii prompted the return and still-incomplete exchange to restore the lands to their native Hawaiian trust status.

"But that possibility of federal suit allowed for violations of the trust for nearly sixty years. It's impossible to play 'what if' with history -- but if Hawaiians had had the right to sue, I cannot believe that violations that would have continued for so long or at such an extensive level if we had that right.

"Of course, suit could have been brought on behalf of native Hawaiians by the Attorney General's office.

"Indeed, suit has been brought by the AG, not to enforce or assure native Hawaiian rights, but to oppose them.

"I know of no more blatant example of that abuse than what has occurred at every hearing -- in the House, in the Senate, and even at the Conference Committee meeting on this measure.

"At every opportunity, the state attorney general's office sent the same representative. This deputy AG represents the Department of Transportation and is right now in court representing the State against OHA and native Hawaiians.

"He never declared this obvious 'conflict of interest.'

"At no time, did he identify his adversarial role, or indicate that what he and the state fear to lose in court, they are now trying to win in this Legislature.

"I believe that it was inappropriate and unethical for the Attorney General's office to behave in this manner.

"His participation in our deliberations is the best argument I know for passage of this bill.

"Hawaiians must have the legal ability to protect and assure their trusts, assets, disposition, and determinations separate from the general public and independent of such potential manipulations by the state.

"This bill could well be described in the same words that accompanied the Constitutional Convention committee report proposing OHA:

'...the Hawaiian people today should be given the opportunity to provide for the betterment of the conditions and well-being of young Hawaiians and to address the contemporary problems that Hawaiians face...

This proposal gives Hawaiians, a great and proud people, the opportunity and the means to do so. It is time the Hawaiians have more impact on their future...'

"The future is determined by what we do today, my fellow colleagues. Repairing the harm and deep losses which Hawaiians have suffered, will not be easy. But a major step in that process of healing will be this ability to enforce the trusts through the courts.

'Standing' is a legal term, it is also a show of pride and dignity.

"I am standing here this morning urging all of you to vote 'aye' for this measure.

"Thank you very much, Mr. Speaker."

Representative Say then rose to speak in favor of the bill, with reservations, stating:

"The reservation that the co-chair of this particular conference committee had is -- for all of you here this morning -- to realize that if this measure may be passed, the State of Hawaii, the state government, may be losing its sovereign immunity.

"I do not question that this particular measure will have a major impact upon the courts' deliberation of this particular lawsuit which OHA has filed in the state courts, in regard to the 5F funds, Mr. Speaker. But if the process is a democratic process, here this morning, I, for one, will let it pass on to the Governor's office for his responsibility to veto or approve this measure.

"Thank you."

Representative Apo then rose and requested that Representative Kama-li'i's words be inserted into the Journal as his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Apo also added some comments of his own in favor of the measure, stating:

"Mr. Speaker, I want to point out this bill has an effective date of one year after approval which means that we will be into next session before this bill could take effect.

"I guess the thing that bothered me, Mr. Speaker, is that in the eleventh hour the Attorney General

came forward with a 17 page opinion pointing out what they thought were some constitutional flaws and also pointing out that while they had no problem with the intent of the bill, that they suggested that the Legislature go and clean up some of the flaws in the trust law as it now stands.

"My question to them is, where have they been for the last twenty years? I've never seen an administration bill come down that would aggressively pursue cleaning up the statutes and the constitution. It is only when Hawaiians assert themselves in trying to get these problems addressed that we get into a reactionary situation with the Attorney General.

"With the one year delay, I would hope, Mr. Speaker, that what we are doing is setting up a timetable on sending a signal to the Attorney General that they should aggressively pursue addressing these issues.

"We are part-time legislators and we rely on their legal opinion, and I would hope that within the 1 year timetable, they would come forward next year with an administration bill that gives us some direction as to how we can clean up these trusts so that we can extend to this beneficiary group something that should have been their right all this year, which is, to be able to appeal to the courts for redress in those cases where we feel there has been a breach of trust.

"Thank you, Mr. Speaker."

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

"I think we were surprised in the Finance Committee to find out that the Attorney General's office, for years, was supposed to go ahead and represent native Hawaiians, by law. They have never done a case for native Hawaiians. This means that their lands under homestead or any moneys that could be misappropriated or anything has to be done individually. They cannot do it by a group, and I think it is unfair that you would have the Attorney General's office telling us that their first concern is to the Department of Hawaiian Homes or OHA.

"These people had no other way to go. And that's to put it plain and simple. If they have not got the right because the people who are supposed to represent them, refuses to, then I think that this bill is more

than justified and I hope that you would all consider voting for it, and that it will not be vetoed by the Governor.

"Thank you very much."

Representative Leong then rose and requested that Representative Kamali'i's remarks be inserted into the Journal as his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Kamali'i then rose in rebuttal, stating:

"I don't believe that the State is going to lose their sovereign immunity by the passage of this bill.

"What has disturbed me is that constantly as we work this bill through the legislative process year after year, the whispers have been that the Governor is going to veto whatever you send up to him because of the 5F funds.

"We are concerned, but as Representative Apo stated, the Attorney General's office not once, and I have been one certainly to have called them to ask them to give me the correct wording if they are opposed to what we are looking at here at the Legislature. They have not done this.

"If we are going to divide the 5F lands and develop a corpus for the native Hawaiians, then give us the correct wording. When we were in conference, Mr. Speaker, that AG sat there with his opinion that had nothing to do with this bill. When I asked him for the wording if we came back next year and corrected this, would it then suffice. And he said, 'no.' Then I said what the hell is this 'yakamashii' for then?

"When you have to fight the attorney general as I have personally on many occasions to represent me as a legislator in the performance of my duties and now I find that the same -- and if the Governor is going to truly veto this -- then we're all in trouble in this state.

"Thank you, very much."

Representative Cavasso then rose and requested that the remarks of Representatives Apo and Kamali'i's be inserted into the Journal as his own, and the Chair, noting that there were no objections, "so ordered."

At this time, the Chair directed the Clerk to note the presence of Repre-

sentative Onouye.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2468-86, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO RIGHT TO SUE BY NATIVE HAWAIIAN INDIVIDUALS AND ORGANIZATIONS", having been read throughout, passed Final Reading by a vote of 49 ayes with Representatives Cachola and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 2468-86 had passed Final Reading at 10:43 o'clock a.m.

Conf. Com. Rep. No. 31-86 on H.B. No. 2117-86, SD1, CD1:

On motion by Representative Levin, seconded by Representative Shito and carried, the report of the Committee was adopted and H.B. No. 2117-86, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO SALE OF FINE PRINTS", having been read throughout, passed Final Reading by a vote of 49 ayes with Representatives Cachola and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 2117-86 had passed Final Reading at 10:44 o'clock a.m.

At 10:45 o'clock a.m., Representative Souki asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:46 o'clock a.m.

Conf. Com. Rep. No. 32-86 on H.B. No. 2608-86, HD2, SD1, CD1:

On motion by Representative Souki, seconded by Representative Levin and carried, the report of the Committee was adopted and H.B. No. 2608-86, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO TUITION WAIVERS FOR VETERANS", having been read throughout, passed Final Reading by a vote of 49 ayes with Representatives Cachola and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 2608-86 had passed Final Reading at 10:47 o'clock a.m.

Conf. Com. Rep. No. 33-86 on H.B. No. 2246-86, HD2, SD1, CD1:

Representative Grauly moved that the report of the Committee be adopted and H.B. No. 2246-86, HD2, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

Representative Grauly then rose to request that his remarks, in support of the bill, be inserted into the Journal.

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

The following are the remarks of Representative Grauly in favor of H.B. No. 2246-86, HD2, SD1, CD1:

"Mr. Speaker and members of the House: I am proud to have sponsored H.B. No. 2246-86 with my dear colleague and vice chairman, Representative Leong.

"H.B. No. 2246-86 is one of the most significant bills to come out of your Committee on Human Services this session. It deals with the Medicaid Program. It is a civil rights bill, a due process bill, a fairness bill. It spells out the rights of the providers, without protecting and condoning fraud.

"As I have stated many times in committee, Mr. Speaker, fraud is fraud -- whether it is for \$70,000 or \$7.50. It must not go unpunished. We have that obligation to the taxpayers.

"Much has been written in the newspapers about the Medicaid fraud unit under the Department of the Attorney General. Some providers have accused it of 'Gestapo-like' tactics, running roughshod over their rights, running roughshod over the doctor-patient privilege, running roughshod over the Constitution.

"I make no judgment on what has taken place before the advent of H.B. No. 2246-86 -- that is for the lawyers and the courts to decide.

"But this legislation, and this legislator, wants to make it very clear that we are a government of laws; we are a free society and the rights and responsibilities of everyone must be clearly spelled out where there is vagueness, and clearly spelled out when there is doubt.

"The interest of government and the interests of individuals are often balanced. That is what we have set out to do. That is what we must do.

"H.B. No. 2246-86 distinguished fraud from abuse. Fraud requires an intent to deceive for some gain. They are different. One is criminal; the other administrative. We have, therefore, let the MFCU continue to prosecute fraud, where it is found and have clearly specified that the DSSH will handle abuse cases.

"I recognize that the DSSH only has one investigator, while the MFCU has eight. The bill was amended in conference to allow the DSSH to receive assistance from the MFCU investigators. Again, because it is not my intent to hamstring the MFCU, fraud must not go unpunished. We want to send that very clear signal to all providers and to all citizens. I hope there is no misunderstanding on this essential point.

"Your conferees -- and I must thank the Senate conferees for being so accommodating to the changes proposed by the House. At this point -- but your conferees insisted that administrative inspection warrants comply with the probable cause standards under the Fourth Amendment of the United States Constitution and Article I, Section 7 of the Hawaii Constitution.

"I understand the Attorney General has not used these warrants since 1979 when the Federal Court in Hawaii issued a permanent injunction against their use in Hawaii Psychiatric Society vs. Ariyoshi, but we want to make that very clear that probable cause must be established before medical records can be obtained. If the MFCU needs these records, they will have to obtain a search warrant from the court. That way, providers' rights against illegal searches and seizures can be protected.

"In the use of attorney general subpoenas, again, medical records are protected. When an individual goes to a psychiatrist, psychologist or any health provider for that matter, he has a very high expectation of privacy. If the Attorney General needs the medical records, he or she must go to the court and obtain a search warrant, with all protections provided by the requirement of probable cause.

"Now, we did not intend that business records would require a search warrant. How much the provider charged, how many visits the patient made -- these matters are subject to subpoenas. It is the doctor-patient privilege we want to protect -- the medical histories, the

clinical notes, the diagnoses, the prognoses -- these are protected from the attorney general subpoenae.

"We had a great deal of difficulty with the requirement for the recording of interviews with individuals during the course of a full investigation. This is found on page 5 of the bill. But there are witnesses who are unreliable -- whose 'story' will change many times -- whose testimony is subject to challenge, whose credibility should be questioned. How will providers know this unless the testimony is recorded?"

"Making tape recordings of interviews is a very common investigative tool. In insurance cases, for example, investigators always record interviews of witnesses.

"We removed the requirement for transcriptions. This is expensive and time consuming. We knew this and did not want to place a financial burden on the DSSH and the MFCU which they were unprepared to meet. Again, we do not want to hamstring investigations of fraud and abuse -- only to make them fair to providers.

"Mr. Speaker, I am proud of the work done by the sponsors and the Committee on Human Services on H.B. No. 2246-86. I want to thank Mr. Calvin Azama of the Legislative Reference Bureau and Richard Ekimoto of the House Majority Attorneys office for their invaluable assistance. We would have faltered badly without them. I also want to thank you personally for the personal interest you took in seeing this bill through. I appreciate it very much.

"Finally, to my colleagues, I thank you for your unanimous support of the bill when we approved it at Third Reading.

"Now that the bill is in its final form, I urge your continued support and ask you to vote 'aye.'

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2246-86, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO MEDICAID", having been read throughout, passed Final Reading by a vote of 49 ayes with Representatives Cachola and Yoshimura being excused.

Conf. Com. Rep. No. 34-86 on H.B. No. 1665-86, HD2, SD1, CD1:

On motion by Representative Levin, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 1665-86, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII RESEARCH AND TRAINING REVOLVING FUND", having been read throughout, passed Final Reading by a vote of 49 ayes with Representatives Cachola and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. Nos. 2246-86 and 1665-86 had passed Final Reading at 10:49 o'clock a.m.

Conf. Com. Rep. No. 35-86 on H.B. No. 381, HD1, SD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. Rep. No. 36-86 on H.B. No. 2373-86, HD1, SD1, CD1:

Representative Tom moved that the report of the Committee be adopted and H.B. No. 2373-86, HD1, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Metcalf.

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

"I am in favor of this bill because no longer can the defense attorney for the accused tell the jury that the doer of the crime did not know what he was doing because he was under the influence of intoxication.

"The influence of liquor, Mr. Speaker, has been eliminated completely as a defense evidence and I am all in favor of this bill, and I hope that my colleagues will be in favor with me also."

Representative Anderson then rose and requested that the remarks of Representative Medeiros be inserted into the Journal as his own, and the Chair noting that there were no objections, "so ordered." (By reference only)

Representative Metcalf then rose and remarked:

"If Representative Medeiros can explain what his remarks were, I'd like to have them inserted into the Journal as my own."

Representative Medeiros then rose to clarify his previous remark, stating:

"Mr. Speaker, for the convenience of Representative Metcalf, I would like to say it in different words:

"No longer can the accused use alcohol as an excuse and 'get away with murder.'

"Thank you."

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

"It's a good bill."

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 2373-86, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE DEFENSE OF INTOXICATION", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cachola and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 2373-86 had passed Final Reading at 10:51 o'clock a.m.

Conf. Com. Rep. No. 37-86 on H.B. No. 326, HD1, SD1, CD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 326, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CRUELTY TO ANIMALS", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cachola and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 326 had passed Final Reading at 10:52 o'clock a.m.

Conf. Com. Rep. No. 38-86 on H.B. No. 1691-86, HD2, SD1, CD1:

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1691-86, HD2, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Metcalf

At 10:53 o'clock a.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 10:56 o'clock a.m.

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No.

1691-86, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO VICTIM-WITNESS ASSISTANCE PROGRAM", having been read throughout, passed Final Reading by a vote of 49 ayes, with Representatives Cachola and Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 1691-86 had passed Final Reading at 10:56 o'clock a.m.

Conf. Com. Rep. No. 39-86 on H.B. No. 26, HD1, SD1, CD1:

Representative Shito moved that the report of the Committee be adopted and H.B. No. 26, HD1, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Tom.

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

"I just have one reservation on this. Last week Friday, I directed my staff to contact the director of the Department of Transportation concerning the effect, if any, of Section 9 of the bill which indicates that the Act, on September 30, 1991, would be repealed, and he expressed some concern that perhaps due to the legislation signed by the President in the last few days on raising the drinking age to 21 and that effect on federal funding etc., that there might be some negative effect of Section 9.

"Just like to express that I'm hopeful that won't occur and hopeful that we won't have to come to special session at some later date to make some amends on that area.

"In other regards, I support the bill.

"Thank you, Mr. Speaker."

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

Representative Ikeda then added these additional comments, stating:

"Mr. Speaker, I'm just happy to see this before us, and I'm sorry that it took so long to get here. I think the delay of one year was inexcusable. I think all of the excuses given for not passing this earlier and all of the discussions that went on during the conference committee regarding re-

bates and rollback and reductions in premium rates were a 'shibai'. We need this bill; there was no doubt in my mind that we stand to lose federal funds if this bill is not passed and that to me is the lesser of the important reasons for passing this bill. The other is the fact that we do have a problem, I think, with drinking and with youngsters in this age group.

"Again, this is long overdue and I hope everybody will vote in favor of it."

The additional comments of Representative Ikeda in favor of this bill are as follows:

"Mr. Speaker, we have been considering raising the drinking age for several sessions now. I have long been convinced that such a move will help cut down on traffic fatalities and violent crimes.

"Mr. Speaker, I would like to present some of the reasons I support this bill:

1. Nationally, in 1983, 16-20 year olds have made up 20% of the licensed drivers but were involved in 42% of the fatal alcohol-related crashes. The State Department of Transportation and the Honolulu Police Department testified last year that our statistics locally form the same ration.

2. In 1981, the Insurance Institute for Highway Safety conducted a study which concluded that any state raising its legal drinking age to 21 could expect a 28% reduction in nighttime fatal crashes in the affected age groups.

3. After Hawaii lowered its drinking age in March, 1972, alcohol-related accidents in the state increased by 52% that year and 22% in 1973.

4. An Illinois study showed that after raising the drinking age to 20 in 1981, there were 22% fewer fatal accidents involving drivers under 18 and 21.5% fewer involving 19 and 20 year olds.

5. Younger drinkers have a lower tolerance for alcohol. The Hawaii Medical Association Auxiliary testified that 'physiologically, there is an increased production of a liver enzyme which hastens alcohol metabolism in the seasoned drinker.' Thus,

a smaller amount of alcohol will adversely affect the adolescent drinker.

6. State judiciary statistics show that 90% of persons under 21 convicted of murder, manslaughter, attempted murder and attempted manslaughter were consuming alcohol immediately prior to the crime in contrast to 41% of persons over 21 convicted of such crimes. 64% of those under 21 convicted of violent sex crimes had been drinking as opposed to 21% of others convicted of these crimes.

"Mr. Speaker, I firmly believe that the time has come to overturn the decision made in 1972. Overwhelming evidence demonstrates that raising the drinking age to 21 is an effective means of reducing traffic fatalities. The congressional mandate on this matter only serves to hasten our decision."

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

"I spoke against this bill in 1985, and I have not changed by mind since. In fact, I feel even stronger against passage of this bill. I believe that the evidence that the young people of 18-21 is the highest risk group and the major contributor to the accidents and the fatalities that we have is not strong enough. I believe that the evidence is not credible. If we are to seek a drinking age based on drunk driving, then we should raise the drinking age to 25.

"But even more so, I believe it is the continual deterioration of state rights by the federal government that makes me opposed to this bill. If the state is going to continue to sit back and let the federal government deteriorate its rights, this nation of ours is going to become a federalist state, only with one big federal government and no states at all. The founding of this country was by the United States and the federal government should be but a vehicle to the will of the states. It is the continual manipulation and exploitation by the federal government to the states by their bribery of dollars for us to do their will, that makes this bill so bad; and I can understand the members voting for this bill because the alternative is the loss of valuable money to the state and to the highways and we cannot go back to our constituents and tell them that we've lost 26 million dollars in highway funds.

"However, can we tell our children that this is the way the government should be run? Can we look at ourselves in the mirror and agree to what the Congress is doing -- the continual deterioration of state rights.

"Mr. Speaker and members of the House, I will vote against this bill, knowing that it will pass. If it was a choice of only my vote against passage of this bill, I will vote for the bill because I wouldn't want the state to lose the money. However, I want this to be a strong reprimand to the Congress, including our own, if they voted for this bill.

"Thank you very much."

At 11:02 o'clock p.m., Representative D. Ige asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 11:05 o'clock a.m., the Chair directed the Clerk to note the presence of Representative Cachola.

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

"Mr. Speaker, as far as I'm concerned, the dollars for the highway are not really the argument -- it is the lives of our young people. For many years I've stood on this floor and fought to raise the drinking age because you don't have 21 year olds hanging around with the younger children in schools.

"We have alcoholics in schools today that just is outrageous. We won't raise the drinking age some people feel because they're going to be losing dollars. I would rather lose the dollars than lose the lives of our children and that's factual.

"I was one that went into the service at 17; military was allowed to drink as long as you stayed on the military bases. And they can always enforce something like that if that's the argument of the people today that if you're young enough to go ahead and fight for your country or old enough, then you're old enough to go ahead and drink. That's a poor excuse.

"We have to look at what's best for the children and what we can do to correct the things that are happening to them. If we are so against drugs and so much against booze, then we have to go ahead and look at the laws that are going to correct these things.

"I am in favor of this bill regardless of the dollars that's coming out of the highway fund.

"Thank you very much, Mr. Speaker, and I hope everybody votes 'aye.'"

The motion was put by the Chair and carried, and the report of the Committee was adopted and H.B. No. 26, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR", having been read throughout, passed Final Reading by a vote of 47 ayes to 3 noes, with Representatives Hagino, Metcalf and Souki voting "no", and Representative Yoshimura being excused.

Conf. Com. Rep. No. 40-86 on H.B. No. 1388, HD1, SD1, CD1:

On motion by Representative Shito, seconded by Representative Bunda and carried, the report of the Committee was adopted and H.B. No. 1388, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIERS", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

Conf. Com. Rep. No. 41-86 on H.B. No. 1740-86, HD2, SD1, CD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 1740-86, HD2, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CONVEYANCES", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

The Chair directed the Clerk to note that H.B. Nos. 26, 1388 and 1740-86 had passed Final Reading at 11:08 o'clock a.m.

Conf. Com. Rep. No. 42-86 on H.B. No. 1666-86, HD2, SD2, CD1:

On motion by Representative Levin, seconded by Representative Lindsey and carried, the report of the Committee was adopted and H.B. No. 1666-86, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO A TFACHER INCENTIVE PROGRAM", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 1666-86 had passed Final Reading at 11:09 o'clock a.m.

Conf. Com. Rep. No. 43-86 on H.B. No. 1998-86, HD1, SD1, CD2:

Representative Taniguchi moved that the report of the Committee be adopted and H.B. No. 1998-86, HD1, SD1, CD2, having been read throughout, pass Final Reading, seconded by Representative Oshiro.

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

"Mr. Speaker, I am proud to speak in favor of this bill because first of all, in Makakilo, we have a dump located right next to us and this bill will now force trucks that carry trash to be covered. And when a truck that leaves Pearl City or a truck that leaves Waianae or a truck that leaves Wahiawa or wherever, some trash may fall off in their community but as all of these trucks arrive in Makakilo, collectively, they add three to four times as much trash along the highway in the Makakilo area. So, this bill will resolve some of the concerns of the Makakilo residents.

"The other reason I like to speak in favor of this bill is more for on the process side.

"I would like to thank you, Mr. Speaker, and also the chairman of the Committee on Transportation for listening to my pleas and my arguments.

"You know, Mr. Speaker, when a bill comes to the House or to the Legislature, it comes from an individual legislator then it is turned over to the House and the House turns it over to a committee and then the committee manages the bill through the process. Once they are through with the bill, it is turned back to the House and at that point, the House makes a determination on the merits of the bill. If, at that point, we have new information, we have to have to have some way to address that concern and during this bill, I'd like to really salute Representative Taniguchi because when the new information came to him, he and I negotiated above board and discussed how I could get the message to him that there is major concerns and we had different options. But all the way through the process he and I worked this bill out. I was able to convince him that it is an ad hoc majority that determines the fate of the bill. After convincing him that we had pertinent information that the original bill conference draft was defective, he made arrangements with the Senate conferees to bring the bill

back to the conference table and resolve the differences.

"Mr. Speaker, I salute the chairman of the Transportation committee for being sensitive enough and bold enough to put aside pride of authorship so that we can have a bill that would really merit passing.

"Thank you, Mr. Speaker, and thank you, Representative Taniguchi."

The motion was put by the Chair, and the report of the Committee was adopted and H.B. No. 1998-86, HD1, SD1, CD2, entitled: "A BILL FOR AN ACT RELATING TO SPILLING LOADS ON HIGHWAYS", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 1999-86, HD1, SD1, CD2, had passed Final Reading at 11:13 o'clock a.m.

Conf. Com. Rep. No. 44-86 on H.B. No. 122, HD1, SD2, CD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 122, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO INVESTIGATIVE POWER OF THE ATTORNEY GENERAL", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

Conf. Com. Rep. No. 45-86 on S.B. No. 592, SD1, HD2, CD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 592, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO LIMITING COMMERCIAL EXPLOITATION OF CRIME", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 122 and S.B. No. 592 had passed Final Reading at 11:14 o'clock a.m.

Conf. Com. Rep. No. 46-86 on S.B. No. 1933-86, SD1, HD2, CD1:

By unanimous consent, Conf. Com. Rep. No. 46-86 and S.B. No. 1933-86, SD1, HD2, CD1, were recommitted to the Committee on Conference.

At 11:15 o'clock a.m., Representative Tajiri asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:52 o'clock a.m.

Conf. Com. Rep. No. 47-86 on S.B. No. 303, SD1, HD1, CD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and S.B. No. 303, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO POLITICAL PARTIES", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

Conf. Com. Rep. No. 48-86 on S.B. No. 2290-86, SD1, HD2, CD1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and S.B. No. 2290-86, SD1, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO GUARDIANS AND TRUSTEES", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

The Chair directed the Clerk to note that S.B. Nos. 303 and 2290-86 had passed Final Reading at 11:23 o'clock a.m.

Conf. Com. Rep. No. 49-86 on S.B. No. 909, SD1, HD1, CD1:

By unanimous consent, action was deferred until the end of the calendar.

Conf. Com. No. 51-86 on H.B. No. 100, HD1, SD2, CD1:

On motion by Representative Tom, seconded by Representative Menor and carried, the report of the Committee was adopted and H.B. No. 100, HD1, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE PENAL CODE", having been read throughout, passed Final Reading by a vote of 50 ayes with Representative Yoshimura being excused.

The Chair directed the Clerk to note that H.B. No. 100 had passed Final Reading at 11:24 o'clock a.m.

By unanimous consent, action on the following Conference Committee Reports and accompanying bills which were on the calendar for Final Reading were deferred one day:

Conf. Com. Rep. No. 52-86 on S.B. No. 1831-86, SD2, HD1, CD1.

Conf. Com. Rep. No. 53-86 on S.B. No. 2266-86, SD2, HD1, CD1.

Conf. Com. Rep. No. 54-86 on H.B. No. 2561-86, SD1, CD1.

Conf. Com. Rep. No. 55-86 on H.B. No. 2122-86, HD1, SD2, CD1.

Conf. Com. Rep. No. 56-86 on H.B. No. 2595-86, HD1, SD1, CD1.

Conf. Com. Rep. No. 57-86 on H.B. No. 2580-86, HD1, SD2, CD1.

Conf. Com. Rep. No. 58-86 on H.B. No. 1990-86, HD2, SD2, CD1.

Conf. Com. Rep. No. 59-86 on H.B. No. 1680-86, HD1, SD1, CD2.

Conf. Com. Rep. No. 60-86 on H.B. No. 1764-86, HD2, SD2, CD1.

Conf. Com. Rep. No. 61-86 on H.B. No. 2348-86, HD1, SD1, CD2.

Conf. Com. Rep. No. 62-86 on H.B. No. 2549-86, HD2, SD2, CD1.

Conf. Com. Rep. No. 63-86 on H.B. No. 1857-86, HD2, SD1, CD2.

### THIRD READING

S.B. No. 291:

By unanimous consent, action was deferred one day.

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

The House of Representatives reconvened at 11:37 o'clock a.m.

### INTRODUCTION OF RESOLUTION

The following resolution (H.R. No. 359) was read by the Clerk and was disposed of as follows:

A resolution (H.R. No. 359) congratulating Mr. Robert W.J. (Bob) Tom upon the Twentieth Anniversary of the Hawaii Junior Golf Association was jointly offered by Representatives Manegdeg, Andrews, Apo, Cachola, Crozier, Gaulty, Hashimoto, D. Ige, Lardizabal, Leong, Levin, Nakata, Okamura, Oshiro, Shon, Tam and Tungpalan.

On motion by Representative Manegdeg, seconded by Representative

Grauly and carried, H.R. No. 359 was adopted.

#### COMMITTEE REASSIGNMENT

At this time, the Chair re-referred House Resolution No. 289 to the Committee on Education.

#### UNFINISHED BUSINESS

Representatives Lindsey and Yoshimura, for the Committees on Education and Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1053-86) recommending that H.R. No. 289, as amended in HD1, be referred to the Committee on Finance.

On motion by Representative Lindsey, seconded by Representative Manegdeg and carried, and notwithstanding the recommendation of the Committees, H.R. No. 289, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO EXAMINE ALTERNATIVE SCHOOL ORGANIZATION STRUCTURES COMPENSATION SYSTEMS", was adopted.

Representative Grauly, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1054-86) recommending that H.R. No. 220 be adopted.

On motion by Representative Grauly, seconded by Representative Leong and carried, the report of the Committee was adopted and H.R. No. 220 entitled: "HOUSE RESOLUTION REQUESTING A REVIEW OF THE POLICY AUTHORIZING NONCOOPERATION IN THE ESTABLISHMENT OF PATERNITY AND OBTAINMENT OF CHILD SUPPORT UNDER THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM", was adopted.

Representative Grauly, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1055-86) recommending that H.C.R. No. 142 be adopted.

On motion by Representative Grauly, seconded by Representative Leong and carried, the report of the Committee was adopted and H.C.R. No. 142 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A REVIEW OF THE POLICY AUTHORIZING NONCOOPERATION IN THE ESTABLISHMENT OF PATERNITY AND OBTAINMENT OF CHILD SUPPORT UNDER THE AID TO FAMILIES WITH DEPENDENT CHILDREN PROGRAM", was adopted.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1056-86) recommending that H.R. No. 203, as amended in HD1, be adopted.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.R. No. 203, HD1, entitled: "HOUSE RESOLUTION REQUESTING IMPROVED UNITED STATES IMMIGRATION AND CUSTOMS SUPPORT AT THE HONOLULU INTERNATIONAL AIRPORT", was adopted.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1057-86) recommending that H.C.R. No. 129, as amended in HD1, be adopted.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 129, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING IMPROVED UNITED STATES IMMIGRATION AND CUSTOMS SUPPORT AT THE HONOLULU INTERNATIONAL AIRPORT", was adopted.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1058-86) recommending that H.R. No. 241 be adopted.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.R. No. 241 entitled: "HOUSE RESOLUTION REQUESTING THAT THE STATE DEPARTMENT OF TRANSPORTATION ACCELERATE THE DESIGN AND CONSTRUCTION OF THE WAIPIO INTERCHANGE AT MILILANI CEMETERY ROAD TO ALLEVIATE TRAFFIC CONGESTION ON KAMEHAMEHA HIGHWAY", was adopted.

Representative Taniguchi, for the Committee on Transportation, presented a report (Stand. Com. Rep. No. 1059-86) recommending that H.C.R. No. 164 be adopted.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.C.R. No. 164 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THAT THE STATE DEPARTMENT OF TRANSPORTATION ACCELERATE THE DESIGN AND CONSTRUCTION OF

THE WAIPIO INTERCHANGE AT MILILANI CEMETERY ROAD TO ALLEVIATE TRAFFIC CONGESTION ON KAMEHAMEHA HIGHWAY", was adopted.

Representative Lindsey, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1060-86) recommending that H.R. No. 295, as amended in HD1, be adopted.

On motion by Representative Lindsey, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.R. No. 295 entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF EDUCATION TO STUDY THE FEASIBILITY OF DEVELOPING AN AEROSPACE EDUCATION PROGRAM WITHIN ITS CURRICULUM", was adopted.

Representative Lindsey, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1061-86) recommending that H.R. No. 311 be adopted.

On motion by Representative Lindsey, seconded by Representative Levin and carried, the report of the Committee was adopted and H.R. No. 311 entitled: "HOUSE RESOLUTION REQUESTING A RECOMMENDATION TO SUPPORT U.S. SENATE BILL NO. 121 AND TO COMMEND ITS ORIGINATORS", was adopted.

Representatives Lindsey and Levin, for the Committees on Education and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1062-86) recommending that H.R. No. 307 be adopted.

On motion by Representative Pfeil, seconded by Representative Levin and carried, the joint report of the Committees was adopted and H.R. No. 307 entitled: "HOUSE RESOLUTION REQUESTING THE SUPERINTENDENT OF EDUCATION AND THE DEAN OF THE SCHOOL OF EDUCATION, UNIVERSITY OF HAWAII, TO DEVELOP PROGRAMS TO RECRUIT AND RETAIN TEACHERS FOR RURAL AREAS", was adopted.

Representatives Levin and Lindsey, for the Committees on Higher Education and the Arts and Education, presented a joint report (Stand. Com. Rep. No. 1063-86) recommending that H.R. No. 300 be adopted.

At 11:42 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 11:43 o'clock a.m.

On motion by Representative Levin, seconded by Representative Lindsey and carried, the joint report of the Committees was adopted and H.C.R. No. 300 entitled: "HOUSE RESOLUTION REQUESTING A STUDY TO PROMOTE COLLABORATION BETWEEN THE DEPARTMENT OF EDUCATION AND THE UNIVERSITY OF HAWAII TO ENHANCE EDUCATIONAL DECISION-MAKING", was adopted.

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1064-86) recommending that H.R. No. 248, as amended in HD1, be adopted.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.R. No. 248, HD1, entitled: "HOUSE RESOLUTION SUPPORTING THE EFFORTS OF THE INSTITUTE OF ASTRONOMY IN THEIR BID FOR BASING THE NATIONAL NEW TECHNOLOGY TELESCOPE IN HAWAII", was adopted.

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1065-86) recommending that S.C.R. No. 41 be adopted.

At 11:44 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:52 o'clock a.m.

At this time, the Chair recommitted Stand. Com. Rep. No. 1065-86 and S.C.R. No. 41 to the Committee on Higher Education and the Arts.

Representatives Say and Andrews, for the Committees on Water, Land Use Development and Hawaiian Affairs and Planning, Energy and Environmental Protection, presented a joint report (Stand. Com. Rep. No. 1066-86) recommending that H.R. No. 255, as amended in HD1, be adopted.

On motion by Representative Pfeil, seconded by Representative Andrews and carried, the joint report of the Committees was adopted and H.R. No. 255, HD1, entitled: "HOUSE RESOLUTION REQUESTING INFORMATION ON THE POTENTIAL ECONOMIC AND ENVIRONMENTAL IMPACT OF THE OCCURRENCE AND SPREAD OF THE ASIATIC CLAM CORBICULA FLUMINEA IN THE STATE OF HAWAII", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1067-86) recommending that H.R. No. 250, as amended in HD1, be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 250, HD1, entitled: "HOUSE RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE COMPLETION OF THE DEPARTMENT OF ENERGY'S MOD-5B RESEARCH WIND TURBINE AT KAHUKU, HAWAII", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1068-86) recommending that H.R. No. 191, as amended in HD1, be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and H.R. No. 191, HD1, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF HEALTH TO MAINTAIN AMBIENT AIR QUALITY STANDARDS AND AIR POLLUTION CONTROL RULES THAT ARE ENVIRONMENTALLY SOUND", was adopted.

Representatives Apo and Honda, for the Committees on Ocean and Marine Resources and Agriculture, presented a joint report (Stand. Com. Rep. No. 1069-86) recommending that H.R. No. 245 be adopted.

On motion by Representative Apo, seconded by Representative Honda and carried, the joint report of the Committees was adopted and H.R. No. 245 entitled: "HOUSE RESOLUTION COMMENDING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND ITS SUBSIDIARY, THE AGRICULTURAL RESEARCH SERVICE, ON THEIR CONTINUED SUPPORT OF AQUACULTURE DEVELOPMENT IN THE UNITED STATES", was adopted.

Representatives Apo and Honda, for the Committees on Ocean and Marine Resources and Agriculture, presented a joint report (Stand. Com. Rep. No. 1070-86) recommending that H.C.R. No. 166 be adopted.

On motion by Representative Apo, seconded by Representative Honda and carried, the joint report of the Committees was adopted and H.C.R. No. 166 entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING

THE UNITED STATES DEPARTMENT OF AGRICULTURE AND ITS SUBSIDIARY, THE AGRICULTURAL RESEARCH SERVICE, ON THEIR CONTINUED SUPPORT OF AQUACULTURE DEVELOPMENT IN THE UNITED STATES", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1071-86) recommending that H.R. No. 321 be adopted.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 321 entitled: "HOUSE RESOLUTION REQUESTING THE STATE TO CONFER WITH THE APPROPRIATE FEDERAL AGENCY REPRESENTATIVES TO CORRECT THE INCONSISTENCY BETWEEN FEDERAL AND STATE REGULATIONS ON HARVESTING SPINY LOBSTERS IN THE NORTHWESTERN HAWAIIAN ISLANDS", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1072-86) recommending that H.R. No. 287 be adopted.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 287 entitled: "HOUSE RESOLUTION URGING A CONCERTED EFFORT TO MAINTAIN THE FEDERAL BUDGET APPROPRIATION FOR THE UNITED STATES COAST GUARD IN THE STATE OF HAWAII", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1073-86) recommending that H.C.R. No. 189 be adopted.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 189 entitled: "HOUSE CONCURRENT RESOLUTION URGING A CONCERTED EFFORT TO MAINTAIN THE FEDERAL BUDGET APPROPRIATION FOR THE UNITED STATES COAST GUARD IN THE STATE OF HAWAII", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1074-86) recommending that H.R. No. 256 be adopted.

On motion by Representative Apo,

seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 256 entitled: "HOUSE RESOLUTION COMMENDING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND ITS SUBSIDIARY, THE COOPERATIVE STATE RESEARCH SERVICE, FOR THEIR EFFORTS TO DEVELOP THE MARINE SHRIMP INDUSTRY IN THIS NATION", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1075-86) recommending that H.C.R. No. 173 be adopted.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 173 entitled: "HOUSE CONCURRENT RESOLUTION COMMENDING THE UNITED STATES DEPARTMENT OF AGRICULTURE AND ITS SUBSIDIARY, THE COOPERATIVE STATE RESEARCH SERVICE, FOR THEIR EFFORTS TO DEVELOP THE MARINE SHRIMP INDUSTRY IN THIS NATION", was adopted.

Representative Crozier, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1076-86) recommending that H.C.R. No. 208, HD1, be adopted.

Representative Hemmings then rose to speak in favor of the resolution, with reservations, stating:

"Mr. Speaker, I find it awfully ironic that this Body can appropriate last year and appropriate in this year's budget 16 million dollars of taxpayers money with approximately over 50 million dollars eventually to be spent on an ocean awareness center when we don't know what we want to do or where we want it to go; and we can commit a huge sum of money towards that project.

"Yet, this year after much study, after a taxpayers' study on a convention center, this legislature has been unable to come to grips and make a decision on the issue.

"The Senate had moved legislation regarding a convention center that would have provided the best of both worlds.

"A hotel room tax whereby the visitors could have paid for a convention center, through a hotel room tax, would allow us to expeditiously build a convention center. The increased productivity of the convention

center in relationship to our number one industry would have provided additional funds through revenue sources such as the excise tax, thus putting more money into the general fund.

"We couldn't even come to grips with those issues and yet without meaningful legislation we're asked to pass a resolution to ask a handful of politicians to come back next year and make a decision that should have been made by us this year.

"I'm voting for the resolution with the idea that we have to keep the issue alive and keep discussing it. My regret is that our number one industry did not receive the support it needed this year to have a convention center facilitated and expedited.

"Our economy in Hawaii is not very diverse. If it wasn't for tourism, our State would be bankrupt. I don't think we can, in good conscience, spend 16 million dollars on an ocean awareness center and not do anything to expedite the building of a convention center other than pass this resolution.

"Thank you, Mr. Speaker."

On motion by Representative Crozier, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.C.R. No. 208, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE APPOINTMENT OF A SPECIAL INTERIM COMMITTEE TO SELECT A SITE FOR A CONVENTION CENTER", was adopted.

Representative Crozier, for the Committee on Legislative Management, presented a report (Stand. Com. Rep. No. 1077-86) recommending that H.C.R. No. 172 be adopted.

On motion by Representative Crozier, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.C.R. No. 172 entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE LEGISLATIVE STAFFING SYSTEM", was adopted.

#### ANNOUNCEMENTS

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

Representative Levin: "I would like to ask for a waiver on the 48-hr. notice on S.C.R. No. 41," and the Chair, "so ordered."

"Mr. Speaker, your Committee on Higher Education and the Arts will hold a hearing this afternoon on S.C.R. No. 41 at 1:00 o'clock p.m., in Room 310."

Representative Grauly: "I would like to ask the members of the Committee on Human Services to stop by at my office today before leaving the Capitol as I have one more committee report that needs to be signed."

Representative Kawakami: "There will be an open Majority caucus tomorrow morning at 8:00 o'clock a.m."

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

At this time, the Clerk of the House read the following proclamation:

#### "PROCLAMATION

We, Richard S.H. Wong, President of the Senate and Henry Haalilio Peters, Speaker of the House of Representatives, of the Thirteenth Legislature of the State of Hawaii, Pursuant to the power vested in us by Section 10, Article III of the Constitution of the State of Hawaii, and at the written request of two-thirds of the members to which each house is entitled, do hereby extend the Regular Session of 1986 of the Thirteenth Legislature of the State of Hawaii for a period of Two Days beyond the Sixty-first day of the 1986 Regular Session, excluding Saturdays, Sundays, holidays and any days in recess pursuant to a concurrent resolution.

/s/ Richard H. Wong

President of the Senate

/s/ Henry Haalilio Peters

Speaker of the House  
of Representatives"

#### "THE THIRTEENTH LEGISLATURE

State of Hawaii  
State Capitol  
Honolulu, Hawaii

April 21, 1986

To the Speaker of the House of Representatives and the President of the Senate:

Your petitioners, members of the House of Representatives and of the

Senate of the Thirteenth Legislature of the State of Hawaii, respectfully request an extension of 2 days beyond the sixty-first day of the Regular Session of 1986 of the Thirteenth Legislature of the State of Hawaii.

Signed by all members of the Senate

Signed by all members of the House."

The Chair then announced:

"The Chair would like to announce that all the conferees on the part of the House make themselves available for those conferences in which measures of differences between the Senate has not been resolved."

At 12:01 o'clock p.m., the Chair declared the House in recess.

#### CONFERENCE COMMITTEE REPORTS

Representative Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1741-86, HD1, SD1, presented a report (Conf. Com. Rep. No. 64-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 64-86 on H.B. No. 1741-86, HD1, SD1, CD1 was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1741-86, HD1, SD1, CD1 were made available to the members of the House at 8:00 o'clock a.m.

Representatives Kiyabu and Tom, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1961-86, HD2, SD2, presented a report (Conf. Com. Rep. No. 65-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 65-86 on H.B. No. 1961-86, HD2, SD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1961-86, HD2, SD2, CD1, were made available to the members of the House at 8:00 o'clock a.m.

Representative Kiyabu, for the

Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2048-86, SD1, HD1, presented a report (Conf. Com. Rep. No. 66-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 66-86 on S.B. No. 2048-86, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2048-86, SD1, HD1, CD1, were made available to the members of the House at 8:00 o'clock a.m.

Representatives Kiyabu and Honda, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1697-86, HD2, SD2, presented a report (Conf. Com. Rep. No. 67-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 67-86 on H.B. No. 1697-86, HD2, SD2, CD1, was deferred, 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, SD2, CD1, were made available to the members of the House at 8:00 o'clock a.m.

Representative Kiyabu, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 1856-86, SD1, presented a report (Conf. Com. Rep. No. 68-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 68-86 on H.B. No. 1856-86, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 1856-86, SD1, CD1, were made available to the members of the House at 8:00 o'clock a.m.

Representative Kiyabu, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 2308-86, SD1, HD1, presented a report (Conf. Com. Rep. No. 69-86) recommending to their respective Houses the final passage of

the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 69-86 on S.B. No. 2308-86, SD1, HD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 2308-86, SD1, HD1, CD1, were made available to the members of the House at 8:00 o'clock a.m.

Representatives Kiyabu and Nakasato, for the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate in H.B. No. 2805-86, HD1, SD1, presented a report (Conf. Com. Rep. No. 70-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 70-86 on H.B. No. 2805-86, HD1, SD1, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of H.B. No. 2805-86, HD1, SD1, CD1, were made available to the members of the House at 8:00 o'clock a.m.

Representatives Tom and Souki, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1933-86, SD1, HD2, presented a report (Conf. Com. Rep. No. 71-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 71-86 on S.B. No. 1933-86, SD1, HD2, CD2, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1933-86, SD1, HD2, CD2, were made available to the members of the House at 8:00 o'clock a.m.

Representatives Andrews and Say, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1496-86, SD2, HD1, presented a report (Conf. Com. Rep. No. 72-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 72-86 on S.B. No. 1496-86, SD2, HD1, CD1, was deferred, and in accordance with

Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1496-86, SD2, HD1, CD1, were made available to the members of the House at 8:00 o'clock a.m.

Representatives Grouly and Metcalf, for the Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House in S.B. No. 1843-86, SD2, HD2, presented a report (Conf. Com. Rep. No. 73-86) recommending to their respective Houses the final passage of the bill with certain amendments.

By unanimous consent, consideration of Conf. Com. Rep. No. 73-86 on S.B. No. 1843-86, SD2, HD2, CD1, was deferred, and in accordance with Article III, Section 15, of the Constitution of the State of Hawaii, printed copies of S.B. No. 1843-86, SD2, HD2, CD1, were made available to the members of the House at 8:00 o'clock a.m.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 10:00 o'clock a.m., tomorrow, Tuesday, April 22, 1986

## SIXTY-SECOND DAY

Tuesday, April 22, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 10:40 o'clock a.m., with the Speaker presiding.

The Divine Blessing was invoked by Representative Robert K. Lindsey, after which the Roll was called showing all members present.

By unanimous consent, reading of the Journal of the House of Representatives of the Sixty-First Day was deferred.

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 131 and 132) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 131) transmitting his statement of objections to Senate Bill No. 2046-86, which he has returned to the Senate without his approval:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

April 21, 1986

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 2046-86

Honorable Members  
Thirteenth State Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2046-86, entitled, 'A Bill for an Act Relating to Employees' Retirement System.'

The apparent purpose of Senate Bill No. 2046-86 is to clarify retirement plan provisions with respect to: credited service and retirement allowance for members who transfer from the noncontributory to the contributory plan; treatment of retirants who return to service and members with breaks in service; and retirement eligibility under the non-contributory plan.

Senate Bill No. 2046-86 is purported to be a 'housekeeping measure' to correct technical ambiguities that became known subsequent to estab-

lishment of the noncontributory plan. However, the amendment to lower the age at which a person with deferred vested rights and twenty years of credited service would be eligible to receive a retirement allowance, is a major policy change. I believe that this amendment is contrary to the original concept of the noncontributory plan whereby deferred vested benefits were to be payable at age 65 regardless of length of credited service.

For the foregoing reason, I am returning Senate Bill No. 2046-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii".

A message from the Governor (Gov. Msg. No. 132) transmitting his statement of objections to Senate Bill No. 2169-86, which he has returned to the Senate without his approval:

"EXECUTIVE CHAMBERS  
STATE OF HAWAII

April 21, 1986

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 2169-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2169-86, entitled, 'A Bill for an Act Relating to Workers' Compensation.'

The purpose of Senate Bill No. 2169-86 is to exclude from the workers' compensation law vacuum cleaner salespeople who are paid solely by way of commission and individual taxi cab drivers who own their cabs.

The legislative committee reports indicate that the committees felt that such vacuum cleaner salespeople and taxi cab drivers are independent contractors who should not be covered by the workers' compensation law. However, the committee reports also noted that 'the piecemeal approach to excluding specific occupations from statutory coverage is

unsatisfactory.' I agree with the committees' assessment and believe that a uniform definition of independent contractor should be developed to apply to all of the employment-related statutes. One committee indicated its intention of pursuing this and until such a definition is developed, exclusions by specific occupations should not be made. There are many other similar occupations that would not be covered by the specific exclusions of this bill.

For the foregoing reasons, I am returning Senate Bill No. 2169-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 652 to 659) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 652) returning House Concurrent Resolution No. 59, HD 1 (SD 1), which was adopted by the Senate on April 21, 1986, in the amended form, was placed on file.

A communication from the Senate (Sen. Com. No. 653) returning House Concurrent Resolution No. 109, HD 1, which was adopted by the Senate on April 21, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 654) transmitting Senate Concurrent Resolution No. 107, requesting a feasibility study to investigate the moving of certain State agencies to the site of the Armed Services Y.M.C.A., which was adopted by the Senate on April 21, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 655) transmitting Senate Concurrent Resolution No. 119, requesting guidelines in determining the best interests of the child in visitation matters, which was adopted by the Senate on April 21, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 656) transmitting Senate Concurrent Resolution No. 121, SD 1, requesting the appointment of a committee to study alternative methods of addressing the need

for informed consent to major medical interventions by patients who are incompetent and the applicable standards upon which a consent may be given or withheld, which was adopted by the Senate on April 21, 1986, was placed on file.

By unanimous consent, further action on S.C.R. Nos. 107, 119 and 121 was deferred.

A communication from the Senate (Sen. Com. No. 657) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1688-86, HD 1, SD 2, CD 1, was adopted by the Senate on April 21, 1986; and House Bill No. 1688-86, HD 1, SD 2, CD 1, passed Final Reading in the Senate on April 21, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 658) informing the House that the Senate has, on April 21, 1986, reconsidered its action taken on April 17, 1986, in adopting House Concurrent Resolution No. 107, HD 1, and requests the return of said Resolution, was placed on file.

A communication from the Senate (Sen. Com. No. 659) informing the House that the Senate has disagreed to the amendments proposed by the House to Senate Concurrent Resolution No. 26 (HD 1), and has requested a conference on the subject matter thereof, in consequence of which the President has, on April 21, 1986, appointed Senators Abercrombie, Chairman; Hee and A. Kobayashi as Managers on the part of the Senate for the consideration of said amendments, was placed on file.

By unanimous consent, naming of the conferees on the part of the House was deferred.

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

Representative Levin introduced two lobbyists from the County of Hawaii -- Scott Lithead and Steve Todd, "my constituent."

Representative Kihano rose and stated:

"I want to introduce a very talented young lady. I didn't realize, Mr. Speaker, that last week Tuesday was the cut-off date for introduction of congratulatory resolutions and being

that this was my first congratulatory resolution that I wanted to offer to the members of the House and to this young lady, I had already passed the deadline.

"But, Mr. Speaker, this morning, this young lady in the gallery was chosen the 1986 Na Hoku Hanohano Female Vocalist of the Year and I couldn't pass up the opportunity, Mr. Speaker, in offering this young lady a certificate and also a lei from the members of the House, and so she is visiting with us this morning.

"She was a member of my staff, Mr. Speaker, and she is here with some escorts and I would like to introduce Miss Marlene Sai to the members of the House -- the 1986 Na Hoku Hanohano Female Vocalist of the Year."

Representative Kihano then asked Miss Marlene Sai to stand and be recognized.

Accompanying Miss Sai were Calvin Broyard, "long-time friend and campaign chairman," and "my better half," Jo Ann Kihano.

At 10:47 o'clock a.m., the Chair declared a recess, subject to the call of the Chair, so that a pikake lei and a certificate could be presented to Miss Marlene Sai.

The House of Representatives reconvened at 10:50 o'clock a.m.

#### ORDER OF THE DAY

##### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
7	Committee on Consumer Protection and Commerce
9	Committee on Corrections and Rehabilitation, then to the Committee on Finance
30	Committee on Corrections and Rehabilitation, then to the Committee on Finance
117	Committee on Judiciary, then to the Committee on Finance
118	Committee on Judiciary, then to the Committee on Finance
139	Committee on Judiciary, then to the Committee on Finance

#### COMMITTEE REASSIGNMENTS

The following resolutions (H.R. Nos. 163 and 164) and concurrent resolutions (H.C.R. Nos. 98 and 99) were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
163	Committee on Consumer Protection and Commerce
164	Committee on Consumer Protection and Commerce

<u>H.C.R. Nos.</u>	<u>Re-referred to:</u>
98	Committee on Consumer Protection and Commerce
99	Committee on Consumer Protection and Commerce

#### 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 Final Reading on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Conf. Com. Rep. No. 35-86 on H.B. No. 381, HD 1, SD 1, CD 1:

By unanimous consent, action was deferred one day. (Appropriations measure)

Conf. Com. Rep. No. 49-86 on S.B. No. 909, SD 1, HD 1, CD 1:

Representative Lindsey moved that the report of the majority of the Committee be adopted and S.B. No. 909, SD 1, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Tani-guchi.

Representative D. Ige rose and stated:

"Mr. Speaker, I rise to speak in support of the bill with reservations.

"This bill specifies that the age of the school bus cannot be included as part of the school bus contract. And although I agree with the intent that not specifying an age limitation will hopefully increase competition and reduce the cost of the school bus contract, I am concerned that the serviceability and safety considera-

tions cannot be adequately addressed in department rules. Therefore, I will be trying to pursue the department to ensure that adequate regulations are included.

"Thank you."

At 10:51 o'clock a.m., Representative Hagino asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 10:54 o'clock a.m.

Representative Tunggalan rose to speak against the bill, stating:

"Due to the questions involving safety, Mr. Speaker, I will be voting against this measure. My feeling that if we are to err on any measure before this House in relation to our children and their safety, I believe then that the error should be made in their favor.

"Until questions involving what exactly will be drawn up as far as rules and regulations concerning school bus contracts are concerned, my feeling that we proceed cautiously and prudently by not voting for this measure and waiting a year would probably be the best steps that this House could take. And as such, I will be encouraging all of the members of this House to vote 'no' on this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and S.B. No. 909, SD 1, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO SCHOOL BUS CONTRACTS", having been read throughout, passed Final Reading by a vote of 44 ayes to 7 noes, with Representatives Gaulty, Hagino, Hashimoto, Levin, Onouye, Shon and Tunggalan voting no.

The Chair directed the Clerk to note that S.B. No. 909 had passed Final Reading at 10:55 o'clock a.m.

Conf. Com. Rep. No. 52-86 on S.B. No. 1831-86, SD 2, HD 1, CD 1:

Representative Tom moved that the report of the Committee be adopted and S.B. No. 1831-86, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Metcalf.

Representative Blair rose and

stated:

"Mr. Speaker, very briefly in support of the bill. I would just like the record to note that this is an extremely bill to a lot of people in this State who have problems -- mental problems -- and I would like to thank the chairman for giving it such prominence in his own deliberations in coming out with a very good bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1831-86, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO MENTAL HEALTH", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 1831-86 had passed Final Reading at 10:56 o'clock a.m.

Conf. Com. Rep. No. 53-86 on S.B. No. 2266-86, SD 2, HD 1, CD 1:

Representative Tom moved that the report of the Committee be adopted and S.B. No. 2266-86, SD 2, HD 1, CD 1, having been read throughout, pass Final Reading, seconded by Representative Metcalf.

Representative Blair rose and stated:

"Mr. Speaker, I wish I could say the same about this bill.

"Mr. Speaker, I rise to speak against this bill and in doing so, I would ask that my remarks not be taken as any sort of a criticism of the House position on this bill because I think the House passed out a very good bill, and unfortunately the position of the Senate and Conference Committee was not only different from the House position, but it was even different than the earlier expressed Senate position which resulted ultimately in a bill which I cannot support.

"My objections to the bill are two-fold.

"First of all, this bill narrows the definition of drugs for purposes of 291-7, driving under the influence of drugs. Previous to the passage of this bill, if a person were driving under the influence of any drug to a degree which rendered him incapable

of operating a vehicle in a careful and prudent manner, that person would be guilty of a violation and subject to a penalty of essentially a misdemeanor penalty. With the passage of this bill, it is only scheduled drugs -- harmful, dangerous or detrimental drugs which can cause the penalty provisions to come into play.

"I would like the record to reflect that while that may on its face seem like a good idea because some of the problems that we have now deal with people driving under the influence of, for example, marijuana, which is a scheduled drug, we also have the potential for people driving under the influence of other drugs, even some such as cough medicines which have labels on them if they are strong dosages, that it can cause drowsiness and that the person should not engage in activities which require their complete and undivided attention after consuming those drugs. And I think if a person were to take these drugs, even if they are legal drugs just as alcohol is legal, if they were to take legal drugs and as a result of that be unable to operate the car in a prudent manner and cause injury to someone else or risk to the public, that that should be treated no differently than the drug alcohol, and - we should not be limiting the drugs under 291-7 only to the scheduled drugs. I think that's a mistake.

"More importantly though, Mr. Speaker, I am opposed to this bill because of what it fails to do. In both the House and the Senate version, we amended 286-151(a) which is the implied consent law to include implied consent for drug testing. In Conference Committee, however, the Senate insisted that this be deleted. This is not a minor point, Mr. Speaker, because the whole thrust of this bill from its point of introduction was primarily to include implied consent for drug testing. We have already on the book, as I've indicated earlier under 291-7, defensive driving under the influence of drugs, but because of the absence of an implied consent provision, there is no way to enforce it. So it's on the book but it's essentially unenforceable. So the House and the Senate both took the position that the implied consent law should be amended to include drugs, and thereby make this statute operative.

"The Police Departments have the ability or will shortly have the ability to do the testing so there is really no reason not to do it. Nonetheless, the conference version deleted the implied

consent for drug testing and makes a mockery of our passage of this bill at this time.

"For that reason, Mr. Speaker, I will be voting against it.

"Thank you."

Representative Kihano rose and asked whether or not the chairman of the Conference Committee would yield to a question to which Representative Tom answered in the affirmative.

Representative Kihano asked:

"Mr. Speaker, I think we had some concerns in the primary committee on this particular measure. We had discussed this bill and my concern in committee at that time was that if the drug was administered in a doctor's office and while driving, you know, that patient was pulled over, or that driver was pulled over, whether that consent even applies to that."

Representative Tom replied:

"My understanding. . .my interpretation of the law is that this is the very purpose why we limited the kind of drugs that a person would be violating would be a scheduled drug. I am sure, however, that if the person was taking a scheduled drug, that is a dangerous, detrimental, or what-have-you for medical purposes, that that could be used as a defense in the case itself. We didn't want to just make it aspirins and tylenols, and stuff like that, so that is the main thrust of why we wanted to limit it to scheduled criminal-type drugs. That's the purpose for that, Representative Kihano."

The Chair asked:

"Does that answer your question, Representative Kihano?"

Representative Kihano answered:

"It does, in a way, Mr. Speaker, but I just want to be clear that the drugs that you take in the doctor's office is a scheduled drug. . .

Representative Tom interrupted:

"As I said, Representative Kihano, if. . .

The Chair interrupted and said:

"Representative Tom, you will address your remarks to the Chair."

Representative Tom continued:

"Mr. Speaker, as I've stated earlier in my remarks, if the person obtained the drug by prescription legally and was thereafter driving in a manner that was stopped because under the influence of drugs, I am sure that that person would be able legally to use the way he obtained the drug as a defense so that he would not be guilty of the charge. It's directed to allotted persons who would obtain these drugs in an illegal manner. Although it doesn't state that, I think that would be the thrust of it."

Representative Kihano asked:

"Mr. Speaker, if that is the case, does the driver have to prove through court proceedings that he did purchase these drugs through prescription or was prescribed to him by a doctor? The expense of that particular driver or that patient having have to go to court, I believe is the thing that I am objecting to, Mr. Speaker."

Representative Tom responded:

"In responding to your question, Representative Kihano, I should further point out that by the passage of this law, driving under the influence of drugs under 291-7, I think then it should be made more clearly to the general public and to the physicians and to the medical profession that a person who is even legally prescribed a scheduled drug should not drive or should make arrangements to have someone drive him home if he is taking a scheduled drug. The main thrust of this bill is to prevent accidents and fatalities like some of our other bills. But, anyway, if a person is taking a drug and is under the influence of a drug like alcohol, he shouldn't be driving, and whether he got it through a doctor or illegally or what-have-you, that person should be made aware of that and make other arrangements to get home."

Representative Kihano said:

"Mr. Speaker, in due respect to our Chairman Tom, I want to vote 'no' on this bill.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 2266-86, SD 2, HD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY", having been read throughout, passed Final Reading by a vote of 45 ayes to 6 noes, with

Representatives Blair, Cachola, Ikeda, Jones, Kihano and Liu voting no.

Conf. Com. Rep. No. 54-86 on H.B. No. 2561-86, SD 1, CD 1:

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.B. No. 2561-86, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO ELECTIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2266-86 and H.B. No. 2561-86 had passed Final Reading at 11:05 o'clock a.m.

Conf. Com. Rep. No. 55-86 on H.B. No. 2122-86, HD 1, SD 2, CD 1:

On motion by Representative Hashimoto, seconded by Representative Cachola and carried, the report of the Committee was adopted and H.B. No. 2122-86, HD 1, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE HAWAII HOUSING AUTHORITY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2122-86 had passed Final Reading at 11:06 o'clock a.m.

Conf. Com. Rep. No. 56-86 on H.B. No. 2595-86, HD 1, SD 1, CD 1:

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, SD 1, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE PUBLIC SERVICE COMPANY TAX", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 57-86 on H.B. No. 2580-86, HD 1, SD 2, CD 1:

Representative Graulty moved that the report of the Committee be adopted and H.B. No. 2580-86, HD 1, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

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

"I am very happy to see that if we pass this measure, legal drugs will be exempt from the four percent tax. Finally we see this bill pass and the law have cause to celebrate -- it will be very good for our senior citizens and several people who are dependent on drugs and prosthetic devices.

"However, I do have reservations on the bill and it has to do more with the history of the bill. In nature, we see metamorphosis and when an organ isn't developed, the changes form. It is a natural process. What we have in the Legislature is metamorphosis but whether it is natural or unnatural. . .

At this point, the Chair interrupted and said:

"Representative Marumoto, I would suggest that you keep your remarks germane to the subject at hand."

Representative Marumoto answered:

"It deals with the history of the bill, sir."

The Chair said:

"Well, the history is not being deliberated here. I suggest that you confine your remarks to the bill."

Representative Marumoto asked:

"Mr. Speaker, may I address the Senate amendment. . .

At this point, Representative Hemmings interrupted on a point of order and said:

"Mr. Speaker, I would like to ask the Chair if we can't talk about the history of the bill, what can we talk about?"

The Chair answered:

"The bill itself."

Representative Hemmings asked:

"Is the history not contained in the bill?"

The Chair said:

"Representative Hemmings, the Chair has ruled."

At 11:10 o'clock a.m., Representative Kamali'i asked for a recess and the Chair declared a recess, subject

to the call of the Chair.

Upon reconvening at 11:15 o'clock a.m., the Chair recognized Representative Marumoto and said:

"Representative Marumoto, please confine your remarks germane to the subject. Please proceed."

Representative Marumoto thanked the Chair and continued her remarks, saying:

"I really wish to just address the Senate amendments to this bill which were a little bit different, and I just want to explain how things have changed in this measure since it has come over from the Senate and has gone into the Conference Committee. We've seen other measures like this that started out in one form and it ended up like another. You know, we had a similar bill that dealt with exempting the tax -- GET on medical services and now it's a tax on telecommunication services and similar hotel tax bill which will be before us, and it originally dealt with the gross-up slips and repeal of Act 303 from last year. These were issues that have no relation with the present form in which it exists.

"House Bill 2580-86 before us now began its journey through the legislative jungle, dealing with the tax exemption for food stamp purchases. It ended up before us as the GET exemption for drugs and prosthetic devices. Along the way, it had once included certain business tax exemptions and these would have gone a long way to help stimulate the economy and create jobs for its citizens, but they were dropped somewhere along the way.

"At the start of the session, the Governor had said that one of these planks the Senate had proposed on export tax exemptions would help Hawaii's products be more competitive with other states' goods. Where is that export exemption now? The Chair of Finance mentioned that this provision was part of his legislative package when he sent his bills over to the Senate at first cross-over. The jobs' people were also pushing for this plank and it is now gone. It's gone along with many other provisions that the Senate added which committees have labored long and hard over and very intensively. I am saying, where is the natural development of legislation?

"The metamorphosis has led instead to something that I consider more of

mutation -- this disjoint of process along with the closed-door negotiations with parties other than legislative committee members on a number of bills did not make the legislative process any easier for the public to follow, and probably, further besmirched our already tarnished image. Perhaps these mutants would be acceptable if they at least included those elements which could be viewed as catalyst for business growth, and thus, an improved business climate. But the major elements are gone.

"Gone are the adjustments that would have increased a number of people eligible for the excise tax credit. Gone are the capital goods exemption, the adjustment for corporate income tax rates, a GET exemption for federal contract work, expansion of the shipbuilding exemption, revision of the scientific work exemption, and reduction of the tax rate on sublessors. These were all part of this bill -- they all fit under this shell. Gone from almost all the tax measures which we will be passing this session are the business incentives to stimulate our economy and to increase productivity -- things our people need.

"We came into this session to do good but we did not do well in this sphere. I am happy about what is left in the shell -- the exemption on drugs and prosthetic devices, but I am very sad about what fell out of this bill.

"Thank you for allowing me to express my reservations."

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 Grauly's remarks are as follows:

"Mr. Speaker and members, I rise to speak in favor of House Bill 2580-86, HD 1, SD 2, CD 1.

"This is a great day for the senior citizens in our State, Mr. Speaker. Since 1980, when the White House convened its conference on aging, senior citizens have advocated extensively for tax relief. So many of them live on fixed incomes, so many of them need and rely on prescription drugs to maintain their health.

"A 1984 survey of consumer use, attitudes and behavior revealed that

the elderly, age 65 and over, are 2-1/2 times more likely to be taking three or more prescription drugs on a regular basis than other age groups.

"As the cost of medication continues to rise, Mr. Speaker, some relief should be provided to the senior citizens of our State.

"As co-manager of the bill, I am extremely proud of this bill. I wish to thank my co-manager, Representative Kiyabu, and the members of the Conference Committee, for their support of this important measure. I know the senior citizens will be extremely grateful.

"I ask the members to unanimously vote 'aye.'

"Thank you."

Representative Leong 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 Leong's remarks are as follows:

"I am delighted this bill in part eliminates the four percent sales tax on prescription drugs and prosthetic devices. It's been a long time since this measure has passed, affording the elderly a financial break."

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2580-86 had passed Final Reading at 11:19 o'clock a.m.

Conf. Com. Rep. No. 58-86 on H.B. No. 1990-86, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred one day. (Appropriations measure)

Conf. Com. Rep. No. 59-86 on H.B. No. 1680-86, HD 1, SD 1, CD 2:

Representative Grauly moved that the report of the Committee be

adopted and H.B. No. 1680-86, HD 1, SD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative Leong.

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

Representative Graelty's remarks are as follows:

"Mr. Speaker, I rise to speak in support of House Bill 1680-86, which relates to the important issue of child support.

"Mr. Speaker, this bill is a measure that was drafted by me, sponsored by Representative Leong and myself, and supported by your House Democrats. It is an attempt to address a most serious problem in our society today -- responsibility for children.

"According to statistics, in 1984 there were approximately 20,000 live births in Hawaii, of which nearly 20 percent were illegitimate, many of them to teenagers.

"Teenage pregnancy is a national problem, Mr. Speaker, and we in Hawaii are not saved from it. The United States, by far, leads all other developed countries in the work in the pregnancy rate among teenagers, with 96 births per 1,000 females between 15 to 19 years, as compared to 43 per 1,000 in France and 44 in Canada.

"Something is wrong in our society. Why are we so much worse off than other countries in this problem area? Are we simply more irresponsible? Does government make it too easy to rely on the public trough? Admittedly, this bill will not stop teenage pregnancies -- but it may do one thing, one important thing. It may succeed in legislating parental responsibility. At the very least, it will not condone parental irresponsibility. In many cases, the minor custodial parent is without sufficient resources to support the child, and society and the taxpayers bear the expense of this irresponsibility.

"Studies have shown that many of those on our welfare rolls start out as pregnant teenagers. Maybe if we assess financial responsibility, we help young mothers stay off welfare. We can help them with job training programs and employment skills.

"But we need to assess financial responsibility on those teenagers who bring children into this world to the extent that they are able to do so, and if unable, to their parents, who are legally responsible for the actions of their minor children. As a matter of policy, this is far preferable than making the rest of society pay for irresponsible actions by young people.

"This is why House Bill 1680-86 is important. It is fair. It is right. I urge all my colleagues to vote 'aye.'

"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. 1680-86, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1680-86 had passed Final Reading at 11:20 o'clock a.m.

Conf. Com. Rep. No. 60-86 on H.B. No. 1764-86, HD 2, SD 2, CD 1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1764-86, HD 2, SD 2, CD 1, having been read throughout, pass Final Reading, seconded by Representative Souki.

Representative Hemmings rose to speak against the bill, stating:

"Mr. Speaker, this is a beautiful example of what we, in government, are doing wrong in an effort to stimulate business growth in these islands. This is a disincentive. We have spent millions of dollars in trying to stimulate high tech in this State. Wonderful speeches about the vision of the future and Hawaii being the hub of Pacific rim development are given regularly, and yet we continue the bankrupt policy of taking businesses and individuals and taxing them so that it's no longer profitable to do business in this State.

"There is an alternative to this bill, Mr. Speaker. This bill codifies the ability of the Department of Taxation to collect four percent excise tax on inter-state and international telephone calls.

"If we really want to be the hub of the Pacific, if we really want high tech, if we want to be at the center of communications in the burgeoning economic development of the Pacific Basin, wouldn't it have been much better for us to tell the communications companies of the world -- we're giving you a tax exemption, we're not going to sock it to you.

"This bill is exactly what's wrong with the mortise operandie of economic development in this State, and I urge all of you to think closely, if we really want business to come to Hawaii, if we really want to be the center of economic development in the Pacific Basin, if we really want high tech and other major industries to come to Hawaii, we better stop taxing them before they get off the ground and give them economic incentives rather disincentives to be part of the Hawaiian economic scene.

"I am urging all of you to take this bill and vote 'no.'

"Thank you."

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

"Mr. Speaker, this bill was to clarify those people. . . some of the companies were already paying this tax and we wanted to clarify the law so that everybody knew that they should be paying this tax and we are just trying to make it clear. Some of the small companies were already paying the tax and I don't think the big companies should get away from not paying this tax. I don't think this is an anti-business tax. All businesses pay taxes to do business in Hawaii, and I urge all members to vote in favor of this bill."

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, SD 2, CD 1, entitled: "A BILL FOR AN ACT RELATING TO THE GENERAL EXCISE TAX", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Hemmings voting no.

The Chair directed the Clerk to note that H.B. No. 1764-86 had passed Final Reading at 11:23 o'clock a.m.

Conf. Com. Rep. No. 61-86 on H.B. No. 2348-86, HD 1, SD 1, CD 2:

On motion by Representative Tani-guchi, seconded by Representative Oshiro and carried, the report of the Committee was adopted and H.B. No. 2348-86, HD 1, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO MOTOR CARRIER SAFETY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2348-86 had passed Final Reading at 11:24 o'clock a.m.

Conf. Com. Rep. No. 62-86 on H.B. No. 2549-86, HD 2, SD 2, CD 1:

By unanimous consent, action was deferred one day. (Appropriations measure)

Conf. Com. Rep. No. 63-86 on H.B. No. 1857-86, HD 2, SD 1, CD 2:

Representative Tungpalan moved that the report of the Committee be adopted and H.B. No. 1857-86, HD 2, SD 1, CD 2, having been read throughout, pass Final Reading, seconded by Representative Takamine.

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

"Mr. Speaker, this bill got here through prayer and as such we have dubbed it the 'Amen Bill.' It sends a strong and clear message to all the people of Hawaii, to our nation and the world, that Hawaii will not tolerate any discrimination in policies or practices which deny or attempt to deny any person, including visitors to our shores, the full and equal enjoyment of the goods, services and accommodations of our land.

"Mr. Speaker and my fellow colleagues, I know you believe as I do that cultural pride and ethnic identity is an important part of our island strength. Our ethnic identities are like spools of fine thread. When we take the time to weave them together, we can produce a fabric that is stronger and more beautiful than any one individual thread. We can find strength in our sense of cultural identity and rely upon that strength to work together to solve the challenges arising out of discrimination due to race, sex, creed, religion, color and handicap.

"It is important to see problems as challenges. If one believes that

problems can be worked out, then it will happen. If you want to find a reason why something won't work or can't be done, you won't get to first base in reaching a solution. Let us continue to be positive, to continually renew our faith in our ability to make Hawaii and our world a better place, to concentrate on what we're doing right, and to work towards resolving lingering challenges.

"I think we can all benefit from the passage of House Bill 1857-86. When Dr. Martin Luther King, Jr. first visited Hawaii, he came just after statehood, and in an address to the State House of Representatives in 1959, Dr. King said: 'We are seeking to free the soul of America, all men, all racial groups. This is our responsibility and challenge, and we look to this great new state as an example.' Five years later, on February 19, 1964, he preached a sermon at historic Kawaihao Church. The occasion was the annual God and country service sponsored by the Hawaii Council of Churches in conjunction with the opening of the State Legislature. About two-thirds of the State Legislature was present along with official dignitaries wearing leis of hala and Kaunoa and flanked by Kahu Abraham Akaka and Episcopal Bishop Harry Kennedy. Dr. King told his audience: 'There are some things which are absolutely right and others which are absolutely wrong, and the twain does not meet.' He cautioned the Hawaii legislators to make sure that the laws of the State are in line with God's will.

"Mr. Speaker and my fellow colleagues, I believe the passage of this bill is in line with what the Almighty would want and ask each of you to vote 'aye' on this measure.

"Thank you."

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, SD 1, CD 2, entitled: "A BILL FOR AN ACT RELATING TO DISCRIMINATION IN PUBLIC ACCOMMODATIONS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1857-86 had passed Final Reading at 11:28 o'clock a.m.

#### SUSPENSION OF RULES

On motion by Representative Oka-

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

#### THIRD READING

##### S.B. No. 291:

On motion by Representative Tom, seconded by Representative Metcalf and carried, S.B. No. 291, entitled: "A BILL FOR AN ACT RELATING TO ADOPTION", having been read throughout, passed Third Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 291 had passed Third Reading at 11:29 o'clock a.m.

At 11:30 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 11:35 o'clock a.m.

#### COMMITTEE REASSIGNMENT

Senate Concurrent Resolution No. 148 was re-referred to the Committee on Ocean and Marine Resources only.

#### STANDING COMMITTEE REPORTS

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1079-86) recommending that S.C.R. No. 148 be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted, and notwithstanding the recommendation of the Committee Report, S.C.R. No. 148, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A SURVEY TO BE CONDUCTED REGARDING CONSERVATION, PUBLIC USE, AND MANAGEMENT OF NATIVE HAWAIIAN STREAM FAUNA", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1080) recommending that S.C.R. No. 72, as amended in HD 1, be referred to the Committee on Finance.

On motion by Representative Andrews, seconded by Representative

Tom and carried, the report of the Committee was adopted and S.C.R. No. 72, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY TO ESTABLISH A MEANS OF SUBSIDIZING RE-REFINED USED MOTOR OIL TO ENCOURAGE ITS COLLECTION AND REUSE AS AN ENERGY GENERATING FUEL", was referred to the Committee on Finance.

At 11:36 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 11:43 o'clock a.m.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1081-86) recommending that H.R. No. 225 be adopted.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.R. No. 225, entitled: "HOUSE RESOLUTION REQUESTING THAT OCTOBER 24 BE COMMEMORATED AS WORLD PEACE WITH JUSTICE DAY", was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1082-86) recommending that H.R. No. 230 be adopted.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.R. No. 230, entitled: "HOUSE RESOLUTION IN SUPPORT OF THE UNITED NATIONS DECADE FOR WOMEN: EQUALITY, DEVELOPMENT AND PEACE, AS EXPRESSED BY THE ENDORSEMENT OF THE FORWARD-LOOKING STRATEGIES DOCUMENT FOR THE ADVANCEMENT OF WOMEN AS AGREED UPON AT THE WORLD CONFERENCE IN NAIROBI, KENYA, IN JULY 1985", was adopted.

Representative Tom, for the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1083-86) recommending that H.R. No. 243 be adopted.

On motion by Representative Tom, seconded by Representative Metcalf and carried, the report of the Committee was adopted and H.R. No. 243, entitled: "HOUSE RESOLUTION REQUESTING COOPERATIVE EFFORTS IN REVIEWING AND SUGGESTING AMENDMENTS TO THE LAWS RE-

LATING TO DISTRIBUTING PORNOGRAPHIC MATERIALS", was adopted, with Representative Cavasso voting no.

Representative Tom, for the majority of the Committee on Judiciary, presented a report (Stand. Com. Rep. No. 1084-86) recommending that H.R. No. 193, as amended in HD 1, be adopted.

Representative Onouye rose and requested that his remarks, against the resolution, 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 against House Resolution 193.

"Mr. Speaker, this resolution requests all candidates for political office to refrain from curbside sign waving during the upcoming 1986 election, and all subsequent elections. While I share the concerns of the State Department of Transportation and the Honolulu Police Department, I cannot support this resolution.

"Political sign waving is one of the cheapest and easiest methods that political candidates have available to make themselves known to the community-at-large. In this era of highly financed 'big bucks' campaigns, the friendly smile and wave of the candidate may be the best and most affordable way in which the candidate reaches out to the voting public. In the age of condominiums, with their internal security systems, it is almost impossible to achieve personal rapport with constituents. Sign-waving provides an efficient and effective means of gaining public exposure.

"Mr. Speaker, I don't especially care to sign-wave, especially at some God-forsaken hour, however, I believe we should not hamper in any way the efforts of a newcomer to politics. Let's stay out of this and leave the decision totally to the candidates themselves.

"Thank you, Mr. Speaker."

Representative Blair rose and requested that his remarks, against the resolution, be inserted into the Journal and the Chair, noting that there were no objections, "so ordered."

Representative Blair's remarks are as follows:

"Mr. Speaker, I wish the record to reflect three reasons for opposing House Resolution 193, House Draft 1. While I do not enjoy it, signholding does serve several useful functions.

"First, signholding is an inexpensive way to campaign. Eliminating signholding may discourage new candidates, by putting them at an even greater disadvantage in campaigning against a better financed and well-known incumbent.

"Second, because it is inexpensive, signholding allows both challengers and incumbents to campaign without spending as much as would otherwise be necessary. Without signholding, candidates will need to use the media and mail more brochures. As a result, campaigns will become more expensive and the impact of special interest financing will be increased.

"Third, I am often approached by constituents whose first remark is to mention having waved to me while I was holding signs. Signholding, in my opinion, acts as an 'icebreaker' and makes elected officials more identifiable and approachable to their constituents.

"I am, however, equally convinced that signholding should be restrained in two important respects. First, I do not perceive a need or a benefit to signholding in large groups. Candidates should voluntarily agree to limit the number of signholders and agree not to engage in signholding unless the candidate is present. This will enhance the role of the candidate, consistent with the objective of bridging the chasm between elected officials and their constituents.

"Second, I believe the candidates should meet with the Police Department and agree to limit signholding to locations where it will not create a hazard (especially around schools) or slow the traffic flow.

"I trust that the Lieutenant Governor will not comply with this resolution's request that he 'publish a list of all candidates who are in agreement with the intent of the resolution.' To do so would have a chilling effect on the First Amendment rights of candidates, without any basis in law. His job is to administer the election laws, not the preferences of House members. If we honestly want to expand the Lieutenant Governor's role, we should pass a stat-

ute. We have done that in the area of campaign spending.

"In light of the substantial support for this resolution and the validity of the arguments in favor of safety and improved traffic flow, I will draft legislation for introduction in 1987 (assuming I am still a member of the Legislature) to limit signholding in a manner consistent with these remarks. It will not ban signholding.

"Thank you."

Representative Tam rose to speak against the resolution, stating:

"I am speaking against this resolution because of the matter of infringement of the constitutional guarantee of the right of freedom of speech as stated in the Committee Report.

"Also, secondly, it discourages future new candidates from running for office in that they are unable to raise campaign funds.

"Thank you."

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

"First of all, I would like this body to note that this is a resolution; it's not mandatory, hence it has no constitutional effect one way or the other.

"But the thing that I would really like to address is that on the island of Kauai and on the island of Hawaii, we have not been engaging in sign-waving for some years. But when we look at our Majority Leader here, Representative Lardizabal, our Big Island delegation, we note that we can still produce excellent legislators without sign-waving.

"Thank you."

Representative Isbell rose and stated:

"Mr. Speaker, I would like to speak with reservations, I think, on this resolution. Mainly, I am rebutting what Representative Metcalf just said. I wave all the time and I am on the Big Island, and I don't know how to explain that because I didn't know they weren't waving on the other side of the island.

"But I just want to make it clear that some of us get here by hook or crook, I guess you could say, and some get here by sign-waving. So I

think that probably we should look at what also some candidates really have no funds, especially the non-incumbents -- they have a tough time getting started, and it is the cheapest form of advertising that I know of. And if you get up early enough in the morning and start at 4:30, you don't bother hardly anybody and you catch all the early risers. So I suggest that maybe there would be some good points and some bad points of this resolution, but I think everyone should follow their own dictates.

"Thank you very much."

Representative Anderson rose to speak against the resolution, stating:

"I start in May and I realize that this is not mandatory, but I believe it was a couple of years ago that we had a bill whereby it would be illegal to stand on highways if they were federally funded.

"I feel really that if you're going to do either a resolution or a bill or whatever, I would say that door-to-door campaigning is one that is more compelling to people to answer their doors, and I don't think that that's right.

"As far as sign-waving, nobody has to wave at me. I don't think that it's necessary to have a resolution or a bill unless everybody is going to abide by it and it does become law that we cannot do this. And I found out a few years back when Senator Cobb filed an injunction, or whatever you want to call it, we found out it was unconstitutional to stop him. But until such time that we prove that, I'm going to continue waving and I'd even wave at Wayne when he comes down to Honolulu.

"Thank you."

Representative Medeiros rose and stated:

"Mr. Speaker, I'd like to have a 'no' vote for me on House Resolution 193, HD 1, and the reason for it, Mr. Speaker, is that my colleague here, Representative Anderson, starts standing on the highway the bottom of May, the top of June. I join him a week before the Primary and a week before the General, but in July I am walking in town and people say, 'John, I see you waving on the highway this morning.' I say, 'Thank you!'

"So, Wayne has done a good job on

this. Thank you."

Representative Cavasso rose and stated:

"Mr. Speaker, I would like to cast a 'no' vote for both House Resolution 193, HD 1, and House Resolution 243. I would like to speak first against House Resolution 193.

"Mr. Speaker, the reasons the others have spoken. . . we should be encouraging new people to run in our community. We should be encouraging beginners and the least expensive way to run is to hold signs on the highways. We should not be forcing people into expensive television or radio advertising and I think that this is an opportunity for people to get known and passing this kind of resolution is to discourage the new people and give an advantage to us incumbents and we should not be doing that.

"The other reason, in discussing House Resolution 243, Mr. Speaker, I think the law is clear; the resolution says the pornography law is unclear. I disagree. It can be read well; it can be explained. It is explained by the prosecutor; it is being explained to the video merchants and the others, and this resolution is unnecessary.

"Thank you, Mr. Speaker."

Representative Kihano rose and stated:

"Mr. Speaker, on House Resolution 193, my gut feeling tells me to 'wave' the resolution through."

Representative Marumoto rose to speak in favor of the resolution, stating:

"I'm not a fan of sign-holding. It's quite an innovating task but I can't promise that I won't sign-wave as a. . . I will blunt any first-strike capabilities for a sign-holding. I only do it as an act of self defense. If an opponent gets out there, then I will, but that's my feelings on it.

"Thank you very much."

Representative Liu rose and stated:

"Mr. Speaker, I rise to speak in favor of House Resolution 193, House Draft 1, with some reservations. I would like to have the comments of Representative Marumoto incorporated as my own on this measure.

"Thank you."

The Chair "so ordered." (By reference only)

Representative Shon rose and stated:

"I would like the Clerk to cast a 'no' vote on 193.

"I didn't know we were discussing Star Wars here, but I think that it does discriminate in three ways: It discriminates against new candidates; against poor candidates; but also against candidates in the urban areas who have to campaign for voters and for votes in people who live in condominiums where they cannot go door-to-door, which further increases the cost of campaigning so that if you live in the urban area, unlike in some of the areas on the neighbor islands, the cost of campaigning for mailing is really extraordinary, and I think that sign-waving is one of the primary ways which we can campaign. But I also would add that I think it behooves all candidates to look very carefully where they sign-wave and to whether or not there is any problems with safety on a particular corner or not. I think that can be addressed in a different way rather than trying to discourage all candidates from campaigning in this way.

"Thank you."

Representative Apo rose and stated:

"Mr. Speaker, I rise to support this resolution with some grave reservations.

"Mr. Speaker, I am just disappointed that the resolution really didn't address what I think is the real problem. That is, the armies of sign-holders that go out and support a candidate. I don't think anybody would have any objections if the candidate came him or herself or would stand alone out on the highway with a sign, but not when you bring out armies of forty, fifty, sixty people and stretch them down the highway.

"So I would have hoped that this resolution would really address the real problem which is not sign-waving in and of itself, but the kinds of numbers that we see out there with election.

"For that reason, I am going to support this resolution with those reservations.

"Thank you, Mr. Speaker."

Representative Kihano then rose and asked whether or not Representative Liu would yield to a question to which Representative Liu answered: "No, Mr. Speaker."

Representative Kihano then said:

"Mr. Speaker, if I may, even if he said 'no', I just wanted to find out whether he was ready for sign-holding because he was dressed for it."

Representative Jones rose and stated:

"Mr. Speaker, would you please have the Clerk insert Representative Apo's comment as if they were my own, but please cast a 'no' vote for me on 193."

The Chair "so ordered." (By reference only)

Representative Graulty rose in support of the resolution, stating:

"One of the most distasteful parts of campaigning has been the sign-waving in my view, and the reason why it is distasteful is because it reduces the choice to the electorate to a matter of who stands out there the most and who looks best with a sign. And I would like to think that what we do here is important and that we ought to be evaluated on the substance of what we do here rather than on the form, and that there is no greater way of going back to the electorate and asking them for their support again than being able to meet personally with the voter rather than relying on a street corner with a sign.

"The second thing that I wanted to point out, Mr. Speaker, is I question whether this, in fact, is a disadvantage for the new candidate because I think there is no question that each of us here, with the many things that we've done here, have the capability of having an army or at least a lot of people holding signs, and I think if there is an advantage, the advantage, in fact, is to the incumbent in sign-waving rather than to the person who is just starting out trying to get elected to office.

"So, for these two reasons, I would like to ask that all my colleagues vote 'aye' on House Resolution 193.

"Thank you."

Representative Crozier rose and stated:

"Mr. Speaker, I will be voting 'aye' on this bill but with some reservations.

"The reservations is basically the same as the Minority Leader, Representative Marumoto, and that I will not go out and hold signs until my opponent, if there is an opponent, holds a sign, but he can be assured that my signs will be printed and ready to go. He will only have one morning's jump on me.

"Thank you, sir."

The motion was put by the Chair and carried, and the report of the majority of the Committee was adopted and H.R. No. 193, HD 1, entitled: "HOUSE RESOLUTION A REQUEST TO ALL CANDIDATES FOR ELECTIVE OFFICE TO REFRAIN FROM CURBSIDE SIGN WAVING", was adopted, with Representatives Anderson, Blair, Cavasso, Jones, Manegdeg, Medeiros, Menor, Onouye, Shon and Tam voting no.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1085-86) recommending that S.C.R. No. 158 be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and S.C.R. No. 158, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES AND THE UNIVERSITY OF HAWAII SEA GRANT COLLEGE PROGRAM TO STUDY THE IMPACT OF REGULATING SALT-WATER SHORELINE FISHING", was referred to the Committee on Finance.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1086-86) recommending that S.C.R. No. 150, SD 1, be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and S.C.R. No. 150, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY AND REVISION OF RULES RELATING TO GILLNET FISHING", was referred to the Committee on Finance.

Representative Apo, for the Com-

mittee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1087-86) recommending that S.C.R. No. 147 be referred to the Committee on Finance.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and S.C.R. No. 147, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO FISHERIES MANAGEMENT", was referred to the Committee on Finance.

At 11:56 o'clock a.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:01 o'clock p.m.

The Chair then said:

"It has been brought to the Chair's attention that a bill that passed this House is an appropriations matter, and as a consequence we should reconsider action and let that bill await the passage of our appropriation measure. That being the case, the Chair recognizes Representative Okamura for the proper motion."

#### RECONSIDERATION OF ACTION TAKEN

Representative Okamura moved that the House reconsider its action previously taken on House Bill No. 2221-86, HD 2, SD 2, CD 1, seconded by Representative Ikeda and carried.

House Bill No. 2221-86, HD 2, SD 2, CD 1, was placed on the Clerk's desk.

#### STANDING COMMITTEE REPORTS

Representative Levin, for the Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1088-86) recommending that S.C.R. No. 41, as amended in HD 1, be adopted.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and S.C.R. No. 41, HD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THE CREATION OF A BLUE RIBBON COMMITTEE TO DETERMINE THE MOST APPROPRIATE SITE FOR THE KING KALAKAUA STATUE", was adopted.

Representative Levin, for the

Committee on Higher Education and the Arts, presented a report (Stand. Com. Rep. No. 1089-86) recommending that H.C.R. No. 168, as amended in HD 1, be adopted.

On motion by Representative Levin, seconded by Representative Onouye and carried, the report of the Committee was adopted and H.C.R. No. 168, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION SUPPORTING THE EFFORTS OF THE INSTITUTE OF ASTRONOMY IN THEIR BID FOR BASING THE NATIONAL NEW TECHNOLOGY TELESCOPE IN HAWAII", was adopted.

Representative Yoshimura, for the Committee on Public Employment and Government Operations, presented a report (Stand. Com. Rep. No. 1090-86) recommending that S.C.R. No. 53 be adopted.

On motion by Representative Manegdeg, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.C.R. No. 53, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE REPORT ON THE FINAL COMPENSATION PLAN AND THE COST THEREOF", was adopted.

Representative Tungpalan, for the Committee on Employment Opportunities and Labor Relations, presented a report (Stand. Com. Rep. No. 1091-86) recommending that S.C.R. No. 113, SD 1, be adopted.

On motion by Representative Tungpalan, seconded by Representative Takamine and carried, the report of the Committee was adopted and S.C.R. No. 113, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING A STUDY OF THE ALLEGED UNEQUAL TREATMENT AND UNFAIR PRACTICES BY MAINLAND CONTRACTORS IN OBTAINING PUBLIC WORKS CONTRACTS AT ALL MILITARY BASES IN HAWAII", was adopted.

Representative Graulty, for the Committee on Human Services, presented a report (Stand. Com. Rep. No. 1092-86) recommending that H.R. No. 147, HD 1, be adopted.

On motion by Representative Graulty, seconded by Representative Leong and carried, the report of the Committee was adopted and H.R. No. 147, HD 1, entitled: "HOUSE RESOLUTION REQUESTING AN EXAMINATION OF THE LACK OF COORDINATION IN CHILD ABUSE AND NEGLECT SERVICES AND RELATED

PERSON ABUSE PROGRAMS", was adopted.

Representative Lindsey, for the Committee on Education, presented a report (Stand. Com. Rep. No. 1093-86) recommending that H.R. No. 284 be adopted.

On motion by Representative Lindsey, seconded by Representative D. Ige and carried, the report of the Committee was adopted and H.R. No. 284, entitled: "HOUSE RESOLUTION REQUESTING A LIBRARY IN MAKAKILO", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1094-86) recommending that H.C.R. No. 139, as amended in HD 1, be adopted.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 139, HD 1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE GOVERNOR OF THE STATE OF HAWAII TO PROCLAIM THE MONTH OF JULY 1986 AS HAWAII MERCHANT MARINE MONTH", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1095-86) recommending that S.C.R. No. 37 be adopted.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and S.C.R. No. 37, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING AND SUPPORTING THE DEVELOPMENT OF A PROGRAM TO AID THE LARGE FRESH TUNA INDUSTRY", was adopted.

Representative Apo, for the Committee on Ocean and Marine Resources, presented a report (Stand. Com. Rep. No. 1096-86) recommending that H.R. No. 308 be adopted.

On motion by Representative Apo, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 308, entitled: "HOUSE REQUESTING THE DEPARTMENTS OF URBAN AND REGIONAL PLANNING OF THE UNIVERSITY OF HAWAII, LAND AND NATURAL RESOURCES, HAWAIIAN HOME LANDS AND THE OFFICE OF HAWAIIAN AFFAIRS TO CONTINUE ITS EFFORTS IN FULFILLING THE INTENT AND PURPOSE OF H.R. NO.

304, H.D. 1, WHICH REQUESTS A STUDY ON THE FEASIBILITY OF SETTING ASIDE STATE LANDS FOR THE PRACTICE OF SUBSISTENCE LIFESTYLES", 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. 1097-86) recommending that S.C.R. No. 32 be adopted.

On motion by Representative Apo, seconded by Representative Tam and carried, the joint report of the Committees was adopted and S.C.R. No. 32, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT FISH DEALERS REFRAIN FROM PURCHASING OR HANDLING AHI THAT WEIGHS LESS THAN THREE POUNDS", was adopted.

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. 1098-86) recommending that S.C.R. No. 55, SD 1, be adopted.

On motion by Representative Andrews, seconded by Representative Tam and carried, the joint report of the Committees was adopted and S.C.R. No. 55, SD 1, entitled: "SENATE CONCURRENT RESOLUTION RELATING TO THE DEVELOPMENT OF A BACK-UP SYSTEM TO ENSURE A CONTINUOUS SUPPLY OF THE DEEP, SEAWATER RESOURCE TO THE NATURAL ENERGY LABORATORY OF HAWAII AND THE OCEAN SCIENCE AND TECHNOLOGY PARK AT KEA-HOLE POINT, KAILUA-KONA, HAWAII", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1099-86) recommending that S.C.R. No. 23 be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and S.C.R. No. 23, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING THAT THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT DEVELOP GUIDELINES FOR A PERMIT PROCESSING AND APPROVAL SYSTEM TO ASSIST GEOTHERMAL DEVELOPMENT", was adopted.

Representative Andrews, for the

Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1100-86) recommending that S.C.R. No. 82 be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and S.C.R. No. 82, entitled: "SENATE CONCURRENT RESOLUTION URGING THE UNITED STATES CONGRESS TO SUPPORT THE COMPLETION OF THE DEPARTMENT OF ENERGY'S MOD-5B RESEARCH WIND TURBINE AT KAHUKU, HAWAII", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1101-86) recommending that S.C.R. No. 63 be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and S.C.R. No. 63, entitled: "SENATE CONCURRENT RESOLUTION ENCOURAGING CONTINUED EFFORTS TOWARD DEVELOPMENT OF GEOTHERMAL RESOURCES", was adopted.

Representative Andrews, for the Committee on Planning, Energy and Environmental Protection, presented a report (Stand. Com. Rep. No. 1102-86) recommending that S.C.R. No. 22, SD 1, be adopted.

On motion by Representative Andrews, seconded by Representative Tom and carried, the report of the Committee was adopted and S.C.R. No. 22, SD 1, entitled: "SENATE CONCURRENT RESOLUTION REQUESTING AN INTENSIVE TECHNICAL PROGRAM OF STUDY BE DEVELOPED FOR STATE AND COUNTY AGENCY PERSONNEL DEALING WITH GEOTHERMAL ENERGY RESOURCE DEVELOPMENT", was adopted.

Representatives Say and Levin, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1103-86) recommending that H.R. No. 288 be adopted.

On motion by Representative Tam, seconded by Representative Levin and carried, the joint report of the Committees was adopted and H.R. No. 288, entitled: "HOUSE RESOLUTION REQUESTING THE FRIENDS OF IOLANI PALACE, WITH THE SUPPORT OF THE OFFICE OF HAWAIIAN AF-

FAIRS, TO COORDINATE WITH THE VARIOUS HAWAIIAN SERVICES, INSTITUTIONS, AGENCIES AND OTHER ORGANIZATIONS, THE NUMEROUS ACTIVITIES PLANNED IN COMMEMORATION OF THE 150TH ANNIVERSARY OF KING KALAKAUA'S BIRTH DURING THE WEEK OF NOVEMBER 16, 1986 AND ALSO COMMENDING THE FRIENDS OF IOLANI PALACE FOR THEIR WORK IN PLANNING A WEEK OF FESTIVITIES AT IOLANI PALACE FOR THIS ANNIVERSARY", was adopted.

Representatives Say and Levin, for the Committees on Water, Land Use, Development and Hawaiian Affairs and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1104-86) recommending that H.C.R. No. 190 be adopted.

On motion by Representative Tam, seconded by Representative Levin and carried, the joint report of the Committees was adopted and H.C.R. No. 190, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE FRIENDS OF IOLANI PALACE, WITH THE SUPPORT OF THE OFFICE OF HAWAIIAN AFFAIRS, TO COORDINATE WITH THE VARIOUS HAWAIIAN SERVICES, INSTITUTIONS, AGENCIES AND OTHER ORGANIZATIONS, THE NUMEROUS ACTIVITIES PLANNED IN COMMEMORATION OF THE 150TH ANNIVERSARY OF KING KALAKAUA'S BIRTH DURING THE WEEK OF NOVEMBER 16, 1986 AND ALSO COMMENDING THE FRIENDS OF IOLANI PALACE FOR THEIR WORK IN PLANNING A WEEK OF FESTIVITIES AT IOLANI PALACE FOR THIS ANNIVERSARY", was adopted.

At 12:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:07 o'clock p.m.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1105-86) recommending that H.R. No. 294 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 294, entitled: "HOUSE RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF ACQUIRING HAWAIIAN ELECTRIC COMPANY'S HONOLULU POWER

PLANT", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1106-86) recommending that H.C.R. No. 194 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 194, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO STUDY THE FEASIBILITY OF ACQUIRING HAWAIIAN ELECTRIC COMPANY'S HONOLULU POWER PLANT", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1107-86) recommending that H.R. No. 309 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 309, entitled: "HOUSE RESOLUTION PROVIDING FOR LEGISLATIVE SUPPORT OF THE IMPLEMENTATION OF AN AGGRESSIVE LAND EXCHANGE PROGRAM TO FACILITATE THE ACQUISITION OF PUBLIC LANDS TO FURTHER THE GOALS AND OBJECTIVES OF THE HAWAIIAN HOMES COMMISSION", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1108-86) recommending that H.C.R. No. 203 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 203, entitled: "HOUSE CONCURRENT RESOLUTION PROVIDING FOR LEGISLATIVE SUPPORT OF THE IMPLEMENTATION OF AN AGGRESSIVE LAND EXCHANGE PROGRAM TO FACILITATE THE ACQUISITION OF PUBLIC LANDS TO FURTHER THE GOALS AND OBJECTIVES OF THE HAWAIIAN HOMES COMMISSION", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1109-86) recommending that H.R. No. 304 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 304, entitled: "HOUSE RESOLUTION REQUESTING THE CONTINUATION OF THE SMALL BUSINESS ADMINISTRATION AND ITS PROGRAMS TO ASSIST SMALL BUSINESS", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1110-86) recommending that H.C.R. No. 199 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 199, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE CONTINUATION OF THE SMALL BUSINESS ADMINISTRATION AND ITS PROGRAMS TO ASSIST SMALL BUSINESS", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1111-86) recommending that H.R. No. 310 be adopted.

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

Representative Pfeil's remarks are as follows:

"Mr. Speaker, House Resolution 310 urges support of the Department of Hawaiian Home Lands in their efforts to accelerate the issuance of building permits and water meters to homestead lessees. This action would have highly favorable consequences for the residents of Molokai. On our island, where economic development is sorely needed and where farming offers an important path to economic success, the efforts of DHHL to make additional land available for farming are invaluable to the improvement of our economy.

"I believe the Legislature is to be commended for taking note of these efforts."

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.R. No. 310, entitled: "HOUSE RESOLUTION

URGING THE FOUR COUNTY GOVERNMENTS OF THE STATE OF HAWAII TO CONTINUE TO WORK CLOSELY WITH THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE BUILDING PERMITS AND WATER METERS TO HOMESTEAD LESSEES", was adopted.

Representative Say, for the Committee on Water, Land Use, Development and Hawaiian Affairs, presented a report (Stand. Com. Rep. No. 1112-86) recommending that H.C.R. No. 202 be adopted.

On motion by Representative Tam, seconded by Representative Shon and carried, the report of the Committee was adopted and H.C.R. No. 202, entitled: "HOUSE CONCURRENT RESOLUTION URGING THE FOUR COUNTY GOVERNMENTS OF THE STATE OF HAWAII TO CONTINUE TO WORK CLOSELY WITH THE DEPARTMENT OF HAWAIIAN HOME LANDS TO PROVIDE BUILDING PERMITS AND WATER METERS TO HOMESTEAD LESSEES", was adopted.

#### FINAL READING

#### H.B. No. 1694-86, HD 1, SD 2:

On motion by Representative Shito, seconded by Representative Kiyabu and carried, H.B. No. 1694-86, HD 1, SD 1, entitled: "A BILL FOR AN ACT RELATING TO INSURANCE", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1694-86 had passed Final Reading at 12:10 o'clock p.m.

#### H.B. No. 2513-86, HD 2, SD 1:

Representative Andrews moved that H.B. No. 2513-86, HD 2, SD 1, having been read throughout, pass Final Reading, seconded by Representative Cachola.

Representative Isbell rose and stated:

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

"It is very difficult to talk about sewage and make it interesting but I am going to try.

"This bill has two main sections in it. One is to repeal two sections of 282 that we passed last year. Act 282 was enacted because the rules

that were being used under Chapter 57 by the Department of Health were not working. They were a disaster, and the purpose of those rules under Chapter 57 was for the counties take over the inspection and approvals of cesspools. There was really no authority to approve or disapprove of the cesspools and, therefore, didn't get done and those in the industry said there is something terribly wrong with Chapter 57. So the Department of Health started to go through the public hearing process to repeal Chapter 57 rules and regulations. After a while it became clear that they needed to do something right away so the Department of Health went through their Office of Environmental Quality to call in the industry and say, would you help us support a bill which turned out to be Act 282 which would enact some rules into law so that they could finally have a handle on the flush toilets -- the cesspools. That's a pun. Okay, just in case nobody's listening.

"The Chapter 57 put the onus on the individual prior to that time and said that, "Okay, now you put in your cesspool and then you come and tell us how you did it and if we agree, fine; if we don't, well, there's really nothing we can do about it." So, as you can see, Act 282 was very important.

"Now, this bill today is going to repeal that part of the law, and it is very, very important that we understand that those old rules are still in effect. They never got repealed. So by repealing today those acts of the parts of the chapter, we need to make sure that the Department of Health does not go back to Chapter 57 which is the old way. And we have received a letter from the Department of Health as a letter of agreement saying that they won't do it. They will make sure they get new rules enacted and not try to implement the acts of Chapter 57. With that, we decided we would support the bill but with reservations.

"The Office of Environmental Quality Control has been working with us and the other members of the Department of Health.

"The exemption of the second part of the bill today which I am concerned about is the exemption of the Hawaii Housing Authority which allows this public agency to use cesspools for multi-family developments. Now, other developers, when they put in a condo or apartment house, they can't put in cesspools. They have to put

in a treatment plant. What we are saying to Hawaii Housing is, "Okay, we want low income housing; you have permission to put in all the cesspools you want. There is something terribly wrong with that and I know sewage is hard to talk about, but I really got to continue. Cesspools are primitive and archaic -- a potential threat to groundwater and future brackish waters which may be used for desalination. I think all of us need to realize that we may end up with water desalination, and if we have all these cesspools in place, that is exactly where they run down to is the saltwater brackish pools. As a matter of fact, the desalination system that we are using as a pilot project happens to be located right next to a landfill, and you tell me how that got in. Don't anybody drink that desalinated water, but it's probably got a lot of cesspool stuff in it too. There must come a time when we recognize the problems we create when injecting raw sewage into the ground.

"Hopefully, this Legislature will encourage innovative ways to dispose of human waste and ban cesspools forever. In the meantime, we should look at ways to capitalize and give funds to Hawaii Housing so that they don't have to build cesspools and still be able to do the low income housing.

"I realize that from today you will probably think of me everytime you flush your toilet, but I will take that chance and know that if that is the case, it will be everyday.

"So I thank you very much and I hope that you will vote for it but with those reservations and the understanding that we really have to look at the problem which is growing as we grow.

"Thank you very much."

Representative Tam rose and stated:

"Mr. Speaker, I wish to support the measure with reservations for the reasons stated.

"Thank you."

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

"Mr. Speaker, before beginning, I would like to thank the Chairman of the Planning, Energy and Environmental Protection Committee as well as the Majority Floor Leader for their

efforts in trying to ameliorate some of the problems that came up with this bill.

"I think the previous speaker has pointed out some of the difficulties that we did have with this measure. However, Mr. Speaker, a meeting was held last week, I believe, where certain agreements were reached on the part of the department HHA as well as the building industry people, and I think in all the agreements reached will help to assure that this legislation will be used in the proper manner.

"And for the record, Mr. Speaker, rather than prolong this discussion, I would like to submit a copy of a letter which outlines the agreements reached at that meeting regarding this bill into the Journal for the record, if I may."

The Chair said:

"The Chair would like to see that letter first, Representative Ikeda."

Representative Ikeda said:

"Mr. Speaker, under those conditions, I will read it."

At 12:19 o'clock p.m., Representative Kihano asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:24 o'clock p.m.

Representative Ikeda rose and stated:

"Mr. Speaker, since the letter is addressed to Representative Andrews who is the Chairman of the Planning, Energy and Environmental Protection Committee and copies sent to the rest of us, I will yield to him to read the letter into the Journal.

"Thank you."

Representative Andrews rose and stated:

"Mr. Speaker, first of all, I do admit that this was a rather confusing bill and a confusing subject for many, including myself at times, but as the Minority Leader mentioned, we did have a meeting on the bill and actually what was going to take place with the Department of Health and with the industry and rewriting what is known as Chapter 57. And at the conclusion of that meeting, it was agreed upon and then transmitted by

letter to myself and with copies to various Representatives to the final agreement as to exactly what the department would do and they can basically be stated in that. . .well, first of all this was agreed to by the Deputy Director of the Department of Health, Environmental Health Section. And he agreed that, number one, the Department of Health would draft a new administrative rule under Title 11 to regulate the administration of individual waste water systems and private waste water treatment works.

"Secondly, they would select the representative from the Hawaii building industry to participate in the drafting of the new rules; and

"Thirdly, they would adopt the new rules pursuant to the provisions of Chapter 91, Hawaii Revised Statutes, and they also go on to further state that it is their understanding that it is only after those new rules are adopted in the manner in which they be transmitted to us that the provisions under Act 282 would be repealed.

"Thank you, Mr. Speaker."

Representative Nakata rose and stated:

"Mr. Speaker, I, too, am supporting this measure with reservations, and in light of the letter of agreement, I am supporting the measure.

"Thank you."

The motion was put by the Chair and carried, and H.B. No. 2513-86, HD 2, SD 1, entitled: "A BILL FOR AN ACT RELATING TO ENVIRONMENTAL QUALITY", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2513-86 had passed Final Reading at 12:26 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Grauly moved that the House reconsider its action previously taken on H.B. No. 2219-86, HD 2, SD 2, seconded by Representative Kiyabu and carried.

Representative Grauly then gave notice of his intent to agree to the amendments proposed by the Senate to said measure.

## SUSPENSION OF RULES

On motion by Representative Okamura, seconded by Representative Ikeda and carried, the rules were suspended for the purpose of reconsidering action previously taken on House Resolution Nos. 121, HD 1; 153, HD 1; and 299; and Senate Concurrent Resolution Nos. 16 and 36.

## COMMITTEE REASSIGNMENTS

The following resolutions and concurrent resolutions were re-referred as follows:

<u>H.R. Nos.</u>	<u>Re-referred to:</u>
121	Jointly to the Committees on Higher Education and the Arts and Water, Land Use, Development and Hawaiian Affairs
153	Committee on Higher Education and the Arts
299	Committee on Transportation

S.C.R. Nos.

16	Committee on Ocean and Marine Resources
36	Committee on Ocean and Marine Resources

## INTRODUCTION OF RESOLUTIONS

On motion by Representative Okamura, seconded by Representative Ikeda and carried, and notwithstanding the recommendations of the attached Committee Reports, H.R. Nos. 121, HD 1; 153, HD 1; and 299; and S.C.R. Nos. 16 and 36 were adopted.

## ANNOUNCEMENTS

Representative Tungpalan: "Representative Liu said that he had a very special announcement to make. I am wondering if he can do it now so that we can all rest our curiosity."

Representative Liu rose and stated:

"Mr. Speaker, I guess I do have an announcement. In lieu of the fact that I have been called a waiter this morning, that folks have asked if I was going to a Prom or if I had come from a Prom, or that perhaps I was wearing this to make sure I matched

any dress code that might come with this public accommodation here, or perhaps wearing the attire I am to signify the death of tort reform for this session right now.

"But no, that is not the reason why I am attired in this fashion. Rather, today is the 125th anniversary of the Armed Services Y.M.C.A. of the United States of America. As head of the Honolulu Armed Service Y.M.C.A., I would have, at about this time, been on my way to the White House, walking along Pennsylvania Avenue to have dinner with the President and Mrs. Reagan, and enjoying the sights of our Capitol amid the lovely fade of sunset and cherry blossoms which are still in bloom at this time. Yes, I would have been there, having a nice stroll, but for this wonderful extension of the session which required me to cancel that trip.

"Nevertheless, to mark the occasion, to bring attention to the Armed Services Y which is a vital organization in our community, assisting the enlisted men, and to make sure that I got. . .this is a very important reason. To make sure I got my \$54.48 worth of rental for this tuxedo, I decided I was going to wear this come hell or high water, and so I am attired this way. And to those of you who were expecting an announcement of some other type, I do not apologize for I think something like marriage is much more deserving to those of you who are already in that situation of bliss and those who are contemplating such an act such as Representative Onouye.

"Thank you very much, Mr. Speaker."

The Chair then said:

"Representative Liu, the Chair is reminded of an old axiom that when Mohammed can't make it to the mountain, the mountain shall make it to Mohammed. The Chair understands that the President of the United States is visiting us. The Chair would suggest that you keep your tuxedo and make arrangements for breakfast with him at that time."

Representative Liu responded:

"Mr. Speaker, yes, I have. Thank you."

Representative Levin then rose and asked:

"Mr. Speaker, could Representative

Liu's tuxedo be inserted into the Journal as my own?"

The Chair said:

"Representative Levin, your request is denied."

Representative Hagino rose and stated:

"Mr. Speaker, in light of what Representative Liu said, I would like to thank Representative Levin for not showing up yesterday in jogging shorts and tennis shoes since he could not attend his event."

Representative Hagino then asked for a recess and at 12:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 12:35 o'clock p.m.

#### RECONSIDERATION OF ACTION TAKEN

Representative Andrews moved that the House reconsider its action taken previously in disagreeing to the amendments proposed by the Senate to H.B. No. 989, seconded by Repre-

sentative Tam and carried.

Representative Andrews then gave notice of his intent to agree to the amendments proposed by the Senate to H.B. No. 989.

#### ANNOUNCEMENTS

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

The Chair then said:

"This body will stand in recess for the purpose of receiving objections from the Governor with respect to measures sent up to him and that we shall reconvene at 12:30 p.m. tomorrow."

At 12:37 o'clock p.m., the House of Representatives stood in recess for the purpose of receiving objections from the Governor.

#### ADJOURNMENT

At 12:00 o'clock midnight, the House of Representatives adjourned until 12:30 o'clock p.m. tomorrow, Wednesday, April 23, 1986.

## SIXTY-THIRD DAY

Wednesday, April 23, 1986

The House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, convened at 1:08 o'clock p.m., with the Speaker presiding.

The Divine Blessing was invoked by the Honorable Joseph Leong, member of the State House of Representatives, after which the Roll was called showing all members present.

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

## GOVERNOR'S MESSAGES

The following messages from the Governor (Gov. Msg. Nos. 133 to 135) were read by the Clerk and were disposed of as follows:

A message from the Governor (Gov. Msg. No. 133) returning Senate Bill No. 2173-86, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

April 22, 1986

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 2173-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2173-86, entitled, "A BILL FOR AN ACT RELATING TO PSYCHOLOGY."

The purpose of Senate Bill No. 2173-86 is to amend Chapter 346, Hawaii Revised Statutes, to (1) specify that referral, direction, or prescription of services by another health care practitioner not be required for psychologists who treat welfare patients; (2) include psychologists in the definition of medical care for Medicaid reimbursement purposes; and (3) permit psychologists to determine disability for the purposes of enabling individuals to qualify for general assistance benefits.

Last year a bill similar to this bill was vetoed. In my Statement of Objections to Senate Bill No. 1443, I stated that, because "(e)xpenditure data reveal that average payments per (Medicaid) case have been greater for psychologists than for psychiatrists ... I may be willing to consider a limited pilot program to test the cost-effectiveness of the use of services of psychologists." I understand that such a pilot program has been undertaken by the Department of Social Services and Housing and representatives from the psychology and psychiatry professions. Because this pilot program is not complete and no analyses of the issues have yet revealed the cost-effectiveness of the use of services of psychologists, I believe that enactment of this bill is premature.

For the foregoing reason, I am returning Senate Bill No. 2173-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

A message from the Governor (Gov. Msg. No. 134) returning Senate Bill No. 774, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

April 22, 1986

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 774

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 774, entitled, "A BILL FOR AN ACT RELATING TO PUBLIC OFFICERS AND EMPLOYEES."

The purpose of Senate Bill No. 774 is to allow employees who are employed in shortage category positions to be compensated for overtime, standby, temporary hazard, or negotiated pay increases at a pay rate based on the sum of the employee's basic rate of pay plus the shortage differential.

However, Senate Bill No. 774 is inconsistent with the concept of basic job value on which the compensation system for public officials and employees is built. The basic job value of a position is reflected by the first step of the salary range. Where recruitment is difficult, initial salaries can be raised above the minimum to attract available qualified candidates to particular positions. On the other hand, additional compensation such as overtime pay, standby pay, and temporary hazard pay are considered premium pay items. They are not considered part of the basic job value of a position.

In classes of work where the basic value of a position remains the same but where demand temporarily exceeds supply for such workers the payment of a temporary shortage differential allows the State to be competitive in the labor market.

Thus, recruitment above the minimum recognizes a problem in the basic value of the job while shortage differentials address a problem in the labor market. Therefore, an employee recruited into a shortage category position should not get both a shortage differential and premium pay. Premium pay should still be based on basic job value.

Finally, overtime pay, temporary hazard pay, standby pay, and other premium pay items are more appropriately a matter for collective bargaining negotiations.

For the forgoing reasons, I am returning Senate Bill No. 774 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

A message from the Governor (Gov. Msg. No.135) returning Senate Bill No. 431, without his approval, together with his statement of objections relating to the measure:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

April 22, 1986

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 431

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 431, entitled, "A BILL FOR AN ACT RELATING TO PENSIONERS BONUS AND POST RETIREMENT ALLOWANCE."

The purpose of Senate Bill No. 431 is to allow certain beneficiaries of contributory plan members who selected Option 2 or Option 3 retirement allowance mode to receive the stated percentage of the total benefit including a post retirement allowance, if applicable.

I have several concerns with the amendments proposed under this bill. First, the inclusion of post retirement allowances as part of survivor benefits has essentially the same effect as increasing the value of the retirement allowance under Options 2 and 3 relative to the other modes. Under existing law, a retiree's maximum retirement allowance is calculated on the basis of the specified formula for the particular type of retirement. Survivor benefits are limited to the remaining balance between the member's accumulated contributions at the time of retirement and the retirement allowance paid to the member prior to death. Payments under each of the five options for retirement are calculated so that the total benefits paid are actuarially equivalent to the maximum retirement allowance. That is, the value of the stream of benefit payments over the life of the member (and beneficiary in the case of survivor options) are equal given actuarial factors (such as age, mortality rate, etc.). The inclusion of post retirement allowances as part of survivor benefits under beneficiary which consequently increases the value of Options 2 and 3 relative to the other modes. The Employees' Retirement System actuary estimates that this bill would increase the public employers' annual contribution requirements by \$380,000 (\$250,000 for the State and \$130,000 for the counties).

Second, the amendments could set a precedent for similar treatment of the joint survivor options under the noncontributory plan. There are no estimates of this potential cost available at this time; however, it is quite feasible that the cost could be much higher than in the contributory plan since the number of optional modes available under the noncontributory plan are less and since the plan is 100% funded by the public employers.

Third, there are unanswered questions with regard to justification for the amendments and appropriateness of this approach in providing survivor benefit cost of living adjustments. Although legislative committee reports claimed that this bill would put Option 2 and 3 beneficiaries in parity with those in other modes, this is subject to debate because post retirement allowances are limited to the member's benefits in all of the other modes. Furthermore, comparison of the modes in this manner is not really meaningful since the benefit structure under the various modes reflect trade-offs to address differing circumstances and expectations. The other argument in the legislative committee reports is that the amendments will minimize the impact of inflation. While the impact of inflation is recognized, it is not clear that inclusion of post retirement allowances as part of survivor benefits is the most appropriate means to address this issue. From the standpoint of fairness, the amendments appear to be inequitable because as noted above the value of Options 2 and 3 are increased relative to the other modes. From the standpoint of cost effectiveness, no evaluation can be made because there has been no studies to identify alternatives and their costs.

For the foregoing reasons, I am returning Senate Bill No. 431 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### SENATE COMMUNICATIONS

The following communications from the Senate (Sen. Com. Nos. 660 to 708) were read by the Clerk and were disposed of as follows:

A communication from the Senate (Sen. Com. No. 660) returning House Concurrent Resolution No. 107, HD1, requesting the Department of Transportation to rename Keahole Airport as "Keahole Airport--Lieutenant Colonel Onizuka Field, which was adopted by the Senate on April 22, 1986, in the amended form, (SD1), was placed on file.

By unanimous consent, H.C.R. No. 107, HD1, as amended by the Senate, was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 661) returning House

Concurrent Resolution No. 133, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 662) returning House Concurrent Resolution No. 142, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 663) returning House Concurrent Resolution No. 154, HD1, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 664) returning House Concurrent Resolution No. 165, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 665) returning House Concurrent Resolution No. 166, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 666) returning House Concurrent Resolution No. 173, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 667) returning House Concurrent Resolution No. 184, HD1, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 668) returning House Concurrent Resolution No. 189, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 669) returning House Concurrent Resolution No. 192, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 670) returning House Concurrent Resolution No. 201, HD1, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 671) returning House Concurrent Resolution No. 211, HD1, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 672) returning House Concurrent Resolution No. 212, HD1, which was adopted by the Senate on April 22, 1986, was placed on file.

A communication from the Senate

(Sen. Com. No. 673) transmitting Senate Concurrent Resolution No. 129, which was adopted by the Senate on April 22, 1986, was placed on file.

By unanimous consent, S.C.R. No. 129 was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 674) informing the House that the following Conference Drafts passed Final Reading on April 23, 1986, was placed on file:

SENATE BILL NOS.

1550-86, SD2, HD1, CD1;  
303, SD1, HD1, CD1;  
592, SD1, HD1, CD1;  
2290-86, SD1, HD2, CD1;  
909, SD1, HD1, CD1;  
425, SD2, HD2, CD1;  
1762-86, SD1, HD2, CD1;  
2266-86, SD2, HD1, CD1;  
2308-86, SD1, HD1, CD1;  
1496-86, SD2, HD1, CD1;  
1933-86, SD1, HD2, CD2;  
2190-86, SD1, HD2, CD1;  
2048-86, SD1, HD1, CD1; and  
1843-86, SD2, HD2, CD1.

HOUSE BILLS NOS.

2117-86, SD1, CD1;  
2468-86, HD2, SD2, CD1;  
2282-86, HD2, SD1, CD1;  
2246-86, HD2, SD1, CD1;  
326, HD1, SD1, CD1;  
1691-86, HD2, SD1, CD1;  
2373-86, HD1, SD1, CD1;  
1740-86, HD2, SD1, CD1;  
26, HD1, SD1, CD1;  
122, HD1, SD2, CD1;  
1998-86, HD1, SD1, CD2;  
1388-86, HD1, SD1, CD1;  
1665-86, HD1, SD1, CD1;  
2608-86, HD2, SD1, CD1;  
2495-86, HD2, SD1, CD1;  
1663-86, HD2, SD1, CD1;  
1666-86, HD2, SD2, CD1;  
100, HD1, SD2, CD1;  
1680-86, HD2, SD1, CD2;  
2348-86, HD1, SD1, CD2;  
1857-86, HD2, SD1, CD2;  
2122-86, HD1, SD2, CD1;  
1764-86, HD2, SD2, CD1;  
2580-86, HD1, SD2, CD1;  
2221-86, HD2, SD2, CD1;  
381, HD1, SD1, CD1;  
2561-86, SD1, CD1;  
2549-86, HD2, SD2, CD1;  
1856-86, HD2, SD1, CD1;  
1961-86, HD2, SD2, CD1;  
1990-86, HD2, SD2, CD1; and  
1697-86, HD2, SD2, CD1.

A communication from the Senate (Sen. Com. No. 675) informing the House that the following Senate Bills passed Final Reading in the Senate on April 23, 1986, in their amended

forms, was placed on file:

SENATE BILL NOS.

934, SD2, HD2;  
1718-86, HD1;  
1960-86, HD1;  
2166-86, SD2, HD2;  
2303-86, SD2, HD2;  
2359-86, SD1, HD1;  
2474-86, SD2, HD2; and  
2478-86, SD2, HD2.

A communication from the Senate (Sen. Com. No. 676) informing the House that Senate Bill No. 291 passed Final Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 677) informing the House that Senate Bill No. 1961-86, SD1, passed Final Reading in the Senate on April 23, 1986, in the amended form, (HD2), was placed on file.

A communication from the Senate (Sen. Com. No. 678) informing the House that the following Conference Drafts passed Final Reading on April 23, 1986, was placed on file:

SENATE BILL NOS.

471, SD2, HD1, CD2; and  
1831-86, SD2, HD1, CD1.

HOUSE BILL NO.

2805-86, HD1, SD1, CD1.

A communication from the Senate (Sen. Com. No. 679) informing the House that the report of the Committee on Conference on the disagreeing vote of the House to the amendments proposed by the Senate to House Bill No. 1741-86, HD1, SD1, CD1, was adopted by the Senate on April 23, 1986; and House Bill No. 1741-86, HD1, SD1, CD1, passed Final Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 680) returning House Bill No. 1708-86, HD2, entitled: "A BILL FOR AN ACT RELATING TO A STATEWIDE KAPU SYSTEM", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 681) returning House Bill No. 1891-86, HD1, entitled: "A BILL FOR AN ACT RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO FINANCE THE WAILUA RIVER HYDRO PROJECT", which passed Third Reading in the

Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 682) returning House Bill No. 1927-86, HD2, entitled: "A BILL FOR AN ACT RELATING TO THE DEVELOPMENT OF A MASTER PLAN TO PROMOTE HAWAII AS A SPORTS CENTER", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 683) returning House Bill No. 2199-86, HD2, 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", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 684) returning House Bill No. 2204-86 entitled: "A BILL FOR AN ACT RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER: CIVIL IDENTIFICATION", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 685) returning House Bill No. 2209-86, HD2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO SUPPORT MAIN STREET TASK FORCE", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 686) returning House Bill No. 2428-86, HD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONDUCT A STUDY TO INVESTIGATE THE CREATION OF A TRANSPORTATION IMPROVEMENT DISTRICT", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 687) returning House Bill No. 2429-86, HD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION TO CONDUCT A STUDY TO INVESTIGATE THE CREATION OF A RIDESHARING AUTHORITY", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 688) returning House Bill No. 2430-86, HD1, 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", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 689) returning House Bill No. 2446-86, HD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE PRELIMINARY PLANNING AND DESIGN OF A STATEWIDE COMPUTERIZED JUVENILE JUSTICE INFORMATION SYSTEM", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 690) returning House Bill No. 2506-86, HD2, entitled: "A BILL FOR AN ACT RELATING TO DEVELOPMENTALLY DISABLED", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 691) returning House Bill No. 2536-86, HD1, 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 April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 692) returning House Bill No. 2574-86, HD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION 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", which passed Third Reading in the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 693) returning House Concurrent Resolution No. 46, requesting a program and management audit of state environmental programs, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 694) returning House Concurrent Resolution No. 116, HD1, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 695) returning House Concurrent Resolution No. 117, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 696) returning House Concurrent Resolution No. 129, HD1, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 697) returning House Concurrent Resolution No. 139, HD1, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 698) returning House Concurrent Resolution No. 164, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 699) returning House Concurrent Resolution No. 168, HD1, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 700) returning House Concurrent Resolution No. 190, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 701) returning House Concurrent Resolution No. 199, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 702) returning House Concurrent Resolution No. 202, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 703) returning House Concurrent Resolution No. 206, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 704) returning House Concurrent Resolution No. 208, HD1, which was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 705) informing the House that the amendments proposed by the House to Senate Concurrent Resolution No. 16, SD1, HD1, were agreed to by the Senate; and said Resolution, as amended, was adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 706) informing the House that the amendments proposed by the House to Senate Concurrent Resolution No. 36, SD1, HD1, were agreed to by the Senate; and said Resolution, as amended, was finally

adopted by the Senate on April 23, 1986, was placed on file.

A communication from the Senate (Sen. Com. No. 707) informing the House that the Senate has disagreed to the amendments proposed by the House to Senate Concurrent Resolution No. 41, (HD1).

By unanimous consent, S.C.R. No. 41 was placed on the Clerk's desk.

A communication from the Senate (Sen. Com. No. 708) transmitting Senate Concurrent Resolution No. 141 which was adopted by the Senate on April 22, 1986, was placed on file.

By unanimous consent, S.C.R. No. 141 was placed on the Clerk's desk.

At this time, the following introduction was made to the members of the House:

Representative Lardizabal, on behalf of Representatives Kiyabu, Shito, Kihano and Tajiri, introduced several ladies from the First Nationwide Savings and Loan Association as follows: Ms. Judy Sakai, manager of the Kapiolani branch; Ms. Rochelle Owings, manager of the Aiea and Pearl Ridge branch; and Ms. Charlotte Duhai, manager of the Kalihi branch.

#### ORDER OF THE DAY

#### DEFERRED RESOLUTIONS

The following Senate Concurrent Resolutions were disposed of as follows:

<u>S.C.R. Nos.</u>	<u>Referred to:</u>
7	Committee on Consumer Protection and Commerce
9	Committee on Corrections and Rehabilitation, then to the Committee on Finance
30	Committee on Corrections and Rehabilitation, then to the Committee on Finance
54	Committee on Ocean and Marine Resources
92	Jointly to the Committees on Housing and Water, Land Use Development and Hawaiian Affairs, then to the Committee on Finance
98	Committee on Transportation, then to the Committee on

- Finance
- 109 Committee on Transportation
- 117 Committee on Judiciary,  
then to the Committee on Finance
- 118 Committee on Judiciary,  
then to the Committee on Finance
- 123 Committee on Consumer  
Protection and Commerce, then to  
the Committee on Finance
- 133 Committee on Water, Land  
Use Development and Hawaiian  
Affairs
- 139 Committee on Judiciary,  
then to the Committee on Finance
- 154 Committee on Health
- 161 Committee on Water, Land  
Use Development and Hawaiian  
Affairs
- 164 Committee on Ocean and  
Marine Resources, 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 Final Reading on the basis of a modified consent calendar.

#### UNFINISHED BUSINESS

Conf. Com. Rep No. 64-86 on H.B. No. 1741-86, HD1, SD1, CD1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1741-86, HD1, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Souki.

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

"Mr. Speaker, much work and deliberation has gone into this supplemental appropriations bill.

"This budget reflects the current improvement in the State's income, while taking into consideration all conditions affecting government spending and community needs.

"When I stood before you last month in describing the House draft of this budget bill, there was a sense of uncertainty in our fiscal resources.

At that time, we identified changes in the economic environment that impacted our decisions. The Senate agreed with our approach to defer any decisions with respect to the Gramm-Rudman-Hollings sequestering provisions.

"As you know, Mr. Speaker, the Council of Revenues updated their general fund revenue estimates as required by law on March 14th. The estimate now stands at 6.3% for fiscal year '86 and 7.0% for fiscal year '87 -- up from their January estimates of 4.8% and 6.2%.

"The fluctuating estimates indicate how fragile our general fund resources are. As you can see, Mr. Speaker, estimated carryover balances from one year to the next can be quickly eaten up by one or two percent changes in estimated revenues. Carryover balances should not be the only indicator used when determining the fiscal health of the General Fund. We do need additional sources of revenue to maintain government services. We cannot afford to have special funds created for a singular purpose. The Legislature should retain its power to appropriate funds and reallocate resources where we deem necessary. By creating special funds, to a large extent, we will be giving up that prerogative.

"The council's new forecast has allowed for an opportunity to address some needs that we were unable to meet when the House draft of this bill was before us.

"To expand economic diversification, your Committee provided funding for tourism promotion, high technology development, film industry promotion, small business, and agriculture and energy development.

"Specifically, this budget provides:

- . an additional \$2 million for the Hawaii Visitors Bureau;
- . \$12 million in grants-in-aid to the counties for tourist facility development;
- . additional money for the Hawaii Capital Loan Program;
- . funding for film industry promotion; and
- . additional funds for high technology research and natural energy development.

"We also provided funds for the

development of a new film facility.

"For public education, we continued to build a strong foundation by giving funds for textbooks and repair and maintenance. We also provided money to expand services to special education students.

"Early identification of learning problems among our kindergarten children will continue with the addition of \$2.4 million dollars.

"I am assured that this funding will continue to strengthen the foundation of our education system.

"Excellence in higher education was the theme for funding of the University of Hawaii.

"This supplemental budget gives the university the needed administrative support to service students in meeting their educational requirements.

"It also provides for the expansion of a computer-based education system.

"Mr. Speaker, I believe that the funding to the University of Hawaii will contribute to the quality of our higher education system.

"Finally, Mr. Speaker, this budget addresses the major social concerns facing the State.

"Funds have been provided for additional child abuse and neglect services, and A.I.D.S. education and counseling.

"Our prison system will be greatly improved through:

- . additional money for salary increases for corrections officers;
- . additional mental health and medical services to inmates; and
- . construction of additional facilities to alleviate overcrowding.

"Mr. Speaker, I would like to thank your Finance committee and your committee chairmen for their input and the work they did in putting together this budget.

"I really would like to thank the members of the Finance committee for being very patient especially during conference -- not sleeping for 48 hours and only the chairman talking -- but I really appreciate their sup-

port. When I looked around and they were all sitting there, I knew that I had 100% support, and I thank them for that.

"But I would also like to thank my staff who have been working very hard and not sleeping in order to get this budget out.

"Mr. Speaker, House Bill No. 1741-86, HD1, SD1, CD1, marks a major departure from previous budgets. It meets the pressing needs for additional services while taking a major step toward ensuring our economic future.

"Mr. Speaker, I urge all the members of this House to vote in favor of this supplemental appropriations bill.

"Thank you."

"Representative Isbell then rose to speak in favor of this bill, with serious reservations, stating:

"Mr. Speaker, it is not possible for me to responsibly vote against the supplemental budget in its entirety. There are many needed and justified appropriations in this measure which I support. In fact, it is because of the overall thrust of this bill, it is responsible and defensible that when it strays from its own high standards, the error is all the more glaring.

"I am addressing the indefensible addition of 5 million dollars in this bill to activate the Workers' Compensation State Fund.

"The entire notion of a state fund passed without adequate review last year because it was tacked on to the worker's compensation reform measure. Knowing that the reform was critical, many of us swallowed hard and voted for the bill, regardless of our hesitation about the fund. Now, still without a clear idea or explicit examination of the concept, nature or consequences of this state fund, a major step is being taken, not because we agree with the expenditure, but rather it is again tacked on to a measure worthy of our support.

"Why is this happening? Because the state fund law and the 5 million dollar appropriation could not stand or pass on their own merits. Instead, like parasites, they live by feeding off of healthy legislation.

"Mr. Speaker, I served as a member of the House-Senate Interim Committee on this proposal. We hired

two consultants, Buchart and Milliman, to review the state fund law and its implementation.

"Mr. Buchart was to review and to make recommendations on how to improve the fund, to suggest what changes were needed in state laws to compare the experiences of other states with such funds and to flush out which version would best suit our needs and resources. Buchart made 6 recommendations to change present statutes the most important, in my estimation, being the need to exempt the state fund from the requirement of membership in the Hawaii Insurance Guaranty Association. The moment the state fund becomes activated by the infusion of money, the state becomes part of this Hawaii Insurance Guaranty Association; and just as a well-known thrift guaranty worked, the state fund is assessed and liable for the failure of any insurance company in the state.

"The same is true for the medical malpractice joint underwriting plan. Thus, according to Buchart, the state fund may be placed in financial jeopardy to the activities of those private insurance carriers carrying a very broad range of insurance coverages. Interestingly, Buchart states in his summary that the state fund remains financially viable at all levels of sensitivity analysis in direct contradiction to his own financial jeopardy statement. At no time did Milliman state that the state fund remain financially viable; but rather he does say that a state fund is a viable alternative. However, research also indicates that the state fund cannot sustain a long period of grossly inadequate rates or other prolonged adverse experience which would produce losses in excess of 35%.

"Milliman further states that the success of the state fund depends upon adequate rates, efficient and cost effective management and freedom of action.

"Buchart did report that there may be some degree of conflict with provisions of Act 296 or that such sections may be limiting on the board of directors in management and operations of the state fund.

"The first flaw inserted by Act 296 of last year places the state fund within the Department of Budget and Finance for administrative purposes. There is no way the state fund can be efficient and cost effective let alone have freedom of action if its in

the Budget and Finance Department.

"One of the things that is required under that administrative purpose is that the head of B&F shall represent the state fund in communication with the governor and legislature. All financial requirements for the state fund should go to the 'chopping block' of the B&F; all rules and regulations are subject to the approval of the Governor; all employees are subject to approval; all purchase of equipment, and so it goes.

"The most ridiculous provision in this scenerio is that the state fund employee shall be hired by the board, subject to the approval of B&F. The board appoints an administrator, when, after all the employees are hired by the board.

"I cannot imagine being an administrator of such a large, new bureaucracy and not being able to hire, promote, transfer, demote or fire employees. It is an untenable position in which to place any administrator. It is inflexible and I assure you, Mr. Speaker, it cannot work.

"Minnesota has the most recent state fund and it has been fairly successful. However, it has not been put in such a position as we have put this Hawaii state fund. It has complete flexibility, autonomy, and freedom of action. The state fund should not be obligated to accept high-risk employees and employers, but allowed to refer to an assigned risk market.

"Where is the mechanism for that? Hearings officers have great latitude in giving awards for pain and suffering. The same history will be a drain on the state fund just as other private carriers.

"Where is the mechanism for reinsurance? Are there any reinsurers around? If the state is to be the reinsurer, what is the contingency plan? How much will it cost?

"Milliman states that Hawaii may have to consider acting as reinsurer and charge a computed pure premium plus an appropriate risk and expense charge.

"At the conference of state funds in Baltimore, Mr. Speaker, the message came through loud and clear. A state fund must be set up to run without government interference. Unless we can resolve these fundamental issues about workers' comp. laws and fiscal integrity, the secondary concerns are

meaningless.

"As I said at the beginning, I will be voting in favor of this bill. I cannot do otherwise because of the essential expenditures it authorizes in other areas of critical concern to the people of this State. However, the Governor has the option and the authority to vote 'no' on individual elements of this supplemental budget through a line item veto, and I and others will be urging him to exercise this prerogative. Otherwise, each of the steps which we are taking on the state fund may best be compared to 'losing the side in the battle of Nuuanu, ever backward, ever steeper, and finally, a plunge over the Pali'; and there is no workers' comp. for dead lawyers.

"Thank you very much, Mr. Speaker."

Representative Jones rose to speak in opposition to H.B. No. 1741-86, HD1, SD1, CD1, stating:

"Last night I lost a lot of sleep because I've never voted against the budget because I think we have a lot of very good things in our budget, and I want to compliment a lot of the committee chairmen for their hard work.

"But two nightmares kept coming back to me last night in my sleep, and those two nightmares were titled, 'Thrift Guaranty' and the 'Patient Compensation Fund.' And I think, Mr. Speaker, we today in passing this small budget of 13 million dollars compared to 1.5 billion which is already in place, the same time commit ourselves and our state to a taxpayers' nightmare. It is going to cost the taxpayers of the state of Hawaii millions of more dollars.

"No vital program of the state will be irreparably harmed if this additional \$13½ million is not appropriated. Because of the inclusion at the insistence of the Senate of \$5.2 million, general funds will be wasted in one year on the Workers' Compensation State Fund, this bill should not pass.

"Section 5 on page 110 of the bill which makes the so-called 'special appropriation', is a fatal flaw. I've got several reservations in questions on this appropriation as well as the state fund itself.

"First of all, is this an outright grant or is it a loan? We've been told that it is an outright appropriation. I'm not sure.

"Secondly, is this the total cost of the fund or will the Legislature have to appropriate millions more in the future. We have heard, some of us, of at least another \$5 million will be required almost immediately or even \$10 million more to provide for operational expenses and a reserve for any unexpected claims. I sincerely doubt it.

"Remember what happened with the state with Thrift Guaranty?

"Third, is this action to create this really a smokescreen or a diversion so that we in the Legislature will not look at the real problems, -- the workmens' compensation law itself.

"Fourth, what is the advantage of a state fund? The consultants have recommended that the state fund charge the same rates as those set by insurance commissioner for the insurance companies with the possibility of a rebate at the end of the year. This is exactly what most insurance companies are doing presently.

"Fifth, if the state fund is such a good idea, why has there been only one state fund established since the 1930's?

"The solution to these issues are legislative and judicial in nature and must be solved in those environments.

"Sixth, none of the states with a state fund have the same workmens' compensation law with its presumption clause as Hawaii does. Nor do their courts give their laws the same liberal interpretations as ours does.

"Seventh, Mr. Speaker, if it is the fault of the insurance companies that our workmens' compensation costs are so high, why are those businesses that are self-insured, including the state and counties, experiencing the same or higher cost?

"Eighth, Mr. Speaker, the Interim Committee has recommended delaying the state fund implementation until further study. The members have found serious flaws in the law enacted last year. These at least should be dealt with before any appropriation to implement the fund is made.

"Mr. Speaker, these concerns and questions are merely the tip of the iceberg. I can go on and on but I think you and the members here receive my message by now. At least I hope we have.

"Mr. Speaker, in addition to the

demerits, disadvantages and outright dangers of the Workers' Compensation State Fund, the manner in which the fund was inserted into this bill constitutes, for myself, a philosophical flaw. If we were to accept this bill with this state fund attached, like a blood sucking leech, we would be yielding to the legislative and financial blackmail of the Senate, all in the name of protecting only 13.5 million dollars in supplemental appropriations, including incidentally, 3 million dollars in general funds for the pell-mell implementations of the unplanned Ocean Awareness Center.

"Finally, Mr. Speaker, there are members of both Houses who have expressed a reluctant willingness to swallow the inclusion of the state fund because they hope the Governor will item veto this section; but I think this could be worse than a 'shibai,' Mr. Speaker. This could be a shirking of our legislative responsibilities. It is our duty as legislators to write good laws. We should not, we must not, demean ourselves in the otherwise meritorious supplemental appropriations by appending the Workmen Compensation State Fund to this bill.

"In the hope that the Governor will do our job for us by striking out this offensive action, our duty is to reject the Senate's blackmail and to reject this fatally flawed bill.

"Thank you, Mr. Speaker."

Representative Kamali'i then rose to speak in favor of this bill, with reservations, stating:

"Mr. Speaker, this supplemental budget deserves our support. As a member of the Finance Committee, I would like to compliment the Finance Committee chairman, Ken Kiyabu, and my colleagues on the committee, for what I believe is a strong and clear statement of both fiscal restraint and sound public policy.

"Several areas of this budget and other spending measures have been subjected to closer-than-usual legislative and public scrutiny. In particular, both the Judiciary budget and the court-ordered improvements in our corrections system have generated controversy.

"However, the appropriations in these areas were only approved after intensive review and public comment.

"I cannot say the same for either the \$5 million appropriated to the

Workers Comp. State Fund or the millions of dollars inserted in this budget for the Ocean Awareness Center.

"I share the objections to the workers comp. fund which was voiced in detail by my colleague, Virginia Isbell.

"But I believe that the money appropriated in this bill for the Ocean Awareness Center is a direct contravention of the will of this Body.

"Not only are we authorizing a total of \$13 million dollars for this project, by proviso, we are also indicating that this center is to be situated at Makapu'u in conjunction with Sea Life Park.

"Was there intensive public review of this determination? Were there studies and expert consideration on either the center or this site?

"No.

"Mr. Speaker, last Friday this House approved H.R. No. 317. This resolution requests the State Policy Committee of DPED to study and report to this House on those very issues which we are prematurely deciding in this budget:

. is it even feasible to include major ocean exhibits and displays in the actual marine environment?

. what are the potential sites for this center and how should it be selected?

. should the state purchase the sub-lease of Sea Life Park and locate at that site?

. should the ocean center be a part of an 'umbrella' concept and incorporate specific future uses of the Waikiki Aquarium?

"How can we appropriate this money and indicate Makapu'u without the answers to these questions. I don't think we can; and we shouldn't.

"The same care and restraint which forged this supplemental budget should have been applied to the Ocean Awareness Center.

"Instead, we are getting in 'over our heads,' unaware of all the possible problems, and definitely, Mr. Speaker, 'off center.'

"Thank you."

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

"Mr. Speaker, I can't recall a time when one item in a budget was so overwhelmingly bad that it, in itself, would prompt me to vote against the entire bill. But the funding of \$5.2 million dollars for the State Workers' Compensation Fund certainly meets that criteria.

"I realize that the Finance Committee did the best they could and that the Senate is really responsible for the inclusion of this item in the bill. So my remarks are not a criticism of the committee's efforts.

"However, Mr. Speaker, this item, which is not a loan but an outright grant of \$5.2 million dollars to start a State Workers' Compensation Fund is an outright slap in the face to the taxpayers of this state.

"Mr. Speaker, we have conducted numerous studies on the problem of workers compensation and none of them have recommended that a state fund be established except for one whose credentials I question. The most recent of these, conducted by Buchar and the firm of Milliman and Roberts, included an actuarial model based on certain assumptions which concluded that a state fund can be viable only if:

- 1) premiums are adequately or nearly adequate, and
- 2) management of the fund is efficient and cost effective, and
- 3) that management of the fund has the ability to refuse grossly unprofitable business.

"In the words of the actuary, 'adequate rates and effective management are absolute requirements if these projections of the future results are to be realized.' In other words, Mr. Speaker, these are big if's and they certainly do not warrant the State, through this Legislature, expending \$5.2 million dollars for this purpose. The problem of the high cost of workers' compensation is not something that the taxpayers have brought upon themselves. Why, then, should they pay to set up a state fund -- especially when even under the most ideal of circumstances, this fund will not reduce costs by more than 10%.

"Mr. Speaker, the consultants also added the following caveat: 'We wish to emphasize that the Legislature

should consider this as only one step in the solution of Hawaii's workers' compensation problems. While the state compensation insurance fund can significantly improve the competitive environment, it cannot eliminate those high costs of the system which are due to the liberal provisions and interpretations of the benefit structure. The solutions to those issues are legislative and judicial in nature and must be solved in those environments.'

"Under these circumstances, Mr. Speaker, and in spite of the many other good things included in this measure, I find that I cannot in good conscience vote for this bill.

"Thank you."

Representative Hemmings then rose and stated:

"I'm voting 'no' on the budget. I'd like to, as a matter of point, remind everybody that we do already have a budget in existence. I, too, wish to commend the members and chairman of the Finance Committee for their work. Our existing budget does adequately address the needs of education, social services, transportation and other government operations.

"We spend billions of dollars of taxpayers' money and the vast majority of it is well spent. Unfortunately, some of it, or too much of it, is not well spent and that's what I'm speaking against.

"If we voted 'no' on this supplemental budget, the existing budget would be more than adequate to address the needs of the state.

"A state workers' compensation fund will be no better than the laws that administer it. The state's record of managing funds is questionable in view of recent happenings with Thrift Guaranty and the Patient's Compensation Fund. The state fund, as proposed, is supposed to improve the environment and competition in the insurance industry -- to hopefully drive the rates down. I find it ironic that businesses, both small and large, are all against the state fund.

"Secondly, this supplemental budget adds tremendous amounts of money to the existing budget for an Ocean Awareness Center which eventually could spend 50 million or more dollars of taxpayers' money. I have numerous comments about that, and I would like to summarize them with some positive alternatives.

"I think the Governor has an excellent idea; the Hawaiian Islands are in a perfect position to be at the epicenter of ocean awareness and commerce. And ocean awareness and commerce can be obtained by government clearing the way for the private sector development.

"Here are a few proposals for positive alternatives than the continued expenditure of money by the State for an Ocean Awareness Center:

"We could, as an alternative, legislate the creation of a port authority that will develop our maritime industry. We are spending money to promote harbors and maritime industry business here in Hawaii, but we have no business to supply them. We have no business to do -- boats come into our harbor there's nothing to do -- with a port authority we could have dry dock capabilities, and we could further expand marine services to the marine industry that ply in the Pacific Ocean.

"'Ocean awareness commerce' -- enterprise zones where the state government creates favorable leases and taxes for business development -- could become a reality instead of spending money trying to attain the same goal.

"Emphasis in research and ocean science development at the University of Hawaii is a possibility that could be expanded upon.

"We are already experiencing positive economic effects of astronomy development because of the Mauna Kea telescope. The same could be applied to ocean and marine sciences. The University of Hawaii should have the world's leading marine science program, not Scripps Institute, San Diego.

"The concept of increased ocean awareness and commerce is great; a \$50 million dollar government ocean awareness center is not the way to make it happen.

"Let's work together to implement positive private sector initiative to have Hawaii obtain its rightful place as a leader in the area of the Pacific.

"Mr. Speaker and colleagues, if we voted 'no' on this budget, the state would continue to be well funded in the activities that need to be done, and we would eliminate the Workers Compensation Fund allocation and also have the ability to let the private sector develop an ocean awareness

capability and business in this state.

"Therefore, I am voting 'no' and urging my colleagues to consider doing so."

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

"Mr. Speaker, in my tenure here, I have never voted on a measure whether it was a biennium or supplemental budget, 'with reservation.'

"However, I feel very compelled because of the very serious reservations I have in reference to the \$5.2 million that was inserted into the budget for the Workers' Comp. State Fund.

"Because I was a member of the Interim Committee in addressing this issue, I feel that there is much work to be done before a state fund can be incorporated.

"Secondly, as the chairman of your Committee on Consumer Protection, I had the unfortunate pleasure of repealing the Patient Compensation Fund and also your Thrift Guaranty Fund.

"Certainly this has taught me that before we plunge into anything further, careful consideration should be given before implementing anything run by the State in the future.

"It is with this reservation, Mr. Speaker, that I'll be voting for the measure with reservation."

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

"Mr. Speaker, last Friday night I endorsed the budget before the Conference Committee, but I did so 'with reservations.' And I think, as you noticed the committee report, I signed it with a 'W.R.' and in my sixteen years in the legislature, I don't believe that I've signed any report with a 'W.R.' particularly, Mr. Speaker, concerning the proposed funding of a State Fund Workers' Compensation Insurance, by way of a \$5 million dollar tacked in by the Senate in this budget.

"Mr. Speaker, the proposed \$5 million dollar workmen compensation insurance package, as placed into the budget by the Senate, has yet to be fully discussed by both Houses of this Legislature. The final implications of this \$5 million dollars cannot

have been fully assessed if there has yet to be complete discussion, for the State's financial obligations may ultimately prove to be far greater than the proposed \$5 million dollars as allotted in this budget.

"The study we received in the early months of this session has not been fully discussed by this House, and whether we should accept, in concept, the idea of a state-run workmen's compensation program. The study could not actually depict the full or potential impact of a state run insurance company, plus, the laws of this State, if not amended, will not justify a state fund idea as written in this study.

"Mr. Speaker, forcing any Representative in this House to vote on the \$5 million dollar appropriation that has yet to be fully accepted in the Legislature, much less remains unsanctioned in the Legislature, works only to the detriment of a state funded workmen's compensation fund. There is as yet no administrative body procedure, nor thoroughly understood guidelines by which this proposed \$5 million fund can be administered by the State. This in itself might be 'closing the gate after the horse has escaped.'

"We are prepared to allocate the money, then what? Are we selling the market before the product is available? Please understand, the workmen's compensation bill is not without merit; it has many good and worthwhile aspects, but it seems to me that the state is entering into the insurance business without understanding its price.

"We, as a legislative body, if we proceed along this path, we will be accepting responsibility without an understanding of its potential reality and that, my fellow legislators, can ultimately prove not only a disservice to our constituents, but an immediate shirking of our sworn responsibility of assessing the full implications of a measure before again reaching into their pockets. It is little short of abusing both our duty and our privilege as representatives.

"Mr. Speaker, I was privileged to serve on the Conference Committee and in the Finance Committee, and I must congratulate the chairman of our Finance Committee for the hard work done both in the Finance Committee and the Conference Committee. I realize that the state fund was a method of negotiating other measures in the budget with the Senate, and it

was a difficult position for the chairman of Finance to take; and I'm not putting this responsibility or forcing this responsibility as far as the state fund is concerned on the chairman.

"Therefore, Mr. Speaker, I must vote on this supplemental budget 'with reservations.'"

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

"Mr. Speaker and members of the House: I believe this budget here is a well earned document for the members of this House. It includes programs for the aged; for the young; for the schools; thirty-one million dollars for repair and maintenance to improve our school system; and provide millions of dollars for higher education and the community college system. It's a document that we can take home and be very proud of.

"In relation to the Workmen's Compensation Fund, for those of you who have misgivings against it, you must remember that we have a problem with workmen's compensation fund that the private insurance firms cannot resolve. Up to this point in time they have provided no relief to those companies that need workers' compensation fund.

"The state is looked upon as an alternative and why should not the state be an alternative if it can be a catalyst in lowering the insurance costs and premiums. If we continue the way we are and if the insurance companies make no reforms themselves, we'll find many companies put out of business -- U-Drive companies, charter companies, small businesses -- all being put out of business because of the unavailability of workers' compensation funds and the high cost of workers' compensation funds.

"So, therefore, members of the House, look upon this as an alternative and in the area of no administrative regulations, after this measure is passed, it becomes the responsibility of Budget and Finance to develop some administrative regulations which have to be publicly heard before it can be improved. This law will not take effect until January 1st of 1987, the new session will be upon us, and if need be, we can make the necessary amendments. There will be enough time between now and then to do further study, to provide for input in the administrative regulations and so it's not a question that it was

put 'right down your throat.'

"My good members, I urge you to vote for this bill and I vote with 'no reservations.'

"Thank you very much."

Representative Anderson rose to speak against the bill, stating:

"To hurry this along, though, I would like to have Representatives Isbell Ikeda, Kamali'i and Jones's statements inserted into the Journal as my own," and the Chair, noting that there were no objections, "so ordered."

Representative Anderson then added these comments:

"The workers' compensation is our responsibility. Where we have it today is because of laws that we've made on the interpretations of the Judiciary.

"If we are to go ahead and accept a state fund, then we have to accept the laws of that particular fund -- that if its from Minnesota, California or wherever -- and if it's working and it is good, you have to go ahead and accept all of those laws; and that's the only way that I can have an open mind of going and accepting a state fund.

"Listening to what those people said last year, it could cost our people 40 million dollars, not just 5 or 10 (million) and that's just to start us off; and if we don't accelerate fast enough, it could be upwards to that amount.

"Over and above that, Mr. Speaker, the Awareness Center is another one of my problems. We are going to put millions of dollars on something we don't even have a site for and yet we won't give private industry a convention center because the argument was, 'there's no site picked.' I think that we're doing a foolish thing there and that's another reason for me voting against this bill.

"Over and above that, Mr. Speaker, back in August, the Governor of this state said we're going to have a shortfall. He restricted funds to almost every department -- the University, the Department of Education, the Department of Health. I'm not sure if all of those funds were put back for every program.

"When we were in Finance, we had a hard time; we had to pull it out to

find out if certain programs were going to be hurt, and I'm not sure if those funds are back in every one of those programs, and if, in fact, they are not being hurt.

"Mr. Speaker, I think that when the Department of Taxation can tell us that we have 70 million dollars over and above last year, then, I believe that the Governor went ahead of himself by restricting it. That was our responsibility. His department heads gave them what they thought was a fair budget. If he disagreed with some of it, I can understand that. But to restrict all of it, take that away from us, so we have to have a difficult time trying to find out if there is or is not enough dollars, I believe is wrong.

"For that reason, Mr. Speaker, I would hope the members on your side of the aisle and also mine would reconsider their vote and vote 'no' for this budget; and if we are going to come back in special session, at that time we can take it up again.

"Thank you very much."

Representative Lindsey rose to speak in support of the bill, stating:

"I simply like to take this opportunity to thank Representative Kiyabu and the members of Finance for their fair and full consideration of the Education budget and as Representative Kiyabu has taken time to thank the members of his committee as well as the members of his staff for their help and support, I'd like to take this opportunity to thank our folks across the way in the Senate for the way the Education budget was treated and processed. I'd like to take this opportunity to thank the members of our House Education Committee for their full and total support as well as the folks in my office who worked so hard in this session in processing the education portion of the budget.

"Thank you, Mr. Speaker."

Representative Takamine then rose and requested that his prepared remarks, in support of the measure, be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered."

The following are the remarks of Representative Takamine, in support of the bill:

"Mr. Speaker, H.B. No. 1741-86, HD1, SD1, CD1, represents a culmination of the efforts and hard work

of many people. I would like to thank not only the Finance chairman for his untiring efforts, but the hard work of all members of your Finance Committee. Your subject matter committee chairmen, as well as their members, need to be recognized for their contributions in developing the supplemental budget; and, of course, the staff members who played an integral role in making sure the bill was put together properly.

"Mr. Speaker, one aspect of the supplemental budget that has generated much discussion is the appropriation to fund a non-profit state fund for workers' compensation. As you are aware, Mr. Speaker, the non-profit state fund was created last year when the Governor signed into law Act 296. What Act 296 left undone was the funding of the non-profit state fund that was to be appropriated only after further study showed that the non-profit state fund concept would work here, in Hawaii. To accomplish this, Act 296 created an interim committee which has worked with a consultant and an actuarial firm to get the necessary data gathering and actuarial analysis done.

"Mr. Speaker, though there were skeptics who doubted whether Act 296 would accomplish anything to place a check on the skyrocketing costs of workers' compensation, it has already achieved much in the past 10 months since its effective date. The insurance industry had testified repeatedly about the need to increase premiums by more than 39% during the 1985 session. After Act 296 became effective, the insurance industry submitted an application for a 17.9% increase in workers' compensation premiums. In light of the changes implemented by Act 296, the insurance commissioner saw justification for only a 5.8% increase. The insurance industry though reluctant, took the position that they would be willing to live with this increase. Mr. Speaker, this sequence of events suggests to me that there is either a question regarding the credibility of the original 39% increase which was supposed to be absolutely necessary, or Act 296 is a tremendous achievement in what it has accomplished. I would add, Mr. Speaker, that even the 5.8% increase is presently being challenged as not justified in light of evidence showing insurance profits during a time that they were presumably taking a smashing.

"Mr. Speaker, your Interim Committee contracted with a consultant and with an actuarial firm to provide the

necessary data gathering and analysis to determine whether the non-profit state fund concept would work in Hawaii. An actuarial model was developed and specific information including insurance experience in Hawaii was fed into the model. Based on the actuarial assumptions made and the information provided from Hawaii, the actuary reported as follows:

"Based upon the results of our study, we believe that a state compensation insurance fund is a very viable alternative for the employers of the state of Hawaii. In addition, we show that the initial surplus loans can be repaid with interest over a twenty-year period without impairing the solidity of the fund."

"Mr. Speaker, the \$5 million appropriation included in the supplemental budget is a consequence of the further studies that were done.

"Mr. Speaker, of the 19 states that presently have non-profit state funds for workers' compensation, only Minnesota's was created recently. Minnesota started its non-profit state fund approximately 2 years ago, and its administrator came to Hawaii and spoke on how well the fund was working during our 1986 session. Andy Meuwissen reported that the Minnesota fund had done so well in its first 1½ years that it was to begin paying back the original 5.8 million dollar loan beginning this year. He explained how lower administrative costs and the non-profit nature of the fund would reduce premiums from 10% to 15% no matter what the benefit structure nor what the law was.

"Mr. Speaker, this is a further savings that would benefit the business community, especially the small businesses. Mr. Speaker, H.B. No. 2549, HD2, SD2, CD1, would allow businesses to form self-insurance groups, and by pooling their resources, allow for a reduction in workers' compensation costs. The non-profit state fund would provide an additional option, and hopefully additional relief, for those small businesses, who for whatever reason, may be unable to take advantage of the self-insured groups."

Representative Cavasso rose to speak against the bill, stating:

"Mr. Speaker, there are three ways in which a man can wear hair -- part it, unpart it and depart it.

"There are three ways, Mr. Speaker, to look at this bill. Part it

if you got reservations and can still accept it; unpart it if you like the whole thing; and depart it if you got three good reasons to be against it.

"I am against this bill for three good reasons: First, to my utter amazement, I find \$10.5 million in this budget earmarked for design and construction of a combined Hawaiian Ocean Awareness Center at Sea Life Park at Makapuu in Waimanalo. Mr. Speaker, while my constituents and I appreciate the thoughtfulness of the Senate and the budget conferees for designating the \$10.5 million to my district, they forgot to ask us if we wanted the center. We may, but I spoke to some people this morning in my community and as I had spoken to the chairman of this particular committee earlier on in the session, and had the indication that Makapuu was not going to be considered, in discussion, my community said comments such as, 'no consideration for Waimanalo people, no participation, that's the scary thing, man, not that we're against it, what's the problem with the hearing process?'

"No plans or details have been presented or discussed. There have been no attempts to explain the details or even the idea of such a center to the people in my district.

"The idea for appropriating funds for a center without a plan anywhere, including my district, is premature. The whole concept should be studied more thoroughly, which is why, Mr. Speaker, I supported the adoption of two resolutions last Friday to request the State Policy Planning committee to study the feasibility of expanding the Hawaiian ocean center concept.

"Until such study is completed and discussions are held, I cannot support this appropriation for my backyard.

"The second reason for voting against this bill, Mr. Speaker, is that I strongly object to the \$5.2 million appropriation for the Hawaii Workers' Compensation Fund.

"Again, this matter has not been fully explored and discussed in this House. The establishment of a state fund surfaced at the last possible minute, halfway through the eleventh hour before midnight last year and was not heard or discussed by the EOL or CPC committee members despite numerous reservations and objections, including my own, it was enacted into law and since then the Interim Committee appointed to imple-

ment the state fund discovered 'uku' flaws in the law and the state fund concept which resulted in our House position against it.

"Since the enactment of the state fund, no member of the business community nor business organization has come out and supported the fund. Quite the opposite, Mr. Speaker, even though they are not great champions of the insurance company, the business community, almost to a man, has opposed the state fund.

"Mr. Speaker, I therefore oppose any appropriation for the state fund.

"My third and last reason for voting against this appropriation bill, Mr. Speaker, is the \$103,000 appropriation for the LIFE Foundation of Hawaii for A.I.D.S. counseling and education.

"I support and have voted for funding of information on A.I.D.S. specifically providing that a public health educator be used to coordinate A.I.D.S. in our educational services to the high risk groups, the general public and the mass media, while supporting to the utmost, efforts to combat this tragic and deadly disease. I do have concerns relating to the advocacy of the LIFE Foundation itself. I welcome and commend the individual efforts by all persons dedicated to caring for the sick and for fighting the spread of A.I.D.S. However, I question the wisdom of giving this appropriation to one organization. Should we not have gone through the regular process for the purchase of services now being utilized by the Department of Health with its checks and balances?

"I will continue to support other funding, with accountability, to the Legislature and the citizens.

"Mr. Speaker, for these three reasons, I recommend we 'depart' this bill somewhere else."

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

"This is the first time in eight years since I've been elected that I have ever spoken about the budget bill, and I wish to do so without any qualifications.

"There have been much debate over several items in this measure. I fully support this budget bill because I believe that the item in the budget relating to the state fund, I believe,

carries out the intent of H.B. No. 463 which we passed in 1985, now Act 296.

"I wish to rise to state that I have no reservations and to make that clear in terms of this budget.

"Thank you, Mr. Speaker."

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

"Many of the speakers have already mentioned their reservations regarding the State Fund, and they have expressed them quite eloquently so I won't cover that area, but I do think it is an inappropriate use of public funds and our past experiences have been so poor that I feel that this expenditure is irresponsible.

"I hate to see the state go into direct competition with the private sector in this regard.

"Perhaps one of the more significant features of H.B. No. 1741-86 is that it incorporates an additional 5½ million dollars for the Governor's Ocean Awareness Center or a 'fish zoo' as one of our wags put forth.

"This project has not been proven to be feasible or even needed no matter where the site. Without benefit of enabling legislation, this project was borne in the 1985 budget with only an indication that the primary site would be the Waikiki Aquarium. To grant the Ocean Center an appropriation and not provide start-up money for a convention center, cannot sit well with the tourist industry and our business community.

"Everyone is in agreement that a convention center is needed and would serve as a strong 'underpinning' to our economy -- our major industry -- and yet the budget does not indicate any commitment on the part of the State.

"Of the two projects, the convention center would do far more to enhance our economy.

"I will vote against this bill because we have failed in our responsibility to expand our citizen's hard-earned dollars judiciously and with an eye to improving their future -- improving the business climate of the state -- an improved climate that is so necessary if Hawaii's people are to benefit in terms of jobs and opportunity.

"Thank you."

Representative Liu then rose to

speak in favor of the bill, with reservations, stating:

"Mr. Speaker, I rise to speak for the bill, with some reservations which have already been discussed by Republicans here and by many Democrats, and although I do have reservations, I am going to speak about the portion of the bill that I am very much in favor of.

"It kinds of remind me of a story that my uncle told me just a few days ago. He said, 'Mike, you know, when I was a young kid, in the old days when you didn't do well in school, they would tell you; but today they talk about diet, too much T.V., kids not eating right, bad self image.'

"He said, 'Mike, when I used to go to school, and I did lousy, I tell you what the teacher did: The teacher called my father and just said, 'You know, Mr. Liu, there is nothing wrong with your son that a new brain wouldn't change.'

"And he said, 'you know, I got so bad report cards -- I would get something like 4 F's and 1 D -- and I would take that report card home and again my dad, who was full of wisdom, would really stare at it, take his time to think about what he would say to me and gave me this bit of wisdom' that, 'you know, I can see the problem right now. You've got 4 F's and 1 D, you've just been concentrating too much on one subject.'

"Anyway, I'm not really all too sure what that has to do with what I'm going to say at this point except that at the risk of concentrating on too much on this bill, I do want to talk about the one portion of the bill that I do favor, and that has to do with the DCCA 106 where we are appropriating, under this bill, \$80,000 in order to hire our own actuary to assist the insurance commissioner in performing his duties.

"Mr. Speaker, I'm happy to see this appropriation because the position, I believe, will confirm that that person who gets that position, will confirm through their work, that today, what is happening in the insurance casualty lines is not a problem with the insurance industry itself. I have great problems with the insurance industry; I think this is one area where they have fallen this past session in not providing us the actuarial help that we needed to deal with many of the issues before us. But by the same token, I feel, the actuary which we will be hiring with

this money, will answer those who have used their own methods in trying to obfuscate that the liability insurance crises that we are dealing with today is not an insurance crisis. In fact, it is only a symptom of a cause which, when found, I think will point us in the right direction and that direction will be to focus on how we today, define risk and fault. This area has too long been left in the exclusive hands and tongues, should I say, of plaintiffs and defense lawyers, and the legal framework in tort has been too insulated for too long from implications of its decisions.

"The actuary which will be hired by this money, I feel, will assist those who are unclear as to whether or not we are facing liability insurance crisis or a crisis on how the laws, in tort, have developed over time.

"Mr. Speaker, for that reason I will be supporting 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. 1741-86, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT MAKING APPROPRIATIONS FOR THE FISCAL BIENNIUM JULY 1, 1985 TO JUNE 30, 1987", having been read throughout, passed Final Reading by a vote of 45 ayes to 6 noes with Representatives Anderson, Ikeda, Hemmings, Jones, Marumoto and Cavasso voting "no."

The Chair directed the Clerk to note that H.B. No. 1741-86 had passed Final Reading at 2:10 o'clock p.m.

At 2:10 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 2:31 o'clock p.m.

Conf. Com. Rep. No. 24-86 on H.B. No. 2221-86, HD2, SD2, CD1:

On motion by Representative Tom, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 2221-86, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO CHILD PROTECTIVE ACT", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 35-86 on H.B. No. 381, HD1, SD1, CD1:

On motion by Representative Tom,

seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 381, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO JURORS' COMPENSATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 2221-86 and 381 had passed Final Reading at 2:32 o'clock p.m.

Conf. Com. Rep. No. 58-86 on H.B. No. 1990-86, HD2, SD2, CD1:

Representative Tom moved that the report of the Committee be adopted and H.B. No. 1990-86, HD2, SD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

Representative Taniguchi then rose and stated:

"Mr. Speaker, notwithstanding your ruling regarding 'conflict' on my voting on this measure on past drafts of this, I would like to again be excused from voting."

The Chair then stated:

"Representative Taniguchi, the rules are very clear with respect to your voting on this matter; you are not 'in conflict' so you will be called upon to vote."

Representative Hagino then rose and stated:

"Mr. Speaker, to make the same statement that I had made on previous drafts, just for the record anyhow, one of the claims which was settled in this bill was done by a member of my law firm, and I also request that I be excused from voting."

The Chair stated:

"The same answer is given to you, Representative Hagino; you are not 'in conflict.'"

The motion was put by the Chair and carried, and the report of the Committee was adopted, and H.B. No. 1990-86, HD2, SD2, CD1, 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 Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 1990-86 had

passed Final Reading at 2:35 o'clock p.m.

Conf. Com. Rep. No. 62-86 on H.B. No. 2549-86, HD2, SD2, CD1:

Representative Tungpalan moved that the report of the Committee be adopted and H.B. No. 2549-86, HD2, SD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

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

"Mr. Speaker, last month consumer advocate, Ralph Nader, encouraged our Legislature to enact legislation which would provide for group self insurance. Today, we have before us, H.B. No. 2549-86 which will allow for the formation of workers' compensation self-insurance groups in our state.

"It is estimated that this measure may cut the cost in providing workers' compensation by as much as 60%. That's right, folks, 60%.

"As such, I'd like to urge all the member to vote for 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. 2549-86, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO WORKERS' COMPENSATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2549-86 had passed Final Reading at 2:36 o'clock p.m.

Conf. Com. Rep. No. 65-86 on H.B. No. 1961-86, HD2, SD2, CD1:

Representative Kiyabu moved that the report of the Committee be adopted and H.B. No. 1961-86, HD2, SD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Tom.

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

"Mr. Speaker, the Judiciary supplemental appropriations bill before you is the result of your committee's thorough examination of the requests submitted by the Judiciary.

"This bill contains amendments made to Act 169, the Judiciary Appropria-

tions Act of 1985. It includes adjustments for personnel costs and additional funds for increase in services to children.

"Mr. Speaker, like the supplemental appropriations bill for the Executive branch, this bill also contains added funds for purchases of service programs. Funds have been added for counseling services for abusers and victims of violence and mediation services.

"Adjustments were also made to provide for those supportive services which the Department of Accounting and General Services has transferred to the Judiciary.

"Mr. Speaker, as chairman of your Committee on Finance, I am happy to report that the controversy which occurred earlier during this session regarding the Judiciary budget has been cleared.

"We are in full trust that the Chief Justice will make the necessary administrative changes, not only to implement the recommendations of the citizens' panel, but to develop an effective and efficient judiciary system for our state.

"Therefore, Mr. Speaker, I urge every member of this House to vote in favor of this measure."

Representative Tom then rose and stated:

"Mr. Speaker, I want to thank Chairman Kiyabu and the House Finance Committee for the hard work and consideration they put into the judicial supplemental budget.

"Just as importantly, I want to thank my members; I want to thank my House Judiciary members for everything they have done. You know, even with the budget, the members worked very hard, and I could not have asked for fourteen more hardworking and concerned members who served and worked together with me throughout our numerous and sometimes heated committee discussions on the budget.

"To each House Judiciary Committee members, thanks for putting up with me and thank you for your support, your input and trust in me. Together, you know, we faced many controversial and complex issues, including the budget. And together we were still able to overlook individual differences and make tough decisions; and that is what made each of you

very special and the committee very special.

"I especially want to take this opportunity, Mr. Speaker, if I may, to thank Representative Metcalf, because together, we tried reading all the numbers and it was really difficult, but we did it. He's my vice chairman and in addition to his many duties, assignments and responsibilities as a House member, he served as my 'eyes'; he served as my confidante; and he served as my friend. He always made sure that I was okay. You know, it's not easy being a vice chairman, especially being a vice chairman under a first-time chairman and under a first-time blind chairman. I couldn't have asked for a more sensitive, understanding, knowledgeable and, oh yes, good-looking and personable individual.

"Mr. Speaker, I want to thank you. I want to thank you for having given me this opportunity to chair a committee when most of the members were all seniority to me. I was scared and these were tough issues; and I want to thank you and leadership and Representative Kawakami for a lot. So to you, Mr. Speaker, and to everyone whose lives have touched my life, thank you and mahalo."

Representative Blair then rose and stated:

"Mr. Speaker, I spoke somewhat at length on this bill during the caucus, and I won't repeat what I said there except to say that I'm disappointed that, notwithstanding that the Chief Justice acknowledges that certain funds were not needed and was not going to expend those funds, that the Finance Committee chose not to delete those items from the budget; notwithstanding that, I would like the record to reflect my appreciation that the chairman of the Judiciary Committee did make the effort, on behalf of the Judiciary Committee, to have those funds deleted from the supplemental budget. I only wish that that had been done.

"If I left that out, Mr. Speaker, I am speaking against the bill.

"Thank you."

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

"Mr. Speaker, I have some long, drawn out, flaming, rhetorical remarks that I would like to have inserted into the Journal and if I may, just to summarize it."

The Chair directed Representative Hemmings to proceed.

Representative Hemmings stated:

"On a positive note, this supplemental budget does add money to the Judiciary to meet legitimate needs such as providing services to children, counseling and certain maintenance services.

"Abusive spending that was allocated in last year's budget, and deemed inappropriate by the citizens' panel, could have been eliminated at the same time that these necessary services were added.

"The bottom line is that by voting for this budget, we're not demanding from the Judicial branch of the government, financial responsibility.

"Recent cosmetic changes aside, there have been no substantial changes in the administration of the Judiciary. We are legislators, we are not judges, we are not administrators. Our major means of correcting financial abuse in the judiciary is through the budget process. This budget fails to make those corrections.

"I urge you all to take a stand for meaningful, judicial reform, for financial integrity and for meaningful change by exercising our legislative duty in voting 'no' on this budget.

"Thank you Mr. Speaker."

The additional remarks of Representative Hemmings on H.B. No. 1961-86, HD2, SD2, CD1 are as follows:

"Mr. Speaker, I rise to speak against H.B. No. 1961-86, HD2, SD2, CD1, the supplemental budget for the State Judiciary.

"On the positive side, it is pleasing that over the last nine months there have been beneficial changes to the system:

"Specifically, the use of judiciary personnel and taxpayers' time for political purposes has been abated.

"I understand that ticket fixing for cronies and friends has been slowed down considerably. Thousands of dollars have already been saved by returning certain services to the mandated bid process.

"And most importantly, the people of Hawaii and some of their elected representatives are now demanding more accountability.

"However, I'd like to renew my concern that we here at the legislature are remiss in not addressing the real abuses in the Judicial branch of government:

Unfortunately, the budget that we are being asked to vote upon today does not address the problem. Last year's extravagant appropriations funded many activities that have been deemed wholly inappropriate. If eliminating them from the budget entirely, money could be saved.

This budget ignores additional monies that should be eliminated from the budget by a return to the bid process.

This budget continues to fund positions in the Judiciary that have been misused and abused.

"What is particularly disturbing is that no effort was made during this session to even discuss these problems.

"Documented evidence and the facts have been available throughout the session. The weapons committee report and the citizens' panel report further verified the problems.

"On a positive note, this supplemental budget does add money to the Judiciary to meet legitimate needs, such as providing services to children, counseling, and certain maintenance services. Abusive spending could have been eliminated at the same time these necessary services were added.

"The bottom line is, that by voting for this budget, we are not demanding from the Judicial branch of government, financial responsibility. Recent cosmetic changes aside, there have been no substantive changes in the administration of the State Judiciary.

"We are legislators. We are not judges or administrators. Our major means of correcting financial abuses in the Judiciary is through the budget process.

"This budget fails to do so.

"I urge you to take a stand for judicial reform, for financial integrity, and for meaningful change, by exercising our legislative duty and voting 'no' on this supplemental budget."

Representative Metcalf then rose and requested that his written re-

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

The following are the written remarks of Representative Metcalf in support of the measure:

"Mr. Speaker, I rise to speak in favor of H.B. No. 1961-86, HD2, SD2, CD1 and in connection therewith, I would like to offer for the record, several brief observations.

"H.L. Menken, I believe, expressed his view of government when he wrote: 'It is simply a group of men like any other: In every 100 of the men that compose it, there are two who are honest and intelligent, 10 obvious scoundrels and 88 poor fish.' Now, I doubt very much that his analysis was correct. However, assuming it was then, I would have to conclude that it is the addition of women in government that renders Mr. Menken's concept inaccurate today.

"Having had the privilege of observing the legislative process these past two sessions as a member of the House, I find we have few poor fish and few obvious scoundrels, and those which we do have are all in the Senate. You may instruct the Journal Clerk to strike that last remark, Mr. Speaker.

"If I may continue, Mr. Speaker, for me it has been an honor and a privilege to serve under your leadership, as well as the leadership of Vice Speaker Marshall Ige, whom we have seen at the podium almost as much as you. Mr. Speaker. I only hope that next session the Vice Speaker, if he returns to the podium, will remember to pronounce my name correctly.

"If I may continue, Mr. Speaker:

"I would like to thank all of the members of this House, my Big Island colleagues, and a few very special persons, and I think you know who you are, for making my experience in the House a very meaningful one. Without your help and support, I would have found my work here much more difficult and less rewarding. But if I may, Mr. Speaker, I would like to take just a few moments more to share some observations about a very special member of this House, whom I have grown to regard as truly outstanding. That person is Representative Terrance Tom. On the occasion of the opening of the Thir-

teenth Legislature, 1985, the members of this body saw your Committee on Judiciary led by a sophomore Representative with a freshman as its Vice Chair. To some it must surely have looked like a case of the 'blind leading the blind,' and though we have stumbled occasionally along the way, I believe your Committee on Judiciary has compiled an outstanding record of achievement that would not have been possible were it not for the outstanding personal qualities of Representative Tom. During the two years that I have had the privilege of serving as his Vice Chair, I have developed a tremendous regard for Representative Tom's intellect and unflagging determination to make the best decisions for the people of Hawaii, irrespective of whether those decisions might be politically expedient.

"Representative Tom possesses in abundance that very special quality of justice that is so important for political life in Hawaii today, and I believe that the voters of the 31st Representative District did well when they elected Terrance Tom to the Legislature and Hawaii has truly benefited as a result.

"I hope all members will support H.B. No. 1961-86, HD2, SD2, CD1."

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

"Mr. Speaker, I also would like to have some additional remarks inserted into the Journal, but I'll just summarize just a few of them, Mr. Speaker.

"I think that most importantly, as far as I am concerned, is that we have a legislative responsibility for oversight; and that as far as I see in the budget right now, we haven't done enough of that especially in light of the panel's report. I don't think we've taken enough action on some very, very important areas that the panel has brought out, and we kind of glossed over them and then just passed the budget out.

"So therefore, I'm going to be going down on this bill, Mr. Speaker, and I'll give my comments to the Clerk.

"Thank you very much."

The additional written comments of Representative Jones on H.B. No. 1961-86 are as follows:

"Mr. Speaker, I rise to speak in opposition of House Bill No. 1961-86

-- the Judiciary Supplemental Appropriations Act of 1986.

"The Judiciary has been rightfully subject to public exposure, scrutiny and criticism during this legislative session. The appointed citizens' panel made its comprehensive, revealing report with recommendations after the Judiciary supplemental budget was passed out of committee in spite of what could properly be termed -- 'heavy duty debate and opposition.'

"After many months of investigation, the panel affirmed that the serious concerns expressed by some of us were not only valid but needed resolve, in some instances, immediate resolve. The panel found numerous improprieties, abuses of authority, excessive and duplicate services and spending, improper political activities used state funded labor and time as well as facilities and an unbelievable lack of fiscal controls and accountability.

"While there have been some major personnel changes on the administrative level, the problems are far from resolved and we need to ask ourselves:

What action have we as the Legislative Body of this State taken to remedy the lack of operational controls and loss of integrity of the Judiciary?

Have we properly, fully and openly addressed and implemented the recommendations endorsed and made by the panel?

Can we justify passing this supplemental budget request to the citizens of this state who have a right to expect that our Judiciary is above reproach and is operationally sound?

"The panel's recommendations in various areas have a serious cost impact. It bears our review:

1. Discretionary Disposition. Disposition of traffic charges should be accomplished in a public hearing by a judge or judicial official on the basis of tightly defined standards.

2. Ticket Fixing: Schedule of fines charged by the Traffic Violations Bureau should not be altered. Reductions should be by judicial power.

3. Legislative Immunity: Should be strictly regulated and uni-

formly imposed to implement the purposes for which they were created.

4. District Court and the Traffic Violations Bureau: Handles a high volume of transactions involving money payments into the court. Basic financial accounting appeared to the panel as inadequate and it recommends independent "outside" audits on a regular basis, as well as close methodical accounting by autonomous accounting personnel. Also cited was the high risk of abuse in connection with no-bid contracts, calls for regular monitoring by set procedures and personnel.

Unbelievably, no outside financial audit has been conducted except for incidental review by the National Center of State Courts in its visit several years ago.

5. Enforcement by the Sheriff's Office: Law enforcement functions should not be performed. The panel cited the separation of powers principle as strong constitutional support for the proposition that the law enforcement function, as an executive branch responsibility, should be kept apart from decision-making responsibilities of the Judiciary.

Recommended by the panel to restore organizational order and eliminate duplication of public services is the termination of the following sections of the Sheriff's Office: SERT team (equivalent to HPD's SWAT), the Canine Division, the Bomb Disposal Division, and its Internal Affairs Division. The report states that the HPD or other law enforcement agencies should be relied on for cooperation and assistance in situations requiring services formerly provided by those sections.

The panel strongly recommends that a financial and operations audit of the Sheriff's Office be conducted by an outside accounting firm.

6. Personnel Matters: It is noted in the panel's report that the Chief Justice has instructed personnel officials to take steps to eliminate (except where absolutely necessary) the emergency hire system. According to the report, the current practice of reallocating a lower level employee to a higher position, at higher pay, thus bypassing the civil

service and personnel procedures -- have been utilized for the specific promotion of certain individuals. Favoritism does not provide a fair method of advancement and careless use of the emergency hire provision has a serious cost impact on our taxpayers' dollars.

"Mr. Speaker and colleagues, in light of the foregoing, there is no way in my mind that we, as the fiduciaries of our constituents, can justify appropriating more funds to the Judiciary until such time as we are assured that the recommendations made by the panel are implemented.

"It is unfortunate that we have to come down to the wire on this measure in spite of our numerous attempts to have an open and full discussion. This request by the judiciary should have been killed in committee.

"Additionally, legislative measures introduced by the House Republicans would have aptly, if passed, resolve most of the problems cited by the panel. Were these solid pieces of legislation even given a chance by the leadership?

"Mr. Speaker, we have here a patient that needs surgery and all the castor oil in the world that we can ram down our very ill patient is not going to save him -- you see the patient needs immediate surgery now, not next year, but now. An appropriation of supplemental funds will only fuel and sustain rather than facilitate a speedy recovery of our Judiciary.

"I urge my colleagues to vote as their constituents would. Say 'no' to this appropriation request -- taxpayer's money can be better spent where there is a real need.

"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. 1961-86, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO THE JUDICIARY", having been read throughout, passed Final Reading by a vote of 43 ayes to 8 noes, with Representatives Blair, Cavasso, Hemmings, Jones, Liu, Marumoto, Menor and Pfeil voting "no."

The Chair directed the Clerk to note that H.B. No. 1961-86, HD2, SD2, CD1, had passed Final Reading at 2:45 o'clock p.m.

Conf. Com. Rep. No. 66-86 on S.B. No. 2048-86, SD1, HD1, CD1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 2048-86, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO CAPITAL IMPROVEMENTS PROJECTS", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Blair voting "no."

Conf. Com. Rep. No. 67-86 on H.B. No. 1697-86, HD2, SD2, CD1:

On motion by Representative Honda, seconded by Representative Kiyabu and carried, the report of the Committee was adopted and H.B. No. 1697-86, HD2, SD2, CD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. No. 2048-86 and H.B. No. 1697-86 had passed Final Reading at 2:46 o'clock p.m.

Conf. Com. Rep. No. 68-86 on H.B. No. 1856-86, SD1, CD1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and H.B. No. 1856-86, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO STATE BONDS", having been read throughout, passed Final Reading by a vote of 51 ayes.

Conf. Com. Rep. No. 69-86 on S.B. No. 2308-86, SD1, HD1, CD1:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 2308-86, SD1, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO LIQUOR", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Liu voting "no."

The Chair directed the Clerk to note that H.B. No. 1856-86 and S.B. No. 2308-86 had passed Final Reading at 2:47 o'clock p.m.

Conf. Com. Rep. No. 70-86 on H.B. No. 2805-86, HD1, SD1, CD1:

Representative Nakasato moved that the report of the Committee be

adopted, and H.B. No. 2805-86, HD1, SD1, CD1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

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

"At this time, Mr. Speaker, I'd like to say, I'd like to reserve my remarks for the chairman of Finance because I thought it would be a better time now.

"I had said the last time that when you go to a committee hearing and you have to depend on your committee chairman to do the best that he can if you really are far apart on the bill, you don't vote 'with reservation.' And I did vote 'no' the last time.

"If anything, you folks should be very proud that your chairman took the House position and fought and bought most of the budget and everything else for this House. The Senate took a beating.

"Even though I was against the state fund, that was the recommendation of the House members and the majority the last time regarding the fund.

"I'm against this bill, Mr. Speaker, and part of it I like because it has the grossup, and I think it's fair that business not pay a tax on money that they are not receiving.

"However, Mr. Speaker, to have a room tax of 5% to go into the General Fund and to tell people that we're going to be short because of Gramm-Rudman, and yet we turn down the bill that would give us a few extra dollars if we went ahead and had the lottery -- the lottery bill we turned down and that would have been able to get us the dollars that we needed -- and we refused to do that. Now we're turning around and saying that we are going to have to take this money and put it in the General Fund. I don't think that that is right. We should have put some towards the convention center; its needed and we could have put balance to the General Fund. We sat here and told everyone that the tourist industry is in trouble; that they are in need of a convention center and then we don't have it.

"I have here 'Tourism Up in Australia' -- we are in dying need of promoting tourism. We need to go ahead and have a new mechanism to get the tourist that's spending a larger amount, not turn around and

say that we have tourist that's coming here and not eating in restaurants but going to a McDonald's and then turn around and tell them that we are going to charge you more and give you nothing.

"Mexico City, Mr. Speaker,-- it says right here -- this is from the Christian Science Monitor, 'by having a convention center and charter flights, better intercity transport has to be arranged so that tourists can go from one site to another more adequately,' and a tourist convention center would do that. A convention center would create a natural audience and Americans love conventions. So, it is absurd not to exploit this. If Mexico City can see this, if Australia can go ahead and try to increase tourism, I see that we are not doing a just thing by not looking at putting funds aside so that we can go ahead and have a better tourist industry than we have right now.

"I have introduced a bill for a room tax myself. However, Mr. Speaker, the tourist industry has said that they would accept a tax if they could have the convention center.

"Mr. Speaker, the only way the industry would be able to make up what they could lose would be that we would be taking care of a 'peak and valley' type of business they are now doing.

"I think most of us are derelict in our positions and for that reason, Mr. Speaker, I am voting 'no' on this bill.

"Thank you."

Representative Blair then rose to speak in favor of the bill, but with serious reservations, stating:

"First of all, Mr. Speaker, I don't think that this bill represents either the true House position or the true Senate position. It represents some political peculiarities of this process; but, fortunately, we will have a chance to make some corrections to this bill next year before it becomes fully operative or shortly after the effective date.

"My concern, Mr. Speaker, as the prior speaker's concern, is the fact that the convention center is not given any consideration for funds from the 5% that's being collected.

"I don't think we should look at the convention center as something that's being a benefit to the hotel industry.

Right now our society, year by year, is becoming more and more dependent on tourism; and it's not the type of tourism that we should be coming -- but we shouldn't be dependent on any one industry to that degree, but even worse is the type of tourism that we are becoming dependent upon -- it's the large, cheap tours.

"The convention center, Mr. Speaker, represents a very real opportunity for us to improve the income that's generated for each visitor and at the same time, to even out the peaks and valleys, and to some extent, to make our industry a little more recession proof. It's very beneficial for our entire society and to the extent that this bill appears before us without taking due consideration of the need for a convention center, I think it fails to meet what, I think, the community can legitimately have expected from us this session.

"I'm particularly disappointed because I felt that the House Tourism Committee's position was a very good position, and I also felt that the Senate's position which was quite close to that was a good position. I'm just very close to voting 'no' on this bill because of what happened to it after those two excellent positions were taken; but hopefully, I'll have a chance next year to see if I can have some more input into the process and perhaps the convention center will not be put off as much as it appears to be by this.

"What I would really hate to see, Mr. Speaker, is that some years down the road, all of these 5 million dollars are committed to other programs, and we find it difficult to come up with the money necessary for the convention center when its needed. I think now we could earmark it for the convention center with a provision that until such time as we need it for that purpose, it can be used for other purposes, but still have it made very clear in the statute that that money is first and foremost going to be earmarked for the convention center. As it stands now, although there is some nice language bandied about, other interest groups may come to feel that this money is needed for their particular causes and we might not find it that easy to get the money when we need it for the convention center. I hope that proves to be incorrect.

"Thank you."

Representative Ikeda then rose and

stated:

"Mr. Speaker, I rise to speak in favor of this bill with some reservations, and in doing so, I would like to request that the remarks of the previous speaker be incorporated as her own since they do parallel my remarks and I will also request that I be allowed to insert my remarks into the Journal."

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

The remarks of Representative Ikeda are as follows:

"While I favor a hotel room tax, I have always felt that if enacted, a good portion of that tax should be used to improve tourism.

"Mr. Speaker, it is estimated that this 5% tax will generate \$55 million per year yet only \$14 million is designated for tourism promotion by the HVB and grants-in-aid to the counties in the supplementary budget. The obvious question is, what will happen to the remaining \$41 million that is deposited in the General Fund?

"Although we have discussed the need for a convention center, no action was taken this year. This is a disappointment.

"In order to be fair, we should have set aside funds for this purpose to begin planning for the center now rather than imposing this tax without a clear purpose or plan for its use.

"However, Mr. Speaker, I will vote in favor of this bill even with these reservations in the hope that funds will be made available for the convention center next year."

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

"Mr. Speaker, the reason I am standing up is basically to address the comments made about the convention center.

"The other day the Minority Leader wanted to discuss the history of a bill, but I'd just like to discuss history in general so that we can see the relevance of time and how time can create masterpieces, sir. Sir, it is to prove a point.

The Chair then remarked:

"Representative Crozier, you will be reminded to keep your remarks germane to the subject at hand."

Upon directing Representative Crozier to proceed, Representative Crozier continued:

"Mr. Speaker, in 1865, Edouard Renee Lefebvre de Laboulaye sat down at dinner and thought of a great idea. He thought up of having a lighthouse in the New York Harbor. He wanted to have this lighthouse to be a friendship memento between the America and France. That lighthouse, that idea, took ten years to develop to the point of actually constructing that lighthouse. Mr. Speaker, that lighthouse is the Statue of Liberty. The first time that idea came up, nothing happened. The second time it came up, nothing happened. But eventually the idea caught on and after ten years the design and construction started. It took another eleven years to complete the Statue of Liberty. Along the way during construction, they lost ..."

At this time, Representative Ikeda rose on a point of order and the Chair directed Representative Ikeda to state her point.

Representative Ikeda replied:

"I don't believe that the speaker's remarks are germane to the contents of the bill and I, therefore, object."

The Chair then remarked:

"Representative Crozier, will you please keep your remarks germane to the subject at hand."

Representative Crozier, continuing his remarks, said:

"Yes, sir.

"As this convention center starts to develop, which is many of the objections of this bill, the convention center, the idea, for me, sir, is roughly three years old. So if we use the timetable of the Statue of Liberty, we have a long way to go. However, we are more enlightened than our fellow legislators a hundred years ago. Possibly, we can move the timetable up -- maybe instead of ten years of talking, we can do it in six years -- maybe next year we can make some movement.

"But the seed has been planted; its been nourished and hopefully, we can get a convention center.

"Thank you, sir."

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

"In reference to the previous speaker's comments, I hope the same logic, or I would have hoped the same logic could have been used against the Workers' Comp. Fund and the Hawaiian Ocean Marine Center or the 'fish zoo' as it's being referred to.

"Pertaining to this particular bill, there is no economic justification whatsoever to increase the taxes on the businesses, the people and the visitors of Hawaii.

"We have two years of surplus. We sent to the Governor a bill to provide each taxpayer in this State with a \$1.00 refund as mandated by the Constitution. We also are facing, according to conservative projections, over \$50 million dollars in surpluses from fiscal '85 and '86. Therefore, there is no economic justification to put more money into the pot because it is overflowing already.

"Secondly, on a more enlightened basis, I think if, in fact, we did pass a tax, it would be irresponsible not to earmark a reasonable amount of money to create a convention center because we simply could have the best of both worlds. We could have a convention center that would increase the quality and the productivity of the visitor industry, thus departing from the 'body count' mentality that is creating very low profitability in the industry (and) in return, the industry can become one of quality by increasing the spending power of the tourists who come here for conventions that would then increase the productivity of existing tax revenues. Conservative estimates on that range from \$20 to \$50 million dollars.

"So, if we had, in fact, passed a tax and had earmarked money for a convention center, we would have had a convention center and we would have had increased revenues through other existing excise taxes and other tax resources; but we're not doing that.

"Therefore, I think for two very logical reasons, it would be inappropriate for us to pass this tax bill.

"Thank you, Mr. Speaker."

Representative Anderson then rose in rebuttal to Representative Crozier, stating:

"Mr. Speaker, if what the representative across the aisle said is right, then why don't we just go ahead and charge a 2% that the industry said that they could handle

at this time. Why do we pick 5%? Where is that magic figure of 5% that is so important to everybody?

"We're going to give so much to the counties if they go ahead and put in a requisition more or less and if we go ahead and say this is something that we believe is right. We will also do that for ..."

Representative Crozier then rose on a point of information and directed by the Chair to state his point, Representative Crozier, stated:

"Mr. Speaker, my argument were ruled out of order. Can the gentleman from across the aisle rebut arguments that was ruled out of order?"

The Chair responded:

"Representative Crozier, I did not rule you out of order. I indicated to you to please proceed but keep your remarks germane to the subject."

Representative Crozier apologized and the Chair directed Representative Anderson to proceed.

Representative Anderson, continuing, stated:

"Mr. Speaker, in fact, if we are a hundred and some odd million dollars in a surplus, why then do we have to rush into this particular cap. Why is there a necessity to have additional monies that we cannot use because we are already at the spending limits that we have.

"If we are going to do a good job, then let's try and ask the Governor like we're going to ask him on the state fund or anything else, to kill this bill, which is only fair because it is not a just bill. If we find that we are going to go into a special session and Gramm-Rudman is going to be upon us, let's look at other possibilities of taxation. If we raise the excise tax 1%, and everybody pays, we get \$137 million dollars, not \$50 million dollars at 5%, and that's an estimate.

"I would hope that everybody would vote against this bill, Mr. Speaker.

"Thank you."

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

"Mr. Speaker, I rise to speak in favor of H.B. No. 2805-86, HD1, SD1, CD1.

"One of the purposes of this bill is to enact a new, separate tax on transient accommodations. The tax will be 5% on the gross proceeds of transient accommodations which is defined as a room, apartment or suite which is occupied for less than 180 consecutive days.

"Mr. Speaker, this is a major decision by the Legislature to specifically tax transient accommodations. There is a need for additional general fund revenues for this State. There have been numerous demands for additional support by government. For example, there have been requests for funds for additional tourism promotion, requests for funds for additional grants-in-aid to counties, funds for additional child abuse services, funds to meet the court-ordered consent decree, funds for a child support enforcement agency and many more. We cannot meet these demands with our current sources of revenue without severely restricting the services now being provided.

"And as I have stated earlier in the budget bill, our revenue estimates is a very fragile way of trying to predict our revenues. A 1% change is equivalent of almost \$50 million dollars, so tomorrow or the next month, when the Council of Revenues meet and they adjust it back down by 2%, we could considerably be short by 30-40 million dollars.

"Many have advocated that the funds raised by this tax should be earmarked for only tourism-related activities. However, Mr. Speaker, if such earmarking of revenues were allowed for each revenue source, there would be no general fund. We would have hundreds of special funds. How would we provide necessary services which do generate revenues? Is not one of the primary purpose of government to provide for the needy and those who are not able to provide for themselves?

"Mr. Speaker, we have provided as a direct result of revenues to be realized by this tax, additional funds in the budget for tourism promotion and grants-in-aid to the counties. We have also gone on record in the committee report that accompanies this bill that we will support the development of a convention center when the time is appropriate. Until then, we must have the flexibility to use these funds generated for other necessary services.

"Mr. Speaker, H.B. No. 2805-86, HD1, SD1, CD1, should be looked

upon not only as a necessary and important legislation because of its transient accommodations tax provisions, but also because it relieves the state of acute taxation problems which resulted in and were exacerbated by the passage of Act 303 in 1985.

"Therefore, I urge all the members to vote in favor of this bill.

"Thank you."

Representative Kamali'i then rose to speak in favor of the bill, stating:

"Mr. Speaker, the people of Hawaii have wanted this hotel room tax for nearly twenty years and finally, the wait is over.

"This bill imposes a separate tax of 5% on tourist accommodations charges. In this way, the tax does not fall on the corporate hotel industry or pyramid in its collection. It is a simple and clean tax.

"Our best estimates are that this tax will generate an additional \$44 million dollars in state general fund revenues.

"I support this tax, Mr. Speaker, for two basic reasons:

1) It restores fairness to our tax system.

"Each year, more than a million visitors -- a population equal to or greater than the number of residents in Hawaii -- use our roads, our parks, our water, and every other public facility and service, and in my estimation, without paying their 'fair share' of the cost. I've heard the propaganda that they do. In effect, only half of those making demands on government services are paying the taxes which make those services possible. Simply, that has not been fair.

2) This tax and the money it will generate are needed.

"The Governor and other leaders of this state have indicated that a special session of this Legislature will be called in the near future. I agree that such a session will be critical, not for tort reform or any of the other topics which have been prominently mentioned -- and either should have been resolved in this session or appropriately left to next year.

"But an emergency session in response to the Gramm-Rudman federal budget cuts which will fall 'like a

terrible swift sword' in the next few months is something that we must address.

"The money raised by this tax will give us the ability and the funds to not just survive these reductions, but to do so in a careful and caring manner. Fairness and need are the two basic elements essential to sound tax policy. Ordinarily, that would be our only consideration as responsible legislators.

"However, the tourism industry has used what I can only call 'scare tactics' in trying to either defeat or to divert this tax. As a non-excise tax, there is no direct cost to the industry; no excuse for either laying off employees or postponing expansion.

"As a tax echoed in virtually every state in the nation and country in the world, there is no 'shock' or unusual hardship for a visitor.

"I have been especially offended by the approach of the industry in raising such fears. And then, in direct contradiction to this -- what I must call a propaganda campaign -- they turn around and say that such a tax would not hurt if it were returned to the industry.

"Such hypocrisy should be recognized for what it is -- and understood as the best evidence we have that this tax will not harm the industry or the people dependent upon it.

"Let's talk about the convention center. In my opinion, when you look at the 4% excise tax that's passed on, every tax that goes against the tourist industry is passed on; but this convention center, at this time, is so wonderful and profitable, then why isn't the industry paying for it? Why should we have to pay for the land and also the convention center? They can't even get their act together.

"For these reasons, Mr. Speaker, I am voting 'aye' for this bill."

Representative Marumoto then rose to speak against the measure, stating:

"Mr. Speaker, I'd like to give this speech, which I have given twice before, another chance. I guess that I could ask that my remarks from the First Crossover and the Second Crossover be incorporated this time, but I feel that nobody really goes

back and read the Journal, so I'll try one more time. Maybe a third time is a charm.

"As I said before, and before, 5% I believe, is excessive; I would have preferred something between 2 and 4 percent.

"Secondly, there's no part of it that is designated or earmarked for the planning, design, the site selection or the construction of a convention center.

"Thirdly, there is no commission set up to start planning for a convention center; there is no start-up fund in the budget and I feel that time will be lost if we do not start working on this particular project.

"In addition, to the detractors we say, well, next year we could earmark and next year we could start -- I am very hesitant about committing the Fourteenth Legislature or the new governor to continue our work; they may wish to change their actions and I think that this is very important. We should start everything in motion as soon as possible.

"So, for this reason, although I do favor the hotel tax, the concept of it, I am voting 'no' on this measure.

"Thank you very much."

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

"The one place in the bill -- on page 2 -- that says that 'the 5% gross proceeds will be derived from furnishing transient accommodations,' -- I don't think that everyone truly understands what that means.

"If a hotel is offering a room for a hundred dollars, and in that hotel you eat some food in the restaurant, that is an additional \$50 dollars -- now you have a bill of \$150.00 -- because that is the 'tourist accommodation' in that hotel. It doesn't say it's 'just for the room.' I believe this could be interpreted to mean 'all of the accommodations.'

"Now, if the rules and regulations come out that it is strictly for the room only, I have no problem with that because I think 5% is quite reasonable when you consider what it is around the world.

"If it should turn out, though, that it includes anything that is charged to your room, and that is the 'gross

proceeds' according to the tax department -- your gross is everything that you take in -- then you pay 4% on that; then the total of \$150.00 worth of tourist accommodation that you have provided for the tourist is a hundred and fifty dollars times 4% is a hundred fifty-six dollars. Now you add the 5% tourist tax -- you don't add it, but you multiply it off -- and it comes to the tourist paying \$7.80 for that 'transient accommodation.' Otherwise, if it was just for the room, the tourist would be paying \$5.00. There is a difference of \$2.80. Compounded over many times that does make quite a bit of difference. But I want to bring it to the attention of the Legislature that I would hope that the rules and regulations, or the way this is implemented, or if next year we need to amend it, that it should be very clear that it is the room itself that has a 5% charge to the tourist, rather than all the accommodations.

"One of the spinoffs of this is that the tourist would say, 'why should I eat in the hotel if that is added to my accommodation. I end up paying an extra 5% on that. I will go across the street and eat in a restaurant that is not part of that hotel,' and that will be one of the 'losers' for a hotel.

"So, I want to thank you for this opportunity to bring this to your attention and I hope that you will vote 'aye' on this bill.

"Thank you very much."

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

"The industry reminds me of many of us who are elected officials -- whatever obstacle or seeming obstacle that comes in our way looks like a giant boulder. I think we need to be reminded that the tourist industry has grown by twenty times since Statehood.

"Granted, there are ups and downs in the industry, but I think that it is time that the industry look at ways of contributing, maybe a little extra, to the state of Hawaii.

"It is the strongest industry that we have; we are becoming very, very dependent upon it. We need to look for ways of diversifying the economy and I think that industry can help provide the resources to do that diversification.

"As far as the convention center is

concerned, I think, in the wisdom of the Legislature, as the chairman of Finance said, 'that at the proper time, this Body would be in support of such a center.'

"Thank you."

Representative Jones then rose to indicate that he is in favor of the bill, with reservations and requested that the remarks of Representatives Blair and Anderson be inserted into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Cavasso then rose to indicate that he, too, is in favor of the bill, with reservations, and requested that the remarks of Representative Blair be inserted into the Journal as though they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

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

The remarks of Representative Pfeil are as follows:

"Mr. Speaker, I wish to express my support of House Bill No. 2805-86, the Transient Accommodation Tax, or 'Hotel Room Tax.' The bill that finally emerged from the Conference Committee would provide money that can be made available to the counties to improve tourist-related infrastructure.

"In West Maui, which is part of my district, the growth of the hotel industry has exceeded the development of the infrastructure necessary to support it. Residents are disgusted, and tourists threaten not to return, due to the incredible congestion of Honoapiilani Highway during peak periods.

"West Maui's hotel industry has long generated money for the State. I believe it was a wise action by the Legislature to return a generous and fair share of funds for the purpose of tourist-related infrastructure development and maintenance. I am pleased to congratulate the members of the many committees that provided this important infrastructure money that will be received by West Maui."

The motion was put by the Chair

and carried, and the report of the Committee was adopted and H.B. No. 2805-86, HD1, SD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO TAXATION", having been read throughout, passed Final Reading by a vote of 48 ayes to 3 noes, with Representatives Anderson, Hemmings and Marumoto voting "no."

The Chair directed the Clerk to note that H.B. No. 2805-86 had passed Final Reading at 3:17 o'clock p.m.

Conf. Com. Rep. No. 71-86 on S.B. No. 1933-86, SD1, HD2, CD2:

Representative Tom moved that the report of the Committee be adopted, and S.B. No. 1933-86, SD1, HD2, CD2, having been read throughout, pass Final Reading, seconded by Representative Metcalf.

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

The following are the remarks of Representative Takamine:

"Mr. Speaker, I rise to speak against S.B. No. 1933-86, SD1, HD2, CD2.

"S.B. No. 1933-86, SD1, HD2, CD2, would allow a small business to recover attorney fees against the State, where the state has pursued a suit against that business without a justifiable basis. Mr. Speaker, I would be the first to admit that no party, and especially the State, should be allowed to press any suit against another party without proper justification. To assure this, there should be a deterrence built into the law. Presently, Mr. Speaker, the law does provide deterrence. Like any other party to a law suit, a small business is entitled to court costs, at the discretion of the judge, where the suit was brought without proper merit. To allow recovery of attorney's fees, in addition, would be to allow a double penalty against the State.

"Mr. Speaker, my objection is not so much with the fact that this bill would allow a double penalty against the State, as much as with the timing of this action. It seems that at a time that we are so concerned about the impact of the Gramm-Rudman cutbacks and so concerned about the liability of the State -- so that we are

willing to consider abolishing the joint tortfeasor law -- there is some incongruity where we, in the same breath, open up the state to further liability as this bill would do.

"In light of the foregoing, I cannot, in good conscience, support S.B. No. 1933-86, SD1, HD2, CD2."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 1933-86, SD1, HD2, CD2, entitled: "A BILL FOR AN ACT RELATING TO AWARDS OF ATTORNEY'S FEES", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Takamine voting "no."

Conf. Com. Rep. No. 72-86 on S.B. No. 1496-86, SD2, HD1, CD1:

On motion by Representative Say, seconded by Representative Andrews and carried, the report of the Committee was adopted and S.B. No. 1496-86, SD2, HD1, CD1, entitled: "A BILL FOR AN ACT RELATING TO GEOTHERMAL DEVELOPMENT", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that S.B. Nos. 1933-86 and 1496-86 had passed Final Reading at 3:18 o'clock p.m.

At 3:18 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 3:32 o'clock p.m.

Conf. Com. Rep. No. 73-86 on S.B. No. 1843-86, SD2, HD2, CD1:

Representative Gaulty moved that the report of the Committee be adopted and S.B. No. 1843-86, SD2, HD2, CD1, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

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

"Mr. Speaker, I rise in support of this bill.

"This bill is about our society's concern for children -- children of divorced parents and children of single parents. It seeks to obtain financial support for them from those responsible for providing such support. It seeks to make noncustodial parents comply with what the court

has ordered in divorce decrees and support orders.

"Without child support enforcement and collection, tremendous hardship is experienced by parents who have custody for the children, and by the children themselves. Without child support enforcement, our welfare rolls will grow.

"As a result of the Federal Child Support Amendments Act of 1984, P.L. 98-378, child support enforcement is no longer a program for welfare mothers only, but for all single custodial parents, most of whom are women. When we read and hear of the 'feminization of poverty', child support, and the lack of it, is one of its key components.

"Admittedly, post-divorce financial arrangements are difficult and complex, Mr. Speaker. We leave those determinations to our family court judges. But when the court issues a decree or order, we need to follow it up with enforcement and collection -- otherwise, the decree and the order are not worth the paper they are written on, and noncustodial parents figuratively thumb their noses at our courts.

"We cannot deprive children of support -- we cannot foster irresponsibility nor foster disrespect.

"As a result of legislation by us over the last two sessions, not the least of which is this highly significant bill, child support enforcement, from a lawyer's point of view, has become almost a 'slam dunk' case. The only defense available to defendants is a mistake of fact -- a mistake in the computation of the amount due, or a failure to credit a payment made. That is the only defense left.

"But we have to be careful, Mr. Speaker. Just as we have made it easy to enforce and collect, we need to make it easy for the noncustodial parent who has had a material change in his or her financial circumstance to gain immediate access to the court. The full weight of government and the law cannot only be on the side of the collection of child support payments. The noncustodial parent may have been laid off, or lost his job, or remarried, or the custodial parent may have improved her financial status. We need to be fair and evenhanded.

"This bill allows for this by creating two positions to be known as 'special court trustees,' to look into

these changed financial circumstances and submit findings and recommendations to the family court judge.

"We must recognize that sometimes a custodial parent will deny visitation rights to the noncustodial parent because the noncustodial parent is not making child support payments. One right must not be conditioned on the other. But the special court trustee, as provided for in this bill, can also look into the visitation rights problem and submit findings and recommendations to the court for enforcement of these visitation rights as well.

"Mr. Speaker, the money committees have provided \$2.3 million to establish an effective child support system. This is tremendous support. It sends a signal to the executive branch that this is a very important legislative priority and we expect this program to work and work well.

"Your conferees engaged in considerable debate on where the child support enforcement agency should be placed -- the DSSH or the Attorney General. Your conferees believe that it will be more effective under the A.G.

"Child support enforcement is primarily a law enforcement program, not a public assistance program. While the DSSH's mandate is to the AFDC population, the bulk of the cases in the future will most certainly be non-AFDC. The department, already responsible for child abuse, long-term care for the elderly, public assistance, child care, the prisons, and more, has already been stretched beyond its managerial limits. Logically and realistically, this program belongs under the Attorney General.

"Senate Bill No. 1843 is a good bill. It is an important bill. It is for effective law enforcement. It is for the custodial parent, primarily female, often near poverty. It is fair to the noncustodial parent, primarily the male, putting government's resources on his side as well. It is for taxpayers, to whom the burden of irresponsible behavior is often shifted. Lastly, and most importantly, it is for children.

"Finally, Mr. Speaker, I would remiss if I did not express my sincere appreciation to my co-chairmen of this bill, Representative Kiyabu and Representative Metcalf and the member of the Finance and Judiciary Committees for their support of the bill. I would also like to thank members of the Human Services

Committee who deliberated on this bill on a Saturday morning as they often did, during the course of the last session.

"I would also like to express my thanks to our Majority Leader, who very quietly and effectively, assisted us with this particular bill.

"And lastly to you, Mr. Speaker, for all the support that you have given this bill and all the bills that came out of the Committee on Human Services during the past two sessions.

"Thank you very much. I urge all my colleagues to vote 'aye.'"

Representative Leong then rose and requested that the remarks of Representative Gaulty be inserted into the Journal as if they were his own, and the Chair, noting that there were no objections, "so ordered." (By reference only)

Representative Liu then rose to speak in favor of the bill, but with some reservations, stating:

"Mr. Speaker, I would like to, first of all, congratulate the chairman of the Human Services Committee for working very hard on this bill and coming up with some very needed changes in the law and hopefully which will result in the more effective implementation of child support orders.

"My concern, however, does rest with the new position of the special court trustee and although I can empathize and I understand the problems that non-custodial parent may have, I am also a little leery of how this could be used perhaps as an unfair negotiating tool with the custodial parent who, many times, is female or in most cases, female. I just don't want to see abuses made of this office, so hopefully in the future, we can watch this and see how it develops, and hopefully, will work as it is intended.

"Thank you."

The motion was put by the Chair and carried, the report of the Committee was adopted and S.B. No. 1843-86, SD2, HD2, CD1, entitled: "A BILL FOR AN ACT RELATING TO CHILD SUPPORT", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Bunda voting "no."

The Chair directed the Clerk to

note that S.B. No. 1843-86 had passed Final Reading at 3:39 o'clock p.m.

Conf. Com. Rep. No. 74-86 on S.B. No. 471, SD2, HD1, CD2:

Representative Yoshimura moved that the report of the Committee be adopted and S.B. No. 471, SD2, HD1, CD2, having been read throughout, pass Final Reading, seconded by Representative Kiyabu.

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

"Mr. Speaker, last year this bill was the subject of much discussion, and I have to tell you that in the late hours of closing night of last year's session, I was lobbied by a short Japanese man that happened to be a member of the Ariyoshi administration.

Representative Say then rose on a point of order and the Chair directed Representative Say to state his point.

Representative Say stated:

"Yes, let us not make any reference to the present administration."

The Chair, after directing Representative Hemmings to keep his remarks germane to the subject at hand and devoid of personalities, directed Representative Hemmings to proceed.

Representative Hemmings, continuing, stated:

"This short man subtly let me know that he was, in his youth, a boxer. He used to train in pummeling larger Portuguese boys and his message was pretty clear, but did not, nevertheless, influence my position on the pay bill last year.

"This year I'm proud to say, Mr. Speaker, that this bill has come out in a very open and forthright manner, and we've all had a chance to see the figures for the pay increases that we are acting on today. I think that is a big plus for this bill.

"Secondly, this bill provides for suitable salary increases that makes the Chief Executive of this State, in fact, the highest paid government executive in the State. I think that is only logical and fair. We must provide adequate salaries for people from private life to come into government and serve their term for the betterment of the people of Hawaii. These salaries are not exorbitant

and they are quite fair.

"And just as importantly, we are providing for substantial salary increases for our Judicial branch of government. We need quality judges. We need men and women who are practicing law to see justified to make the sacrifice to quit their practice -- oftentimes lucrative practices -- to serve the people of Hawaii as judges in the Judicial branch of government.

"This is a good bill, Mr. Speaker; it's good money spent the way we responsible legislators should spend it, and I urge all of you to vote in favor of it.

"Thank you."

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

"Mr. Speaker, our nation is founded on the concept of a separation of powers and a system of checks and balances. This bill blatantly disregards this system which has been carefully constructed to safeguard the interest of the people and prevent the concentration of power in any one body.

"The U.S. Constitution vested the legislative, executive and judicial powers of the nation in three separate branches of government.

"Like the U.S. Constitution, the Hawaii State Constitution establishes three separate branches.

"In fulfilling this concept of 'separate but equal,' the State Constitution requires a plan of proposed expenditures for the Judiciary to be submitted to the Legislature by the Chief Justice. The Governor submits a separate budget and the Legislature prepares its own plan of expenditures.

"Mr. Speaker, the State Legislature has always maintained the distinction between the branches of government by requiring separate budget bills for each of the three branches; why, then, should pay raises be any different?

"In addition, Mr. Speaker, the three branches of government are generally administered separately by the Hawaii Revised Statutes and specific provisions are included to clarify and emphasize that separation.

"For example, Section 601-5 specifically declares that, 'the Judiciary Branch and the several judges and

other judicial officers thereof shall be independent of both the executive and legislative departments.'

"Section 76-9(3) specifies that 'nothing in Chapters 76 and 77 shall be construed to require the approval of the Governor or any executive agency for the judiciary to establish such positions in the judicial branch as may be authorized and funded by the Legislature.'

"Again, Section 76-9 states, 'it is the intent of the Legislature that the personnel of the judiciary shall form a separately administered part of the system of personnel administration...'

"Thus, Mr. Speaker, we can see an obvious intent to keep the branches separate, not only in the performance of their vested powers, but also in their administration.

"This separation of powers is even more carefully defined in the setting of the top salaries. Although most of the employees of the executive, judicial and legislative branches are civil service and are thus covered under Title 7, salaries for the Governor, Lieutenant Governor, and the department heads are under Title 4, 'State Organization and Administration'; whereas the salaries for the judges and the administrative director of the courts are specifically established in Title 32, 'Courts and Court Officers,' and the Legislative Auditor and the head of the Legislative Reference Bureau are covered under Title 3, 'Legislature.'

"Mr. Speaker, this bill was originally introduced as a short form bill, the purpose of which was to increase the salaries of certain executive branch officers. The Senate Committee on Labor and Employment elaborated on the bill by including the specific salaries to be increased. The purpose, as stated in the committee report, was still 'to increase the salaries of certain executive branch elected and appointed officers.' The Senate Ways and Means Committee then added in salary increases for various legislative employees and the administrative director of the courts. The Conference Committee draft made the bill worse by inserting a pay raise for judges.

"Originally, there were two bills introduced: S.B. No. 471 to cover executive branch pay raises and a separate judicial pay bill. The judicial pay bill is still in Conference Committee and could have been brought out in tandem with the

executive pay bill. This linking together in the conference draft requires that one must vote in favor of all sets of pay raises or none.

"Finally, Mr. Speaker, I have serious concerns over the applicability of the title of this bill.

"Article III, Section 14 of the State Constitution states that, 'no law shall be passed except by bill. Each law shall embrace but one subject, which shall be expressed in its title.'

"The title of this bill is 'RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR.' I have searched the statutes and cannot find any definition of 'public officer.' The definitions of 'employee' vary from chapter to chapter and section to section. However, Chapter 77, 'Compensation under Title 7, Public Officers and Employees,' specifically excludes judges. In addition, Section 601-5 relating to Courts makes a distinction between 'judges' and 'judicial officers.' I, therefore, seriously question whether compensation for judges can be included under this title.

"Mr. Speaker, I believe that this Legislature is legally and morally bound to maintain the separation of the executive, judicial, and legislative branches of our government.

"I do agree that our judges are underpaid and merit a raise, and I can also agree to the need to increase pay levels for our department heads so that we can attract quality personnel. However, Mr. Speaker, I do believe that some of the increases are higher than justified. For this reason and because I feel very strongly that these appropriations must be kept apart to maintain the separation of the branches of government, I will vote against this measure.

"Thank you."

Representative M. Ige then rose to speak in support of the bill, stating:

"Mr. Speaker, rather than discussing specific salary amounts being proposed for certain departmental administrators and State judges, my comments today will be confined to the philosophical aspects of this bill.

"Mr. Speaker, as we move into the 21st century, State government will be called upon to address a number of significant issues and problems

that will affect the lives of Hawaii's people for generations to come.

"With increasing federal cuts, it's no longer a question of 'can government do more,' but a statement, 'we must.' We must continue to provide those services for those who need it most. It is not 'bigger' government, it is not 'smaller' government, but it is 'better' government.

"A state convention center -- a cohesive interstate highway system -- the diversification of our state's ..."

Upon interrupting Representative M. Ige, Representative Jones rose on a point of information, and the Chair directed Representative Jones to state his point.

Representative Jones stated:

"Could you please ask the speaker to keep his comments germane to this bill."

The Chair directed Representative M. Ige to proceed.

Representative M. Ige proceeded, stating:

"...the diversification of our state's economy -- the attraction of new industries to ensure jobs for all who wish to work -- an education system to meet the needs of all second to none -- a comprehensive and consistent statewide land use development scheme -- an independent judicial system -- a responsive corrections system -- affordable housing.

"Mr. Speaker, the list of issues go on and on and I could stand here for hours adding new and equally important issues. The sampling of issues I just mentioned vividly illustrates the complexity, the diversity, of the challenges that lie before us.

"Mr. Speaker and colleagues, just as important as issue identification and the passage of prudent, equitable and cost-efficient legislation on our part, is the carefully planned execution of those programs..."

Interrupting Representative M. Ige, Representative Anderson rose on a point of information.

The Chair directed Representative Anderson state his point.

Representative Anderson asked:

"Are we speaking about a salary or issues that are either upon us or

coming upon us?"

The Chair replied:

"We are speaking about the salaries and matters that he is sharing with this House are germane to that matter."

Representative M. Ige then proceeded:

"...program implementation on the state level, requires the expertise and dedication of experienced and qualified men and women with impeccable reputations and unquestionable credentials. These men and women we call upon for the State's judge-ships and departmental leadership positions should be recognized in their respective fields for their excellence, perseverance and vast knowledge.

"It is these individuals, Mr. Speaker, our managers, who are given the task of program execution and who will ultimately determine the success or failure of the programs that we will be responsible for. It is these people, our managers, who will ultimately carry the future of Hawaii in their palms.

"This measure has the potential to attract qualified individuals from the private sector that would not otherwise consider a career in public service. In addition to being a career incentive, the salary increases we are considering here today, will serve as a notice to the appointing authorities that the Legislature expects to see continued appointment of well-informed, well-qualified, vastly knowledgeable, hard-working, and respective individuals to these key executive leadership and judicial positions.

"Mr. Speaker and colleagues, I ask all of you to support this measure.

"Thank you."

Representative Yoshimura then rose to speak in support of the bill, stating:

"I rise in support of this bill; I realize that the (former) speakers had pretty much belabored the point in support of the bill.

"As co-chairman with Chairman Kiyabu, I would like to emphasize that this was a compromise bill between the House and the Senate, and it was primarily the position this committee -- your subject matter -- in

respect to the concerns raised on the judicial commission report that was stated earlier last year.

"Thank you and I also have some remarks that I would like to have inserted into the Journal," and the Chair, noting that there were no objections, "so ordered."

The following are the additional remarks of Representative Yoshimura:

"S.B. No. 471, CD2, represents a compromise between the House and the Senate positions on executive and judicial pay raises, and establishes the Governor's and the Chief Justice's salary at an equal level.

"The executive pay raise provisions, which are consistent with most of the salaries proposed by the 1983 Report of the Public Officers and Employers Compensation Review Commission, should assist in attracting highly qualified persons to government service.

"Although executive salaries are an important part of the bill, the increases provided to judges are perhaps more significant. Hawaii's judicial salaries have been low for a number of years. The 1984 Commission on Judicial Salaries found that for each judicial office, Hawaii's salaries were considerably below the national average and medial salaries for state judges. In addition, even though the duties and responsibilities of state judges are comparable with those of federal judges, state judicial salaries are about 50% less.

"It is also clear that under the present salary structure, judicial candidates must be willing to incur financial sacrifices in considering appointment to the bench, as attorneys in private with equivalent experience earn substantially more than most judges. While economic reward should certainly not be the primary objective for public service, neither should judicial salaries serve as a deterrent to attracting highly qualified individuals. Regardless of what improvements are made in the process of selecting judges and improving court administration, such reforms will be ineffectual if the monetary rewards of the office are inadequate to attract the candidacy of the most qualified. Indeed, the quality of justice is oftentimes only as good as the person who dispenses it. And unless competitive judicial salaries are offered, it will be increasingly difficult to attract and retain qualified attorneys to serve as judges.

"In conclusion, this judicial salary proposal will accomplish four important objectives: 1) provide compensation that is fair and reasonable, 2) provide adequate compensation to attract and retain successful and experience practitioners to the bench in Hawaii, 3) provide compensation commensurate with judicial responsibilities, and 4) strengthen our judicial system."

Representative Onouye then rose to indicate that he is in favor of the bill, with reservations, and requested that his remarks be inserted into the Journal, and the Chair, noting that there were no objections, "so ordered."

The remarks of Representative Onouye are as follows:

"Mr. Speaker, last year I was against the so-called paybill for various reasons. This year, it is with a heavy heart that I vote for this measure, but with reservations.

"Mr. Speaker, I agree that the time has come to raise the level of compensation of the executive and judicial branches. The increased pay for judges and court administrators will allow us to attract and retain the best legal minds who will insure the highest quality of justice possible. The executive pay increases will be very important to the new governor and his administration. Obviously, if we want the governor's cabinet to consist of the best professional administrators, we must be ready to pay for them. We are lucky that some of the current executive administrators, as well as judges, have remained faithfully in their posts despite inadequate pay, and much credit is due them.

"Mr. Speaker, my reservations stem from the retroactivity provisions of this bill as applied to current position. The intention of this bill is to assure that the new administration can attract the best possible professionals. Making the pay increases retroactive does nothing to enhance the new administration's position and simply costs the State treasury additional money that need not be spent. In this time of expected fiscal austerity, every tax dollar should be jealously guarded. Therefore, I oppose the retroactivity provision of S.B. No. 471, CD2.

"But despite my stated reservations, I support the basic concept of this bill, the goal of which is to maintain and enhance the quality of

our government by way of adequate compensation."

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

"Mr. Speaker, I would like to make a few comments of the calibre of the cabinet level people that are now here and will continue to come to the government process.

"I had an opportunity this summer, Mr. Speaker, to listen to one of our cabinet members address some state and local government executives from around the nation. And he talked about the workmen's comp. After he had given his presentations, sir, he had a standing ovation from over a hundred and fifteen individuals -- cabinet level executives -- that is the calibre of people we have today, sir. And he used to be an ex-boxer.

"Thank you."

The motion was put by the Chair and carried, and the report of the Committee was adopted and S.B. No. 471, SD2, HD1, CD2, entitled: "A BILL FOR AN ACT RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATIONS THEREFOR", having been read throughout, passed Final Reading by a vote of 50 ayes to 1 no, with Representative Ikeda voting "no."

The Chair directed the Clerk to note that S.B. No. 471 had passed Final Reading at 3:54 o'clock p.m.

#### SUSPENSION OF RULES

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

Stand. Com. Rep. No. 865-86 on S.B. No. 1855-86, SD2:

On motion by Representative Kiyabu, seconded by Representative Souki and carried, the report of the Committee was adopted and S.B. No. 1855-86, SD2, 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 51 ayes, which was not less than 2/3 of all the members to which the House is entitled to.

The Chair directed the Clerk to note that S.B. No. 1855-86 had passed Third Reading at 3:55 o'clock p.m.

At 3:55 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:27 o'clock p.m.

#### STANDING COMMITTEE REPORT

Representatives Graulty and Levin, for the Committees on Human Services and Higher Education and the Arts, presented a joint report (Stand. Com. Rep. No. 1113-86) recommending that H.C.R. No. 156, HD1, be adopted.

On motion by Representative Leong, seconded by Representative Onouye and carried, the joint report of the Committees was adopted and H.C.R. No. 156, HD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A FEASIBILITY STUDY AND RECOMMENDATIONS ON ESTABLISHING SENIOR CITIZEN CENTERS ON THE COMMUNITY COLLEGE CAMPUSES", was adopted.

#### FINAL READING

##### H.B. No. 526, HD1, SD1:

On motion by Representative Say, seconded by Representative Shito and carried, H.B. No. 526, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYEE STOCK OWNERSHIP", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 526 had passed Final Reading at 4:28 o'clock p.m.

##### H.B. No. 1898-86, HD2, SD1:

On motion by Representative Tungpalan, seconded by Representative Kiyabu and carried, H.B. No. 1898-86, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO EMPLOYMENT OPPORTUNITIES", having been read throughout, passed Final Reading by a vote of 51 ayes.

##### H.B. No. 1706-86, HD1, SD1:

On motion by Representative Andrews, seconded by Representative Kiyabu and carried, H.B. No. 1706-86, HD1, SD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A HAZARDOUS WASTE

PROGRAM", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1898-86 and 1706-86 had passed Final Reading at 4:29 o'clock p.m.

##### H.B. No. 2284-86, HD2, SD1:

On motion by Representative Andrews, seconded by Representative Kiyabu and carried, H.B. No. 2284-86, HD2, SD1, entitled: "A BILL FOR AN ACT RELATING TO UNDERGROUND STORAGE TANKS", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2284-86 had passed Final Reading at 4:30 o'clock p.m.

##### H.B. No. 1687-86, HD2, SD2:

On motion by Representative Hashimoto, seconded by Representative Kiyabu and carried, H.B. No. 1687-86, HD2, SD2, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE RENTAL ASSISTANCE REVOLVING FUND", having been read throughout, passed Final Reading by a vote of 51 ayes.

##### H.B. No. 1878-86, HD1, SD2:

On motion by Representative Manegdeg, seconded by Representative Kiyabu and carried, H.B. No. 1878-86, HD1, SD2, entitled: "A BILL FOR AN ACT RELATING TO THE STATE FIRE COUNCIL", having been read throughout, passed Final Reading by a vote of 51 ayes.

##### H.B. No. 2013-86, HD1, SD1:

On motion by Representative Say, seconded by Representative Kiyabu and carried, H.B. No. 2013-86, HD1, SD1, entitled: "A BILL FOR AN ACT RELATING TO LAND FIRE PROTECTION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. Nos. 1687-86, 1878-86 and 2013-86 had passed Final Reading at 4:31 o'clock p.m.

#### DISPOSITION OF MATTER PLACED ON CLERK'S DESK

By unanimous consent, H.B. No. 2219-86, HD2, SD2, was taken from the Clerk's desk.

On motion by Representative Graul-ty, seconded by Representative Kiyabu and carried, the House agreed to the amendments proposed by the Senate to H.B. No. 2219-86, HD2, and H.B. No. 2219-86, HD2, SD2, having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2219-86 had passed Final Reading at 4:32 o'clock p.m.

#### FINAL READING

##### H.B. No. 2201-86, HD1, SD1:

On motion by Representative Say, seconded by Representative Kiyabu and carried, H.B. No. 2201-86, HD1, SD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR A GROUNDWATER PROTECTION PROGRAM", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2201-86 had passed Final Reading at 4:33 o'clock a.m.

##### H.B. No. 989, SD1:

On motion by Representative Hagino, seconded by Representative Andrews and carried, H.B. No. 989, SD1, entitled: "A BILL FOR AN ACT RELATING TO PUBLIC LANDS", having been read throughout, passed Final Reading by a vote of 45 ayes to 6 noes with Representatives Cavasso, Hemmings, Ikeda, Isbell, Jones, and Liu, voting "no", in accordance with Article III, Section 15, of the Constitution of the State of Hawaii.

The Chair directed the Clerk to note that H.B. No. 989 had passed Final Reading at 4:34 o'clock p.m.

At 4:34 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:45 o'clock p.m.

At this time, Representative Cavasso rose and requested that his remarks, against H.B. No. 989, be inserted into the Journal.

The Chair stated:

"After review, Representative Cavasso. The Chair would like to see those remarks."

Representative Cavasso then replied:

"Would you like to see them now, they're short, Mr. Speaker?"

The Chair replied:

"Representative Cavasso, that matter is not before us now."

Representative Marumoto then rose on a point of information.

Upon directing Representative Marumoto to state her point, Representative Marumoto stated:

"Representative Cavasso voted 'no' on the measure and he should have his remarks inserted into the Journal..."

The Chair, upon interrupting, stated:

"The Chair has ruled: that matter is not before this House."

Representative Marumoto then rose on a point of parliamentary inquiry.

The Chair directed Representative Marumoto to state her point.

Representative Marumoto inquired:

"Since we just finished that, the matter..."

The Chair again stated:

"The Chair has ruled that if Representative Cavasso wants his remarks to be inserted into the Journal, because that matter is not before this House, the Chair would like to see those remarks. If the matter was before the House, then that would be another matter. I think the Chair has allowed that kind of flexibility before."

Representative Marumoto then replied:

"We've just concluded the matter, sir. I don't think there has been any intervening business."

The Chair replied:

"That matter is not before this House, Representative Marumoto. Please be seated."

Representative Ikeda then rose on a point of information and the Chair directed Representative Ikeda to state her point.

Representative Ikeda stated:

"Earlier in the Session, you did allow remarks to be inserted into the Journal for two representatives after we had taken action on the bills."

The Chair stated:

"The Chair can't remember that."

Representative Ikeda replied:

"You did, sir. And I think it only proper that you allow one of our members to do the same."

The Chair replied:

"Representative Ikeda, the Chair has ruled."

Representative Ikeda then stated:

"Then I appeal the ruling of the Chair."

The motion to appeal was seconded by Representative Jones.

Representative Ikeda then rose and stated:

"Mr. Speaker, you did allow this to occur earlier; we did not object to two members inserting their remarks into the Journal after the passage of the bill and if you would like me to find it, I would be happy to go through my Order of the Day and point it out to you. I believe it had to do with child support -- Conference Committee Report No. 73-86, Senate Bill No. 1843-86, SD2, HD2, CD1.

"Under the circumstances, Mr. Speaker, since it has been done once, there is really no reason why one member of the House should be denied the same opportunity to insert his remarks."

The Chair then remarked:

"The Chair would certainly like to be consistent in those matters, and if I did allow that to occur, then the Chair will stand corrected; but I can't remember that. The Chair will call a short recess to have that verified."

At 4:49 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 4:51 o'clock p.m., the Chair stated:

"The Chair will allow Representative

Cavasso's remarks to be entered into the Journal; the Chair thanks Representative Cavasso for allowing me to review it."

At 4:51 o'clock p.m., Representative Crozier asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:52 o'clock p.m.

At this time, Representative Ikeda rose and stated:

"Mr. Speaker, I believe there is a motion on the floor and under the circumstances since you will allow the remarks to be inserted into the Journal, I will withdraw my motion."

Representative Jones then withdrew his second.

The remarks of Representative Cavasso against H.B. No. 989, SD1, are as follows:

"Mr. Speaker, I rise to speak against this bill, with regret. It is a good bill with the exception of one line on the first page giving all power to the chairperson of the board rather than leaving the debate and vote in the hands of the entire board. I had hoped that we could leave the implementation of the rest of the provisos of this bill in the hands of the entire board.

"I had met with constituents in the interim and supported the minor amendment which could have so easily made this bill acceptable to all. Unfortunately, the Conference Committee was unable to meet to make the necessary change. Placing so much power in the hands of one chairperson could too easily lead to corruption.

"Therefore, I cast my 'no' vote in the interest of caution, with regret."

H.B. No. 2752-86, HD1, SD1:

Representative Tom moved that H.B. No. 2752-86, HD1, SD1, having been read throughout, pass Final Reading, seconded by Representative Metcalf.

Representative Onouye 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."

The remarks of Representative

Onouye on H.B. No. 2752-86 are as follows:

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

"This bill will provide funds to enable the Hawaii Bar Association to offer free prerecorded information by telephone on a wide range of legal subjects. The service will be very similar to the very popular 'Tel-Med' service in which the general public calls the prerecorded tape service and requests the playing of a tape dealing with a specific area of concern.

"Mr. Speaker, I feel that there is a great need for this sort of free legal information. Many of the questions that the general public has regarding the legality of an issue or a legal procedure does not require an attorney. Rather, a little advice or a point in the right direction is all the average person needs. The tapes envisioned would cover such broad areas such as family law, landlord/tenant law, civil rights, bankruptcy law, employment and criminal law.

"Dial Law' programs on the mainland have proven to be enormously popular and successful, and I fully expect the same positive response by Hawaii residents.

"Thank you, Mr. Speaker."

The motion was put by the Chair and carried, and H.B. No. 2752-86, HD1, SD1, entitled: "A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE "DIAL LAW" PROGRAM OF THE HAWAII BAR ASSOCIATION", having been read throughout, passed Final Reading by a vote of 51 ayes.

The Chair directed the Clerk to note that H.B. No. 2752-86 had passed Final Reading at 4:53 o'clock p.m.

#### INTRODUCTION OF RESOLUTIONS

The following resolution (H.R. No. 382) was read by the Clerk and disposed of as follows:

A resolution (H.R. No. 382) congratulating Robert K. Fujita on his retirement after thirty-six years of employment with Pacific Resources, Inc., for honorable and dedicated community service was jointly offered by Representatives Say, Hashimoto, Andrews, Blair, Bunda, Cachola, Crozier, Grauly, Hagino, Hemmings, Hirono, Honda, D. Ige, Isbell, Kihano, Kiyabu, Lardizabal, Leong,

Levin, Lindsey, Manegdeg, Medeiros, Menor, Nakata, Onouye, Oshiro, Pfeil, Shito, Shon, Souki, Tajiri, Takamine, Tam and Tungpalan.

On motion by Representative Say, seconded by Representative Hashimoto and carried, H.R. No. 382 was adopted.

#### DISPOSITION OF MATTERS PLACED ON CLERK'S DESK

By unanimous consent, H.C.R. No. 2, HD1, SD1, was taken from the Clerk's desk.

Representative Lindsey moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 2, HD1, seconded by Representative D. Ige and carried.

On motion by Representative Lindsey, seconded by Representative D. Ige and carried, H.C.R. No. 2, HD1, SD1, entitled: "HOUSE CONCURRENT RESOLUTION ENCOURAGING THE BOARD OF EDUCATION TO EXPAND FOREIGN LANGUAGE CLASSES IN THE PUBLIC SCHOOLS", was finally adopted.

By unanimous consent, H.C.R. No. 28, SD1, was taken from the Clerk's desk.

At 4:56 o'clock p.m., Representative Taniguchi asked for a recess and the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 4:58 o'clock p.m.

Representative Say moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 28 seconded by Representative Levin and carried.

On motion by Representative Say, seconded by Representative Levin and carried, H.C.R. No. 28, SD1, entitled: "HOUSE CONCURRENT RESOLUTION ESTABLISHING A SISTER-PROVINCE STATE RELATIONSHIP BETWEEN ALBERTA, CANADA AND HAWAII", was finally adopted.

By unanimous consent, H.C.R. No. 32, HD1, SD1, was taken from the Clerk's desk.

Representative Bunda moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 32, HD1, seconded by Representative Kihano and carried.

On motion by Representative Bunda, seconded by Representative Kihano and carried, H.C.R. No. 32, HD1, SD1, entitled: "HOUSE CONCURRENT RESOLUTION CONCERNING THE CITY AND COUNTY OF HONOLULU EMERGENCY AMBULANCE SERVICES AND THE UTILIZATION OF THE WAIANAE COAST COMPREHENSIVE HEALTH CENTER", was finally adopted.

By unanimous consent, H.C.R. No. 50, SD1, was taken from the Clerk's desk.

Representative Souki moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 50, seconded by Representative Tam and carried.

On motion by Representative Souki, seconded by Representative Tam and carried, H.C.R. No. 50, SD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING A STUDY BY THE COUNTY OF MAUI TO IDENTIFY AN ALTERNATE SITE FOR THE MAUI COUNTY FAIR", was finally adopted.

By unanimous consent, H.C.R. No. 59, HD1, SD1, was taken from the Clerk's desk.

Representative Andrews moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 59, HD1, seconded by Representative Taniguchi and carried.

On motion by Representative Andrews, seconded by Representative Taniguchi and carried, H.C.R. No. 59, HD1, SD1, entitled: "HOUSE CONCURRENT RESOLUTION 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 finally adopted.

By unanimous consent, H.C.R. No. 107, HD1, SD1, was taken from the Clerk's desk.

Representative Taniguchi moved that the House agree to the amendments proposed by the Senate to H.C.R. No. 107, HD1, seconded by Representative Oshiro and carried.

On motion by Representative Taniguchi, seconded by Representative Oshiro and carried, H.C.R. No. 107, HD1, SD1, entitled: "HOUSE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF TRANSPORTA-

TION TO INCLUDE 'LT COL. ONIZUKA FIELD' IN THE NAMING OF KEAHOLE AIRPORT, HAWAII", was finally adopted.

#### INTRODUCTION OF RESOLUTIONS

On motion by Representative Kawakami, seconded by Representative Marumoto and carried, the following resolutions (H.R. Nos. 360 to 381) were adopted:

A resolution (H.R. No. 360) appropriating monies for the purposes of completing the work of the Thirteenth Legislature, Regular Session of 1986, subsequent to the adjournment thereof was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 361) relating to Standing and Special Interim Committees authorized to conduct hearings during the interim between the adjournment of the Regular Session of 1986 and the convening of the Regular Session of 1987, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 362) authorizing and directing the Journal to compile and print the Journal of the House of Representatives, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 363) authorizing and designating which of the employees and officers of the House shall be given additional employment to meet the work after the Session was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 364) authorizing the approval of the Journal of this House of any legislative day being compiled as of the 64th Day was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 365) expressing appreciation and thanks to the Legislative Reference Bureau for its splendid cooperation and excellent service rendered to the House of Representatives, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 366) extending appreciation and thanks to the

Legislative Auditor's Office for its splendid cooperation and excellent service rendered to the House of Representatives, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 367) expressing appreciation and thanks to the Capitol Security Force for excellent service rendered to the House of Representatives throughout the Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 368) extending appreciation and thanks to the Honolulu Police Department for its fine and efficient service rendered to the House of Representatives, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 369) extending sincere gratitude and thanks to the Hawaii Council of Churches, the Hawaii Buddhist Council and the Catholic Diocese was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 370) extending appreciation and thanks to the Central Services Division, Department of Accounting and General Services for its splendid cooperation and excellent service rendered to the House of Representatives, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 371) extending appreciation and thanks to the Honolulu Star-Bulletin for its extensive coverage of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 372) extending appreciation and thanks to the Honolulu Advertiser for its splendid coverage of the activities of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 373) extending appreciation and thanks to the United Press International (UPI) for its extensive coverage of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

mura, Marumoto and Ikeda.

A resolution (H.R. No. 374) expressing appreciation and thanks to the Associated Press (AP) for its extensive coverage of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 375) extending appreciation and thanks to the radio stations for their fine coverage of activities of the House of Representatives throughout the Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 376) extending appreciation and thanks to KHVH-ALL NEWS radio for its splendid coverage of the activities of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 377) expressing appreciation and thanks KHON-TELEVISION (Channel 2) for its extensive coverage of the activities of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 378) expressing appreciation and thanks to KGMB-TELEVISION (Channel 9) for its extensive coverage of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 379) extending appreciation and thanks to KITV (Channel 4) for its extensive coverage of the activities of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 380) extending appreciation and thanks to KHET public television (Channel 11) for its extensive coverage of the activities of the Thirteenth Legislature, Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda.

A resolution (H.R. No. 381) expressing appreciation and thanks to the Pineapple Growers Association of Hawaii for supplying pineapple juice to the House of Representatives,

Regular Session of 1986, was jointly offered by Representatives M. Ige, Kawakami, Okamura, Marumoto and Ikeda,

At 5:05 o'clock p.m., the Chair declared a recess, subject to the call of the Chair.

The House of Representatives reconvened at 7:40 o'clock p.m.

#### MISCELLANEOUS BUSINESS

At this time, the Chair stated:

"On the Clerk's desk is Senate Bill No. 2173-86 returned to this Body and to the Senate by the Governor with his objections.

"The question before this House: Shall we reconsider Senate Bill No. 2173-86 at this time?"

Representative Graulty then rose and stated:

"Mr. Speaker, as the mover behind the effort to override the Governor's veto on this particular bill, I'd like to state that I am convinced that there are not sufficient votes to override the Governor's veto at this time; and I, therefore, would like to ask that we not consider this particular bill."

At 7:41 o'clock p.m., Representative Anderson asked for a recess, and the Chair declared a recess, subject to the call of the Chair.

Upon reconvening at 7:42 o'clock p.m., the Chair stated:

"There being no objections -- 'so ordered."

#### ANNOUNCEMENTS

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

Representative M. Ige: "As you know, we had the honor of sharing the birthday of the Governor here and it was the result of the work of all of us in that celebration.

"Mr. Speaker, today I have the finished video of what took place here and it's edited and I would like to announce that it's ready for you to give to the Governor when you're ready. I was going to show it to the members this evening, but in speaking to one legislator, the idea came out that since our Majority Leader is

a 'tycoon' in his own right, maybe in a few years he could have a party and we could all watch the video since no one here really saw it. But in looking at the data, you may be in a better position to throw a party in twenty years."

The Chair then remarked:

"The Chair appreciates putting that video together for the Governor's birthday."

Representative Marumoto: "Mr. Speaker, each and every member of the Minority here has worked long and hard alongside the Majority in committees and on the floor and I think all the members here were dedicated and devoted to their constituents and all of us on this side were very cognizant of our roles as the loyal opposition. I think we all made a positive contribution to this Session in one way or the other.

"We salute our Majority colleagues; we look forward to working with you and against you in the future and I just wanted to say Aloha and Mahalo."

The Chair then stated:

"The Chair have some closing remarks that I won't insert into the Journal -- I take that back -- some of these remarks, I think, must be shared especially at the adjournment of this Thirteenth Legislature.

"The Chair wishes to thank all of you, the members of this House. I believe you have many good reasons to be proud of the success you have attained, not only during this Session, but during your time here in the State House of Representatives.

"The people are certainly very fortunate to have you as their Representatives and I have been very fortunate in working with all of you. I can say quite sincerely that there are few men and women for whom I have the same deep affection and respect that I have for each of you.

"Some of you have already indicated that you desire to move on to other activities after this Session, so it is appropriate at this time for me to express my gratitude to you for your outstanding dedication, cooperation and support. I am also particularly grateful to our leadership team and the loyal body of members who have worked so faithfully with me. Their confidence and support made many difficult tasks much easier.

"We have come to the closing moments of this Session, and I say these words of aloha and best wishes, I want to tell you that I appreciate the trust which you have placed in me. I have tried to justify your trust.

"I would also like to acknowledge the generous and kind expressions which many of you have directed to me. While it is always gratifying to receive recognition, I must admit that such tributes are not fully deserved. I am proud to share that honor and recognition at this most appropriate time by recognizing the offices and staff for this House for their loyal, hard-working and devoted service.

"And now, if I may close this Session with the words which unite all of us here and bring us closer together in comfort, strength and

understanding. I am going to impose upon all of you and ask all the members and the audience to please rise and join hands for the singing of 'Hawaii Aloha,' and I want to call upon Representative Tom to keep us in tune."

#### ADJOURNMENT

Following the completion of the singing of "Hawaii Aloha," Representative Okamura moved that the House of Representatives of the Thirteenth Legislature of the State of Hawaii, Regular Session of 1986, adjourn Sine Die, seconded by Representative Ikeda and carried.

At 7:53 o'clock p.m., the Speaker rapped his gavel and declared the House of Representatives of the Thirteenth Legislature, Regular Session of 1986, adjourned Sine Die.

GOVERNOR'S MESSAGES RECEIVED AFTER THE ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Gov. Msg. No. 136 transmitting copies of the Hawaii Fisheries Coordinating Council Annual Report for FY 1984-1985, which was prepared by the Department of Land and Natural Resources.

Gov. Msg. No. 137 transmitting copies of the report on Thrift Guaranty Corporation, in response to Act 187, Session Laws of Hawaii 1985.

Gov. Msg. No. 138 transmitting copies of the Hawaii Fisheries Plan 1985, which was prepared by the Department of Land and Natural Resources.

Gov. Msg. No. 139 transmitting copies of a report prepared by the University of Hawaii in response to Senate Resolution No. 51, SD 1, requesting a report on the status of women at the University of Hawaii.

Gov. Msg. No. 140 informing the House that on April 10, 1986, he signed the following bills into law:

Senate Bill No. 200 as Act 11, entitled: "RELATING TO THE BOARD OF PRIVATE DETECTIVES AND GUARDS";

Senate Bill No. 1527-86 as Act 12, entitled: "RELATING TO MOTOR VEHICLES UNDER WARRANTIES";

Senate Bill No. 1576-86 as Act 13, entitled: "RELATING TO MOTOR VEHICLES UNDER WARRANTIES";

Senate Bill No. 1912-86 as Act 14, entitled: "RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS";

Senate Bill No. 2130-86 as Act 15, entitled: "RELATING TO THE AGED";

Senate Bill No. 2358-86 as Act 16, entitled: "RELATING TO HAWAIIAN HOME LANDS";

House Bill No. 1973-86 as Act 17, entitled: "RELATING TO FORM OF SUMMONS AND CITATION";

House Bill No. 1975-86 as Act 18, entitled: "RELATING TO ADMINISTRATION OF OATH"; and

House Bill No. 2028-86 as Act 19, entitled: "RELATING TO BONDING OF SOLAR ENERGY DEVICE DEALERS".

Gov. Msg. No. 141 informing the House that on April 14, 1986, he signed the following bills into law:

Senate Bill No. 1743-86 as Act 20, entitled: "RELATING TO CAPITAL AUTHORIZATIONS";

House Bill No. 2009-86 as Act 21, entitled: "RELATING TO EMPLOYMENT PRACTICES.";

House Bill No. 2040-86 as Act 22, entitled: "RELATING TO THE EMPLOYMENT OF ATTORNEYS";

House Bill No. 2050-86 as Act 23, entitled: "RELATING TO CONTRACTORS";

House Bill No. 2052-86 as Act 24, entitled: "RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS";

House Bill No. 2053-86 as Act 25, entitled: "RELATING TO HEARING AND DEALERS AND FITTERS";

House Bill No. 2113-86 as Act 26, entitled: "RELATING TO DENTISTRY";

House Bill No. 2115-86 as Act 27, entitled: "RELATING TO NURSING"; and

House Bill No. 2516-86 as Act 28, entitled: "RELATING TO MORTGAGES";

Gov. Msg. No. 142 informing the House that on April 15, 1986, he signed the following bills into law:

House Bill No. 1716-86 as Act 29, entitled: "RELATING TO BALL OR MARBLE MACHINES";

House Bill No. 2836-86 as Act 30, entitled: "RELATING TO THE ENVIRONMENT";

and on April 15, 1986, he signed the following bills into law:

House Bill No. 1830-86 as Act 31, entitled: "RELATING TO ABANDONED VEHICLES";

House Bill No. 2008-86 as Act 32, entitled: "RELATING TO EMPLOYMENT SECURITY";

House Bill No. 2128-86 as Act 33,

entitled: "RELATING TO AIR-CRAFT SERVICING VEHICLES"; and

House Bill No. 2360-86 as Act 34, entitled: "RELATING TO THE JUDICIARY".

Gov. Msg. No. 143 informing the House that on April 16, 1986, he signed the following bills into law:

House Bill No. 1904-86 as Act 35, entitled: "RELATING TO CEMETERIES AND MORTUARIES";

House Bill No. 1977-86 as Act 36, entitled: "RELATING TO RULES GOVERNING THE INSPECTION, QUARANTINE, DISINFECTION, OR DESTRUCTION OF ANIMALS";

House Bill No. 1996-86 as Act 37, entitled: "RELATING TO HEALTH";

House Bill No. 2029-86 as Act 38, entitled: "RELATING TO REGULATORY LICENSING REFORM"; and

House Bill No. 2618-86 as Act 39, entitled: "RELATING TO CERTAIN EXEMPT POSITION IN THE INTERNATIONAL SERVICES BRANCH OF THE BUSINESS AND INDUSTRY DEVELOPMENT DIVISION, DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT".

Gov. Msg. No. 144 informing the House that on April 17, 1986, he signed the following bills into law:

House Bill No. 1739-86 as Act 40, entitled: "RELATING TO TRAFFIC VIOLATIONS";

House Bill No. 2285-86 as Act 41, entitled: "RELATING TO ENVIRONMENTAL QUALITY"; and

House Bill No. 2626-86 as Act 42, entitled: "RELATING TO VEHICLE WEIGHT".

Gov. Msg. No. 145 informing the House that on April 17, 1986, he signed the following bills into law:

Senate Bill No. 1538-86 as Act 43, entitled: "RELATING TO CHECKS";

Senate Bill No. 1574-86 as Act 44, entitled: "RELATING TO THE UNIFORM COMMERCIAL CODE";

Senate Bill No. 1846-86 as Act 45, entitled: "RELATING TO DEVELOPMENTAL DISABILITIES";

Senate Bill No. 2063-86 as Act 46,

entitled: "RELATING TO PSYCHOLOGISTS"; and

Senate Bill No. 2463-86 as Act 47, entitled: "RELATING TO THE DEPARTMENT OF EDUCATION".

Gov. Msg. No. 146 informing the House that on April 18, 1986, he signed the following bills into law:

Senate Bill No. 1679-86 as Act 48, entitled: "RELATING TO PUBLIC LANDS";

Senate Bill No. 1999-86 as Act 49, entitled: "RELATING TO TAXATION"; and

Senate Bill No. 2403-86 as Act 50, entitled: "RELATING TO MOTOR VEHICLES".

Gov. Msg. No. 147 informing the House that on April 18, 1986, he signed the following bills into law:

Senate Bill No. 505 as Act 51, entitled: "RELATING TO THE NEWSPAPER ANTITRUST EXEMPTION";

Senate Bill No. 1573-86 as Act 52, entitled: "RELATING TO THE CONSUMER AND SMALL BUSINESS ADVOCATE";

Senate Bill No. 2300-86 as Act 53, entitled: "RELATING TO CORPORATIONS"; and

Senate Bill No. 2325-86 as Act 54, entitled: "RELATING TO FUEL TAX LAW";

and on April 21, 1986, he signed the following bills into law:

Senate Bill No. 1794-86 as Act 55, entitled: "RELATING TO THE METROPOLITAN PLANNING ORGANIZATION";

Senate Bill No. 2056-86 as Act 56, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

Senate Bill No. 2159-86 as Act 57, entitled: "RELATING TO DEPARTMENT OF TRANSPORTATION"; and

Senate Bill No. 2206-86 as Act 58, entitled: "RELATING TO COMMERCIAL FISHING VESSELS".

Gov. Msg. No. 148 informing the House that on April 21, 1986, he signed the following bills into law:

Senate Bill No. 1561-86 as Act 59,

entitled: "RELATING TO COUNTY LICENSES";

Senate Bill No. 1624-86 as Act 60, entitled: "RELATING TO EXPENDITURE OF PUBLIC CONTRACTS";

Senate Bill No. 1625-86 as Act 61, entitled: "RELATING TO THE MILK CONTROL PROGRAM";

Senate Bill No. 1629-86 as Act 62, entitled: "RELATING TO LIVESTOCK OWNERSHIP AND MOVEMENT CERTIFICATION";

Senate Bill No. 1643-86 as Act 63, entitled: "RELATING TO THE REPORTING OF ANIMAL DISEASES";

Senate Bill No. 1646-86 as Act 64, entitled: "RELATING TO LIABILITY OF DOG OWNER";

Senate Bill No. 1652-86 as Act 65, entitled: "RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL";

Senate Bill No. 2002-86 as Act 66, entitled: "RELATING TO TAXATION";

Senate Bill No. 2296-86 as Act 67, entitled: "RELATING TO LIQUOR LICENSES";

Senate Bill No. 2314-86 as Act 68, entitled: "RELATING TO STATE GOVERNMENT MOTOR VEHICLES";

and on April 22, 1986, he signed the following bills into law:

Senate Bill No. 1023 as Act 69, entitled: "RELATING TO THE COURTS";

Senate Bill No. 2471-86 as Act 70, entitled: "RELATING TO ICE STORAGE SYSTEMS";

Senate Bill No. 52 as Act 71, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

Senate Bill No. 159 as Act 72, entitled: "RELATING TO THIRD-PARTY FINANCING ARRANGEMENTS FOR PUBLIC FACILITIES";

Senate Bill No. 427 as Act 73, entitled: "RELATING TO A JOB-SHARING PILOT PROJECT IN THE DEPARTMENT OF HEALTH";

Senate Bill No. 1572-86 as Act 74, entitled: "RELATING TO REGU-

LATION OF MOTOR VEHICLE REPAIRS";

Senate Bill No. 1655-86 as Act 75, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 1695-86 as Act 76, entitled: "RELATING TO NATUROPATHY";

Senate Bill No. 1998-86 as Act 77, entitled: "RELATING TO INVESTMENTS";

Senate Bill No. 2095-86 as Act 78, entitled: "RELATING TO ENTERPRISE ZONES";

Senate Bill No. 2126-86 as Act 79, entitled: "RELATING TO EDUCATION";

Senate Bill No. 2268-86 as Act 80, entitled: "RELATING TO ATTORNEYS' FEES";

Senate Bill No. 2277-86 as Act 81, entitled: "RELATING TO THE PROTECTION OF ADULT WARDS";

Senate Bill No. 2295-86 as Act 82, entitled: "RELATING TO TORT ACTIONS";

Senate Bill No. 2315-86 as Act 83, entitled: "RELATING TO SETTLEMENT OF CLAIMS";

Senate Bill No. 2319-86 as Act 84, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 2320-86 as Act 85, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

Senate Bill No. 2322-86 as Act 86, entitled: "RELATING TO TAXATION";

Senate Bill No. 2332-86 as Act 87, entitled: "RELATING TO HIGHER EDUCATION";

Senate Bill No. 2468-86 as Act 88, entitled: "RELATING TO LIBRARIES";

Senate Bill No. 2481-86 as Act 89, entitled: "RELATING TO INSURANCE";

Senate Bill No. 2512-86 as Act 90, entitled: "ESTABLISHING A STATE POLICY ENCOURAGING RIDE-SHARING";

Senate Bill No. 718 as Act 91, entitled: "RELATING TO THE LEASING OF OCEAN AND MARINE RESOURCES";

Senate Bill No. 970 as Act 92, entitled: "RELATING TO THE DEPARTMENT OF HAWAIIAN HOME LANDS";

Senate Bill No. 2091-86 as Act 93, entitled: "RELATING TO HAWAII HOUSING AUTHORITY"; and

House Bill No. 107 as Act 94, entitled: "RELATING TO STATE WARRANTS".

Gov. Msg. No. 149 transmitting sixty (60) copies of the 1984-85 annual report prepared by the School Health Services Branch, Family Health Services Division, Department of Health.

Gov. Msg. No. 150 informing the House that on April 28, 1986, he signed the following bills into law:

Senate Bill No. 1033 as Act 95, entitled: "RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM";

House Bill No. 1795-86 as Act 96, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

House Bill No. 1859-86 as Act 97, entitled: "RELATING TO MOTOR VEHICLE ACCIDENT REPARATIONS";

House Bill No. 2005-86 as Act 98, entitled: "RELATING TO APPLICATION PROCEDURES FOR ENVIRONMENTAL PERMITS";

House Bill No. 2037-86 as Act 99, entitled: "RELATING TO MESSAGE";

House Bill No. 2110-86 as Act 100, entitled: "RELATING TO CHIROPRACTIC"; and

House Bill No. 2375-86 as Act 101, entitled: "RELATING TO MOTOR VEHICLE INSURANCE".

Gov. Msg. No. 151 informing the House that on April 29, 1986, he signed the following bills into law:

House Bill No. 1720-86 as Act 102, entitled: "RELATING TO EMPLOYEES OF PUBLIC UTILITIES";

House Bill No. 1802-86 as Act 103, entitled: "RELATING TO THE RESIDENTIAL LANDLORD TENANT

CODE";

House Bill No. 1903-86 as Act 104, entitled: "RELATING TO PILOTAGE WATERS";

House Bill No. 2024-86 as Act 105, entitled: "RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY";

House Bill No. 2043-86 as Act 106, entitled: "RELATING TO REAL ESTATE";

House Bill No. 2056-86 as Act 107, entitled: "RELATING TO MEDICAL CARE PAYMENTS";

House Bill No. 2118-86 as Act 108, entitled: "RELATING TO THE HAWAII MOTOR VEHICLE ACCIDENT REPARATIONS ACT";

House Bill No. 2121-86 as Act 109, entitled: "RELATING TO PUBLIC ASSISTANCE";

House Bill No. 2345-86 as Act 110, entitled: "RELATING TO AND AUTHORIZING AN ADOPTION ASSISTANCE COMPACT AND PROCEDURES FOR INTERSTATE SERVICES PAYMENTS"; and

House Bill No. 2354-86 as Act 111, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES".

Gov. Msg. No. 152 informing the House that on April 30, 1986, he signed the following bills into law:

House Bill No. 1803-86 as Act 112, entitled: "RELATING TO THE RESIDENTIAL LANDLORD-TENANT CODE";

House Bill No. 1937-86 as Act 113, entitled: "RELATING TO INSURANCE COMPANIES, FREEDOM OF CHOICE OF";

House Bill No. 1944-86 as Act 114, entitled: "RELATING TO TRUST COMPANIES";

House Bill No. 1981-86 as Act 115, entitled: "RELATING TO FORFEITURE OF ANIMALS"; and

House Bill No. 2495-86 as Act 116, entitled: "RELATING TO LIFELINE TELEPHONE SERVICE".

Gov. Msg. No. 153 transmitting sixty (60) copies of "A Report of the Governor: 1974-1985," a detailed summary of the achievements of the state government since 1974 and sixty (60) copies of an encapsulated version

of the report, which will be distributed through the two local daily newspapers.

Gov. Msg. No. 154 informing the House that on May 6, 1986, he signed the following bills into law:

Senate Bill No. 1188 as Act 117, entitled: "RELATING TO THE DEPARTMENT OF HEALTH";

Senate Bill No. 1837-86 as Act 118, entitled: "RELATING TO MEDICAL USE OF BODIES";

Senate Bill No. 2038-86 as Act 119, entitled: "RELATING TO FAMILY COURT"; and

Senate Bill No. 2309-86 as Act 120, entitled: "RELATING TO PASSENGER CARRIERS".

Gov. Msg. No. 155 transmitting sixty (60) copies of the Annual Report for fiscal year 1985 of the Hawaii Paroling Authority, as mandated by HRS 93-12.

Gov. Msg. No. 156 transmitting sixty (60) copies of a report produced by the Hawaii Criminal Justice Data Center entitled "Credit Card Fraud in Hawaii".

Gov. Msg. No. 157 informing the House that on May 8, 1986, he signed the following bills into law:

Senate Bill No. 81 as Act 121, entitled: "RELATING TO MAINTENANCE OF DRAINAGEWAYS";

Senate Bill No. 310 as Act 122, entitled: "RELATING TO RECONSTRUCTED VEHICLES";

Senate Bill No. 383 as Act 123, entitled: "RELATING TO THE SPECIAL SUMMER SCHOOL FUND";

Senate Bill No. 1678-86 as Act 124, entitled: "RELATING TO NOTIFICATION OF OWNERS OF PROPERTIES INCLUDED WITHIN AND ADJOINING AREAS BEING DESIGNATED GEOTHERMAL RESOURCE SUBZONES";

House Bill No. 1905-86 as Act 125, entitled: "RELATING TO MOTOR VEHICLE INDUSTRY";

House Bill No. 1908-86 as Act 126, entitled: "RELATING TO PEST CONTROL"; and

House Bill No. 2027-86 as Act 127, entitled: "RELATING TO PUBLIC UTILITIES".

Gov. Msg. No. 158 informing the House that on May 12, 1986, he signed the following bills into law:

Senate Bill No. 471 as Act 128, entitled: "RELATING TO THE COMPENSATION OF PUBLIC OFFICERS AND EMPLOYEES AND MAKING AN APPROPRIATION THEREFOR";

Senate Bill No. 1960-86 as Act 129, entitled: "RELATING TO THE REDEVELOPMENT OF THE ALOHA TOWER COMPLEX";

House Bill No. 692 as Act 130, entitled: "RELATING TO TERMS OF BOARDS AND COMMISSIONS";

House Bill No. 1316 as Act 131, entitled: "RELATING TO REFUNDS AND EXCHANGES";

House Bill No. 1322 as Act 132, entitled: "RELATING TO WORKER'S COMPENSATION";

House Bill No. 1488 as Act 133, entitled: "RELATING TO RESSTITUTION";

House Bill No. 1869-86 as Act 134, entitled: "RELATING TO ALARM BUSINESSES";

House Bill No. 1907-86 as Act 135, entitled: "RELATING TO BOXING COMMISSION";

House Bill No. 1913-86 as Act 136, entitled: "RELATING TO THE LEGISLATIVE AUDITOR";

House Bill No. 1940-86 as Act 137, entitled: "RELATING TO INTEREST AND USURY";

House Bill No. 1945-86 as Act 138, entitled: "RELATING TO BARBERING";

House Bill No. 1946-86 as Act 139, entitled: "RELATING TO BEAUTY CULTURE";

House Bill No. 2026-86 as Act 140, entitled: "RELATING TO THE DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS";

House Bill No. 2032-86 as Act 141, entitled: "RELATING TO REGULATION OF ELECTRICIANS AND PLUMBERS";

House Bill No. 2033-86 as Act 142, entitled: "RELATING TO MORTGAGE AND COLLECTION SERVICING AGENTS";

House Bill No. 2035-86 as Act 143, entitled: "RELATING TO PHARMACISTS AND PHARMACY"; and

House Bill No. 2038-86 as Act 144, entitled: "RELATING TO MEDICINE AND SURGERY".

Gov. Msg. No. 159 returning House Bill No. 1906-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

May 12, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1906-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1906-86, entitled, 'A Bill for an Act Relating to Motor Vehicle Repair Industry.'

The purposes of House Bill No. 1906-86 are to extend the repeal date of chapter 437B, Hawaii Revised Statutes, pertaining to the regulation of motor vehicle repairs, from December 31, 1986, to December 31, 1992, to require the Motor Vehicle Repair Industry Board to contract with the University of Hawaii to develop and administer a certification program for motor vehicle mechanics, and to allow a registered or certified motor vehicle mechanic who has rebuilt a vehicle to certify that the vehicle was rebuilt in accordance with the vehicle manufacturer's established repair procedures or specifications.

However, House Bill No. 1906-86 is substantially identical to Senate Bill No. 1572-86, which was also passed during the 1986 regular session. Since on April 22, 1986, I approved Senate Bill No. 1572-86, which has been designated as Act 74 and which has accomplished the purposes of House Bill No. 1906-86, there is no necessity to also approve this bill.

For the foregoing reason, I am returning House Bill No. 1906-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1906-86, entitled, 'A Bill for an Act Relating to Motor Vehicle Repair Industry,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1906-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1906-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 12th day of May, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 160 informing the House that on May 13, 1986, he signed the following bills into law:

Senate Bill No. 1762-86 as Act 145, entitled: "RELATING TO REMOVAL OF CONSTRAINTS INHIBITING THE ESTABLISHMENT AND EXPANSION OF CORRECTIONAL INDUSTRIES";

Senate Bill No. 1961-86 as Act 146, entitled: "RELATING TO ALOHA TOWER DEVELOPMENT CORPORATION";

Senate Bill No. 2359-86 as Act 147, entitled: "RELATING TO INDUSTRIAL DEVELOPMENT BONDS";

House Bill No. 1826-86 as Act 148, entitled: "RELATING TO INTOXICATING LIQUOR";

House Bill No. 1829-86 as Act 149, entitled: "RELATING TO COUNTY LICENSES";

- House Bill No. 2039-86 as Act 150, entitled: "RELATING TO THE MOTOR VEHICLE REPAIR INDUSTRY";
- House Bill No. 2051-86 as Act 151, entitled: "RELATING TO DENTAL HYGIENISTS";
- House Bill No. 2054-86 as Act 152, entitled: "RELATING TO THE MOTOR VEHICLE INDUSTRY";
- House Bill No. 2216-86 as Act 153, entitled: "RELATING TO VETERINARY MEDICINE"; and
- House Bill No. 2217-86 as Act 154, entitled: "RELATING TO THE MOTOR VEHICLE INDUSTRY".
- Gov. Msg. No. 161 informing the House that on May 14, 1986, he signed the following bills into law:
- Senate Bill No. 592 as Act 155, entitled: "RELATING TO LIMITING COMMERCIAL EXPLOITATION OF CRIME";
- Senate Bill No. 425 as Act 156, entitled: "RELATING TO PUBLIC OFFICERS AND EMPLOYEES";
- Senate Bill No. 2166-86 as Act 157, entitled: "RELATING TO A JOB EVALUATION STUDY";
- Senate Bill No. 2290-86 as Act 158, entitled: "RELATING TO GUARDIANS AND TRUSTEES";
- Senate Bill No. 2303-86 as Act 159, entitled: "RELATING TO A TOURISM IMPACT MANAGEMENT SYSTEM";
- Senate Bill No. 2478-86 as Act 160, entitled: "RELATING TO EMERGENCY ASSISTANCE";
- House Bill No. 172 as Act 161, entitled: "RELATING TO HEALTH";
- House Bill No. 1672-86 as Act 162, entitled: "RELATING TO UNEMPLOYMENT";
- House Bill No. 1855-86 as Act 163, entitled: "RELATING TO BRANDING";
- House Bill No. 2036-86 as Act 164, entitled: "RELATING TO THE BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS, ARCHITECTS, SURVEYORS, AND LANDSCAPE ARCHITECTS"; and
- House Bill No. 2119-86 as Act 165, entitled: "RELATING TO RESIDENTIAL LEASEHOLDS".
- Gov. Msg. No. 162 informing the House that on May 17, 1986, he signed the following bills into law:
- Senate Bill No. 291 as Act 166, entitled: "RELATING TO ADOPTION";
- Senate Bill No. 1496-86 as Act 167, entitled: "RELATING TO GEOTHERMAL DEVELOPMENT";
- Senate Bill No. 1718-86 as Act 168, entitled: "RELATING TO THE COMPENSATION OF CERTAIN PERSONS UNDER THE CRIMINAL INJURIES COMPENSATION ACT AND PROVIDING APPROPRIATIONS THEREFOR";
- Senate Bill No. 2474-86 as Act 169, entitled: "RELATING TO THE CHILDREN'S ADVOCACY PROGRAM";
- House Bill No. 122 as Act 170, entitled: "RELATING TO INVESTIGATIVE POWER OF THE ATTORNEY GENERAL";
- House Bill No. 1727-86 as Act 171, entitled: "RELATING TO TRAFFIC VIOLATIONS";
- House Bill No. 1959-86 as Act 172, entitled: "RELATING TO THE JUVENILE JUSTICE INTERAGENCY BOARD";
- House Bill No. 1993-86 as Act 173, entitled: "RELATING TO EXCEPTIONS TO THE STATE TORT LIABILITY ACT";
- House Bill No. 1995-86 as Act 174, entitled: "RELATING TO DRUG PRODUCT SELECTION";
- House Bill No. 1998-86 as Act 175, entitled: "RELATING TO SPILLING LOADS ON HIGHWAYS";
- House Bill No. 1999-86 as Act 176, entitled: "RELATING TO MEDICAL RECORDS";
- House Bill No. 2001-86 as Act 177, entitled: "RELATING TO DOMICILIARY CARE";
- House Bill No. 2002-86 as Act 178, entitled: "RELATING TO DOMICILIARY CARE";
- House Bill No. 2003-86 as Act 179, entitled: "RELATING TO POISONS";

House Bill No. 2011-86 as Act 180, entitled: "RELATING TO EMPLOYMENT SECURITY";

House Bill No. 2048-86 as Act 181, entitled: "RELATING TO LICENSE DENIAL APPEALS";

House Bill No. 2111-86 as Act 182, entitled: "RELATING TO CONTRACTORS";

House Bill No. 2116-86 as Act 183, entitled: "RELATING TO PSYCHOLOGISTS";

House Bill No. 2129-86 as Act 184, entitled: "RELATING TO PROPERTY ABANDONED OR SEIZED ON STATE LAND";

House Bill No. 2166-86 as Act 185, entitled: "RELATING TO BLIND OR VISUALLY HANDICAPPED CONCESSIONAIRES";

House Bill No. 2168-86 as Act 186, entitled: "RELATING TO ENVIRONMENTAL IMPACT STATEMENTS";

House Bill No. 2202-86 as Act 187, entitled: "RELATING TO GEOTHERMAL RESOURCES";

House Bill No. 2444-86 as Act 188, entitled: "RELATING TO SUN SCREENING DEVICES";

House Bill No. 2596-86 as Act 189, entitled: "RELATING TO MOPEDS";

and on May 19, 1986, he signed the following bills into law:

Senate Bill No. 1855-86 as Act 190, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

Senate Bill No. 909 as Act 191, entitled: "RELATING TO SCHOOL BUS CONTRACTS";

House Bill No. 326 as Act 192, entitled: "RELATING TO CRUELTY TO ANIMALS";

House Bill No. 2069-86 as Act 193, entitled: "RELATING TO ELDERLY ABUSE OR NEGLECT";

House Bill No. 2117-86 as Act 194, entitled: "RELATING TO SALE OF FINE PRINTS";

House Bill No. 2158-86 as Act 195, entitled: "RELATING TO THE HAWAII PENAL CODE";

House Bill No. 2170-86 as Act 196, entitled: "RELATING TO BLOOD TEST";

House Bill No. 2284-86 as Act 197, entitled: "RELATING TO UNDERGROUND STORAGE TANKS";

House Bill No. 2337-86 as Act 198, entitled: "RELATING TO DRIVING UNDER INFLUENCE";

House Bill No. 2358-86 as Act 199, entitled: "RELATING TO THE JUDICIARY";

House Bill No. 2362-86 as Act 200, entitled: "RELATING TO FAMILY COURT";

House Bill No. 2363-86 as Act 201, entitled: "RELATING TO FAMILY COURT"; and

House Bill No. 2569-86 as Act 202, entitled: "RELATING TO 'ALOHA SPIRIT'".

Gov. Msg. No. 163 informing the House that on May 27, 1986, he signed the following bills into law:

House Bill No. 1388 as Act 203, entitled: "RELATING TO MOTOR CARRIERS";

House Bill No. 1691-86 as Act 204, entitled: "RELATING TO VICTIM-WITNESS ASSISTANCE PROGRAM";

House Bill No. 1695-86 as Act 205, entitled: "RELATING TO INSURANCE";

House Bill No. 1967-86 as Act 206, entitled: "RELATING TO INSPECTION OF MEAT AND MEAT PRODUCTS";

House Bill No. 1969-86 as Act 207, entitled: "RELATING TO INSPECTION OF POULTRY AND POULTRY PRODUCTS";

House Bill No. 2010-86 as Act 208, entitled: "RELATING TO THE ADVISORY COMMISSION ON EMPLOYMENT AND HUMAN RESOURCES";

House Bill No. 2013-86 as Act 209, entitled: "RELATING TO LAND FIRE PROTECTION";

House Bill No. 2016-86 as Act 210, entitled: "RELATING TO FISHING";

House Bill No. 2044-86 as Act 211, entitled: "RELATING TO SANCTIONS";

House Bill No. 2049-86 as Act 212, entitled: "RELATING TO CHIROPRACTIC";

House Bill No. 2074-86 as Act 213, entitled: "RELATING TO TRAFFIC VIOLATIONS";

House Bill No. 2103-86 as Act 214, entitled: "RELATING TO CONTROLLED SUBSTANCES";

House Bill No. 2105-86 as Act 215, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 2108-86 as Act 216, entitled: "RELATING TO CONTROL OF PETROLEUM PRODUCTS";

House Bill No. 2112-86 as Act 217, entitled: "RELATING TO DENTISTRY";

House Bill No. 2123-86 as Act 218, entitled: "RELATING TO HOUSING";

House Bill No. 2173-86 as Act 219, entitled: "RELATING TO EMBLEMS AND SYMBOLS";

House Bill No. 2201-86 as Act 220, entitled: "MAKING AN APPROPRIATION FOR A GROUNDWATER PROTECTION PROGRAM";

Senate Bill No. 2266-86 as Act 221, entitled: "RELATING TO HIGHWAY SAFETY";

House Bill No. 2273-86 as Act 222, entitled: "RELATING TO AGRICULTURAL PARKS";

House Bill No. 2280-86 as Act 223, entitled: "RELATING TO EMPLOYMENT PRACTICES";

House Bill No. 2374-86 as Act 224, entitled: "RELATING TO MOTOR VEHICLE LICENSING";

House Bill No. 2397-86 as Act 225, entitled: "RELATING TO LIMITATIONS OF ACTIONS";

House Bill No. 2465-86 as Act 226, entitled: "RELATING TO RESTITUTION TO VICTIMS OF CRIME";

House Bill No. 2536-86 as Act 227, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO ASSIST INDUSTRIAL ENTERPRISES";

House Bill No. 2574-86 as Act 228, entitled: "MAKING AN APPROPRIATION FOR PAYMENT OF JUDGMENT AGAINST THE DEPART-

MENT OF EDUCATION, STATE OF HAWAII, AND IN FAVOR OF THE UNITED STATES DEPARTMENT OF EDUCATION THROUGH ITS SECRETARY";

House Bill No. 2725-86 as Act 229, entitled: "RELATING TO CHILD ABUSE AND NEGLECT"; and

House Bill No. 2730-86 as Act 230, entitled: "RELATING TO ENVIRONMENTAL QUALITY ENFORCEMENT".

Gov. Msg. No. 164 informing the House that on May 28, 1986, he signed the following bills into law:

House Bill No. 55 as Act 231, entitled: "RELATING TO HOUSING";

House Bill No. 420 as Act 232, entitled: "RELATING TO THE EXPIRATION OF DRIVER'S LICENSE";

House Bill No. 1663-86 as Act 233, entitled: "RELATING TO A UNIVERSITY OF HAWAII CHILD CARE CENTER PILOT PROJECT";

House Bill No. 1666-86 as Act 234, entitled: "RELATING TO A TEACHER INCENTIVE PROGRAM";

House Bill No. 1680-86 as Act 235, entitled: "RELATING TO CHILD SUPPORT";

House Bill No. 1687-86 as Act 236, entitled: "MAKING AN APPROPRIATION FOR THE RENTAL ASSISTANCE REVOLVING FUND";

House Bill No. 1951-86 as Act 237, entitled: "RELATING TO MENTAL HEALTH";

House Bill No. 2060-86 as Act 238, entitled: "RELATING TO SEAT BELTS";

House Bill No. 2192-86 as Act 239, entitled: "RELATING TO MOTORCYCLES";

House Bill No. 2193-86 as Act 240, entitled: "RELATING TO SECURITIES";

House Bill No. 2204-86 as Act 241, entitled: "RELATING TO HAWAII CRIMINAL JUSTICE DATA CENTER: CIVIL IDENTIFICATION";

House Bill No. 2299-86 as Act 242, entitled: "RELATING TO THE HAWAII RIGHT TO FARM ACT";

House Bill No. 2446-86 as Act 243, entitled: "MAKING AN APPROPRIATION FOR THE PRELIMINARY PLANNING AND DESIGN OF A STATEWIDE COMPUTERIZED JUVENILE JUSTICE INFORMATION SYSTEM";

House Bill No. 2482-86 as Act 244, entitled: "RELATING TO ABUSE OF FAMILY AND HOUSEHOLD MEMBERS"; and

House Bill No. 2786-86 as Act 245, entitled: "RELATING TO THE UNIVERSITY OF HAWAII".

Gov. Msg. No. 165 transmitting sixty (60) copies of the 1984-85 Annual report prepared by the Department of Hawaiian Home Lands, pursuant to Section 222 of Hawaiian Homes Commission Act, 1920, as amended.

Gov. Msg. No. 166 informing the House that on May 29, 1986, he signed the following bills into law:

Senate Bill No. 934 as Act 246, entitled: "RELATING TO LAND COURT REGISTRATION";

House Bill No. 82 as Act 247, entitled: "RELATING TO AQUACULTURE";

Senate Bill No. 1550-86 as Act 248, entitled: "RELATING TO LIABILITY OF OFFICERS OR DIRECTORS OF NONPROFIT CORPORATIONS";

House Bill No. 2102-86 as Act 249, entitled: "RELATING TO THE HAWAIIAN HOMES COMMISSION ACT, 1920, AS AMENDED";

House Bill No. 105 as Act 250, entitled: "RELATING TO NAMES";

House Bill No. 381 as Act 251, entitled: "RELATING TO JURORS' COMPENSATION";

House Bill No. 989 as Act 252, entitled: "RELATING TO PUBLIC LANDS";

House Bill No. 1694-86 as Act 253, entitled: "RELATING TO INSURANCE";

House Bill No. 1697-86 as Act 254, entitled: "MAKING AN APPROPRIATION FOR SUGAR RESEARCH AND DEVELOPMENT";

House Bill No. 1706-86 as Act 255, entitled: "MAKING AN APPROPRIATION FOR A HAZARDOUS

WASTE PROGRAM";

House bill No. 1708-86 as Act 256, entitled: "RELATING TO A STATEWIDE KAPU SYSTEM";

House Bill No. 1763-86 as Act 257, entitled: "RELATING TO CAPITAL LOANS";

House Bill No. 1870-86 as Act 258, entitled: "RELATING TO COASTAL ZONE MANAGEMENT";

House Bill No. 1891-86 as Act 259, entitled: "RELATING TO THE ISSUANCE OF SPECIAL PURPOSE REVENUE BONDS TO FINANCE THE WAILUA RIVER HYDRO PROJECT";

House Bill No. 1898-86 as Act 260, entitled: "RELATING TO EMPLOYMENT OPPORTUNITIES";

House Bill No. 1927-86 as Act 261, entitled: "RELATING TO THE DEVELOPMENT OF A MASTER PLAN TO PROMOTE HAWAII AS A SPORTS CENTER";

House Bill No. 1970-86 as Act 262, entitled: "RELATING TO PENALTIES";

House Bill No. 1972-86 as Act 263, entitled: "RELATING TO PROHIBITION OF ENTRY OF ANIMALS WITHOUT INSPECTION";

House Bill No. 1974-86 as Act 264, entitled: "RELATING TO ISSUANCE OF SUMMONS AND CITATION";

House Bill No. 1976-86 as Act 265, entitled: "RELATING TO HEALTH CERTIFICATE";

House Bill No. 1979-86 as Act 266, entitled: "RELATING TO NOTIFICATION OF ARRIVAL OF ANIMALS";

House Bill No. 1983-86 as Act 267, entitled: "RELATING TO FEES";

House Bill No. 1984-86 as Act 268, entitled: "RELATING TO DESTRUCTION OF ANIMALS FERAE NATURAE";

House Bill No. 1989-86 as Act 269, entitled: "RELATING TO GLANDERS AND FARCY";

House Bill No. 1990-86 as Act 270, entitled: "RELATING TO THE RELIEF OF CERTAIN PERSONS' CLAIMS AGAINST THE STATE AND PROVIDING APPROPRIATIONS THEREFOR";

House Bill No. 1992-86 as Act 271, entitled: "RELATING TO THE UNIFORM UNCLAIMED PROPERTY ACT";

House Bill No. 2014-86 as Act 272, entitled: "RELATING TO THE DEPARTMENT OF LAND AND NATURAL RESOURCES";

House Bill No. 2042-86 as Act 273, entitled: "RELATING TO PODIATRISTS";

House Bill No. 2045-86 as Act 274, entitled: "RELATING TO FINES";

House Bill No. 2106-86 as Act 275, entitled: "RELATING TO GENERAL PROVISIONS OF AQUATIC RESOURCES AND WILDLIFE";

House Bill No. 2109-86 as Act 276, entitled: "RELATING TO THE HAWAII STATE PLAN";

House Bill No. 2114-86 as Act 277, entitled: "RELATING TO HEARING AND DEALERS AND FITTERS";

House Bill No. 2138-86 as Act 278, entitled: "RELATING TO THE TRANSFER OF THE HOOMANA SCHOOL PROGRAM FROM THE UNIVERSITY OF HAWAII TO THE DEPARTMENT OF SOCIAL SERVICES AND HOUSING";

House Bill No. 2191-86 as Act 279, entitled: "RELATING TO HORIZONTAL PROPERTY REGIMES";

House Bill No. 2199-86 as Act 280, entitled: "MAKING AN APPROPRIATION FOR THE RELOCATION AND EXPANSION OF SAINT FRANCIS HOSPITAL'S RENAL DIALYSIS FACILITY AT MAUI MEMORIAL HOSPITAL";

House Bill No. 2209-86 as Act 281, entitled: "MAKING AN APPROPRIATION TO SUPPORT MAIN STREET TASK FORCE";

House Bill No. 2282-86 as Act 282, entitled: "RELATING TO THE PESTICIDES ADVISORY COMMITTEE";

House Bill No. 2395-86 as Act 283, entitled: "RELATING TO TAXATION";

House Bill No. 2436-86 as Act 284, entitled: "RELATING TO ENVIRONMENTAL QUALITY";

House Bill No. 2483-86 as Act 285, entitled: "RELATING TO FAMILY COURT JURISDICTION";

House Bill No. 2599-86 as Act 286, entitled: "RELATING TO MOTOR AND OTHER VEHICLES";

House Bill No. 2656-86 as Act 287, entitled: "RELATING TO NAMES";

House Bill No. 2714-86 as Act 288, entitled: "RELATING TO UNEMPLOYMENT COMPENSATION"; and

House Bill No. 2760-86 as Act 289, entitled: "RELATING TO ATTACHMENT AND EXECUTION".

Gov. Msg. No. 167 informing the House that on May 30, 1986, he signed the following bills into law:

Senate Bill No. 1595-86 as Act 290, entitled: "RELATING TO GEOTHERMAL RESOURCE SUBZONES";

House Bill No. 1729-86 as Act 291, entitled: "RELATING TO CIVIL REMEDIES AND DEFENSES AND SPECIAL PROCEEDINGS";

House Bill No. 1857-86 as Act 292, entitled: "RELATING TO DISCRIMINATION IN PUBLIC ACCOMMODATIONS";

House Bill No. 1938-86 as Act 293, entitled: "RELATING TO BANK LOANS AND INVESTMENTS";

House Bill No. 2122-86 as Act 294, entitled: "RELATING TO THE HAWAII HOUSING AUTHORITY";

House Bill No. 2194-86 as Act 295, entitled: "RELATING TO CONDOMINIUMS";

House Bill No. 2214-86 as Act 296, entitled: "RELATING TO THE HAWAII PENAL CODE";

House Bill No. 2219-86 as Act 297, entitled: "RELATING TO CHILDREN'S FACILITIES";

House Bill No. 2238-86 as Act 298, entitled: "RELATING TO CHILD CARE LIABILITY INSURANCE";

House Bill No. 2348-86 as Act 299, entitled: "RELATING TO MOTOR CARRIER SAFETY";

House Bill No. 2361-86 as Act 300, entitled: "RELATING TO FAMILY COURT";

House Bill No. 2425-86 as Act 301, entitled: "RELATING TO MOTOR VEHICLES UNDER WARRANTIES";

House Bill No. 2513-86 as Act 302, entitled: "RELATING TO EN-

VIRONMENTAL QUALITY";

House Bill No. 2526-86 as Act 303,  
entitled: "RELATING TO  
PRIVACY";

House Bill No. 2549-86 as Act 304,  
entitled: "RELATING TO  
WORKERS' COMPENSATION";

House Bill No. 2561-86 as Act 305,  
entitled: "RELATING TO  
ELECTIONS";

House Bill No. 2580-86 as Act 306,  
entitled: "RELATING TO TAX-  
ATION";

House Bill No. 2589-86 as Act 307,  
entitled: "RELATING TO HEALTH  
SERVICES";

House Bill No. 2595-86 as Act 308,  
entitled: "RELATING TO THE  
PUBLIC SERVICE COMPANY TAX";

House Bill No. 2608-86 as Act 309,  
entitled: "RELATING TO TUITION  
WAIVERS FOR VETERANS";

House Bill No. 2715-86 as Act 310,  
entitled: "RELATING TO  
MASSAGE";

House Bill No. 2752-86 as Act 311,  
entitled: "MAKING AN APPRO-  
PRIATION FOR THE 'DIAL LAW'  
PROGRAM OF THE HAWAII BAR  
ASSOCIATION"; and

House Bill No. 2756-86 as Act 312,  
entitled: "RELATING TO REAL  
ESTATE".

Gov. Msg. No. 168 informing the  
House that on May 30, 1986, he  
signed the following bill into law:

House Bill No. 2189-86 as Act 313,  
entitled: "RELATING TO SAVINGS  
AND LOAN ASSOCIATIONS".

Gov. Msg. No. 169 informing the  
House that on June 6, 1986, he  
signed the following bills into law:

House Bill No. 100 as Act 314,  
entitled: "RELATING TO THE  
PENAL CODE";

House Bill No. 526 as Act 315,  
entitled: "RELATING TO  
EMPLOYEE STOCK OWNERSHIP";

House Bill No. 2221-86 as Act 316,  
entitled: "RELATING TO CHILD  
PROTECTIVE ACT";

House Bill No. 2424-86 as Act 317,  
entitled: "RELATING TO NO-  
FAULT INSURANCE";

House Bill No. 2586-86 as Act 318,  
entitled: "RELATING TO  
INSURANCE";

House Bill No. 2722-86 as Act 319,  
entitled: "RELATING TO  
CONTRACTORS";

Senate Bill No. 1780-86 as Act 320,  
entitled: "RELATING TO THE  
ALLOTMENT SYSTEM AND THE  
EXECUTIVE BUDGET";

Senate Bill No. 2127-86 as Act 321,  
entitled: "RELATING TO  
EDUCATION"; and

House Bill No. 1665-86 as Act 322,  
entitled: "RELATING TO THE  
UNIVERSITY OF HAWAII RESEARCH  
AND TRAINING REVOLVING  
FUND".

Gov. Msg. No. 170 informing the  
House that on June 9, 1986, he  
signed the following bills into law:

Senate Bill No. 303 as Act 323,  
entitled: "RELATING TO  
POLITICAL PARTIES";

House Bill No. 1764-86 as Act 324,  
entitled: "RELATING TO THE  
GENERAL EXCISE TAX";

House Bill No. 2373-86 as Act 325,  
entitled: "RELATING TO THE  
DEFENSE OF INTOXICATION";

House Bill No. 2427-86 as Act 326,  
entitled: "RELATING TO THE  
DEPARTMENT OF TRANS-  
PORTATION";

House Bill No. 2479-86 as Act 327,  
entitled: "RELATING TO  
NOTARIES PUBLIC";

House Bill No. 2506-86 as Act 328,  
entitled: "RELATING TO DEVEL-  
OPMENTALLY DISABLED";

House Bill No. 2605-86 as Act 329,  
entitled: "RELATING TO BOATING  
SAFETY";

House Bill No. 2695-86 as Act 330,  
entitled: "RELATING TO CERTAIN  
FOREIGN GOODS SOLD IN  
HAWAII";

House Bill No. 2844-86 as Act 331,  
entitled: "RELATING TO ESCROW  
DEPOSITORIES"; and

Senate bill No. 1843-86 as Act 332,  
entitled: "RELATING TO CHILD  
SUPPORT".

Gov. Msg. No. 171 informing the  
House that on June 12, 1986, he

signed the following bills into law:

House Bill No. 1815-86 as Act 333,  
entitled: "RELATING TO  
HARBORS"; and

House Bill No. 2254-86 as Act 334,  
entitled: "RELATING TO  
HEALTH".

Gov. Msg. No. 172 informing the  
House that on June 13, 1986, he  
signed the following bills into law:

Senate Bill No. 1831-86 as Act 335,  
entitled: "RELATING TO MENTAL  
HEALTH";

Senate Bill No. 1933-86 as Act 336,  
entitled: "RELATING TO AWARDS  
OF ATTORNEY'S FEES";

House Bill No. 317 as Act 337,  
entitled: "RELATING TO THE  
LIMITATIONS PERIOD FOR  
FEDERAL ACTIONS BROUGHT IN  
STATE COURT";

House Bill No. 1688-86 as Act 338,  
entitled: "RELATING TO MEDICAL  
TREATMENT DECISIONS";

House Bill No. 2178-86 as Act 339,  
entitled: "RELATING TO STAT-  
UTORY REVISION: AMENDING  
VARIOUS PROVISIONS OF THE  
HAWAII REVISED STATUTES FOR  
THE PURPOSE OF CORRECTING  
ERRORS, CLARIFYING LANGUAGE,  
CORRECTING REFERENCES, AND  
DELETING OBSOLETE OR UN-  
NECESSARY PROVISIONS";

House Bill No. 2805-86 as Act 340,  
entitled: "RELATING TO TAX-  
ATION";

House Bill No. 2845-86 as Act 341,  
entitled: "RELATING TO THE  
UNIFORM COMMERCIAL CODE";

House Bill No. 26 as Act 342,  
entitled: "RELATING TO LIQUOR";

House Bill No. 2007-86 as Act 343,  
entitled: "RELATING TO DEVEL-  
OPMENTAL DISABILITIES AND  
MENTAL RETARDATION RECORDS";

Senate Bill No. 2308-86 as Act 344,  
entitled: "RELATING TO LIQUOR";

House Bill No. 1741-86 as Act 345,  
entitled: "MAKING APPRO-  
PRIATIONS FOR THE FISCAL  
BIENNIUM JULY 1, 1985 TO JUNE  
30, 1987";

House Bill No. 1856-86 as Act 346,  
entitled: "RELATING TO STATE  
BONDS";

Senate Bill No. 2048-86 as Act 347,  
entitled: "RELATING TO CAPITAL  
IMPROVEMENT PROJECTS"; and

House Bill No. 1961-86 as Act 348,  
entitled: "RELATING TO THE  
JUDICIARY".

Gov. Msg. No. 173 returning House  
Bill No. 1740-86, without his approval  
and with his statement of objections  
relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1740-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III  
of the Constitution of the State of  
Hawaii, I am returning herewith,  
without my approval, House Bill No.  
1740-86, entitled, 'A Bill for an Act  
Relating to Conveyances.'

The purposes of House Bill No.  
1740-86 are to increase efficiency in  
the search of land titles, to reduce  
the cost of title searches through  
increased efficiency, and to provide  
for a uniform statewide method of  
record search based on a parcel  
identifier system.

Although the purposes of this bill  
are commendable, this bill attempts to  
achieve its stated purposes by adding  
to Chapter 502, Hawaii Revised  
Statutes, a new section that will  
require all deeds and other instru-  
ments recorded in the Bureau of  
Conveyances to identify the real  
property by its appropriate tax map  
key number, including the horizontal  
property regime unit number if the  
property is a condominium unit.  
However, the tax map keys are  
required only 'to the extent that such  
information is available at the time of  
recordation.' Moreover, although the  
bill provides for the including of tax  
map key numbers after January 1,  
1987, the effective date of the  
measure, the bill contains no  
provision for including those  
documents which have been filed since  
1843 when the Bureau began re-  
cording documents. The implemen-  
tation of a tax map key index to  
facilitate record searches will require  
substantial adjustments to the present  
data entry system. Although es-  
timates of the project's costs range  
between \$30,000 to \$60,000, no funds

have been appropriated under this bill.

Additionally, since tax map key numbers are constantly changing as a result of subdivisions and consolidations, the tax map key numbers will have to be correspondingly updated or corrected by the Bureau of Conveyances. The proper maintenance of a tax map key index would require all county real property tax offices to forward, in a timely manner, all necessary documentation relating to land transactions and would increase substantially the workload for the counties and the Bureau of Conveyances.

Consequently, this bill may substantially increase the workload and costs of government agencies without providing an accurate, complete, and uniform statewide method of real property title search. I believe that the possible use of tax map key numbers or other parcel identifier must be studied in further detail to determine the long-term ramifications and costs.

For the foregoing reasons, I am returning House Bill No. 1740-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

#### P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1740-86, entitled, 'A Bill for an Act Relating to Conveyances,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1740-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the

Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1740-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 174 returning House Bill No. 1741-86 with the \$5,000,000 "special" appropriation stricken from section 5 of the bill (on page 110), and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1741-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, House Bill No. 1741-86, entitled, 'A Bill for an Act Making Appropriations for the Fiscal Biennium July 1, 1985 to June 30, 1987.'

The purpose of this bill is to amend Act 300, Session Laws of Hawaii 1985, the General Appropriations Act of 1985, which appropriated funds for the fiscal biennium July 1, 1985, to June 30, 1987, for the operating expenditures of the various agencies in the executive branch of the State, other government programs, and capital improvement projects, and authorized the issuance of general obligation bonds to fund capital improvement projects.

While the Bill as a whole has merit, I object to the \$5,000,000 'special' appropriation in section 5 of the bill (on page 110) to be paid into the Hawaii Workers' Compensation State Fund which was established by section 11 of Act 296, Session Laws of Hawaii 1985. Many legislators have complained to me that they did not have the opportunity to take a position on this matter. They could not vote against the whole supplemental appropriations bill because of an objection to one of many provision

in such a comprehensive bill. That is precisely why, when the workers compensation bill which became Act 296, Session Laws of Hawaii 1985, was being put together, it was intended that the funding would be considered in a bill separate and apart from a general or supplemental appropriations bill. As one who helped put that 1985 session package together, that was very clear to me. I had subsequently, in explaining the package, spoken many times on the procedure that was intended for the funding. I cannot in good conscience deviate from what was clearly intended and I am unable to approve the \$5,000,000 appropriation in this bill.

For the foregoing reasons, I am returning House Bill No. 1741-86 with the \$5,000,000 'special' appropriation stricken from section 5 of the bill (on page 110).

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1741-86, entitled, 'A Bill for an Act Making Appropriations for the Fiscal Biennium July 1, 1985 to June 30, 1987,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1741-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1741-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,

this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 175 returning House Bill No. 1878-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1878-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1878-86, entitled, 'A Bill for an Act Relating to the State Fire Council.'

The purpose of House Bill No. 1878-86 is to provide an administrator and staff support for the State Fire Council. The bill also will change the composition of the Council and will appropriate \$52,000 for operating expenses.

The bill requires that the position of State Fire Council Administrator be filled by a member of the Honolulu Fire Department. However, the administrator's position, in effect, creates a state administrative level. This may result in conflicts and inefficiencies such as those experienced prior to July 1979, when the functions and duties of the State Fire Council were administered by the State Fire Marshall of the then Department of Regulatory Agencies. Furthermore, since Section 132-16, Hawaii Revised Statutes, already provides for an advisory committee to assist the State Fire Council in carrying out its functions, I believe that the functions of the Council do not require the level of staff services proposed in the measure.

Moreover, there are concerns regarding the need for additional funding and the proposed state general fund reimbursement to the City and County of Honolulu for actual operating costs incurred by the Council. Section 2 of the bill provides that the City and County of Honolulu shall be reimbursed for operating costs incurred by the State

Fire Council through an annual appropriation of state general funds. I am concerned that the reimbursement process would allow minimum control or review over the amount or nature of expenditures. In addition, because the bill obligates the State to reimburse the city for all costs, there is a possible concern about meeting the constitutional requirements that no appropriation in excess of the general fund expenditure ceiling be authorized.

For the foregoing reasons, I am returning House Bill No. 1878-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1878-86, entitled 'A Bill for an Act Relating to the State Fire Council,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1878-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1878-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 176 returning House

Bill No. 1971-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 1971-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 1971-86, entitled, 'A Bill for an Act Relating to Rights of Entry.'

The purposes of House Bill No. 1971-86 are to authorize Department of Agriculture employees to conduct inspections and investigations, with probable cause, of any vessel, vehicle, aircraft, or premises in order to enforce Chapter 142, Hawaii Revised Statutes, and to make it a misdemeanor for anyone to refuse to permit an inspection or to produce any book or record or to interfere with the inspector's or agent's performance of duties.

While the addition of 'probable cause' may be appropriate for 'investigations' when a violation of chapter 142 is suspected, such a requirement is unnecessary for 'inspections' of premises which have been quarantined. In the latter case, a search warrant and probable cause are not required by the Fourth Amendment of the United States Constitution and will unnecessarily hamper routine administrative inspections, such as those of quarantined animals.

Moreover, although a refusal to permit a routine administrative inspection of a quarantined animal properly may be subject to a criminal penalty, if the refusal is made to a warrantless investigation of a suspected violation of law, a criminal penalty does not appear to be proper. An individual cannot constitutionally be forced to make a choice between exercising Fourth Amendment rights and risking criminal penalties for refusing warrantless access to private property.

For the foregoing reasons, I am returning House Bill No. 1971-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 1971-86, entitled, 'A Bill for an Act Relating to Rights of Entry,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 1971-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 1971-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 177 returning House Bill No. 2062-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2062-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of

Hawaii, I am returning herewith, without my approval, House Bill No. 2062-86, entitled 'A Bill for an Act Relating to Insurance.'

The purpose of House Bill No. 2062-86 is to amend Chapters 431 and 433, Hawaii Revised Statutes, to require health insurers that provide pregnancy-related benefits to provide a one-time benefit for outpatient expenses resulting from in vitro fertilization procedures.

Although this bill will require all new health insurance policies that provide pregnancy-related benefits to include, in addition to any other benefits for treating infertility, the one-time benefit for in vitro fertilization procedures, that one-time benefit will be applicable to a relatively small segment of the population. The bill requires that the one-time benefit be available only to married couples who have been unable to successfully conceive a child through other applicable infertility treatments.

Infertility treatments for which coverage is currently available are intended to correct a bodily malfunction. Unlike these covered treatments, in vitro fertilization procedures are not necessary to restore a person's health. Although the Senate Committee on Consumer Protection and Commerce stated in its committee report that the committee did not intend to have this bill 'cited as precedent for other legislative measures mandating coverage of procedures that are not necessary to restore a person's health,' I believe that this bill clearly would set such a precedent. I further believe that such a precedent should not be set at this time for a relatively high-cost procedure that may benefit only a small segment of the population and may increase medical insurance premiums for the majority.

For the foregoing reasons, I am returning House Bill No. 2062-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proc-

lamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2062-86, entitled, 'A Bill for an Act Relating to Insurance,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2062-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2062-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 178 returning House Bill No. 2142-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2142-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2142-86, entitled, 'A Bill for an Act Relating to Labeling.'

House Bill No. 2142-86 would add a new section to Chapter 486, Hawaii Revised Statutes, ostensibly as a consumer protection measure. Subsection (a) defines 'Kona coffee' as coffee grown in north or south Kona on the island of Hawaii, and a package would be 'misbranded' if it (1) is labeled 'Kona coffee' and does

not contain one hundred percent pure Kona coffee; (2) is labeled 'Kona coffee blend' and does not contain at least ten percent Kona coffee by weight; or (3) has the word 'Kona' on its labeling and does not contain a minimum of ten percent Kona coffee by weight. Subsection (b) requires the State Director of Measurement Standards to adopt rules requiring that any person involved with the roasting, handling, processing, selling, blending, or packaging and labeling of any Kona coffee or Kona coffee blend to keep and make available records to substantiate the quantities of various types of coffee received as compared to the quantities distributed or disposed of; and rules establishing a method to reconcile the total volume of Kona coffee and Kona coffee blends received with the total volume of finished products labeled as Kona coffee, Kona coffee blend, or containing Kona coffee.

It is my understanding that, presently, there is no technical way to distinguish between types of coffee in a package. Consequently, this bill provides for the imposition of extensive record-keeping requirements and for the development of a method to determine the percentage of Kona coffee actually used.

However, the lack of reconciling records would require the addition of accountants or auditors to the staff of the Division of Measurement Standards of the State Department of Agriculture, but the bill makes no provision for the necessary staffing and funding. Furthermore, even if required records were kept, the appropriate method established, and the necessary staff and funds were obtained, the applicability of the bill would be limited to Hawaii. Since fifty percent of the coffee grown in Hawaii is processed and blended on the mainland, the bill would not entirely solve the problem of 'misbranding.' Moreover, the record-keeping requirements may deter local processing of Kona coffee and lead to increased out-of-state processing.

I am also concerned that the bill is not supported by the entire Kona coffee industry. This bill was introduced at the request of the Kona Coffee Council, the organization for the processors and growers of Kona coffee. However, a survey taken during the legislative session indicated that roughly fifty percent of the industry opposed the amended version of the bill.

For the foregoing reasons, I am

returning House Bill No. 2142-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2142-86, entitled, 'A Bill for an Act Relating to Labeling,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2142-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2142-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 179 returning House Bill No. 2246-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2246-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2246-86, entitled, 'A Bill for an Act Relating to Medicaid.'

The purpose of House Bill No. 2246-86 is to define and clarify the duties and responsibilities of the Department of Social Services and Housing and the Medicaid Fraud Control Unit of the Department of the Attorney General in the investigation of medical assistance provider fraud and abuse. The bill further seeks to clarify the rights of providers in this area.

While the intent of House Bill No. 2246-86 is commendable, I have a number of reservations with the amendments proposed under this bill. For example, the bill requires that notice be given to a provider suspected of Medicaid fraud twenty working days notice prior to filing an indictment or information. This provision was included apparently in an effort to encourage non-judicial settlement of disputed claims. However, no indictment or information can stand in the absence of probable cause to believe that the defendant has committed a criminal offense. Non-judicial resolution of criminal offenses is not appropriate. The prior notice requirement prevents the prosecuting attorney, whether the Department of the Attorney General or other prosecuting attorney's office, from assessing the risk of flight presented by a particular provider against whom an indictment may be sought.

This bill places restrictions on the ability of the Department of Social Services and Housing and the Department of the Attorney General to gain access to records of Medicaid recipients. These restrictions impair not only the ability of the State to detect and identify incidents of fraud or abuse, but they adversely affect the ability of the State to monitor the quality and the necessity of treatments provided to those who receive medical assistance from the State. It is axiomatic that the State should not be compelled to pay for services which are inadequate or deficient. Neither should the State have to reimburse providers for services and treatments which are not medically indicated. Access to patient medical records is important not only to combat fraud and abuse, but to protect the welfare of Medicaid recipients and to ensure that the State is paying for only those

services which are necessary.

This bill erects numerous procedural and substantive impediments in the way of effective and efficient investigation and enforcement of the state and federal laws prohibiting medical assistance fraud. The bill will further impose additional duties upon the Department of Social Services and Housing without providing that department with the additional personnel and financial resources to effectively carry out its revised mandate. Finally, the bill would adversely effect the ability of the department to monitor the quality and necessity of medical care being rendered to the medically needy of this State.

For the foregoing reasons, I am returning House Bill No. 2246-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2246-86, entitled, 'A Bill for an Act Relating to Medicaid,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2246-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2246-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 180 returning House Bill No. 2262-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2262-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2262-86, entitled, 'A Bill for an Act Relating to Workers' Compensation.'

The purpose of this bill is to amend section 386-1, Hawaii Revised Statutes, by including psychologists within the definition of 'physician.'

A 'physician' under the workers' compensation statute carries a large responsibility for the overall treatment of an injured worker, which includes the determination of the need for concurrent treatment, consultations, surgery, and referrals to other health care providers. Concern has been expressed that a psychologist may not have the medical training to act in the capacity of an attending physician.

Also, on April 2, 1986, I vetoed Senate Bill No. 2173-86, entitled, 'A Bill for an Act Relating to Psychology,' which proposed to include psychologists among providers of medical care eligible to receive Medicaid reimbursement and proposed to repeal the requirement for referral by a health care practitioner to a psychologist for Medicaid reimbursement purposes. In my Statement of Objections to Senate Bill No. 2173-86, I indicated that enactment of that bill was premature, because a pilot program to test the cost-effectiveness of the use of services of psychologists was not yet completed. I believe that similar concerns regarding increased costs are applicable to this bill.

For the foregoing reasons, I am returning House Bill No. 2262-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2262-86, entitled, 'A Bill for an Act Relating to Workers' Compensation,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2262-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2262-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 181 returning House Bill No. 2428-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2428-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of

Hawaii, I am returning herewith, without my approval, House Bill No. 2428-86, entitled, 'A Bill for an Act Making an Appropriation to Conduct a Study to Investigate the Creation of a Transportation Improvement District.'

The purpose of House Bill No. 2428-86 is to appropriate \$120,000 out of the general obligation bond funds, with debt service costs to be paid out of the state highway fund, for a statewide study on the creation of a transportation improvement district.

Although this bill does not expressly authorize the issuance of general obligation bonds, it does expressly appropriate moneys 'out of the general obligation bond funds of the State of Hawaii.' Consequently, it may be reasonably inferred that the legislature did intend that general obligation bonds be issued in an amount sufficient to fund the study authorized by this bill.

However, Section 13 of Article VII of the State Constitution states in part as follows:

Effective July 1, 1980, the Legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

House Bill No. 1856-86, entitled, 'A Bill for an Act Relating to State Bonds,' is the bill passed by the Legislature during the 1986 Regular Session that is to be the 'general law authorizing the issuance of general obligation bonds.' Although House Bill No. 1856-86 does contain the declaration of findings required by Section 13 of Article VIII, that declaration of findings did not include consideration of the amount appropriated by this bill. Consequently, enactment of this bill will invalidate the declaration of findings in House Bill No. 1856-86 and will place into question the validity of the authorization for all of the general obligation bonds authorized to be issued in that bill.

For the foregoing reasons, I am returning House Bill No. 2428-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2428-86, entitled, 'A Bill for an Act Making an Appropriation to Conduct a Study to Investigate the Creation of a Transportation Improvement District,' passed by the Legislature, was presented to the governor within the aforementioned period; and

WHEREAS, House Bill No. 2428-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2428-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 182 returning House Bill No. 2429-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2429-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of

Hawaii, I am returning herewith, without my approval, House Bill No. 2429-86, entitled, 'A Bill for an Act Making an Appropriation to Conduct a Study to Investigate the Creation of a Ridesharing Authority.'

The purpose of House Bill No. 2429-86 is to appropriate \$30,000 out of the general obligation bond funds, with debt service costs to be paid out of the state highway fund, to conduct a study to investigate the creation of a ridesharing authority.

Although this bill does not expressly authorize the issuance of general obligation bonds, it does expressly appropriate moneys 'out of the general obligation bond funds of the State of Hawaii.' Consequently, it may be reasonably inferred that the Legislature did intend that general obligation bonds be issued in an amount sufficient to fund the study authorized by this bill.

However, Section 13 of Article VII of the State Constitution states in part as follows:

Effective July 1, 1980, the Legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

House Bill No. 1856-86, entitled, 'A Bill for an Act Relating to State Bonds,' is the bill passed by the Legislature during the 1986 Regular Session that is to be the 'general law authorizing the issuance of general obligation bonds.' Although House Bill No. 1856-86 does contain the declaration of findings required by Section 13 of Article VIII, that declaration of findings did not include consideration of the amount appropriated by this bill. Consequently, enactment of this bill will invalidate the declaration of findings in House Bill No. 1856-86 and will place into question the validity of the authorization for all of the general obligation bonds authorized to be issued in that bill.

For the foregoing reasons, I am returning House Bill No. 2429-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2429-86, entitled, 'A Bill for an Act Making an Appropriation to Conduct a Study to Investigate the Creation of a Ride-sharing Authority,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2429-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2429-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 183 returning House Bill No. 2430-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2430-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of

Hawaii, I am returning herewith, without my approval, House Bill No. 2430-86, 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.'

The purpose of House Bill No. 2430-86 is to appropriate \$100,000 out of the general obligation bond funds, with debt service costs to be paid out of the state highway fund, to conduct a study on the feasibility of creating high occupancy vehicle (HOV) lanes in Central and Leeward Oahu.

Although this bill does not expressly authorize the issuance of general obligation bonds, it does expressly appropriate moneys 'out of the general obligation bond funds of the State of Hawaii.' Consequently, it may be reasonably inferred that the Legislature did intend that general obligation bonds be issued in an amount sufficient to fund the study authorized by this bill.

However, Section 13 of Article VII of the State Constitution states in part as follows:

Effective July 1, 1980, the Legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

House Bill No. 1856-86, entitled, 'A Bill for an Act Relating to State Bonds,' is the bill passed by the Legislature during the 1986 Regular Session that is to be the 'general law authorizing the issuance of general obligation bonds.' Although House Bill No. 1856-86 does contain the declaration of findings required by Section 13 of Article VIII, that declaration of findings did not include consideration of the amount appropriated by this bill. Consequently, enactment of this bill will invalidate the declaration of findings in House Bill No. 1856-86 and will place into question the validity of the authorization for all of the general obligation bonds authorized to be issued in that bill.

For the foregoing reasons, I am returning House Bill No. 2430-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2430-86, 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,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2430-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2430-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 184 returning House Bill No. 2468-86, without his approval and with his statement of objections relating to the measure, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO HOUSE BILL NO. 2468-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 2468-86, entitled, 'A Bill for an Act Relating to Right to sue by Native Hawaiian Individuals and Organizations.'

The purpose of House Bill No. 2468-86 are (1) to provide native Hawaiian individuals and organizations the right to bring suit in state courts to resolve any controversy relating to the administration of the native Hawaiian public trust under the Hawaiian Homes Commission Act, 1920, as amended, and (2) to provide native Hawaiian and Hawaiian individuals and organizations the right to sue in state courts to resolve any controversy relating to the native Hawaiian and Hawaiian public trust under Sections 4, 5, and 6 of Article XII of the State Constitution.

The Department of Hawaiian Home Lands, during legislative hearings held on this bill, expressed its concern that a likely outcome of this bill, if enacted, will be increased costs in defending against a variety of actions, including frivolous suits. To deter frivolous suits, the Department of Hawaiian Home Lands recommended that the bill require a party to exhaust all administrative remedies available before filing suit; authorize a court to assess against the plaintiff all costs and expenses, including reasonable attorneys' fees, incurred by a defendant who prevails in a suit; and require the plaintiff to post a bond or surety, if a plaintiff appeals a judgment, to assure recovery of the defendant's cost is the defendant prevails on appeal.

Although the bill as passed does include a requirement that the party filing suit must have exhausted all administrative remedies available, the bill also includes the exception 'unless the exhaustion of administrative remedies would be futile.' Moreover, the bill as passed does not include the authorization to assess attorneys' fees and costs against a losing plaintiff and the requirement for a bond or surety if an appeal is filed by the plaintiff.

For the foregoing reasons, I am returning House Bill No. 2468-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, House Bill No. 2468-86, entitled, 'A Bill for an Act Relating to Right to Sue by Native Hawaiian Individuals and Organizations,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, House Bill No. 2468-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return House Bill No. 2468-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 185 transmitting his statement of objections to Senate Bill No. 2190-86, which he has returned to the Senate without his approval, as follows:

"STATE OF HAWAII  
EXECUTIVE CHAMBERS

June 13, 1986

STATEMENT OF OBJECTIONS  
TO SENATE BILL NO. 2190-86

Honorable Members  
Thirteenth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2190-86, entitled, 'A Bill for an Act Relating to Hawaii Housing Authority.'

Senate Bill No. 2190-86 will add a new part to Chapter 356, Hawaii Revised Statutes, to authorize the Hawaii Housing Authority to issue taxable mortgage securities. The bill will also authorize the issuance of these securities in the aggregate principal amount not to exceed \$200,000,000.

Section 356-404(d) of the new part to be added by this bill will permit the Hawaii Housing Authority to guarantee loans in conjunction with the issuance of the securities. Under Section 13(8) of Article VII of the State Constitution, the option given to the Hawaii Housing Authority to guarantee loans is a contingent liability which impacts the State's debt limit when such guarantees are issued. Such a contingent liability which impacts the State's debt limit must be considered in the findings required by Section 13 of Article VII of the Constitution, which states:

Effective July 1, 1980, the Legislature shall include a declaration of findings in every general law authorizing the issuance of general obligation bonds that the total amount of principal and interest, estimated for such bonds and for all bonds authorized and unissued and calculated for all bonds issued and outstanding, will not cause the debt limit to be exceeded at the time of issuance.

House Bill No. 1856-86, entitled, 'A Bill for an Act Relating to State Bonds,' contains a declaration of findings as required by Section 13 of Article VII. However, the declaration of findings in House Bill No. 1856-86 did not include consideration of the contingent liability that could be created by the guarantees of loans under the housing loan program to be funded by the \$200,000,000 of securities authorized by Senate Bill No. 2190-86, which guarantees of loans will become 'bonds,' as defined by Section 12(1) of Article VII of the State Constitution, that are authorized but unissued if Senate Bill No. 2190-86 were to become law. Consequently, enactment of Senate Bill No. 2190-86 will invalidate the declaration of findings in House Bill No. 1856-86 and will place into question the validity of all of the general obligation bonds authorized.

For the foregoing reasons, I am returning Senate Bill No. 2190-86 without my approval.

Respectfully,

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

"P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of his plan to return with his objections any bill presented to him less than ten days before adjournment sine die or presented to him after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 2190-86, entitled, 'A Bill for an Act Relating to Hawaii Housing Authority,' passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 2190-86 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, GEORGE R. ARIYOSHI, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii,

giving notice of my plan to return Senate Bill No. 2190-86 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol,  
Honolulu, State of Hawaii,  
this 13th day of June, 1986.

/s/ George R. Ariyoshi

GEORGE R. ARIYOSHI  
Governor of Hawaii"

Gov. Msg. No. 186 transmitting copies of the Annual Report, October 1, 1984 - September 30, 1985, prepared by the Executive Office on Aging.

Gov. Msg. No. 187 transmitting copies of a report entitled, FY 1985 Report on Vocational Education, prepared by the State Council on Vocational Education to fulfill the requirements of the Carl Perkins Vocational Education Act, P.L. 98-524.

Gov. Msg. No. 188 transmitting copies of a report prepared by the Hawaii Criminal Justice Data Center entitled, "Crime in Hawaii 1985, A Review of Uniform Crime Reports."

MISCELLANEOUS COMMUNICATIONS RECEIVED AFTER ADJOURNMENT  
OF THE LEGISLATURE SINE DIE

Misc. Com. No. 3 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of a communication addressed to Senator Matsunaga.

Misc. Com. No. 4 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of a communication addressed to Senator Matsunaga.

Misc. Com. No. 5 from Cherry Matano, Administrative Assistant to Senator Matsunaga, acknowledging receipt of a communication addressed to Senator Matsunaga.

Misc. Com. No. 6 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of a copy of House Resolution No. 248, HD 1, relative to the new technology telescope in Hawaii.

Misc. Com. No. 7 from Mark O. Hatfield, United States Senator, acknowledging receipt of a copy of resolution supporting the Agricultural Research Service in their aquaculture development activities.

Misc. Com. No. 8 from the Honorable Frank F. Fasi, Mayor, City and County of Honolulu, acknowledging receipt of House Resolution No. 119, HD 1, concerning the matching of government research needs with the interests of University of Hawaii faculty and students.

Misc. Com. No. 9 from Anne Higgins, Special Assistant to the President and Director of Correspondence, The White House, acknowledging receipt of House Resolution Nos. 330, 166 and 304.

Misc. Com. No. 10 from the Honorable Goro Hokama, Council Chairman, County of Maui, acknowledging receipt of a copy of House Resolution No. 310.

Misc. Com. No. 11 from the Honorable Goro Hokama, Council Chairman, County of Maui, acknowledging receipt of a copy of House Concurrent Resolution No. 60, requesting the State to acquire additional Oneloa Beach (Big Beach) lands at Makena, Maui for State park purposes.

Misc. Com. No. 12 from Anne Higgins, Special Assistant to the President and Director of Correspondence, The White House, acknowl-

edging receipt of House Concurrent Resolution Nos. 173 and 109, HD 1.

Misc. Com. No. 13 from Patrick H. De Leon, Executive Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Concurrent Resolution No. 57, HD 2, encouraging further research and study on congenital toxoplasmosis.

Misc. Com. No. 14 from Jorge E. Perez Diaz, Advisor to the Governor on Federal Affairs, Commonwealth of Puerto Rico, acknowledging receipt of a copy of House Resolution No. 349.

Misc. Com. No. 15 from Patrick H. De Leon, Executive Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Resolution No. 94, HD 2, encouraging further research and study on congenital toxoplasmosis.

Misc. Com. No. 16 from A. Mario Castillo, Chief of Staff, Committee on Agriculture, U.S. House of Representatives, acknowledging receipt of House Concurrent Resolution No. 173, relating to the Department of Agriculture and the Cooperative State Research Service's efforts to develop the marine shrimp industry.

Misc. Com. No. 17 from the Honorable Daniel K. Inouye, United States Senator, acknowledging receipt of House Resolution Nos. 225 and 331, concerning the commemoration of World Peace Day and the sugar title contained in the 1985 Farm Act.

Misc. Com. No. 18 from Anne Higgins, Special Assistant to the President and Director of Correspondence, The White House, acknowledging receipt of House Resolution Nos. 250, HD 1, and 132, and House Concurrent Resolution No. 199.

Misc. Com. No. 19 from Patrick H. De Leon, Executive Assistant to Senator Daniel K. Inouye, acknowledging receipt of a copy of House Resolution No. 132, commemorating the Twentieth Anniversary of the Hawaii Neighborhood Youth Corps.

Misc. Com. No. 20 from Stanley E. Morris, Director, United States Marshals Service, U.S. Department of Justice, acknowledging receipt of a House Resolution honoring Faith P. Evans for her outstanding efforts as United States Marshal for the District of Hawaii.

Misc. Com. No. 21 from Donna R. Fitzpatrick, Assistant Secretary, Conservation and Renewable Energy, Department of Energy, acknowledging receipt of a copy of House Resolution No. 250, HD 1, in support of the completion of the Mod-5B research wind turbine at Kahuku, Hawaii.

Misc. Com. No. 22 from the Honorable Jamie L. Whitten, Member of Congress, acknowledging receipt of a copy of House Concurrent Resolution No. 166.

Misc. Com. No. 23 from Michael S. Baer, III, Secretary, The Senate, State of Louisiana, transmitting a copy of Senate Concurrent Resolution No. 54, to memorialize the Congress of the United States to enact legislation to permit states to require nonresident dealers to collect sales tax on items that are to be brought into the state.

Misc. Com. No. 24 from the Honorable Spark Matsunaga, United States

Senator, acknowledging receipt of a copy of House Resolution No. 250, HD 1, and informing the House that the United States Congress has restored funds for the MOD-5B wind turbine at Kahuku, disapproving the deferral recommendation of the Department of Energy.

Misc. Com. No. 25 from Mark R. Corrigan, Secretary, Senate of the Commonwealth of Pennsylvania, transmitting Senate Resolution, Serial No. 180, relating to the release of Americans who are still being held captive in Indochina.

Misc. Com. No. 26 from Orville G. Bentley, Assistant Secretary, Science and Education, Department of Agriculture, acknowledging receipt of House Concurrent Resolution Nos. 166 and 173, commending the U.S. Department of Agriculture (USDA), the Agricultural Research Service (ARS), and the Cooperative State Research Service (CSRS) for achievements in aquaculture development.